



SWAZILAND

National Overview 2017
by MISA Swaziland

FREEDOM OF EXPRESSION

As far as the media in the Kingdom of Swaziland are concerned, 2017 can be described as a mixed bag. Feelings about media developments were conflicted due to government's propensity to take one step forward and two steps backward.

One of the major steps in the right direction was the strengthening of the voice of media practitioners. After years of pulling in different directions, eight media bodies banded together to form the Swaziland Media Consortium (SMC) on 15 May 2017. This became the first media consortium joining other groups under the Coordinating Assembly of Non-governmental Organisations (CANGO). SMC defines itself as a united front and catalyst for protecting the rights to freedoms of expression and media in an inclusive society.

Members are MISA-Swaziland, Swaziland National Association of Journalists (SNAJ), Swaziland Press Club (SPC), National Association of Development Programme Producers (NADPP), Swaziland Independent Film and Television Producers Association (SIFTPA), Swaziland Community Multimedia Network (SCMN), Media Workers' Union of Swaziland (MWUS) and Arterial Network Swaziland (ANS). The relationship between SMC and CANGO is governed by a Memorandum of Understanding (MOU).

The SMC was introduced to the Minister of Information, Communication and Technology, Dumisani Ndlangamandla, on 27 May who welcomed the move

and encouraged the Director of the Information and Media Development Unit to work closely with the SMC on media issues. The director updated the SMC on progress on the amalgamation of the Swaziland Broadcasting Bill 2016 and the Swaziland Broadcasting Corporation Bill of 2016 into one Swaziland Broadcasting Bill, as well as the redrafting of the Freedom of Information and Protection of Privacy Bill 2007. Another development was the announcement of the development of a Swaziland Broadcasting and Media Policy. The Minister also stressed the urgent need to address media development issues, access to information and dropping standards of journalism. The ICT Ministry assured SMC that its doors were open to discuss media issues.

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Yet again the media fraternity hosted the World Press Freedom Day (WPFDD) on 3 May 2017. Fifty people came together to celebrate the principles of freedom of expression; evaluate the state of media freedom and pay tribute to the courageous journalists. In a country known for intolerance of dissenters, 3 May has

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become an important day for activists and citizens. It provides them with a platform to debate media issues guided by the WPFDF theme.

Swazis enjoyed their right to free speech on this day. They openly criticised media capture by the state and powerful individuals. Editors and journalists interacted with the public and explained the media's role. Police did not come to harass those who attended the gathering.

Gearing up to transform the media environment, the Information and Media Development Unit addressed the absence of a broadcasting and media policy by hosting a three-day Broadcasting and Media Policy *Indaba*. South African regulatory media and film bodies came to share their experiences with local media players and stakeholders. After the three-day conference, the ICT minister requested the participants to elect members to the Swaziland Broadcasting and Media Policy Technical Committee. Its task was to compile a broadcasting and media policy and MISA Swaziland was included in the newly formed Swaziland Broadcasting and Media Policy Technical Committee.

MISA Swaziland's efforts to promote freedom of expression and media diversity had paid off in the year under review.

A new mobile network operator, Swazi Mobile, was launched in July 2017. This was welcomed by cellphone users as it ended the 19-year-monopoly of Swazi MTN. Users enjoyed cheaper call rates as a result of the competition in the telcoms industry.

The year saw the revival of two weekly newspapers and new entrants into the print sector. Publishers of the *Swazi Mirror* and *Ingwazi News* re-launched their publications. *Swaziland Newsweek* newspaper and *Zion Magazine* were launched, and this increased the number of newspapers in the country to nine and magazines to three. Swazi citizens now had multiple media platforms which was a positive move towards diversity and plurality.

But inasmuch as there were positive developments, there were also setbacks. Against the media's role of advancing peaceful, just and inclusive societies, the editor of *Independent News* published an inflammatory commentary, seen to be stirring up hatred against the lesbian, gay, bisexual, transgender and intersex (LGBTI) community. He called for the 'hanging' of the LGBTI members on cultural and moral grounds. To address this LGBTI issue, MISA Swaziland sought funding to conduct research on media's portrayal of the LGBTIs. This in turn was to pave way for the Gay and Lesbian Alliance Against Defamation (GLAAD) Media Reference Guide. However, this media research did not materialise because of financial constraints.

The managing editor of *Swaziland Shopping* published serious allegations of corruption among editors themselves. He alleged that a businessman had captured the editors. He also accused the current crop of journalists of revealing their sources in exchange for bribes. He claimed that the same businessman had hired a hitman to silence him for his exposé.

In the wake of these allegations, MISA Swaziland asked the Swaziland Editors' Forum (SEF) to investigate the damaging allegations published by one of their members. SEF promised to do so, but later reported that their efforts were futile because the member refused to cooperate. Quoted in the *Sunday Observer*, 17 December 2017, the SEF Secretary, Jabu Matsebula said: "As members of the Forum, we are concerned that some of the articles published in *Swaziland Shopping* failed to meet our ethics standards".



