



Botswana

National Overview
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Botswana

The state of the media in Botswana

Botswana continues to operate from an economically sound platform but limited press freedom and a somewhat restrictive access information environment. The country certainly hit the headlines on a sparkly note, with news of the discovery of a 1,111 carat diamond, the second largest ever. But the shine was soon dulled, with both a slump in world markets and signs of repression which was particularly felt by civil society. In just one year, Botswana slid down 6 positions in the World Justice Project (WJP) Rule of Law Index, now standing at No 45 out of 113 countries studied worldwide, and now ranked at Number 3 out of the 18 African countries included in the report. By comparison, in 2012 Botswana was ranked at Number 20 out of 97 countries and Number 1 in Africa. In other press freedom indices, the country has gone from a rating of “free” to “partly free”.

The Socio-political and Economic Context

Botswana is in the midst of the more subdued period of the electoral cycle which coincides with a time when the country's economy is facing challenges resulting in cut in expenditure by most businesses. The implication for this is that advertising revenue has been reduce, which is the key source of income for most media businesses in Botswana and this is a major setback. With the slump in income, media houses face the challenge of continuously seeking alternative revenue channels.

Some media houses have demonstrated resilience following the government's decision to stop paying for advertising from state coffers, for the second year running. While government maintains that this is a cost-cutting measure, media professionals are of the view that the decision was a ploy to influence their editorial content with the view to making it less critical of the government or even to stifle the media altogether.


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Cost-cutting or not, the pinch of the economic downturn is real and made itself felt when in September, President Ian Khama lashed out at Zimbabwe's 92-year-old President Robert Mugabe, calling on him to step aside without delay. Khama said that the political and economic implosion in Zimbabwe since 2000 was dragging down the whole of Southern Africa and that the instability was damaging Botswana's efforts to wean itself off mining – which accounts for 20 percent of GDP and nearly 60 percent of exports – hampering its efforts to promote itself as a regional logistics and services hub.

Botswana is home to an estimated 100,000 Zimbabweans, including 5000 in Botswanan jails. Against this background, Mugabe was absent from Botswana's independence anniversary celebrations, which the Zimbabwean authorities put down to a clash in schedules, with Mugabe having to attend a meeting of his ruling party's Women's League.

Still on regional matters, Botswana stepped up to the plate in its handling of the political impasse in Lesotho, with Botswana judge Mpaphi Phumaphi, at the head of the mission.

Media and Technology – “more than just nature, beef and diamonds”

The media in Botswana has to a large extent tried to adopt new technologies. A large number of media houses have an online presence, keeping pace with the digital revolution. However, online editions of most newspapers remain very similar to the print edition, which points to a need for skills capacity for online media production. However, the online platforms remain an unexplored terrain in terms of identifying revenue streams and mechanisms. Nonetheless, a number of media businesses have greatly embraced social media in their online publications. Many have set up Facebook pages, and the journalists also use these platforms. The national television and radio stations have yet to extend their reach onto online platforms.

Botswana is still to make digital television receivers available to the public. In 2015, when the government switched to digital television, it was expected that set-top boxes for reception of the digital signal would soon be available to the general public on the market. However, it remains unclear when this will happen. A limited number are being given away as prizes to listeners during call-in programmes on national radio, Radio Botswana.

In May the media witnessed a milestone in the maturing of the broadcasting sector, when the Botswana Communications Regulatory Authority (BOCRA) invited interested parties to submit bids for commercial broadcasting licences.

This is a welcome development in a country with only one commercial television channel, e-Botswana, which is still available only within a radius of 60 kilometres from the capital, notwithstanding claims in the BOCRA report for 2016 that e-Botswana has been expanding its range.

Fulfilment of this initiative will signal the end of the monopoly of television airwaves in Botswana. The BOCRA announcement invited applications for licences for both subscription and free-to-air satellite television broadcasting as well as for licences for subscription management service. The announcement was placed in media outlets only, deviating from the usual BOCRA practice of announcing such major developments at a press conference.



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Television viewers were also greeted with the news of the lowering of subscription fees for Digital Satellite Television (Dstv) by Multichoice Botswana, arguably making subscription television more accessible. While this is a welcome development, with the slump in the national economy and social challenges such as poverty and unemployment, many Botswana might not enjoy the benefits of low subscription fees. In light of this, free to air television services by both state and commercial media remain even more critical in Botswana.

