

Media Regulation in Democratic Africa: The Case of Botswana

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Abstract

This study investigates Botswana's media regulation in the context of liberal democratic norms and the need to challenge these. Using Postcolonial Theory and the concept of Ideology, it questions this Eurocentric approach to knowledge and suggests alternative approaches. Drawing on this theoretical framework, this thesis argues that Botswana's respected regulatory approach evinces an African approach to regulation that is at odds with Western epistemology. The thesis investigates the following: (a) how the media in Botswana is regulated generally, (b) if colonial rule has had effect on media policy, (c) if it is possible to theorize on African media regulation outside the dominant Western frame. The thesis establishes that Botswana has got its own unique approach to regulation, influenced by its culture such as respect for elders, communality and public morality. Colonial rule also had major influence with some of its repressive policies and policies still in place. Some of these laws include insult laws, criminal defamation and public order laws, among others. The country has also chosen state broadcasting system over the Public Service Broadcasting (PSB) system and centralizes control in the Office of the President. This enables government to have a lot of influence in the media, much to the dislike of the opposition, trade unions and the private press. On the other hand, a flourishing private press generally enjoys wide freedom to publish without government interference, though it often claims harassment by government authorities.

The portfolio of papers included in this thesis demonstrates the difficulty of enforcing a culturally influenced, home grown approach to regulation, alongside a

global Western regime of regulation that imposes a foreign regulatory code. The thesis questions this dominant Western epistemology and calls for a more nuanced, de-Westernized conception of media regulation. Within this ideological constraint, Botswana still manages to achieve a regulatory environment that promotes freedom of expression, especially for the private press, anchored by a strong economy. It is this achievement that impresses many observers about democracy in Botswana (BBC, 2018, Botlhomilwe, Sebudubudu & Maripe, 2011). The methodology adopted by this thesis is qualitative, largely a combination of interviews and case law. This study makes original contribution to knowledge in the field of media regulation, not only by providing unique empirical data but also by giving insight into the reputation of Botswana as a beacon of democracy in Africa. By bringing a post-colonial perspective on Botswana, this study contributes an African dimension to a field dominated by Western scholarship.

Declaration

Whilst registered as a candidate for the above degree, I have not been registered for any other research award. The results and conclusions embodied in this thesis are the work of the named candidate and have not been submitted for any other academic award.

This is my work and my work alone and is not co-authored.

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List of articles in the thesis

1. Tutwane, LBB (2018 a). Ideology as News: Political Parallelism in Botswana's Public Media. In H. Mabweazara, *Newsmaking Cultures in Africa* (pp. 269-280). London: Palgrave Macmillan.
2. Tutwane, LBB (2018 b). Politics of Community Radio: The violation of freedom of expression by the Botswana Government. *Media and Arts Law Review*, vol. 22, pp. 293-314
3. Tutwane, LBB (2014). Government and Press Relations in Botswana: Down the Beaten African Track. *Cross-Cultural Communication*, vol. 10, No. 5, pp. 1-9.
4. Tutwane, LBB (2011). The Myth of Press Freedom in Botswana: From Sir Seretse Khama to Ian Khama. *Journal of African Media Studies*, vol. 3, No. 1, pp. 43-55.

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1. Introduction

a) Background

Botswana is often portrayed globally as a haven of democracy and a model for press freedom and human rights (BBC, 2018, Reporters Without Borders, 2014). Whilst this is commendable, it is important to put this in a proper context and locate it within the broader context of newsmaking cultures in Africa (Mabweazara, 2018). Every effort is normally made to dislocate Botswana from Africa and present it as a Western success story in Africa, giving the impression that its success is attributable to the dominant Anglo-American model of journalism (BBC, 2018). However, Botswana is similar to many African countries, practising its own variant of democracy that is culturally nuanced. As Muneri, (2018, in Mabweazara, 2018, p. vii) explains, the journalism found in developing countries/Global South is not part of the hegemonic Anglo-American form of journalism. It has nuances and characteristics that have not been substantively explored. It presents a unique cultural terrain that is yet to be theorised.

With the body of work published over the last few years and included in this thesis, I aim to scrutinise the nature of press freedom in Botswana and the regulatory mechanism in place by studying case law, policy statements and actions of state organs as well as interviews with key stakeholders.

In the case law used in this study, there is wide reference to comparative international law, as well as comparison of Botswana with other African countries, where relevant. This provides necessary context for scholars to analyse Botswana's media regulation. In this sense, this body of work aspires to contribute to scholarship, by offering an insider's perspective on media regulation, different from the dominating perspective of Western scholars as discussed below.

As discussed below, many scholars are of the view that Africans lead and develop their own epistemology in order to counter or correct Eurocentric scholarship. One of the

articles in this portfolio demonstrates this Eurocentric problem, by which Botswana is portrayed as an exceptional success story whilst the rest of the continent is cast in negative light: ‘When the news media turns a penetrating gaze on Africa, Botswana rarely makes headlines’ (Smith, 2014).

The embedded code in the term ‘media’ refers to Western media. It is to the Western media that Botswana rarely makes news because headlines about Africa are predominantly negative, according to the Western frame (Huguet, 2015, Jones, 2015). In Western scholarship, news from Africa is only about bad developments (Mbembe, 2001). It is about overthrow of governments, famine, disease corruption, violence, wars and other tragedies. The implication is that no good thing can come from Africa.

At the same time, there have been scholarly appeals for an African perspective to such issues as discussed below. This commentary accepts that there is need for a formulation of alternate theorisation of African communication/media issues by African scholars. That is discussed next.

b) Significance of the Study: African Scholars and De-Westernisation of Media/Communication Theory

There has been a fierce debate from as far back as the 1980s on the domination of Western theories in their description of Africa and application to it (Mytton, 1983, Prah, 1989, in Mlambo, 2006, p. 168, Mkandawire, 1989, in Mlambo, 2006, p. 167, Obi, 2001, Berger, 2012). The argument has been (and still is) that they are unsuited to explain Africa’s unique social, political and economic landscapes as they are based on Western values. There has been a resurgence of this debate in the 2000s, and specifically focusing on the domination of Western theories on African communication studies (Obonyo, 2011, Berger, 2012, Ngomba, 2012, Hardland, 2012 and Uwah, 2012).

Obonyo (2011) argues that since the release of the *Four Theories of the Press* by Siebert, Peterson and Schramm (1956) over six decades ago, Africa has not contributed to the development of media theory. He argues that African scholars and those from outside the

continent have applied Western models to the African context without paying sufficient attention to the difference that the African context might make to media and political theory. His point is that African scholars must de-Westernize media theory and offer an African perspective, a new theory or theories (Obonyo, 2011).

Uwah (2012), Hardland (2012) and Ngomba (2012) share Obonyo's views about the need to indigenize theory to meet Africa's unique cultural and historical experiences, including colonialism. They assert that Western theories of communication are unsuited to explaining African media or communication theory. However, Ngomba (2012) adopts a less radical approach, as he calls for a mid-point of incorporating Western thinking into African theorization. He proposes what he calls 'circumnavigating Westernization' resulting in a less dramatic and ethnocentric formulation but a more heuristic one (Ngomba, 2012, p. 166). This, he suggests, should be done by selecting useful existing western theories and analyzing them critically, in a way that offers contextually relevant extensions of such theories. Berger (2012) holds views similar to Ngomba (2012), at least in rejecting what he terms search for 'a grand theory' of African communication.

This commentary thus makes a contribution to scholarship towards theorization of the media and regulation, by bringing a Botswana perspective. It shows that media regulation is contingent upon several factors; historical, social, political and economic. It will be demonstrated that Botswana's unique cultural, political and historical experiences have shaped her democratic values that in turn inform her media regulatory approach. This takes the form of a more relaxed government monitoring of the private media and a more centralized control of the state media. National unity, community cohesion and respect for elders are some of these important values. Through the Botswana study, it is demonstrated that media regulation in Africa cannot neatly fit into the Western regulatory model. This study thus provides much needed empirical data that could provoke further research and help inform theorization of media regulation in Africa.

The study fills the gap of existing scholarship on Botswana which predominantly assesses the country from the dominant Western epistemology. For instance, Bothomilwe, Sebudubudu & Maripe (2011) claim that despite being regarded as an African success story, freedom of speech and tolerance exist only in the terms set by government and adopt Good (1996)'s description of Botswana's democracy as 'authoritarian liberalism'. Maripe (2011, p. 52) argues that under President Ian Khama there has been 'significant erosion of freedom of expression', while Zaffiro (1989, p. 57) argues that Radio Botswana like its predecessor Radio Bechuanaland is a 'propaganda tool'. These analyses fit within the pervasive Western epistemology as they do not take into account the nuanced Botswana media and regulatory context. Western values such as individualism, equal participation in governance and accountability of those exercising power on behalf of the rest (D'Haenes and Nieminen, 2018, Bardoel and Van Cuilenburg, 2018, Oosthuizen, 1989, Picard and Pickard, 2017) will not fit in the African context. For instance individualism will clash with community cohesion and national unity, accountability for leaders will clash with respect for elders. In most of Africa key decisions about broadcasting are made by ministers, with broadcasting often centralized in the office of the President (Bourgalt, 1995).

However, Zaffiro (1993, p.10) gives a more positive portrayal of Botswana which acknowledges the country's own unique political and cultural values of democracy, development, self-reliance and unity which inform government media policy. The article acknowledges that Botswana's values from time to time clash with those of the West, thereby giving some observers the impression that the country is not democratic:

Problems however arise when Western style news behavior and investigative reporting roles (accepted as valuable and appropriate by some in government and by most news people) come into conflict with developmental journalism norms which mandate media support and promotion of government policies and discourage overly critical media reporting on the grounds that new states

are too divided and underdeveloped to be able to afford these Western luxuries (Zaffiro, 1993, p. 11).

This thesis builds on this work to demonstrate Botswana's distinct political and cultural values that inform its newsmaking and regulation of media.

b (i) Postcolonial Scholars and African scholarship

This commentary also makes an important contribution by bringing in the voice of post-colonial scholars, most of whom are from outside the continent and, some of whom are Westerners themselves. Often these are suppressed voices that are very much lacking in studies about Africa. These help to demonstrate the unique factors that make media regulation in Africa different from the way it is conceptualized in the West.

Of all regions of the world, Africa has perhaps been the most subject to 'extensive analyses, diagnoses and prescriptions which purport to offer solutions to internal socioeconomic and political ills' (Jones, 2015, p. 114). At the heart of the African problem is what Jones calls Africanist scholarship. This is scholarship about Africa without a benign intention and not anchored on helping Africa to advance on any front. It is characterized by a particular method, attitude and content. According to a leading African postcolonial scholar, 'speaking rationally about Africa is not something that has ever come naturally' (2001, p. 1). It seems that discourse about Africa can only occur as a negative interpretation, he argues (Mbembe, 2001).

Despite criticism it persists and remains a dominant way of knowing about Africa in teaching and research in the West. It was shaped by geopolitics of colonial rule, decolonization and the cold war (Mbembe, 2001, Young, 2001).

Africanist scholarship must be understood within the historical context that shaped it. First knowledge about Africa in the West was produced by English scholars and administrators in the metropole and colonies during colonial rule. The second stream of

knowledge about the continent was through the post-war establishment of Area Studies in the United States and the creation of a network of institutions and foundations that promoted Africanist scholarship. In the face of fierce ideological competition from the then Union of Soviet Socialist Republics (USSR), the US government, foundations and their European counterparts wanted to place Africa on a capitalist path so that it could continue within the ideological sphere of the West. The study of Africa was thus approached with ‘methodical habits’ and instincts of Eurocentrism which structured Africanist scholarship (Jones, 2015, p. 115). Post-war Africanist scholarship failed to shed significant features of its colonial antecedents. For Young (2001, p.6), ‘the values of colonialism seeped much more widely into the general culture, including academic culture, than had ever been assumed’.

During the Nineteenth and Twentieth century, knowledge about Africa derived mainly from the writings of missionaries and explorers. This was epitomized in the person of Harry Johnston who led several expeditions to Africa in the Nineteenth century and was a keen supporter of colonialism. He was to have a great influence on Africanist leadership in Europe, serving as the president of the Journal of the Royal African Society, now African Studies (Jones, 2015, p. 115). Enquiry about African societies came to be organized in anthropological studies. Anthropological knowledge about African societies resulted in legitimation of colonial rule in international law. Anthropologists also helped to train and work with colonial administrators or were themselves colonial administrators. This anthropological influence was crystallized in 1926 with the establishment of the International Institute of African Languages and Cultures at University College London, which later expanded to become the School of Oriental and African Studies (SOAS) (Jones, 2015). The Institute’s first Chair was Sir Fred Lugard, who had been High Commissioner of the British Protectorate of Northern Nigeria and Governor of the Protectorate of Nigeria. In Africa, early Africanist research was institutionalized through research grants to Makerere College, Uganda and University College, Nigeria. This kind of research was purely meant to inform colonial policy and not to advance or help Africa.

The British government took Africanist research to an even higher level with a massive survey on existing research capacity in all areas of knowledge production in and about Africa in the 1930s. Led by Lord Malcolm Hailey this survey was to have far reaching implications for Africanist scholarship in both Britain and the USA. It was financed by the Carnegie Foundation in the USA. Together with the Ford Foundation, Rockefeller Foundation and others, Carnegie Foundation pumped millions of dollars funding research on Africanist scholarship in the USA and several Area Studies centres were established in US universities. These foundations reflected the values and interests of classes controlling their resources. They sought to consolidate both within the US and globally a social order conducive to capitalist development and expansion through private enterprise (Jones, 2015, p. 117).