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Things came to a head when the same managing editor, perhaps due to poor understanding of media law and the Section 24 (3) of the Swazi Constitution, implicated the same businessman in a plot to kill the king. The ICT ministry then jumped into action and used the newspaper's failure to comply with the Books and Newspapers Act of 1963 to shut down his newspaper. As an interested party, MISA Swaziland requested an audience with him to cross-check the facts, which he deemed unnecessary. On the heels of this, police in turn

wanted to question him about the alleged plot to kill the king, but as the net was closing, he skipped the country to South Africa.

BROADCASTING

Cognisant of the absence of a clearly defined Swaziland Broadcasting and Media Policy, the Ministry of ICT's Information and Media Development Unit set out to find a solution. Its first step was to organise a three-day Swaziland Broadcasting and Media Policy *Indaba*. Swaziland tapped into experiences of the South African regulatory media and film bodies such as Independent Communications Authority of South Africa (ICASA), South African Broadcasting Corporation (SABC) and others. At the end of the three-day conference, Acting Principal Secretary in the ICT Ministry requested the participants to elect "knowledgeable" members to the Swaziland Broadcasting and Media Policy Technical Committee.

In the runup to the 2018 elections, MISA Swaziland hosted a workshop for the community radio initiators. It introduced the Guidelines on Media Coverage of Elections in the SADC Region. Members of the SCMN participated in the workshop. They included the University of Swaziland, Lubombo Community, Ngwempisi Community, Matsanjeni South Community, Sidvashini Community and Seventh Day Adventist Community. MISA Swaziland reminded them to celebrate international media days such as World Radio Day, WPF, *International Day on Universal Access to Information*, and the Day to End Impunity Against Journalists. The workshop promised to celebrate World Radio Day on 13 February 2018 and they adopted the Guidelines, making a promise to abide by them in the coming elections.

In the year under review, the management of the state broadcasters perfected state media capture. In between the programmes and news-bulletin, public information officers working at the radio channel played SiSwati interludes extolling the benefits of living in a monarchy and featured songs portraying the king as the most benevolent ruler. There is a clear perception that dissenting voices cannot be aired in the state-controlled broadcaster. Its slogan, *Voice of the Nation*, rings hollow as long as Members of Parliament and citizens are still banned from making use of state radio.

ACCESS TO INFORMATION

With respect to access to information (ATI), the Information and Media Development Unit had engaged a Commonwealth consultant to redraft the Freedom of Information and Protection of Privacy Bill 2007. A decade later, accessing information remained difficult in the kingdom. Worse still, the Freedom of Information and Protection of Privacy Bill was never enacted but left to gather dust on the shelves.

There was no political will to promulgate ATI legislation even before the dissolution of Parliament for the 2018 national elections. Swazi citizens continue to be deprived of critical information through lack of legislated access to public information, the lifeblood of national development. This state of affairs is in gross violation of Section 24 of the Constitution which states that a person has the 'freedom to receive ideas and information.' MISA Swaziland ran an ATI campaign in a strong bid to push for the passage of the Freedom of Information and Protection of Privacy Bill into law.

Results of the 2017 *MISA Transparency Assessment* were no different from the previous years. There was still reluc-

tance among the officials to release information in the custody of public institutions to information seekers. Worse, there were no clear lines of communication. Government ministries had hired information officers who were paid for doing nothing because they were not empowered to respond to queries. Only the Principal Secretaries in the ministries were authorised to give responses. Unfortunately, they had little time for information seekers.

All this further underscored the urgent need for the promulgation of the ATI law to force the public institutions to release information to information seekers timeously.



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JOURNALIST SAFETY

In the run-up to the September 2018 elections, MISA Swaziland had introduced to partners and media stakeholders the Guidelines on Media Coverage of Elections in the SADC Region. It hosted four separate workshops for the Elections and Boundaries Commission (EBC), including commissioners, editors, journalists, community radio champions and civil society actors. The Guidelines address the concerns raised by the election observers about the failures of the media to ensure free, fair and transparent elections.

The targeted groups welcomed the Guidelines on Media Coverage of Elections. They adopted them, save for few sections which did not apply to a no-party state like Swaziland. MISA Swaziland was tasked to facilitate a meeting between the media and the EBC to discuss the issues affecting the media coverage of the electoral process.

MISA Swaziland also announced its Media Elections Monitoring Project (MEMP) which would commence in January 2018. This project seeks to promote equitable and ethical journalism in the coverage of elections which remains a contentious subject in Swaziland.

It also seeks to advocate for the licensing of community radio and the transforming of the state broadcaster into a public service broadcaster and sets out to train journalists in the coverage of elections. It was agreed that MISA would monitor the print and broadcast media and findings would be disseminated to SEF and SNAJ on a quarterly basis. The two media bodies pledged their support to MEMP. The Swaziland Community Multimedia Network (SCMN) looked forward to the training of their volunteers so that they would be prepared once the community broadcasting licences are issued.

The Mpolenjeni community on the outskirts of Mbabane defended a *Channel Swazi* TV reporter who was attacked by a mob. He was covering a story of demolition of property in the area. Other community members intervened and ensured that he was able to continue to do his work. He was able to shoot and conduct interviews with the victims.