In terms of the three tiers of broadcast-

ing – public, commercial and community – Botswana legislation – specifically the BOCRA Act of 2012 – does not make provisions for community media or public service media and the law is silent about online radio stations. There have been calls from various stakeholders for the need to diversify the sector and create conducive conditions for community broadcasting to ensure a truly diverse, competitive and quality broadcasting sector.

In September, Mascom Wireless, one of Botswana's leading mobile network providers, launched the Tsena-Botswana online portal. The Tsena Botswana portal was described by Thato Moruti and Tebogo Lebotse-Sebego of Mascom as “an online one-stop shop and information sharing platform on anything and everything about Botswana, consisting of news content not paid for and produced by journalists paid by a variety of media houses involved”. Mascom consulted a wide range of parties, including bloggers, farmers, students and many more in different sectors to get their opinion and in other instances receive content for the portal. Tsena aims to be an online gateway to Botswana. Mascom said it was important to show the world that Botswana was “more than just nature, beef and diamonds”

The Legal Environment

It was an eventful year in the legal domain in Botswana. Although most of the events do not directly relate to the media, they are worth highlighting as the media in Botswana has over the years had confidence in the courts of law in terms of obtaining justice when it seeks it.

Recently, the judiciary experienced some turbulence over discontentment with the appointment of judges and jus-

tices of the court of appeal. In a separate development, the suspension of a number of high court judges raised questions about the stability of the judiciary in Botswana. This followed allegations that they had questioned the administration of Chief justice Maruping Dibotelo.

In another rights-related setback for the government, it lost its battle to block the registration of a gay rights group. Botswana's highest court said the organisation Lesbians, Gays and Bisexuals of Botswana (LEGABIBO) should be allowed to register. A five-judge bench at the Court of Appeals said the refusal had been unconstitutional. Judges dismissed Home Affairs Minister Edwin Batshu's argument that registration might encourage the group's members to break the law. Judge Ian Kirby, who handed down the ruling from a five-judge bench, said the reason for refusal was irrational based on the evidence presented. The ruling means LEGABIBO will be able to campaign for changes in anti-gay legislation.

In and around newsrooms and courtrooms

Repression of journalists while in pursuit of their job, especially investigative stories, remains a problem in Botswana, with no sign that the tension between the media and the state will be resolved soon. The year saw the continuation of the on-going court case in which Botswana weekly newspaper, *Sunday Standard* editor Outsa Mokone was charged with sedition after his paper covered a story about a car accident that allegedly involved the President of Botswana, Dr Seretse Khama Ian Khama in 2014.

The *Sunday Standard* story appeared on the front page on September 1, 2014, with the headline “President hit in car

accident while driving alone at night". A reporter for the paper, Edgar Tsimane obtained the information from staff members of a lodge, where the other party to the accident was staying on the night of the accident, August 23.



The media witnessed a milestone in the maturing of the broadcasting sector.

Shortly after publication, Mokone received a letter from the attorney-general, Athaliah Molokomme, containing details of a road accident, but these related to an entirely different incident, involving different vehicles in a different place and at a different time. Molokomme demanded that Mokone provide a written explanation for his conduct and the publication of a full retraction in the *Sunday Standard*. He refused to do both. Tsimane, the reporter, fled to neighbouring South Africa, where he has been living as an asylum seeker since 2014. He insists he is not afraid of facing the law, but says that he was advised to skip the country by a close contact in the intelligence service, who advised him that if he valued his life, he "should seek sanctuary beyond Botswana's borders".

The case is being handled under sections 50 and 51 of Botswana's Penal Code, which outlaw any "intention to bring into hatred or contempt, or to excite disaffection against the person of the president or the government of Botswana as established by law". However, the chairperson of the Law Society

of Botswana, Lawrence Lecha, said that for the offence under section 50(1) to be established prima facie, the prosecution had to show that the article incited "hatred or contempt" against Khama and questioned "whether the facts and circumstances can sustain a charge of sedition".

In December 2016, Magistrate Mokwadi Chris Gabanagae announced that he was recusing himself from the case, saying that the accused was well known to him, as they had attended school together and were from the same neighbourhood. He stated that the case had been assigned to Broadhurst Chief Magistrate Faith Ngandu to preside over on Friday December 16, 2016. At the hearing, the case against Mokone was scheduled for 2017.