The cumulative effect of these decades old scholarship is ‘normalization of certain ways of knowing’ (Jones, 2015, p. 124) and it is a problem that requires attention to this day. It is complemented by ‘bad epistemology’ (Jones, 2015, p. 124). This kind of scholarship is associated with modernization theory which is discussed below.

Social theory has also been unkind to Africa by failing to analyze it within a specific historical context:

‘Social theory has failed also to account for time as lived, not synchronically or diachronically but in its multiplicity and simultaneities, its presence and absences, beyond the lazy categories of permanence and change beloved of so many historians’ (Mbembe, p. 8).

What obtains, Mbembe (2001) argues, is an ‘instrumentalist paradigm too reductionist to throw intelligible light’ on social reality in Africa (2001, p. 6). Similarly, political science and development economics have made it a practice to apply ‘norms decreed universal and desirable’ to Africa (Mbembe, 2001, p. 7)

In the premises, the thesis adopts this argument of Mbembe (2001) and others, who call for a more nuanced theoretical formulation of media studies that takes into account the distinct features of the African context.

Research Design

In this section, I present the aims of the study, key research questions. The focus is on the nature of media regulation in Botswana and whether it is possible to frame media regulation in postcolonial Botswana outside a non-Western construct. The methodology is discussed later in Chapter 5.

i) Aims of the Study

a) To investigate Botswana's media regulation in the context of post-colonial theory

ii) Key research questions

a) How is the media regulated in Botswana?

b) How did colonial rule influence Botswana's media policy?

c) Is it possible to theorize on African media regulation outside a Western frame?

2. Chapter Outlines

This commentary is divided into eight sections. Section 1 introduces the study and includes background to the study, the significance of the study as well as the Research Design. Section 2 discusses the outline of the commentary. Section 3 is the Literature Review that captures the concepts of democracy, press freedom, regulation, media regulation, media accountability and ethics, media policy and self-regulation. Section 4 discusses the Theoretical Framework: Postcolonial Theory and Ideology. Section 5 is the Methodology and Section 6 discusses the articles featured in the commentary and how they fit into the thesis's narrative of the postcolonialism and ideology. Section 7 discusses the limitation of the study whilst Section 8 concludes the study and points out its contribution to knowledge.

In terms of the four featured articles, a brief summary is provided below.

Tutwane (2018a): Ideology as News

This book chapter attempts to analyze media regulation in Botswana using the Marxist Base and Superstructure theoretical framework. As the title signals, it explains how the Botswana government media feeds the public with a one sided-narrative that promotes the government agenda to the exclusion of the opposition and other interest groups. However, examined from a postcolonial perspective, it is conceded that democracy is not a 'one size fits all' solution and Botswana practices its own brand of democracy. The government emphasizes community cohesion over individual liberties.

Tutwane (2018 b): Politics of Community Radio

This article is an examination of the law and politics surrounding community radio in Botswana. Initially written from the dominant Western epistemology, it argues that community radio promotes citizenship and does not encourage tribalism as claimed by the government of Botswana. It argues that failure to license community radio is a violation of the Constitution of Botswana and is incongruent with the global democratic

notion of a pluralistic and diverse media landscape. On the other hand, the government has its own arguments based on the African context, where ethnic tension often complicates socio political matters. Reconsidered from a postcolonial perspective, the article defends that the government's inability to adhere to a colonially inspired Western code that is at variance with African cultural values. Although there exists a 'universal' regime of media regulation based on Western values, it cannot fit within a nuanced African context like that of Botswana.

Tutwane (2014): Down the Beaten African Track

This article examines Botswana's media regulation and locates it within the African context. It demonstrates that Botswana's media policy is uniform with the continental practice, though nuanced in some respects.

The article shows that as elsewhere in Africa, practices such as stringent media laws, transfers of civil servants, arrest of journalists and raiding of newsrooms and similar actions are common in Botswana. Democracy in Africa is not based on the same values as those of the West and it is thus erroneous to dismiss it as no democracy. The media policy is that of close government monitoring and is informed by Botswana's own political culture developed by the ruling Botswana Democratic Party (BDP) since the genesis of its rule of Botswana in 1966. Democracy is not uniform across the globe and one must avoid evaluating it using what Voltmer (2013, p.17), calls a 'Euro-US centric approach'.

Tutwane (2011): The Myth of Press Freedom in Botswana

This article sought to de-mystify Botswana as a model democracy in Africa. The word myth was strategically chosen to set the tone for the article and to signify the news from the government media as mythology; unreliable, biased, one-sided and incomplete.

However, analyzed from a postcolonial perspective, Botswana follows its own political culture informed by its four national principles of democracy, development, self-reliance and unity (Zaffiro, 1993, Tlou & Campbell, 1997).

3. Literature Review

This literature review is organised thematically into five sections. These are (a) democracy, (b) press freedom, c) media regulation, d) accountability and ethics, (e) media policy and (f) self-regulation. These themes are central to understanding media regulation in a democracy. Botswana's chosen system of government is democracy, which promotes press freedom, whilst at the same time accountability and ethical conduct are demanded of the media. Focusing on these themes thus enabled me to elaborate on the key themes of the thesis.

a) Democracy

In this commentary, I engage with the concept of democracy in a more complex manner, going beyond the Greek terms *demos* (people) and *kratos* (power/rule) (Ober, 2008, p.7). In contemporary society, the term democracy is often used interchangeably with the term 'representative democracy' and entails holding of regular elections for which every citizens of an agreed age can vote or stand for elections and the elections are free and fair (Gibbons, 1998).

It is difficult to make a general observation and define democracy by observing features of what obtains in apparently functioning democracies as democracy has evolved over time and space (Clay Jent, 2015). However, historically US and West European countries have often served as normative standards of good democracies. As Voltmer (2013) argues in her seminal work *Media in Transitional Democracies*, this Euro-US centric approach undermines the degree to which democracy is reinterpreted and recreated in the people who live in a particular place. Even countries with deep roots of democracy and considered as models of democracy sometimes go through periods of 'interpretative uncertainty and self-reflection' (Voltmer, 2013, p. 17) i.e. during national disasters or high-profile political scandals.

Concepts such as voting, representation, justice, running for office may be understood in different cultural and political contexts. The meaning of democracy is thus constantly reconstructed and renegotiated against experiences and beliefs of people who participate in the process. It is for this reason that Whitehead (2002, p. 187) rightly proposes ‘an interpretivist’ description of democracy which takes into account the broader, cultural and historical discourses that shaped the transition processes. The meaning and practices of democratic politics are achieved through a process of social construction. Whitehead (2002, p. 107) prefers to conceptualize democracy as ‘floating but anchored’. This means that the idea of democracy and its key values are grounded but the more peripheral concepts can be debated and interpreted.

In the case of Africa, most countries tend to gravitate more towards local values, thus tilting the balance against Western values and practices of democracy. Most African countries thus go against Western convention, i.e. the rule of law, an independent judiciary, press freedom and accountability discussed by O’Donnell (2003). It is for this reason that in this commentary it is argued that democratic values cannot be uniform across time and space.

b) Press Freedom

Just like democracy, press freedom is another problematic term that needs a little more reflection. In this commentary, press freedom and freedom of speech are treated conceptually as related concepts, and they mean the ability of the press to operate with little interference from the state or any other interests (Barendt, 2005).

Alongside the internet, the press is regarded as the mass media through which the general public expresses itself (Rowbottom, 2012). As a result, a country that promotes freedom of speech invariably promotes press freedom. In liberal democracies written constitutions and bills of rights protect freedom of speech as a fundamental right guaranteed against state suppression or regulation. For that reason, in liberal democracies like Britain the

debate often is usually not whether speech should be protected but rather the scope of the freedom (Barendt, 2005, Picard and Pickard, 2017).

Whilst the term is often presented as a straightforward one in journalism literature, when applied in the African context, it presents problems and needs deeper reflection. Newsmaking in Africa is ‘conceived through the prism of culture’ (Mabweazara, 2018, p. 3). Taking a constructivist approach, Mabweazara (2018, p. 3) argues that societal structures intersect with journalists’ exercise of agency in complex ways that challenge and resist ‘the straightjacket of a ‘globalized professional’.

In this way, journalism cannot be narrowly reduced to the journalists who practise it and their institutions but needs to be located within the broader web of social connections within which the journalists operate. Cultural practices and concepts often filter into the practice of journalism. The good example is the concept of Ubuntu which is an overarching moral compass of what it means to be an African and is interwoven into African journalism. This does not however mean that African journalism is homogenous but takes different cultural modifications (Mabweazara, 2018).

Press freedom cannot simply be explained in the Western binary terms of free or not free. Citing Ibelema (2000), Shaw (2018) argues that press freedom is perceived differently from country to country. In agreement, Fiedler and Frere (2018) cite seven factors that affect journalism freedom, being (1) the structural [economic status and opportunities], (2) diversity in media ownership and educational opportunities, (3) the political power (power distribution and the process of governance), 4) the cultural factor (the value systems), the relational/managerial factor (human relations processes that facilitates people’s accomplishments of objectives, (5) the technological factor (the growth of portable and stealthy technologies of mass communication), (6) the semantic factor (the human capacity to convey information in subtle ways) and the (7) existentialist factor (the all or nothing strategy that includes principles such as courage and self-sacrifice) (Fiedler and Frere, 2018, pp. 122-123).

Further, press freedom is not a static concept. Forces conducive to press freedom are constantly jostling with those that aim to restrict it. These forces oscillate between the poles of weak and strong. Fiedler and Frere (2018) give the example of Burundi where the political system is increasingly authoritarian and repressive and the journalistic environment is increasingly liberal due to external donor funding.

On another note, press freedom indices such as 'free' or 'not free' cannot accurately capture the range of nuanced African journalisms. Examples are the Central African countries of Rwanda, Burundi and the Democratic Republic of Congo, all former Belgian colonies. Their press structures, which emerged in the liberalization wave of the 1990s, differ not only in terms of diversity and pluralism in the media sector but also in terms of journalism practices. These press systems were shaped by various forces such as legal instruments, values, norms and traditions. Thus studying the nature of the press system and factors affecting press freedom is a more flexible approach than trying to classify media systems around the world using press freedom indices (Fiedler and Frere, 2018).

These three post-conflict states with a history of civil war and massacres present an interesting case for press freedom and media regulation. Post-conflict governments are often trapped between the necessity to facilitate media freedom and the fear that if the press is left free, media discourses may become weapons that fuel conflict. The motivation for opening up the media may be due to the desire to impress Western donors (the main sponsors of media in Burundi and Rwanda) or to allow tensions to be vented out in the media rather than in the battle ground (Fiedler and Frere, 2018).

The atmosphere in these countries is that of difficult economic conditions, a highly volatile security situation and lack of infrastructure. However, each of these countries has consolidated media pluralism in the form of hundreds of radio stations, television stations and newspapers. In the early 2000s for instance, there was government tolerance of private radio stations reporting negatively about the state. They provided a platform for

opposition parties and civil society and could report on corruption and human rights violations (Bizimana & Kane, 2020).

Press freedom in these post-conflict countries was thus influenced by a number of factors. Political unrest and civil disorder are always possibilities which may pressure the authorities to suppress independent public discourse and not just that the governments are inherently authoritarian. Criticism of the state may also be seen as unpatriotic (Fiedler and Frere, 2018, p. 124). In Burundi, with a lot of donor support, the radio landscape has expanded and it became acceptable to criticize the government and even to investigate critical issues. However, in 2015, following huge public protests and an assassination attempt on President Pierre Nkurunziza's life, four radio stations and a television station were destroyed (Bizimana & Kane, 2020).

With poor economies, all these countries have a small advertising market. In the case of Burundi, 85% of the annual budget is drawn from external donor funding. Subsequently, the journalists are poorly paid and often have no contracts and where contracts exist the salaries are very low and staff turnover is high. These conditions have implications not only for press freedom but also for ethical conduct (Fiedler and Frere, 2018).

Equally, constitutional scholars and jurists alike have questioned the extent to which press freedom should stretch (Gibbons, 1998, Barendt, 2005). For instance, there are questions of how much weight should be given to press freedom when a newspaper article discloses details of a celebrity's private life and whether it is appropriate to limit media publicity before proceedings commence in court (Barendt, 2005, p. 6).

In the end, press freedom raises fundamental questions for this thesis. For instance, press freedom by whose standards? In the case of the government of Botswana, it wants to impose standards that in its view are protective of the public interest and are not Western-imposed (Venson-Moitoi, 2009). In her view, for instance, editorial independence is not a closed area, but it must be negotiated with the public so that it does not favour the editors.

Regulation of the media, it is argued, must adopt a cultural nuance that reflects the social, political and historical background of Botswana.

c) Press Accountability and Ethics

Calls for media regulation are often justified on the basis of ethics and media accountability. Wasserman (2009, p. 89) observes that the question is whether ethical norms are universal/absolute or relative or whether morality applies in specific times and places, a meta-ethical approach. He then argues that normative traditions of ethics have been dominated by the global North and suggests a more culturally-nuanced approach that factors in the social, cultural, political and economic factors of various nations. From a post-colonial perspective Jones (2015), Grosfoguel (2015) and Huguet, (2015) agree and warn scholars against Western universalism on issues such as media ethics. Similarly, Merrill (2009, p. 4) argues that global journalism does not operate in vacuum but is informed by varying moral, ethical and religious values. He speaks of global media cultures that are defined geographically and culturally.

One of the central requirements in ethics and accountability is journalistic objectivity (McNair, 1998, McQuail, 2005) although the notion is contested in this commentary (see also Tutwane, 2018a). Objectivity in simple terms is ‘an idealist aim for journalists to report events without being involved in them (i.e. not being subjective). (Branston & Stafford, 1996, p. 444). It subsumes the concepts of fairness, balance and accuracy.

