

# Botswana: Media laws stir dissent within ruling party

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GABORONE: There is growing dissent in the ruling Botswana Democratic Party (BDP) over laws that enable the government to regulate the media. Member of parliament, Keletso Rakhudu, broke ranks with his party by publicly criticising the Media Practitioner's Act as an "assault" on the "fundamentals" and "undermining" free and independent media. He claims a number of his colleagues shared his dismay but were fearful of speaking out.

"I am bound to accept the majority decision but I believe that government has no business regulating the media. Part regulation or weak regulation is untidy. The fervour with which the Bill was embraced creates the impression that we have an ulterior motive," Rakhudu, the MP for Gaborone North told IPS.

"The Minister was emotionally charged. It was the Bill or nothing. But we wanted her to listen to others nationally and internationally to reflect and introspect why she was receiving so much resistance. She agreed to put the Bill in abeyance to allow further consultation." Rakhudu said that he was out of the country when the Bill was passed without debate in parliament.

"If the media is less than fair or honest then I believe there are ample avenues to address that. I believe that self-regulation of the media is part of the democratic dispensation of Botswana."

And there's support for this view from citizens. An Afro Barometer survey on press freedom conducted by the University of Botswana in October 2008 reveals that 80% of Batswana are in favour of the news media reporting stories as "they see fit".

"These figures confirm that a large majority of Batswana support the view that the media are an important means for making sure that their leaders are held accountable," explained Mogopodi Lekorwe, a senior lecturer in the department of political and administrative studies at the university.

"In the last few months there seems to be increasing indicators of growing intolerance of free speech, such as political parties clamping down on free-speaking members and government coming down hard on critical press. The ruling? BDP has institutionalised its parliamentary caucus such that its decisions are binding on its members of parliament, irrespective of how their constituents feel on the matter."

The preliminary results of the survey were released on 16 February, 2009.

The Media Practitioner's Act, which sailed through parliament on 10 December, 2008, seems to fit the bill of this growing intolerance. Opposition politicians walked out of parliament in protest at the refusal of the ruling party to allow debate on the

law.

It empowers a state-appointed Media Council to assume a similar role to that of a court. It can impose penalties of more than \$600 and prison terms not exceeding three years for transgressions.

"It is a very repressive law because one cannot practice journalism in Botswana without the consent of the Media Council, whose executive committee excludes media practitioners, publishers or anybody with an interest in the media from its decision making structures," said Thapelo Ndlovu the Botswana director of the Media Institute of Southern Africa (MISA).

He claims the minister is on the "warpath" against MISA because of their opposition to the media laws.

"It shows her low regard for civil society and dissenting views. She wants everyone to toe the line. The minister insists that she wants publishers to go and register with the Media Council. If they are not forthcoming she says she will choose her own Media Council. This confirms long held fears that political involvement in running the Media Council is designed to control media."

Ndlovu said they are weighing up their legal options and will mobilise public support through newspaper adverts, radio interviews and workshops. The government is however contemptuous of criticism.

"The express purpose of the Media Practitioner's Act is to establish a Media Council whose objectives are to preserve media freedom, uphold standards of professional conduct and promote good ethical standards and discipline among media practitioners," said Dr Jeff Ramsay, presidential spokesperson.

"In March 2003 the Press Council of Botswana a non-statutory body itself agreed at a meeting of the Media Advisory Council to engage in a process that could strengthen its mandate through legislative recognition."

Not so is the rebuke from publishers who maintain that they were not consulted. "That is why the minister ultimately postponed the debate on the Bill - to consult stakeholders," said Clara Olsen, managing editor of the *Botswana Gazette*.

Olsen said the law would lead to self-censorship, journalism would be rendered an unattractive, even dangerous career; investigations would be practically impossible and officials will be even less likely to grant interviews or comment on issues. "It is the government's and parliament's prerogative to pass laws. If a law is bad we shall campaign for it to be repealed," said Olsen.

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