This is the first time a Botswana journalist has been charged with sedition, which lawyers say carries a maximum three-year jail sentence. The sedition case, together with other incidents highlighted in this report and in the preceding years, raises questions over the credibility of Botswana's democracy. There is a growing perception especially among politicians and academia of growing authoritarian tendencies by the Botswana government. Seditious libel, in the few places where it is still on the law books, is generally viewed as having no place in a modern democracy. In 2009 the British Parliament voted to repeal the act (originally promulgated in 1661) after a long campaign by free-speech lobbyists in that country highlighting that the offence is "obsolete" and in contravention of global human rights legislation.

In March freelance journalist Sonny Serite was arrested by the Directorate of Intelligence and Security Services (DISS) for obtaining documents allegedly containing "state secrets". Serite had cov-

ered stories about alleged corruption and was later locked up at Gaborone Police Station under Section 317(2) of the Penal Code of 1986, which carries a sentence of 14 years in prison. However, human rights lawyer Uyapo Ndadi says that the Act deals with receiving stolen property, not information. Ndadi said that if the information breached national security, “they would have gone for the National Security Act, which carries a jail sentence of 30 years”.



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Serite, a freelancer reporter for newspaper the *Botswana Gazette*, was allegedly arrested during a private meeting with a source, a Records Officer in the Office of the President. The two were arrested on a Thursday and held without bail until the following Monday. Court documents allege that Serite received the documents on March 17 “knowing that it was illegal”. The official documents belonged to Tsaone Nkarabeng, one of Khama’s personal secretaries. Serite had earlier published a series of articles in the *Gazette* critical of President Ian Khama’s government, including reports alleging corruption involving Botswana Railways and Transnet of South Africa, relating to the purchase of coaches from its South African counterpart. This was ten months after the detention of the *Gazette*’s managing editor, Shike Olsen, and a reporter at the paper, Innocent Seatlhwa, and lawyer, Joao Salbany, over

a corruption exposé. Salbany, who is not a Botswana citizen, later left the country when the authorities refused to renew his work permit.

In protest, the Botswana Media and Allied Workers Union and the Botswana Editors Forum officially declared a media blackout on the ruling party, the Botswana Democratic Party. The union’s president, Phillimon Mmeso, said that there had been “continued arrests of journalists by state agents and we have observed that those charges will later be dropped. This means it is just their way to threaten journalists - making them fear reporting on issues of corruption that are happening within government. The ruling party have been quiet and never raised their voice on the harassment of journalists”.

The ruling party responded to say it was aware of the media blackout. The party’s general secretary Botsalo Ntuanane said it was “not a problem at all”, that the union could go ahead with the blackout. He said the party had received a letter in this regard, and that it would take it from there. He went on to say that the party had no problem at all in engaging with the media and the union and that it could not be accused of harassing the media.

In May, on the occasion of World Press Freedom Day, reporters in Botswana called on the international community to help stop the arrests of journalists in the country. The Media Allied Workers Union said that existing laws made journalists feel threatened. Union President Phil Mmeso said the media in Botswana was under siege.

In June the world was stunned by news of the so-called Panama Papers, which then provided further opportunities for the media around the world. The Botswana

na-based INK Centre for Investigative Journalism joined the Global Investigative Journalism Network (GIJN) in the fine combing of the documents from the expose.

In September, a joint two-month investigation by the Botswana Gazette newspaper and the INK Centre uncovered the existence of a mystery institution issuing fake university degrees, including to two lecturers in Botswana. The institution, the New World Mission Dunamis International University, claims to be based in the Cape Province in South Africa, but no records could confirm its existence.

INK was founded in 2015, “to develop investigative journalism in the public interest essential in promoting an open, accountable and just democracy”. The Centre also supports local investigative journalists with professional and financial assistance. In 2016 INK was accused of being in the pay of the CIA through the Open Society Initiative and USAID. Foreign funding accounts for 90 per cent of the centre’s income. Alvin Ntibinyane of the INK Centre bemoaned the fact that the attacks were not by government but from other newspapers. On a more pleasant note, Lawrence Seretse of the Botswana Gazette, made it to the finals of the CNN MultiChoice African Journalist Awards, which saw a record number of applicants - 1637 from 38 countries.