In Botswana, journalists are required to ‘check facts properly’ and editors and publishers ‘must take proper care not to publish inaccurate material’ in terms of Article 2 of the Botswana Press Council Code of Ethics which applies to all journalists (cited in Rooney, 2018, p. 75). Government journalists are held to similar journalistic standards. The national broadcaster’s journalists, for example, are required to adhere to ‘accuracy, fair and balanced reporting’ as per the undertaking by the then Botswana television (Btv) Head of News and Current Affairs, Felicitus Mashungwa (See Tutwane, 2018a, p. 227). In its Editorial Guidelines, Btv also committed itself to editorial independence and

accountability to the public (editorial guidelines reference, as cited in Tutwane, 2018b, p. 227).

Some of the featured articles of the commentary put these editorial pledges under scrutiny and demonstrate the disconnect between these Western values and African values. At the time of writing the thesis in October 2020 there was a debate in the Botswana parliament, the centre of which was media ethics and accountability. The government is unwilling to repeal the Media Practitioners Act (2008) without enacting another instrument that will hold the media accountable.

Press accountability and ethics are major issues in Botswana. As explained below under the theme of self-regulation, the government refused a private member's bill to repeal the Media Practitioners Act on the basis that the press had to be held accountable by the state. There is also another issue, whether self-regulation or statutory regulation is the best way to hold the media accountable.

d) Media policy

There is no single definition of the concept of media policy. It may be defined as 'the ways in which the public authorities shape, or try to shape, the structures and practices of the media' (Garnham 1998, p. 210) or 'systematic, institutionalized principles, norms and behaviour that are designed through legal and regulatory procedures and/or perceived through historical understanding to guide formation, distribution, and control of the system in both its human and technical dimensions' (Mowlana, 1992, p. 112).

From the definitions above, media policy comprises the following elements: i) They are norms, principles or guidelines; ii) They are established either legally, regulatorily or through historical understanding; iii) They guide the behaviour (i.e. formation, distribution and control) of communication system within society; iv) They come about as a result of change within a society's social, economic, political and technical fibre (Steyn, 1998, p. 448).

For some scholars, policy entails the setting of objectives for taking care of interests, how they should be taken care of, the plans or strategies to be adopted and the means employed to achieve these (Snyman, 1985, in Oosthuizen, 1989, p. 2; Bardoel and Van Cuilenburg, 2018; Van Doorn and Lammers, 1962; Kuypers, 1980). Policy therefore specifies objectives, the interests to be taken care of, the plans and strategies necessary to achieve the objectives and secure the interests of the various parties and the means required for the purpose (Oosthuizen, 1989, p. 2). Similarly Bardoel and Van Cuilenburg (in Fourie, 2018, p. 12) define media policy as ‘a plan of action consisting of means and objectives’.

Policy making is also guided by principles. Policy principles are ‘coherent statements based on underlying norms and values that help policy makers and organizations respond to issues and take part in legislative and regulatory activities’ (Picard and Pickard, 2017, p. 7).

Typically Western democratic countries share a variety of fundamental philosophical beliefs that inform their domestic media and communication policy. These include the values of the individual and community, equal participation in governance and accountability of those exercising power on behalf of the rest (D’Haenes and Nieminen, 2018, Bardoel and Van Cuilenburg, 2018, Oosthuizen, 1989, Picard and Pickard, 2017). In the Botswana case and in the African context generally, these Western values often clash with local values in regulatory intervention (Tutwane, 2011, 2014).

In conclusion, media policy is at the centre of media regulation. In this thesis, it is argued that the Western values espoused in this section do not fit neatly in an African context as they were imposed from the capital cities of the colonial masters on the eve of independence (Mbembe, 2001). In this regard the thesis rejects the dominant, universalizing epistemology of the West in preference of a more nuanced approach as argued by African and postcolonial scholars (Mabweazara, 2018; Obonyo, 2011, Jones, 2015).

Media policy informs regulation and regulation is discussed below.

e) Regulation

(i) Understanding Media Regulation

Media regulation is fundamentally not different from other types of regulation. Informed by the same theories and logic that inform regulation generally; ‘the use of law to constrain and organize the activities of business and industry’ (Hutter, 1997, p.4), it is done for social and economic reasons (Gibbons, 1998). The logic is that media operates to enhance democracy. It must fulfill this responsibility by acting with vigour, courage, integrity and responsibility. Regulation is the main tool used to help the media achieve these values (Balule, 2007, in Fombad, 2007, p. 18). In this way, regulation is done both to create an enabling environment to further democratic ideals and to curb certain practices (Balule, 2007, in Fombad, 2007). In other words it must have goals or objectives as argued above (Oosthuizen, 1989; Kuypers, 1980; Picard & Pickard, 2017, Bardoel & Van Cuilenburg, (2018).

More significantly, the media wields enormous power to influence public opinion as the primary information source and democracy requires citizens to be well informed in order to play their roles meaningfully (Gibbons, 1998, Feintuck and Varney, 2006). Further, in a democracy, power never operates in an unlimited manner and this fundamentally distinguishes democracy from other political systems (Feintuck and Varney, 2006, p. 8).

(ii) The State and Regulation

The role that the state has to play in regulation is often a controversial matter, and this comes up in the literature review. According to Barendt (1993), ‘broadcasting is an activity of enormous political and social significance’. Apart from being a major source of information and entertainment for many people, ‘politicians believe that elections are won and lost on the nation’s television sets’ (p. 1). It is for these reasons that broadcasting is often a contested arena, with a constitutional dimension, in countries, such as Italy and

Germany. Quite often, as Barendt (1993) points out, the question is: how is regulation of broadcasting compatible with or required by freedom of speech? The general principle is that broadcasting normally has more constraints placed on it than is done to the press. For instance broadcasters are generally required to be impartial and must show news and other serious programmes, Barendt (1993) explains.

Humphreys (1996) explains that traditionally, in Western countries, regulation by government was based on the scarcity of electromagnetic spectrum. Secondly, in Western Europe there was a tradition of Public Service Broadcasting (PSB) in which governments regulated broadcasting in the national interest. It was meant to protect values such as diversity of opinion, cultural pluralism and universal access for all citizens.

In recent years, the role of the state in regulation has declined. In the United Kingdom, Livingstone and Lunt (2012) observe that beginning with the Blair Labour government and up to the Conservative government under David Cameron, there has been a movement towards small government, with more regulatory authority handed to independent regulators who work with other stakeholders. Around the world there is a quest to have independent media regulators (Gibbons, 1998).

The relations between power and the ordering of social behaviour at all levels of society, from the nation state, to the transnational organization to the sub-national organization, to the community and even to the individual have changed. As a result, in some regions, the power of governments has diminished and is dispersed upwards and downwards in what Jessop (2000, in Lunt and Livingstone, 2012, p. 5) terms 'de-nationalization'. However, as we shall see in this thesis, it is not the case in Arica, where 'big government' is still the dominant concept and the government monitors the media closely (Ochs, 1986).

(iii) Regulation, Colonialism and Postcolonial Order

Colonialism and Postcolonialism are important themes for this commentary, as Botswana (then Bechuanaland) was a colony and colonial activities have had an impact, post-

independence. The issue is how colonialism has disrupted, destroyed and reconfigured the African ways of knowing and doing things (Sayyid, 2015, Huguet, 2015, Jones, 2015). For McMillin (2007), there is cultural continuity in structures of control between colonial and postcolonial governments.

Colonial rulers worked on the basis of pre-existing colonial structures, McMillin (2007) argues, in order to create and maintain the basic conditions necessary for their rule. In the case of Bechuanaland, Tlou and Campbell (1997) reveal that the British colonizers used a system called Indirect Rule, relying on the goodwill of the local chiefs to run the tribal administration. Gradually Western legal standards were infused into African culture. It is this arrangement that has resulted in the Western ethical and legal codes that the media in African countries adhere to (Mbembe, 2001).

As has been demonstrated in this section, regulation, the major theme of this thesis, has many facets. The position of this thesis is that it is a necessary measure, with the only questions being whether it is a state responsibility or a matter for the media alone (self-regulation) and whether Western standards are appropriate in an African context. This thesis rejects this Western epistemology. The facet of self-regulation forms an important debate that has taken place in Botswana in the 1990s and 2000s. In August 2020 it was back in the national agenda. It is discussed in detail below.

f) Self-Regulation of the Media

i) Introduction

With potential for little or no government involvement in regulation of the media, especially the print sector, self-regulation is the preferred option for most media organizations across the globe (Haraszti, (2008). This is also the case in Botswana, with the ‘voluntary’ Press Council of Botswana operating between 2002 and 2007.

A leading scholar on regulatory law Julia Black (1996) discusses four possible types of collective self-regulation: 1) In *Mandated self-regulation* a collective group, an industry

or profession is ‘required or designated by government to formulate and enforce norms within a framework defined by the government, usually in broad terms’ (Black, 1996, p. 27); 2) In *Sanctioned Self-Regulation* the collective group itself formulates the regulation and then passes it on to government for approval; 3) in *Coerced Self-Regulation* the industry itself formulates and imposes regulation in the face of government threats that failure will result in statutory intervention. Political scientists argue that this is the most common form of self-regulation. Finally, in 4) *voluntary self-regulation* ‘there is no active state involvement, direct or indirect in promoting or mandating self-regulation’ (Black, 1996, p. 27) and this is what is preferred by most media practitioners across the globe (Tutwane, 2008, Minnie, 2001, Berger, 2009).

Another self-regulatory approach not discussed by Prof. Black (1996), co-regulation, seems to be working well in the UK. The Office of Communication (Ofcom), who use it in regulating advertising describe it as ‘an extension of self-regulation that involves both industry and the regulator administering and enforcing a solution in a variety of combinations’ (Ofcom, 2008). This enables industry to self-regulate, yet giving the regulator necessary oversight. However there is room for state intervention if objectives are not met (Marsden, 2010, p. 6).

Writing from a broad industry perspective, another regulatory scholar, Prof. John Braithwaite (2011, 1982) supports self-regulation on the basis that substantive law is too limited to control corporate crime. He argues that ‘the state simply cannot afford to do an adequate job on its own (Braithwaite (1982, p. 1466). He further argues that limited budgets prevent government regulatory inspectors from spreading themselves at all workplaces throughout a territory to inspect occupational safety offences, environmental quality lapses, botched bookkeeping or faulty product design. The industry is capable of doing these instead and gives the example of the National Association of Security Dealers (NASD), which with the power of the Securities Exchange Act of 1934 was able to inspect offices, books and records of its members for violations of industry regulations. In

fact, it is his argument that the idea that he was suggesting was not completely new as it had already been applied in a few industries.

Braithwaite makes an important point that it would be easier, or even more attractive for companies to observe and enforce rules that they themselves have made. Generally companies are uncomfortable about government interference in their internal affairs of corporations (Braithwaite, 2011).

In the next section I consider self-regulation in the specific context of Botswana, first looking at the voluntary self-regulation and then the one imposed by the government.

ii) Self-regulation of Media in Botswana

Old-dispensation (2003-2008)

Established in 2002 by a Deed of Trust under the auspices of Media Institute of Southern Africa (MISA), the Press Council of Botswana gave a flicker of hope that self-regulation could work in Botswana. Formed in the aftermath of the government's attempt to introduce statutory regulation in the form of the Mass Media Bill of 1997 which was rejected by the media industry as draconian and threatening freedom of the media, the Council was rendered irrelevant by the government's decision to introduce a statutory one, the Media Council in 2008. The 'death' of the Press Council brought into sharp focus the adversarial nature of the relationship between the government and the private press which for many years has been interspersed with tension, i.e. the deportation of foreign journalists in the 1980s (Tutwane, 2014, Tutwane, 2011).

Run by a board of trustees the Press Council objectives amongst others were to a) promote and protect the development of free, ethical, pluralistic and self-regulating news and information media in the areas of print, broadcast and electronic journalism and b) to

promote the observance of media ethics in accordance with a common Code of Practice (Press Council, 2002).

Open to print and broadcast journalists, as well as those in other electronic media the Press Council did not discriminate between government and private sector journalists. However, it attracted very few government journalists as the state viewed it with suspicion. The Council was run by a board of trustees composed of nine members: Chairperson, Vice Chairperson, Treasurer and six additional members.

Complaints before the Council were first dealt with by the Complaints Committee before passing to the Appeals Committee. The Complaints Committee also consisted of nine members, four of whom must be members of the press with ‘practical editorial and journalistic experience in the print, broadcast or electronic media’ (Press Council, 2002, p. 6). These could be employed by members of the Trust or their associates.

Faced with a complaint before it, the Complaints Committee could do one or more of four things: dismiss the complaint, criticize the conduct of the respondent, reprimand a respondent adjudged to have infringed the code and or direct that a correction and or the findings be published by the respondent in a manner prescribed by the committee. Finally, the Committee was empowered to ‘make any supplementary or ancillary orders or directions that may be considered necessary for putting into effect orders or directives made in terms of this clause and more particularly, give directions as to the publication of their findings’ (Press Council, 2002, p. 8). Wide-ranging, this clause essentially gave the Committee a blank cheque to exercise discretion in handling complaints. In practice, the committee tended to order retractions, apologies or corrections and ignored this clause. Made up of three members drawn from the press, the civil society and the legal fraternity, the Appeals Committee handled all appeals. The member with legal background was the one empowered to chair the committee (Press Council, 2002, p. 9).