This was seen as testimony to the positive results of the media literacy campaign within the Swazi society. Slowly but surely, citizens are beginning to appreciate and understand the media's role and benefits of access to information. They have also developed an appreciation for the fact that any attack on media practitioners directly violates their constitutional right to receive information without interference.

Claims of death threats by the managing editor of *Swaziland Shopping* unsettled the media fraternity. The managing editor, who doubled as a private investigator, alleged that a businessman and soccer administrator wanted him dead. He claimed these threats had been triggered by his investigation. But he had also tarred the other editors with the same brush of corruption, accusing them of being in the pocket of corrupt individuals. His questionable ethical conduct led MISA Swaziland to ask SEF to put its house in order. However, the SEF reported back that the editor in question was uncooperative and that he refused to account for allegations he had made against fellow editors.

On the heels of these incidents, the ICT ministry rejected an application for registration filed by *Swaziland Shopping*. In a letter dated 12 December 2017, Acting Principal Secretary in the ministry stated that the Managing Editor of *Swa-*

ziland Shopping had failed to meet the legal registration requirements stated in Section 5 (2) of the Books and Newspapers Act of 1963. Neither had he submitted the required documents after the application review meeting had requested him to do so. MISA Swaziland invited him to a meeting to get his side of the story, but he resisted, and as police prepared to question him, he finally fled to South Africa.

The period under review was marred only by the controversy surrounding the closure of *Swaziland Shopping*. If the Acting Principal Secretary's grounds for rejecting its application for registration were anything to go by, MISA Swaziland said it did not condone any form of lawlessness or corrupt practices in the media sector. If the newspaper owner's allegations about the police plotting to kill him were to be proven true, MISA Swaziland, which advocates for the safety and protection of journalists, would condemn it in the strongest terms.

FREEDOM OF EXPRESSION ONLINE

A second Swazi-owned mobile network operator, Swazi Mobile started its operations in July 2017. This ended the mobile telephony monopoly of Swazi MTN, which has been the sole service mobile service provider for 19 years. Since the launch of Swazi Mobile, citizens have reaped the benefits synonymous with a competitive telecommunications sector.

The Swaziland Communications Commission (SCCOM) issued a directive to the mobile telephony company to reduce their tariffs and MTN Swaziland had reduced theirs by 30 per cent. MTN had also introduced free talk time on Sundays for its customers. Communication has been made easy and affordable for everyone in Swaziland.

LOOKING FORWARD TO 2018

All the negative media developments have reversed the gains made in the areas of freedom of expression and media diversity. Going forward, filling the vacancies of SCCOM senior positions will bring stability and also give direction to the regulator for it to fulfil its regulatory mandate. The ICT Ministry is expected to speed up the promulgation of the two pieces of legislation namely the Swaziland Broadcasting and Freedom of Information and Protection of Privacy Acts before the dissolution of parliament in 2018. The former seeks to introduce the three-tier system of broadcasting. The latter seeks to provide for access to information. The Swaziland Broadcasting and Media Policy will also help to level an uneven playing field in the media sector.

SWAZILAND MEDIA FREEDOM VIOLATIONS AND VICTORIES



26 July 2017 LEGISLATED

Dr Futhi Dlamini instituted a US\$200 000 defamation lawsuit against the *Observer*. He was awarded a reduced amount of US\$20 000 by the High Court of Swaziland.



4-11 August 2017 THREATENED

Martin Dlamini, owner and managing editor of *Swaziland Shopping* newspaper, confirmed death threats from Mbabane businessman Victor Gamedze who sent former Member of Parliament Robert Magongo to warn the managing editor against writing negative articles about the businessman.



4-11 August 2017 NOTEWORTHY DEVELOPMENT CALL TO REGULATE

Martin Dlamini, the owner and managing editor of *Swaziland Shopping* newspaper, called for a statutory regulatory body to regulate the media in Swaziland. He felt that it would uproot corruption allegedly rife amongst the editors. This was despite the existence of a self-regulatory body known as Media Complaints Commission of Swaziland (MCCS) set up in 2011.



11 November 2017 SENTENCED

The *Weekend Observer* lost a defamation lawsuit case brought to the High Court by South Africa-based gospel artist, Siphso Makhabane, for a story published on the weekend of 20-21 January 2007. Judge Mumcy Dlamini awarded



him US\$30,000 as compensation but the newspaper appealed the judgment.



13 December 2017 CENSORED

The Ministry of Information, Communications and Technology (ICT) issued Martin Dlamini, owner and managing editor of *Swaziland Shopping*, with a letter ordering him to discontinue the newspaper's operations with immediate effect.



16 December 2017 CENSORED

Bheki Gama, Acting Principal Secretary in the ICT Ministry, issued a stern warning to shops and vendors who were in breach of the Books and Newspapers Act No. 20 of 1963, to stop selling published copies of the banned *Swaziland Shopping* newspaper or face the consequences.



31 December 2017 THREATENED

Martin Dlamini, the owner and managing editor of *Swaziland Shopping* newspaper fled the country to South Africa. He claimed that the police, who wanted him for questioning about his story of a businessman plotting to kill the king, were allegedly only up to killing him in the cells.