Although records are sketchy, supporters of the Press Council argue that it was successful. During its lifetime, the Press Council of Botswana never had a backlog of

cases that it was not able to resolve (Modise Maphanyane, interview with author, 22 July September 2009, Pamela Dube-Kelepang, interview with author, 18 September 2009). For instance, between 2007 and 2008 it has adjudicated over 10 cases. The cases ranged from denial of right of reply, one sided stories, defamation of character, misleading publication, sourcing information by harassment and incorrect facts, (Press Council of Botswana, 2007, Press Council of Botswana, 2008).

iii) New Dispensation: The Media Practitioners Act (2008 to date)

With the passing of the Media Practitioners Act by the Botswana Parliament in 2008, attention shifted to the Media Council, the new body that purported to replace the voluntary Press Council.

On 11th December 2008, despite protests from the media, media proprietors and civil society, government went ahead and passed the Media Practitioners Act (MPA) 2008. The media argued that this law was essentially the same as the bill that they rejected in 1997. They subsequently put government on notice that they were suing for enactment of this law without consultation but never did. On the other hand, government argued that it had to act in the public interest, protecting the public from the press as it felt the Press Council was not effective (Interview with Minister Pelonomi Venson-Moitoi, 22 September 2009).

One of the contended issues was who qualified to be a journalist. Despite presenting a revised draft of the law, the media and its allies still felt the definition was too broad. This is best illustrated by the remarks of attorney and then leading media commentator Mr Lediretse Molake:

The definition of a media practitioner is too wide and does not reflect the situation on the ground. An occasional contributor like myself is treated as a media practitioner (Lediretse Molake, interview with author, 6 September, 2009).

The Act describes a Media practitioner as ‘a person engaged in the writing, editing or transmitting of news and information to the public and includes a broadcaster under the Broadcasting Act, a journalist, editor or publisher of a publication and the manager or proprietor of a publication or broadcasting station. Molake argued this was still broad.

The Act established a statutory Press Council called the Media Council and the long title introduced it as ‘an Act to establish a Media Council of Botswana for the purpose of preserving the maintenance of high professional standards within the media and to provide for matters related thereto’ (MPA, 2008, p. 1). Although this represented a better understanding of the functions of a Press Council, the media and their supporters were not satisfied. In the end both the Press Council of Botswana and the Law Society of Botswana rejected the MPA and the Media Council it sought to establish.

The Media Council was established as a body corporate which may sue and be sued in its own right. Section 4 states that the Council would be ‘wholly independent and separate from the government, any political party or any other body.’ The Minister responsible for the media appoints a Complaints Committee comprising a Chairperson (who shall be a member of the public) and 8 representatives of the public. Once a complaint is lodged with the Council it shall pass it to the Complaints Committee which is empowered to take disciplinary action. The action includes warning or reprimand, a fine, suspension of the media practitioner’s registration for a specific period, or removing his/her name from the register kept by the Council.)

The Minister is also empowered by Section 15 to appoint an Appeals Committee consisting of a Legal Practitioner practising in Botswana and recommended by the Law Society and the person shall chair the Committee. Other members shall come from the public and the media, with the Council recommending the latter. The Appeals committee has powers to enhance, vary, reduce or dismiss decisions of the Complaints Committee. The governing body of the Council is the Executive Committee consisting of a Chairperson, Vice Chairperson, a Treasurer and six additional members.

Although the MPA 2008 has been in abeyance since it was promulgated it recently featured in a fierce debate in parliament between August 2020. An opposition MP contends that since the law has been in disuse, it was as good as dead. Through a private members bill, Hon. Dithapelo Keorapetse sought to repeal it. On the other hand, government holds onto the accountability argument and is of the opinion that it cannot create a vacuum. Instead, Hon. Minister of Presidential Affairs and Public Governance Mr Kabo Morwaeng seeks to present and a ‘repeal and replace’ bill (Motsamai, 2020).

This development in parliament once more brings into sharp focus the debate as to whether self-regulation or statutory regulation is appropriate for the media, a question not only asked in Botswana but in the world generally. The case of the UK is a good illustration. Whilst scholars such as Haraszti (2008, Braithwaite, 2011) and many others support it, there are equally many scholars who have serious doubt about self-regulation and argue that it has failed in the UK context (Shannon, 2001, O’Malley and Soley, 2000, Coad, 2003, Coad, 2010 and Frost, 2000). Shannon (2001) argues that the press is not normally keen to self-regulate when given the opportunity and that this has been a historical problem. From its inception in 1953, the General Council of the Press (as the Press Complaints Commission was known at the time), did not want to admit lay members until 1963 when eminent judge Lord Devlin and others joined it. Even this was not done willingly but forced on them by the Shawcross Commission, in 1962. There was even reluctance to write Code of Ethics which were only introduced in the 1930s when sensationalism of the press was a big problem (Frost 2000), with a Code of Conduct taken up by the Newspaper Publishers Association in 1989 (Shannon, 2001).

The Press Council was somewhat captured by business tycoons such as Rupert Murdoch and others, some of who were sitting in the House of Lords who frustrated its work and led to its dissolution in 1990 (O’Malley and Soley, 2000, Coad, 2003, Coad, 2010) and replacement by an equally ineffective Press Complaints Commission (PCC). According to Shannon (2001, p. 15), Murdoch’s opposition to the Press Council ‘proved to be the most infectious it could suffer’. This was compounded by the almost harmless nature of

the Press Council. Apart from naming and shaming, there was not much it could do in the face of disrespect for its decisions by some newspapers (O'Malley and Soley, 2000). Professor Owen Fiss, (1990) argues that weak sanctions applied by the Press Council are ineffective and therefore unacceptable. At the same time, he opposes those who say that newspapers that do not perform their duties professionally must be left to the vagaries of the market. Instead, he proposes, the state must get involved in regulation if the press cannot regulate itself properly, an argument supported by Frost (2000, p. 108) who argues that statutory regulation is the best way to strengthen self-regulation. He notes that in 1993, Sir David Calcutt, responsible for the formation of the PCC in 1991 had recommended that the government replace the PCC with a statutory body, a tribunal. This was a better option as tribunals have powers to fine transgressors and impose other punitive measures. Government must intervene in the public interest and the public will support it because they are also upset by the excesses of the press, Frost (2000) argues.

With even the PCC failing to reign in the press and the suggestion of a new regulatory body by Lord Leveson in 2012, the argument for a voluntary self-regulation of the press seems destined to be opposed by those in government in Botswana. It also raises fundamental questions as to whether the values pursued by the press are the same values shared by the political leadership or they are Western-imposed, a key question in this thesis.

4. Theoretical Framework

This thesis is guided by Postcolonial Theory and the concept of ideology which are discussed below. This section delineates the dominance of Western epistemology-ways of knowing and the politics of knowing and its enduring consequences of theorizing about Africa. Colonialism is presented as a form of racism and located within the framework of Modernization. Similarly, this section demonstrates how colonialism functions ideologically as a Western tool of domination that projects Western epistemology, hence the need to de-Westernize Media Studies with regard to Africa.

a) Postcolonial Theory

At a basic level, Postcolonial Theory is a literary or critical theory that deals with literature and other discourses from former colonies. It sometimes deals with literature from former colonial masters with the former colonized people as a subject matter. It is premised on the concepts of otherness and resistance (Lye, 1998).

Comprehensive in its research into the enduring ramifications of colonialism in both colonizing and colonized societies, postcolonial theorists usually examine the ways in which writers from the colonized countries attempt to articulate and celebrate their cultural identities and reclaim them from their former masters. On the flip side, postcolonial scholars also study how literature from the former colonizing countries tries to justify colonialism by perpetuating images of the colonized as inferior (McMillin, (2007).

Without a single unified definition the concept of postcolonialism remains controversial, with some scholars even questioning it (Young, 2001). The very concepts of nationality and identity may also be difficult to conceive or convey in the tradition of the colonized countries. For instance there are complexities on how a colonized country can reclaim or

reconstitute its identity in a language that is and was never theirs or in genres foreign to them. This may result in a reclaimed, changed and hybrid identity (Lye, 1998). Many African countries still retain insult laws, laws of sedition, national security and criminal defamation, most of which have been abandoned by the former colonizing countries. Instead of resistance, there is what may appear as mimicking of the former masters which contrasts with resistance as opposition or subversion.

In another sense, and a deeper one that is most apposite for this commentary, postcolonial theory deals with the theory of knowing: epistemology, ways of knowing and the politics of knowing. It argues that colonialism was not just a chronological event that involved capture of African countries by Western powers and ended with them gaining independence and re-asserting their rights and freedoms in the 1960s. Further, post colonialism does not suggest the end of colonialism:

The use of the prefix ‘post’ suggests that colonialism is *sous rature* (under erasure), that is there is a recognition that the category of colonialism is no longer adequate to describe the current conjuncture ordering the world (Sayyid, 2015, p. 80)

In support of Sayyid (2015), Huguet (2015, p. 93) asserts that postcolonialism must be understood beyond the chronology of what happened after colonialism. Rather, it involves an ‘epistemic question challenging scholars to think beyond the colonial framework. In agreement, Gifford & Louis (1988, p. 2) argue that ‘deeply embedded in the contemporary state are a number of characteristics and behavioral disposition that originate in the colonial era, as do problems inherent in its adaptation to post-colonial rule’.

Colonialism should be cast into its proper context of racism and oppression and as a form of Eurocentrism. As Araújo and Maeso (2015) state, Eurocentrism is a ‘paradigm for interpreting a (past, present and future) reality that uncritically establishes the idea of European and Western historical progress/achievement and its political and ethical

superiority, based on scientific rationality and the construction of the rule of law. Grosfoguel (2015) traces this epistemic arrogance to the pervasive Cartesian philosophy that has dominated Western scholarship for generations.

Colonialism is grounded in the European project of Modernity emerging with the colonization of America. Its effect is to promote colonialism/racism through the claim of the universality of its categories of nationhood, citizenship, democracy and human rights (Bertaux, 2016). All these concepts may be understood and interpreted differently by other peoples and this is true for Africans.

At the centre of modernity is the claim that with political independence traditional societies were emerging from colonial rule into the modern world (Jones, 2015, p. 123). Emerging mainly in the US in the 1950s and 1960s, this development theory remained for years the dominant way of examining social, political and economic issues in Africa. Methodically organized, some of the US foundations, policy and decision making organizations had leading modernization theorists embedded in them, with some even linked to the Central Intelligence Agency (CIA) of the United States of America (Jones, 2015). Modernization theory was challenged by development theory in the 1970s as explained below.

With modernization came another important notion, neo-patrimonialism. It occupies a central place in courses on African politics in European and North American universities and in textbooks on African politics. By neo-patrimonialism, Africanist scholars claimed that despotic, arbitrary and violent rule and the centralization of power in the person of the ruler are the defining features of authoritarian postcolonial rule in Africa. The presumption is that misrule characterized pre-colonial African leadership whilst modern legal and rationale system of governance introduced during colonial rule failed to take root (Jones, 2015, p. 128). This reflects ‘the inherent methodical flaws of the Africanist approach’ (Jones, 2015, p. 126).

With specific reference to Africa, the continent is ‘perhaps most often subject to external analyses, diagnoses and prescriptions which purport to offer solutions to internal socioeconomic and political ills’ (Jones, 2015, p. 114). Couched in an approach Jones (2015, p. 114) calls ‘Africanist scholarship’, the Africans were for centuries bombarded with ‘ideological construction’ at the instance of missionaries, traders, explorers, philosophers and jurists. This lot distorted and wrote the history of Africa and where it suited them, even erased it.

In their account of the First World War, Meneses and Gomes (2015) demonstrate how the Portuguese tried to erase the role played by black Africans as carriers in colonial Mozambique. Grosfoguel (2015, p. 24) terms this academic genocide or epistemicide.

It is not surprising that a host of other theories have emerged that have similarly attacked colonialism and its legacies, being dependency and structural imperialism, as well as modernization theory, which fits within the colonial framework and its legacies (Thusu, 2000).

Analyzed next is the concept of ideology, which is important for this commentary. It is helpful both in understanding racism and colonialism as well as some of the articles in this commentary.

b) Ideology

The commentary also identifies ideology as a concept with which to analyze media regulation in Botswana. The term has many and varied meanings. Fiske (1990, p. 165) offers these preferred definitions: 1) a system of beliefs characteristic of a particular class or group, 2) a system of illusory beliefs-false ideas and false consciousness-which can be contrasted with true or scientific knowledge or 3) the general process of the production of meaning and ideas.

The first definition refers to the way attitudes are organized into a coherent pattern, i.e. a belief that certain nationalities are lazy. The second definition refers to the category of illusions and false consciousness by which the ruling class maintains dominance over the rest of society. The ruling class or those with dominant power control the means through which ideology is propagated and spread. In this way it makes the working class or those with less power to take their subordination as natural, thus creating falsity. The means to achieve this includes the mass media, the educational, the political and legal systems and the publishing industry (Fiske, 1990, Laughey, 2007). Often the first and second definitions are conflated.

The third definition is the most overarching of the three. Ideology here is used to refer to the social production of meanings. For instance, that is how Barthes uses it when he speaks of connotators, the signifiers of connotation (Fiske, 1990, p. 166).

As discussed above in the Introduction, many African and postcolonial scholars believe that colonialism, a term central to this thesis is ideological, as will be demonstrated in this thesis (Jones, 2015, Huguet, 2015, Grosfoguel, 2015, Maeso & Araujo, 2015a). This is the position adopted in this thesis. The conception of regulation, media regulation and democracy in the continent of Africa is done from a dominant Western perspective, perpetuating centuries' old ways of knowing about Africa. As Mabweazara (2018) has argued above, newsmaking in the continent is culturally nuanced, and so is the regulation. As a corollary, adopting a Western epistemic lens to analyze the continent does not do justice to it. Adopting Fiske (1990)'s definition of ideology, the thesis makes the argument that theorizing about Africa in Western scholarship evinces a class orientation, a view of the dominant White race.

5. Methodology

The publications in this commentary were written from a qualitative perspective. Given the nature of the research, interested in studying social relations, a qualitative approach was the most apposite (Flick, 2002, p. 18). The qualitative approach enables a researcher to understand social and psychological phenomena from the perspectives of the people involved. The basis of qualitative research is that ‘a person derives his or her true meaning from his or her life world’ (Welman & Kruger, 2001, p. 181). In other words, human behavior is better understood from the context in which it is lived. As Bradley, (2007) explains, qualitative research involves techniques that attempt to gain an understanding of attitudes, meanings, sensitive topics and feelings. It then proceeds to assess the breadth and depth of these.

Using a qualitative approach enables a researcher to have direct contact with people, situations and the phenomenon under study. The researcher’s personal experiences and insights are also an important part of the enquiry and critical to understanding the phenomena (Best & Kahn, 2014, p. 256). For instance, as a former journalist I was able to use my knowledge of the practice to identify potential interviewees and to reflect on the data and literature that I was gathering. I also found qualitative methodology suitable for this study because it employs flexible and emergent design strategies, purposive sampling and naturalistic enquiry (Best and Kahn, 2014), enabling me to obtain rich data. These research strategies indicate that research is in progress and may change as the data is collected and samples are selected for their usefulness to the study (Best & Kahn, 2014).

In addition, a triangulated qualitative approach was adopted to avoid pitfalls of a mono-methodology. The four articles in this commentary draw from historical archival research, interviews, case law, statute and document analysis. The first article (Tutwane, 2018a) cites the Hughes Report (1968), a study on the information functions of government that was commissioned by the Postcolonial government under the founding president Sir

Seretse Khama. This archival document provided rich data on government policy of controlling state media and showed that public service broadcasting was not a preferred option of Khama's administration. A subsequent presidential directive was issued based on it, directing that Radio Botswana be run as a state broadcaster. This was a critical document because it set the tone of government media policy up to now. Centralization of state media control in the Office of the President has its genesis in this document, the Hughes Report.

Tutwane (2018b) is based primarily on case law and statute. It also draws from the Draft Botswana Broadcasting Policy (2006) and an interview with academic and attorney Mr Patrick Gunda (10 July 2017). The article sought to demonstrate how the government of Botswana is in violation of Section 12 (1) of the Constitution of Botswana by refusing to license community radio stations. It also sought to demonstrate that Section 12 (2) could not be used as a basis for that refusal. Drawing from comparative international law it delineated how a limitation could be justified in law. The Draft Botswana Broadcasting Policy (2006) is analyzed to show that it was a progressive document that promoted press freedom and recognized the importance of community radio in promoting democracy. Also analyzed is the Broadcasting Act 1998 that established a three-tier Broadcasting System in Botswana, being Public Service Broadcasting, Commercial broadcasting and community radio. Lawyer Patrick Gunda was interviewed to supplement case law analysis, where he was cited suing the government to grant him a community radio licence, which resulted in the formation of Botswana Telecommunications Authority in 1996 and the subsequent licensing of commercial radio in 1998. This in-depth individual interview clarified data obtained in case law and the Draft Broadcasting Policy. Gunda was able to give firsthand information on why he went to court and why he ended up not registering a community radio as he had initially intended.

The third article (Tutwane, 2014) draws from statute, being the Media Practitioners Act (MPA) (2008) to demonstrate how statute is used to limit press freedom in Botswana. This covers both the state and independent journalists. It points to specific provisions of

the MPA and illustrates how they limit journalists and narrow the public sphere in Botswana. The MPA was meant to establish a statutory press council for all journalists in Botswana. The article also uses the Hughes Report 1968 as an illustration of the connection between colonial media policy and postcolonial media policy. The idea was to demonstrate how after independence African governments continue to use policies bequeathed to them by the colonial masters or similar. The Hughes report is also cited to trace the history of state control of the public media. A newspaper article by Outsa Mokone (2010), a veteran news editor is cited to supplement information about Botswana's media policy. Similarly a 1969 edition of *Kutlwano* magazine is also cited to show a history of controversy of the government media control system.

The last article, Tutwane (2011), also relies on archival document analysis. The first document analyzed is the Donald Report, a study of proposals to establish an information branch in Bechuanaland Protectorate (1961). The Donald Report, commissioned by the colonial government recommended that public relations and journalism be combined as one job for government workers. An information branch was thus established to do public relations, journalism and intelligence. Post-independence the Botswana government media followed this structure, with the broadcast media known as the Department of Information and Broadcasting. This lasted until 2004 when the *Botswana Daily News* and *Kutlwano* magazine were placed under the Department of Information Services and Botswana Television and Radio Botswana were placed under the Department of Broadcasting Services. However, both still serve the narrow interests of the ruling party and are closely controlled by the Office of the President.

The Presidential Directive of 1968, CAB 42/68 is another key archival document analyzed here. It established state broadcasting as Botswana's media policy. Radio was to be the main medium of communication for the government. The *Botswana Daily News* newspaper was to be distributed to the public for free, a practice that continues today. This was later to be supported by the Lawrence Report (1978).

Finally, in-depth semi-structured interviews were conducted with Bishy Mmusi (13 September, 2009) and Rampholo Molefhe (15 September, 2009). These are veteran journalists who worked at Radio Botswana in the 1960s and 1970s and thus had vital information on government media policy. This supplemented and corroborated documentary data and newspaper reports. The two were purposively chosen because Mmusi had risen to become a Deputy Director at the Department of Information and Broadcasting and at the National Broadcasting Board he was the Director of Broadcasting Regulation. Molefhe had upon leaving government worked for the private media and was for a long time the Secretary General of Botswana Journalists Association (BOJA).

The overarching theoretical contribution of these methods was to build towards a compact theme of de-Westernization. For instance, by interviewing minister Venson-Moitoi, I was able to establish her African perspective of media regulation, which is a rejection of a legal code imposed by the former British colonizers devoid of African values. Her dismissive tone reflects a rejection of the dominant Western epistemology (Mbembe, 2001, Young, 2001, Grosfoguel, 2015, Jones, 2015) and presents an epistemic challenge as argued by Huguet (2015). This could not be established from archival materials and statute alone, but from the lived experiences of interviewees like her. As (Mason, 2002, p. 3) postulates, qualitative research's methods of analysis, explanation and argumentation enable understanding of complexity, detail and context as opposed to mere descriptions.

6. Discussion of Featured Articles

Having discussed the methodology, I now turn to the articles at the centre of this commentary. They are presented in the following order: Tutwane (2018a), Tutwane (2011), Tutwane (2014) and Tutwane (2018b).

a) Ideology as news Tutwane - (2018a)

This chapter adopted the concept of ideology to denote the promotion of narrative over others. Originally written from the dominant Anglo-American journalism perspective, it claims that the Botswana government media feeds the public a one sided-narrative that promotes the government agenda to the exclusion of the voices of the opposition and those of other interests groups. This practice is also ideology because the news that is broadcast/published does not reflect the plurality and diversity of groups that make the nation of Botswana. Botswana television and Botswana Daily News regard themselves as Public Service Media but do not operate as their counterparts in other democracies like the UK or the United States. Public service media normally operates at arm's length from government and is led by an independent board as has been the case with the BBC for many years, with now being run by a Trust. The small state or de-nationalization of power that Jessop (2000) noticed in Europe is the opposite in Africa.

However, upon reflection, viewed from a non-Western perspective the Botswana situation warrants a different treatment. The main theme of Eurocentrism is Euro-exceptionalism. The claim is that there is a distinct culture committed to rationality, progress and universalism. Modernism/Modernity is regarded as a distinct and exclusive European phenomenon (Maeso & Araujo, 2015a, p.1). Eurocentric historical accounts avoid referring to major contradictions in values referred to as typically Western such as democracy, liberalism and human rights. Destructive effects of European history are muted. On the other hand disproportionate coverage is given to what is considered the dark sides of other cultures i.e. corruption, dictatorship and misrule (Xypolia, 2016).

As Whitehead, 2002) asserts, the meaning of democracy is constantly reconstructed and renegotiated against experiences and beliefs of people who participate in the process. One should consider the historical and cultural processes that shaped the transition from colonialism to independence and the permutations that occurred thereafter (Grosfoguel, 2015, Jones, 2015). It is for this reason that Whitehead (2002) calls for a careful historical context and that democracy is renegotiated and reconfigured all the time.

A Eurocentric lens is thus not appropriate to define and characterize democracy in Botswana. For instance, like in other parts of Africa, Botswana society is communal and this informs the country's regulatory approach. At the centre of this communal set up are the traditional leaders who continue to work as tribal overseers in postcolonial Africa. Cultural values of morality and respect for elders take centre stage. This contrasts with individualism which is an important value in the West's liberal democracy.

Western philosophy may not be directly applied to Africa. Eurocentrism assumes that its universalism contains concrete meaningful content that holds for all cultures throughout human history. The work of eminent European scholars such as Marx, Comte and Weber presents the Western historical pattern as if it can be universally generalized. Eurocentric assumptions are often detectable in Western social sciences, revealing the ethnocentric nature of its discourses of the Other, as Edward Said (1978 asserts. In this respect concepts such as de-nationalization may not fit in the African context. It would be condescending and epistemologically wrong to cast Botswana's regulatory approach in a Western frame. As Xypolia, (2016) says, 'the main underlying premise of Euro-exceptionalism is the inferiority of other cultures'. It must be acknowledged that it is not easy to break away from the Western regulatory frame and conception of democracy, especially as it is entrenched in Africanist scholarship. In fact it is very difficult to conceptualize regulation outside the dominant Western frame.

b) The myth of press freedom in Botswana-(Tutwane, 2011)

Using the predominant Western Liberal Democracy (WLD) model, this article sought to argue that Botswana was not a model of democracy in Africa. The word myth is used to signify the historical government control of the state media and the various ways this was done. The term myth is borrowed from Roland Barthes (1973), to signify the news from the government media as mythology; unreliable, biased, one-sided and incomplete.

The importance of this article lies in the use of historical documents from the archives to demonstrate that from independence the country set the tone for its own distinct press control system. The Hughes Report of 1968 built the foundation of government media policy, with the consultant recommending a close nexus between the Office of the President and the public media. He also recommended state broadcasting over Public Service Broadcasting, hence the 1968 Presidential directive that announced that Radio Botswana was to operate as state media.

The founding president Sir Seretse Khama had chosen democracy as the path for the new republic at independence two years earlier. Elections were held every five years and liberal democracy was adopted, in contrast with one party states in neighbouring Zambia and Tanzania to the north. On the other hand, Zimbabwe, Namibia, and South Africa were involved in liberation wars with minority white settlers and Botswana appeared as the hope of the continent, an oasis of peace and of the rule of law.

Khama centralized the state media in his office and appointed those close to him to the Department of Information and Broadcasting. The Department of Information services, a de facto public relations department as per the Hughes report and the Donald Report doubled as a news department and thus from the outset news and PR were mixed. State departments such as the police and the military were also used for PR opportunities to portray the president as engaged and busy. In this way Khama established a curious system of government mixing democracy with authoritarianism, hence Good (1996)'s talk of 'authoritarian-liberalism'.

From this article it is clear that founding president Khama's conception of democracy was different from the way that it is conceptualized in the West. The same applies to his various successors; Sir Ketumile Masire, Festus Mogae and Lt General Ian Khama. For them, state media cannot operate at arm's length from the state, hence their resistance to a public service model.

However, to label this regulatory approach as 'authoritarian-liberalism' (Botlhomile, Sebudubudu & Maripe, 2011) is simplistic. Colonialism was a complex political, legal and cultural process that has had far reaching consequences on African institutions (Mbembe, 2001, Jones, 2015). The epistemology thrust upon the continent has been Eurocentric and is engrained in all societal institutions, violently wiping away the entire prior social fabric. Adoption of colonial era laws and policies post-independence must be understood within this context. To ignore that would be to continue in the tradition of Africanist scholarship.

Although for some scholars postcolonialism tends to be based around questions of representation in the form of critiques of cultural production, this is done at the expense of consideration of issues of power, social and economic inequalities and injustice (Sayyid, 2015, p. 81). This chronological approach of postcolonialism obfuscates the profound ways in which the Age of Europe, synonymous with the establishment of a global, colonial and racial order has transformed the world and ruined Africa. 'Post colonialism is a condition and not a chronology' (Sayyid, 2015, p. 81).

It is important to note that Africa has varied newsmaking cultures, informed by political, economic and cultural frameworks in which the journalisms are practised. This raises different ethical issues which it is herein argued, inform the different regulatory approaches taken by countries like Botswana which may be at variance with the dominant Anglo-American model of regulation. As Mabweazara (2018) and Fiedler and Frere (2018) argue, the Anglo-American pedigree and defining canons of journalism cannot be applied to the journalisms that take place in other parts of the world, particularly in

Africa. There are local conditions that result in practices that challenge this dominant ideology, hence Shaw's (2018, p. 32) call for 'glocalization' of African journalisms. In this sense, Shaw argues that even the UNESCO Model Curricula for journalism education must be revised to adopt a bottom-up approach that fits within the African continent.

In condemning the Western model of journalism, which he prefers to call the liberal free-market model/Western Liberal democracy (WLD) model, Shaw (2018) argues that journalism models are diverging towards 'relativist geo-cultural or ideological identities', rather than converging towards a universal journalism model. In his view, the WLD must not only be de-Westernized but de-marketed too. In this respect, he argues for post-modernism/divergence hypothesis as opposed to modernism/convergence hypothesis. In line with what Shaw defends, it is important to understand the broader historical and epistemological importance of the increasing divergence or globalization of modern journalism across the globe (2018, p. 33), as it is the case with Botswana.

c) Government-Press Relations in Botswana-Tutwane (2014)

This article demonstrates Botswana's close media control and locates it within the African context. Again premised on the WLD model, it argues that Botswana's media policy is that of close state control of the public media and periodic confrontation with the private press.

Other features of Botswana's media policy include deporting editors of critical private media, transferring government journalists who are deemed to be independent, introduction of tough laws such the Media Practitioners Act 2008. The Botswana media policy is thus informed by the state's desire for the media to follow communal values, respect for elders and to foster unity, one of the four national principles (Tlou and Campbell, 1997, Tamado, 2005).

There is a stark difference with liberal democracies of the West, for there is no attempt at legitimation of state intervention based on cherished democratic values argued by

Oosthuizen, (1989), Kuypers (1980, Picard and Pickard, 2017, Bardoel and Van Cuilenburg (2018). It would, however, be erroneous to regard this as inferior to the Western approach or to deem it simply authoritarian. It is Eurocentrism that views civilization in a binary way (Said, 1978). Europeanness, it is claimed, represents the opposite of primitiveness and barbarism. When analyzing European wealth, it is the continent's ideological and cultural supremacy that is emphasized, rather than the material conditions that created this European 'miracle'. Technological and material progresses are the yardsticks used to assess other cultures. A recurrent tendency is to undermine other cultures contributions to Western culture and to present it as homogenous. Qualitative and quantitative methods alike are employed to marginalize other cultures by giving little space to the coverage of their achievements or underrating their contributions and qualities (Xypolia, 2016). Botswana's democracy and regulatory approach thus need not be premised on Western values. It would be an ideological stereotype that perpetuates the Western system of beliefs: Eurocentrism.

As I argued earlier, (Tutwane 2011), this article also highlights the nexus between colonial media policy and post-independence policy, showing a policy continuum. The laws used by the colonial government and their policies were appropriated by the post-independence government. This once more shows the complexity of colonialism. The study of Africa has been approached with 'methodical habits' and instincts of Eurocentrism which structure Africanist scholarship (Jones, 2015, p. 115).

Post-war Africanist scholarship (including in media studies) failed to shed significant features of its colonial antecedents. Jones (2015, p. 115) argues that 'instead those features were reconfigured in forms specific to the mid twentieth century'. This means that Africa never had control of its own regulatory order but works within an imposed regulatory regime that it cannot completely disentangle itself from. The 'colonial matrix of power' continues to this day, with new ways of colonizing applied in Europe in

countries like Holland and Germany through reactivation of the colonial discourse (Huguet, 2015, p. 97).

Botswana's regulatory approach is thus better explained through the alternative cultural paradigm of newsmaking on the continent. As Muneri, (2018) argues, the journalism found in developing countries/Global South is not part of the hegemonic Anglo-American form of journalism. It has nuances and characteristics that influence the regulatory framework.

Botswana just like the rest of Africa has her own cultural values that inform not only its newsmaking culture but also its regulatory approach. The Botswana approach to journalism is similar to the cultural approach to news practised by early nineteenth century American and British Victorian journalists. It is a journalism of 'belonging and association', Shaw (2018, p. 47). It is informed by societal values of group orientation, continuity, harmony and balanced which are represented by the term *ubuntu* (I am, because of you) (Shaw, 2018, p. 37).

Ubuntuism however has its downside as it promotes respect for the elderly, supremacy of the community and the sanctity of authority (Faniran, 2014, in Mabweazara, 2018, p. 13). Some of the most distinct professional practices and cultures such as patronage, clientelism, political parallelism and partisan reportorial routines can be explained through their link to this cultural value (Mabweazara, 2018, p. 5).

As we saw earlier in the literature review, the three central African countries of Rwanda, the Democratic Republic of the Congo (DRC) and Burundi, present interesting case studies Fiedler and Frere (2018) that may help illuminate the Botswana situation. The press structures of these countries, which emerged in the liberalization wave of the 1990s, differ with the West not only in terms of diversity and pluralism in the media sector but also in terms of journalism practices. These press systems were shaped by various forces

such as legal instruments, values, norms and traditions. Press freedom indices cannot accurately capture the experiences of these countries (Shaw, 2018).

Just like these countries, Botswana has her own unique cultural values and beliefs and political culture, which includes respect for elders and fear of civil war. The concept of nation building is a dominant agenda in the post-independence government vision (Tlou & Campbell, 1997). It can be argued that it is the one that informs government media's refrain for investigative journalism and preference of stories that promote affairs of the state.

d) Politics of Community Radio in Botswana: Tutwane (2018b)

This article is an examination of the laws and politics surrounding community radio in Botswana. Once more using the dominant Western liberal democratic model, it argues that community radio promotes citizenship and does not encourage tribalism as claimed by the government of Botswana. It argues that failure to license community radio is a violation of the constitution of Botswana and is incongruent with the global democratic notion of a pluralistic and diverse media landscape.

Methodologically, the article is premised on interpretation of the constitution of Botswana and the attendant statute that excludes community radio from media licensed in Botswana, the Botswana Communications Regulatory (BOCRA) Act of 2012. Case law is used as an aid to interpretation, for that is how legal argumentation is grounded. Newspaper articles serve as secondary data that supports the issues raised. Interview material has also been used to supplement legal analysis and policy documents such the Draft Broadcasting Policy which has been analyzed to give policy direction.

At a theoretical level, comparative international law is used as a standard of interpretation, especially the three-part test used in international law to interpret complex legal issues, an approach taken by respected courts such as the European Court of Human Rights (ECtHR) (See Maripe, 2003).

Community radio is one way of expanding the public sphere in consonance with Western democratic values. Refusal by the government of Botswana to license community radio is thus a deviation from democratic norms and also offends against Botswana's own Draft Broadcasting Policy. The policy established a three-tier broadcasting system, consistent with best global practice (community radio, public radio and commercial radio).

Any limitation on freedom of speech in Botswana must be done in accordance with the limitation clause on freedom of speech as per Section 12 (2) of the constitution. Government has not cited any of those grounds (public order, public safety, public health, public morality or defence) and therefore is in violation of section 12 (1) of the constitution that grants freedom of expression. Further, in countries that value democracy more, the state considers itself duty bound not only to stay away from limiting press freedom (negative duty) but also strives to take steps to actually promote it (positive duty). In this instance, the Botswana government has failed in both duties.

However, an alternative argument can be made from both postcolonial theory and a constructivist understanding of regulation. From a post-colonial perspective this is evidence of imposed knowledge and systems. As Said (1978, in Gray and McGuigan, 1997, p. 45) explains 'ideas, cultures, and histories cannot seriously be understood or studied without their force or more precisely their configurations of power, also being studied'. These laws do not reflect the pre-colonial ideas or cultural values of Africans. As they are foreign to them, they are seriously struggling to internalize and adopt them. For instance, in the Botswana context and indeed in the broader African context, community radio is treated with suspicion and fear as with the first experience in Kenya in 1982. It is still a new idea and with tribalism still a major problem in many African countries, some countries like Botswana are still uncertain about its adoption. Colonialists used the governance approach of divide and rule, which promoted ethnic hatred and saw African people arbitrarily split into different countries. These wounds need to heal before some of these ideas can be positively received.

There is need for Africans to reflect on these imposed European codes and to hew a path that reflects their own values. These are the values that must reflect in local enactments instead of exalting Western ones. As Huguet (2015, p. 97) argues ‘the myth of Europe as a defender of human rights does not hold against historical findings (Huguet, 2015, p. 97). Unfortunately, it is these European human rights that are regarded as global human rights and that inform laws in Africa.

We must note that the overarching essence of modernization theory was the notion of neo-patrimonialism, which was quickly rejected by development theorists and structural imperialist scholars. This theory, together with patrimonialism was developed in the 1960s and 1970s. It was influenced by Marx Weber’s work in 1922. Weber conceived patrimonial rule as a mode of domination developed on the basis of patriarchal forms but elaborated on a larger scale. Typical of Eurocentric epistemology, it was contrasted with Western bureaucratic-legal form. In patrimonial leadership power, political alliances and personal loyalty are sustained by means of material reward (Jones, 2015). This is how African leadership is continually characterized in the West and Western legal frameworks promoted, without regard to the African context. As Herbert Schiller would argue, we must reject this kind of cultural imperialism whereby the West sets the standards for Africa.

From a constructivist perspective, it is argued that newsmaking in Africa is ‘conceived through the prism of culture’ (Mabweazara, 2018, p. 3). Societal structures intersect with journalists’ exercise of agency in complex ways that challenge and resist ‘the straightjacket of a ‘globalized profession’.

In this way, journalism cannot be narrowly reduced to the journalists who practise it and their institutions but needs to be located within the broader web of social connections within which the journalists operate. Cultural practices and concepts often filter into the practice of journalism (Mabweazara, 2018). It is these that shape the regulatory

framework adopted by the relevant government and in an African country such as Botswana, it would be more nuanced and thus distinct from a Western country.

7. Limitations of the Study

First it must be acknowledged that the articles in this commentary are written from the dominant liberal democratic perspective. I have had to look back and reflect on this and engage critically with them from a postcolonial perspective. In this way I was able to acknowledge my own shortcomings as a scholar. Postcolonial theory has enabled me to adopt a broader and more critical analysis, taking a constructivist approach to newsmaking and regulation.

In terms of scope, whilst I tried to cover as much as I could about media regulation in Botswana, a study based on a select few publications cannot cover all aspects of media regulation. This is a broad field that needs more research. We don't only need more research but also need to reflect on the dominant Western epistemology on media studies scholarship on Botswana. In this respect we can yield a more nuanced research that takes into consideration the complex, political, historical and economic factors that inform both newsmaking and regulation.

The Penal Code also has a lot of provisions that are specific to media publications and some apply to all and sundry but relevant to the media that could not be featured here. If they were, one would get an even deeper coverage of media regulation in Botswana. That was not possible in this case.

Regulation in digital space also provides its own challenges, not only in Botswana but globally. Botswana has a new law on regulation of digital space. It would have been very enriching to explore this new field and present challenges that Botswana has experienced with this new law, the Cybercrime and Computer Related Crimes Act 2017.

8. Conclusion and Contribution to Knowledge

This commentary has demonstrated that Botswana is a unique democracy which follows its own regulatory approach with values different from those of the West. Its regulatory approach is informed by its cultural values of communality, respect for elders and national principles such as unity, democracy, development and self-reliance (Tlou & Campbell, 1997, Tamado, 2005). The form of democracy practised in Botswana as well as some other African countries is different from that of West, as it is tempered by social, historical and political factors. In this regard, when talking about democracy in Africa, one is advised to adopt the interpretivist approach of Whitehead (2002) which takes into account the broad cultural and historical context of the continent. Liberal ideals of press freedom, conceived from a Eurocentric perspective as argued by a number of scholars on Botswana (Zaffiro, 1988, Zaffiro, 1989, Maripe, 2003), fail to capture this.

Representation of Africa has been the domain of the West, with Africanist scholarship at the centre. This is a colonial relic that postcolonial scholarship has engaged with. However, this has endured in comparative studies and international relations which continue to use stereotypes of failed states and corruption on Africa because many Western analysts never had faith in the continent (Young, 2001, Mbembe, 2001, Grosfoguel, 2015, Araujo & Maeso, 2015). In the 1950s with the first wave of decolonization, British and American Africanist scholars and officials had a lot of doubt that Africans could rule themselves (Jones, 2015, p. 130).

‘Western mythologies’ about Africa, such as Hegel’s characterization of the Ashanti Kingdom as cannibalistic, which is not supported by sources which Hegel draws from (Sayyid, 2015, p. 83) are part of this harmful epistemology. The work of many European philosophers is ‘contaminated’ by racism (Sayyid, 2015, p. 83). There is a linear relationship between Europe, epistemology and racism. The conventional categories of social relations continue to rely upon a conception of power/knowledge that privileges Western historical development as the norm.

One such myth is the notion of neo-patrimonialism. African leadership is often assumed to be primitive and inherently despotic, corrupt and a one man's show. This is ingrained in much of Western scholarship. In Continental Europe some academics and intellectuals have resisted postcolonial or decolonizing theories as unnecessary and irrelevant. They regard them as superfluous and ethnicizing social and political issues (Huguet, 2015, p. 95). Postcolonialism, 'invents the myth of the colony', they argue, thus denying the pernicious consequences of colonialism in Africa and elsewhere. For this reason, it is very difficult to theorize regulation within an African context, outside the dominant Western frame.

This commentary brings fresh empirical data on press freedom and media regulation in Botswana and complements present literature that refers to Botswana in passing, without empirical data or much detail Kupe (2007); Mytton (1983) and Bourgault (1995). One of the major original works on press freedom in Africa, Eribo and Jong-Ebot (1997) leaves out Botswana completely. Bourgault (1995), Mytton (1983) and (Kupe, 2007) make brief reference to the country and sometimes this information is not accurate.

More significantly, the study is a comprehensive look at the media in Botswana across the spectrum, and brings a much needed indigenous and developmental perspective that tempers much liberal scholarship on Botswana (Zaffiro, 1988; Zaffiro, (1989); Zaffiro (1993); Maripe (2003) and Botlhomilwe, Sebudubudu & Maripe, 2011) that decries compressed press freedom in Botswana without regard to its cultural nuances. As postcolonial scholars remind us, colonialism is not a chronological event but a long-lasting condition and the commentary has demonstrated the difficulty of theorizing about regulation outside the dominant Western perspective. The thesis thus contributes to scholarship on African media by highlighting Botswana's nuanced regulatory approach and its expansive public sphere. It also challenges the dominant Western epistemology to accommodate Africa's unique cultural and historical experiences (Ngomba, 2012; Uwah

(2012), Hardland (2012) ; Obonyo (2011), Shaw (2018); Mabweazara (2018); Grosfoguel (2015); Jones (2015); Fiedler and Frere, 2018).

Media policies in Africa are often analyzed as a reflection of colonial legacy (Okon, 2015), with the resulting difficulty of constructing a regulatory mechanism outside the dominant Western models. As a corollary, countries like Botswana find it hard to balance Western media and regulatory values because they are alien to them. Instead the Botswana government strives to promote its own values that conflict with these Western values. This demonstrates the complexity of colonialism and that it was not just a historical event.

In the Botswana case, the so-called universal journalism standards of objectivity, subsuming editorial independence, fairness, accuracy and balance that the government has pledged to uphold through Botswana television have largely been elusive. Sometimes the government has reacted with fury, raiding newsrooms, seizing computer hardware and arresting journalists in the wake of negative reportage. This demonstrates that these values are not universal but need to be tempered by local values to result in a more nuanced tapestry of ethical values, the meta-ethical suggestion of Wasserman (2009). As Mabweazara (2018, p. 4) argues, societal structures intersect with journalists' exercise of agency in complex ways that challenge and resist 'the straightjacket of a 'globalized professional'.

Colonialism was a brutal exercise accompanied by suppression of native languages and cultures or rendering them inferior, and imposing a language of the colonizer who set up a range of educational institutions for this purpose. 'Universal' ethical values came within this context. As Huguet (2015, p. 114) explains, 'Europe claims epistemic universality which results in 'acculturation of colonized populations'. It is for this reason that as a European himself, he calls for decolonization of Europe and indeed postcolonial studies itself.

To its credit, whilst trying to balance Western values with its own political and cultural values, Botswana has managed to establish what many esteem to be a robust democracy (Zaffiro, 1993). There exists in Botswana a public space within which the media can largely practise freely and citizens express their opinions. It is this that has won the country international acclaim (BBC, 2018, Botlhomilwe, Sebudubudu and Maripe, 2011). Botswana's unique approach needs further study, locating it within the broader postcolonial debate about the media and democracy in Africa.

Bibliography

Ackroyd, S. and Hughes J. (1992). *Data Collection in Context* (2nd ed.). London: Longman.

Allen, G. (2003). *Roland Barthes*. London: Routledge.

Araujo, M. & Maeso, S. (Eds.) (2015a). *Eurocentrism, Racism and Knowledge: Debates on History and Power in Europe and the Americas*. Basingstoke: Palgrave Macmillan.

Araujo, M. and Maeso, R. (2015b). Eurocentrism, Political Struggles and the Entrenched Will-to-Ignorance: An Introduction. In M. Araujo and S. Maeso (Eds.) (2015). *Eurocentrism, Racism and Knowledge: Debates on History and Power in Europe and the Americas* (pp. 1-22). Basingstoke: Palgrave Macmillan.

Ary, D., Jacobs, L.C. and Sorensen, C. (2010). *Introduction to Research in Education* (8th edition). Belmont, CA: Wadsworth.

Baldwin, R. & Cave, M. (1999). *Understanding Regulation: Theory, Strategy and Practice*. Oxford: Oxford University Press.

Balule B. T. (2007). *An Overview of the Regulatory Framework of the Media in Botswana*. In C. M. Fombad (Ed.) (2007). *Essays on the Law of Botswana*. Cape Town: Juta, pp. 32-63.

Banda, (2007). *Central Africa: 50 Years of Independence*. In E. Barrat & G. Berger (Eds.). *50 Years of Journalism: African Media since Ghana's Independence*. African Editors' Forum, Highway Africa and Media Foundation for West Africa., pp. 77-86.

Bardoel, J. and Van Cuilenburg, J. (2008). The Nature of Media and Communication Policy. In P.J. Fourie, *Media Studies: Policy, Management and Media Representation*. (pp. 4-28). Cape Town: Juta and Company Ltd.

Barendt, E. (2005). *Freedom of Speech*. Oxford: Oxford University Press.

- Barendt, E. (1993). *Broadcasting Law: A Comparative Study*. Oxford: Clarendon Press.
- BBC (2018). Botswana: Country Profile. Retrieved 20 September 2020 from <https://www.bbc.com/news/world-africa-13040376>
- Berg, L.B. (1998). *Qualitative Research Methods for the Social Sciences*. London: Allyn and Bacon.
- Berger, G. (2012). Theorising African Communications: The Bad News Signalled by Broadcast Digital Migration Policy. *Communicatio: South African Journal for Communication Theory Research*, Vol. 38, No. 2, 135-146.
- Berger, G. (2009, September). The Struggle for Press Self-Regulation in Contemporary South Africa: Charting A Course Between An Industry Charade and A Government Doormat. Paper presented at Southern African Communication Association (SACCOM) Conference, School of Communication Studies and Department of Communication, Mafikeng.
- Bertaux, S. (2016). Eurocentrism, Racism and Knowledge: Debates on History and Power in Europe and the Americas (Book review). *Ethnic and Racial Review*, vol. 39.
- Bertrand, I. & Hughes, P. (2005). *Media Research Methods: Audiences, Institutions, Texts*. Basingstoke: Palgrave Macmillan.
- Best, J.W. & Kahn, J.V. (2014). *Research in Education*. Harlow: Pearson Education Limited.
- Bizima, A. & Kane, O. (2020). How Burundi's Independent Press lost its Independence. The Conversation, 23 July. Retrieved 1 November 2020 from <https://theconversation.com/how-burundis-independent-press-lost-its-freedom-143062>.
- Black, J. (1996). Constitutionalizing Self-Regulation. *The Modern Law Review*. Vol. 59, No.1 (January), 24-55.

Bollinger, L.C. (1990). *The Rationale of Public Regulation of the Media*. In J. Lichtenberg, (Ed.) *Democracy and the Mass Media* (pp. 355-367). Cambridge: Cambridge University Press.

Botlhomilwe, Z., Sebudubudu, D. & Maripe, B. (2011). Limited Freedom and Intolerance in Botswana. *Journal of Contemporary African Studies*, (29) 3, 331-348.

Bourgault, L. M. (1995). *Mass Media in Sub-Saharan Africa*. Bloomington and Indianapolis: Indiana University Press.

Bradley, N. (2007). *Marketing Research: Tools and Analysis*. Oxford: Oxford University Press.

Braithwaite, J. (2011). The Essence of Responsive Regulation. *UBC Law Review*. January, Vol.44, No.1, pp.475-520.

Braithwaite, J. (1982). Enforced Self-Regulation: A New Strategy for Corporate Crime Control. *Michigan Law Review*, Vol. 80, No.7, pp. 1466-1507.

Branston, G. & Stafford, R. (1996). *The Media Student's Book*. London and New York: Routledge.

Coad, J. (2010). Providing a Fair Means of Resolving Complaints Against the Press And one Which Accords With Aspirations of the Public For a Press Regulator. Retrieved 18 March 2019 from http://www.pcc.org.uk/assets/441/Jonathan_Coad.pdf.

Coad, J. (2003). The Press Complaints Commission: Some Myths About Self-Regulation. Retrieved 18 March 2019 from <http://www.swanturton.com/articles/JKCPressComplaintsCommission.aspx>.

- Eribo, F. and Jong-Ebot, W. (Eds.) (1997). *Press Freedom and Communication in Africa*. Trenton and Asmara: Africa World Press.
- Esser, F. and Pfetsch B. (Eds.) (2004). *Comparing Political Communication: Theories, Cases and Challenges*. Cambridge: Cambridge University Press.
- Faniran, J.O. (2014). Towards a theory of African Communication. In H. Mabweazara (Ed.). *Newsmaking Cultures in Africa: Normative Trends in the Dynamics of Socio-Political and Economic Struggles* (p.13). London: Palgrave Macmillan.
- Feintuck, M. & Varney, M. (2006). *Media Regulation, Public Interest and the Law*. Edinburgh: Edinburgh University Press.
- Fiedler, A. & Marie-Soleil, F. (2018). In H. Mabweazara (Ed.) *Newsmaking Cultures in Africa: Normative Trends in the Dynamics of Socio-Political and Economic Struggles* (pp. 119-144). London: Palgrave Macmillan.
- Fisk, J. (1990). *Introduction to Communication Studies*. London: Routledge.
- Fiss, O. (1990). *Why the State?* In J. Lichtenberg (Ed.) (1990). *Democracy and the Mass Media*. Cambridge (pp. 136-154): Cambridge University Press.
- Flick, U. (2002). *An Introduction to Qualitative Research*. London: Sage Publications.
- Fombad, C.M. (Ed.) (2007). *Essays on the Law of Botswana*. Cape Town: Juta.
- Fourie, P. (2008). External Media Regulation in South Africa. In P.J. Fourie, *Media Studies: Policy, Management and Media Representation* (pp. 30-69).Cape Town: Juta and Company Ltd.
- Frost, C. (2000). *Media Ethics and Self-Regulation*. London: Pearson Education Limited.
- Garnham, N. (1998). Media Policy. In A. Briggs and P. Coble .. *The Media: An Introduction* (pp. 210-223). London: Longman.

Gibbons, T. (1998). *Regulating the Media*. London: Sweet & Maxwell.

Gibbons, T. (1992). Freedom of the Press: Ownership and editorial values. *Public Law*, summer, 279-299.

Gifford, P. & Louis, R (1988). *Decolonization and Independence: The Transfers of Power, 1960-1980*. New Haven: Yale University Press.

Good, K. (1996). Authoritarian Liberalism: A Defining Characteristic of Botswana. *Journal of Contemporary African Studies*, Vol. 14, issue 1, January, 29-51.

Good, K & Taylor, I. (2008). Botswana: A Minimalist Democracy. *Democratization*, 15:4, pp. 750-765.

Grosfoguel, R. (2015). Western Universities and the Four Genocides/Epistemicides of the Long Sixteenth Century. In M. Araujo & S. Maeso (Eds.) (2015). *Eurocentrism, Racism and Knowledge: Debates on History and Power in Europe and the Americas* (pp. 23-46). Basingstoke: Palgrave Macmillan.

Gurevitch, M. and Blumler, J.G. (1990). Political Communication systems and democratic values. In Lichtenberg, J. (Ed). *Democracy and the Mass Media* (pp. 269-289). Cambridge: Cambridge University Press.

Haraszti, M. (2008). The Merits of Media Self-Regulation: Balancing Rights and Responsibilities. In Organization for Security and Cooperation in Europe (OSCE) (pp.9-19). *The Media self-Regulation Guide Book*. Vienna: OSCE.

Hardland, A. (2012). Africanising the Three Models of Media and Politics: The South African Experience. In C. Hallin, and P. Manchini (2012) (Eds.). *Comparing Media Systems Beyond the Western World* (pp. 96-118). Cambridge: Cambridge University Press.

Huguet, M.G. (2015). How Post Colonial and Decolonial Theories are received in Europe and the Idea of Europe. In M. Araujo & S. Maeso (Eds.) (2015). *Eurocentrism, Racism and Knowledge: Debates on History and Power in Europe and the Americas* (pp. 93-113). Basingstoke: Palgrave Macmillan.

Hutter, B. M. (1997). *Compliance: Regulation and Environment*. Oxford: Clarendon Press.

Ibelema, I. & Bosch, T. (2009). Sub-Saharan Africa. In A.S. De Beer and Merrill, J.C., *Global Journalism: Topical Issues and Media Systems* (pp. 293-336). Boston: Pearson Education Inc.

Jessop, B. (2000). The State and the Contradictions of the Knowledge-Driven Economy. In J.R. Bryson, P.W. Daniels, D.N. Henry and J. Pollard (Eds.) (2000). *Knowledge, Space, Economy*. London: Routledge. In P. Lunt and S. Livingstone, (2012). *Media Regulation: Governance and the Interests of Citizens and Consumers* (pp. 5-6). London: Sage Publications.

Jones, B.W. (2015). Africanist Scholarship, Eurocentrism and the Politics of Knowledge. In M. Araujo & S. Maeso (Eds.) (2015). *Eurocentrism, Racism and Knowledge: Debates on History and Power in Europe and the Americas* (pp. 114-135). Basingstoke: Palgrave Macmillan.

Judd C.M., Smith, E.R. and Kidder, L.H. (1991). *Research Methods in Social Sciences*. Fort Worth: Harcourt Brace Jovanovich College Publishers.

Keating, J. (2012, February 6). Why does Ruth Bader Ginsburg like the South African Constitution so much? *Foreign Policy*. Retrieved 6 March 2020 from <https://foreignpolicy.com/2012/02/06/why-does-ruth-bader-ginsburg-like-the-south-african-constitution-so-much/>.

Konrad-Adeneur-Stiftung (2004) (vol. 2). *A comparative overview of media law and practice in Botswana, Swaziland and Zambia*. Johannesburg: Konrad-Adeneur-Stiftung/MISA.

Kupe, T. (2007). Southern Africa: Character, cases and causes. In E. Barrat & G. Berger (Eds.). *50 Years of Journalism: African Media since Ghana's Independence* (pp. 135-146). Johannesburg: African Editors' Forum, Highway Africa and Media Foundation for West Africa.

Laughey, D. (2007). *Key Themes in Media Theory*. Berkshire: Open University Press.

Lunt, P. and Livingstone, S. (2012). *Media Regulation: Governance and the Interests of Citizens and Consumers*. London: Sage Publications.

Lye, J (1998). ENGL 470: Contemporary Literary Theory (unpublished course material). Retrieved 7 April 2016 from <http://www.decolonize.org/wp-content/uploads/2015/05/an-introduction-to-postcolonialism.pdf>.

Mabweazara, H. (2018). Reinvigorating 'Age-Old' Questions: African Journalism Cultures and the Fallacy of Global Normative Homogeneity'. In H. Mabweazara (Ed.). *Newsmaking Cultures in Africa: Normative Trends in the Dynamics of Socio-Political and Economic Struggles* (pp. 1-28). London: Palgrave Macmillan.

Maripe, B. (2003). Freezing the Press: Freedom of Expression and Statutory Limitations in Botswana. *African Human Rights Law*, 3 (1), 52-75.

Marsden, C. (2010, June). Internet Law and governance: Co-regulation as a Constitutional solution. Paper presented at European Consortium for Political Research (ECPR) Conference, Dublin.

Mason, J. (2002). *Qualitative Researching*. London: Sage Publications.

Mbembe, A. (2001). *On the Postcolony*. Berkely: University of California Press.

- McMillin, D.C. (2007). *International Media studies*. Oxford: Blackwell Publishing Ltd.
- McNair, B. (1998). *The Sociology of Journalism*. London: Arnold.
- McNeill, P (1990). *Research Methods*. London and New York: Routledge.
- McQuail, D. (2005). *McQuail's Mass Communication Theory* (5th edition). London: Sage Publications.
- McQuail, D. 2000. *McQuail's Mass Communication Theory* (4th edition). London: Sage Publications.
- Merrill, J.C. (2009). Introduction to Global Western Journalism Theory. In A.S. De Beer and Merrill, J.C. *Global Journalism: Topical Issues and Media Systems* (pp. 3-21). Boston: Pearson Education Inc.
- Minnie, J. (2001). Journalism and Self-Regulation. In C. Ukpabi (ed.) *Handbook On Journalism Ethics: African Case Studies* (pp. 33-42). Windhoek: Media Institute of Southern Africa (MISA) and Netherlands Institute for Southern Africa (NIZA).
- Mkandawire, T. (1989). Problems and Prospects of the Social Sciences in Africa. In A.S. Mlambo (2006). *Western Social Sciences and Africa: The Domination and Marginalization of a Continent*. *African Sociological Review*, Vol. 10, No. 1, 161-179.
- Mlambo, A.S. (2006). *Western Social Sciences and Africa: The Domination and Marginalization of a Continent*. *African Sociological Review*, Vol. 10, No. 1, pp. 161-179.
- Mowlana, H. (1992). Communication Policy and Planning: An Integrative Approach. *Telematics and Informatics*, 9 (2), pp. 113-122.
- Motsamai, M. (2020). Consultation on New Instrument on. *Botswana Daily News*. 2 August. Retrieved November 1, 2020 from <http://www.dailynews.gov.bw/news-details.php?nid=57520>.

Muneri, C.T. (2015). Foreword. In H. Mabweazara (Ed.). *Newsmaking Cultures in Africa: Normative Trends in the Dynamics of Socio-Political and Economic Struggles* (pp. vii-ix). London: Palgrave Macmillan.

Mytton, G (1983). *Mass Communication in Africa*, London: Edward Arnold.

Ngomba, T. (2012). Circumnavigating de-Westernisation: Theoretical Reflexivities in Researching Political Communication in Africa. *Communicatio*, 38(2), pp. 164-180.

Ober, J. (2008). The Original Meaning of Democracy: The Capacity to Do Things: Not Majority Rule. *Constellations*, 15 (1).

Obi, C. (2001). Beyond Isms and Posts: Imagining Epistemology in Africa in the Age of Globalisation. *The Journal of Cultural Studies*, Vol. 3, No. 1. In A.S. Mlambo (2006). Western Social Sciences and Africa: The Domination and Marginalization of a Continent. *African Sociological Review*, Vol. 10, No. 1, 161-179.

Obonyo, L. (2011). Towards a Theory of Communication for Africa: The Challenges of Emerging Democracies. *Communicatio*, 37 (1), 1-20.

Ochs, M. (1986). *The African Press*. Cairo: The American University in Cairo Press.

O'Donnell, G. (2003). Horizontal Accountability: The Legal Institutionalization of Mistrust. In S. Mainwaring and C. Welna (Eds.) *Democratic Accountability in Latin America* (pp. 43-54). Oxford: Oxford University Press.

Ofcom, (2008). Initial Assessments When to Adopt Self or Co-Regulation. Consultation Paper, March 28. Retrieved 13 June 2020 from <http://www.ofcom.org.uk/consult/condocs/coregulation/condoc.pdf>.

Okon, P.E. (2015). Community Media and Media Policy Reform in Anglophone and Sub-Saharan Africa. In C. Aton, *The Routledge Companion to Alternative and Community Media* (pp. 210-221). London and New York: Routledge.

O'Malley, T. and Soley, C. (2000). *Regulating the Press*. London: Pluto Press.

Oosthuizen, L. (1989). *Media Policy and Ethics*. Cape Town: Juta and Co. Ltd.

O'Sullivan, T. & Jewkes, Y. (1997). *The Media Studies Reader*. London: Arnold.

Picard, R.G. and Pickard, V. (2017). *Essential Principles for Contemporary Media and Communications Policy Making*. A Report by Reuters Institute for the Study of Journalism, Oxford: Oxford University.

Prah, K.K. (1989). In search of a Tradition for Social Science Research in Africa and a vision for the 1990s. In A.S. Mlambo (2006). *Western Social Sciences and Africa: The Domination and Marginalization of a Continent*. *African Sociological Review*, Vol. 10, No. 1, 161-179.

Press Council of Botswana. (2007). *Complaints Statistics*. Gaborone.

Press Council of Botswana. (2008). *Media Complaints Committee Annual Report 2008*. Gaborone.

Press Council of Botswana. (2002). *Notarial Deed of Trust of The Press Council of Botswana*. Gaborone.

Prior, L. (2003). *Using Documents in Social Research*. London: Sage Publications.

Reporters Without Borders (2014). *World Press Freedom Index*. Retrieved from <https://rsf.org/en/world-press-freedom-index-2014>.

Rooney, R. (2018). *News in Botswana. Themes in Contemporary Journalism*. SMC Online Publishers.

Rowbottom, J. (2012). To Rant, Vent and Converse: Protecting Low Level Digital Speech. *Cambridge Law Journal*, 71 (2), July 2012, 355-383.

Said, E. (1978). *Orientalism*. In A. Gray and J. McGuigan (Eds.) (1997). *Studying Culture: An Introductory Reader* (pp. 42-53). London: Arnold.

Sane, I., Nourma R. and Ohene, E. (2000). National and International Broadcasting: Politics and Practices. In R. Fardon and Furniss, G. (Eds.) (2000). *African Broadcasting Cultures: Radio in Transition*. Oxford: James Currey.

Sayyid, S. (2015). Towards a critique of Eurocentrism: Remarks on Wittgenstein, Philosophy and Racism. In M. Araujo & S. Maeso (Eds.) (2015). *Eurocentrism, Racism and Knowledge: Debates on History and Power in Europe and the Americas* (pp. 80-92). Basingstoke: Palgrave Macmillan.

Shannon, R. (2001). *A Press Free and Responsible: Self-Regulation and the Press Complaints Commission: 1991-2001*. London: John Murray.

Shaw, I.S. (2018). Towards a Journalism Educational Model Curricula in Africa: A call for a 'Glocal' Rather than Global (Universal) Journalism Model. In H. Mabweazara (Ed.). *Newsmaking Cultures in Africa: Normative Trends in the Dynamics of Socio-Political and Economic Struggles* (pp. 31-52). London: Palgrave Macmillan.

Smith, D. (2014, September 17). Trouble in Paradise for Botswana's Democratic Credentials. *The Guardian*. Retrieved from: <https://www.theguardian.com/world/2014/sep/17/trouble-paradise-botswana-journalist>.

Steyn, E. (1998). Media Policy: Frameworks for an Expanding World. In A.S. De Beer Ed.). *Mass Media: The South African Handbook of Mass Communication* (pp. 447-468). Pretoria: J.L. Van Schaik Publishers.

Tamado, A. (2005). *The Development and Role of the Public Mass Media and Press Agency in Botswana: 1936-1997* (Unpublished MA Thesis). University of Botswana.

Thussu, D.Y. (2000). *International Communication: Continuity and Change*. London: Arnold.

Tlou, T. and Campbell, A. (1997). *History of Botswana*. Gaborone: Macmillan.

Tutwane, L.B.B. (2018 a). Ideology as News: Political Parallelism in Botswana's Public Media. In H.M. Mabweazara (Ed.) (2018). *Newsmaking Cultures in Africa: Normative Trends in the Dynamics of Socio-Political and Economic Struggles* (pp. 269-289). London: Palgrave Macmillan.

Tutwane, L.B.B. (2018 b). Politics of Community Radio: The Violation of the Right to Freedom of Expression by the Botswana Government. *Media and Arts Law Review* (22), 293-314.

Tutwane, L.B.B. (2014). Government and Press Relations in Botswana: Down the Beaten African Track. *Cross Cultural Communication*, 10 (5), 139-147.

Tutwane, L.B.B. (2011). The Myth of Press Freedom in Botswana: From Sir Seretse Khama to Ian Khama. *Journal of African Media Studies*, vo. 3(1) 43-54.

Uwah, I. (2012). Identity and Culture in Theorising African Perspectives of Communication: The Case of An African Cinematic Model. *Communicatio*, Vol. 38 (2), 181-194.

Van Doorn, J.A.A. and Lammers, C.J. (1962). *Moderne Sociologie*. Utrecht: Hect Spectrum. In P. J. Fourie (2008). *Media Studies: Policy, Management and Media Representation* (p. 6).Cape Town: Juta and Company Ltd.

Voltmer, K. (2013). *Media in Transitional Democracies*. Cambridge: Polity Press.

Wasserman, H.W. (2009). Global Journalism Ethics. In A.S. De Beer and Merrill, J.C., *Global Journalism: Topical Issues and Media Systems* (pp. 85-94). Boston: Pearson Education Inc.

Welman, J.C. & Kruger, S.J. (2001). *Research Methodology*. Oxford: Oxford University Press.

Whitehead, L. (2002). *Democratisation: Theory and Experience*. Oxford: Oxford University Press.

- Williams, M. & May, T. (1996). *Introduction to the Philosophy of Social Research*. London and New York: Routledge.
- Xypolia, I. (2016). Eurocentrism and Orientalism. In S. Ray, H. Schwarz, J. Berlanga, A. Moreiras and A. Shemak (Eds.) *Encyclopedia of Post Colonial Studies*. Chicester (MA): Wiley-Blackwell. Retrieved 11 August 2020 from https://www.researchgate.net/publication/293958727_Eurocentrism_and_Orientalism.
- Young, R.J.C. (2001). *Postcolonialism: An Historical Introduction*. Oxford: Blackwell Publishing.
- Zander, M. (2004). *The Law-Making Process*. Cambridge: Cambridge University Press.
- Zaffiro, J.Z. (1993). Mass Media Relations, Politics and Society in Botswana: The 1990s and Beyond. *Africa Today*, Vol.40, No. 1, 7-25.
- Zaffiro, J.Z. (1989). Twin Births: African Nationalism and Government Information Management in the Bechuanaland Protectorate: 1957-1966. *The International Journal of African Historical Studies*, 22.1, 51-77.
- Zaffiro, J.Z. (1988). Regional Pressure and Erosion of Media Freedom in an African Democracy: The Case of Botswana. *Journal of Communication*, 38 (3), 108-120.

Ethics Form

FORM UPR16

Research Ethics Review Checklist



Please include this completed form as an appendix to your thesis (see the Research Degrees Operational Handbook for more information)

Postgraduate Research Student (PGRS) Information		Student ID:	918233			
PGRS Name:	Letshwiti Bathakofi Tutwane					
Department:	FMC, CCI	First Supervisor:	DRS. Sampaio-Dias			
Start Date: (or progression date for Prof Doc students)	01/10/2018					
Study Mode and Route:	Part-time	<input checked="" type="checkbox"/>	MPhil	<input type="checkbox"/>	MD	<input type="checkbox"/>
	Full-time	<input type="checkbox"/>	PhD	<input checked="" type="checkbox"/>	Professional Doctorate	<input type="checkbox"/>

Title of Thesis:	Media Regulation in Democratic Africa: The Case of Botswana
Thesis Word Count: (excluding ancillary data)	11,202

If you are unsure about any of the following, please contact the local representative on your Faculty Ethics Committee for advice. Please note that it is your responsibility to follow the University's Ethics Policy and any relevant University, academic or professional guidelines in the conduct of your study

Although the Ethics Committee may have given your study a favourable opinion, the final responsibility for the ethical conduct of this work lies with the researcher(s).

UKRIO Finished Research Checklist:

(If you would like to know more about the checklist, please see your Faculty or Departmental Ethics Committee rep or see the online version of the full checklist at: <http://www.ukrio.org/what-we-do/code-of-practice-for-research/>)

a) Have all of your research and findings been reported accurately, honestly and within a reasonable time frame?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
b) Have all contributions to knowledge been acknowledged?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
c) Have you complied with all agreements relating to intellectual property, publication and authorship?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
d) Has your research data been retained in a secure and accessible form and will it remain so for the required duration?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
e) Does your research comply with all legal, ethical, and contractual requirements?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

Candidate Statement:

I have considered the ethical dimensions of the above named research project, and have successfully obtained the necessary ethical approval(s)

Ethical review number(s) from Faculty Ethics Committee (or from NRES/SCREC):

If you have not submitted your work for ethical review, and/or you have answered 'No' to one or more of questions a) to e), please explain below why this is so:

It was not imperative

Signed (PGRS):

[Handwritten Signature]

Date:

07/05/2021

UPR16 – April 2018