



SPEECH BY C. M. LEKAUKAU, EXECUTIVE CHAIRMAN OF THE BOTSWANA TELECOMMUNICATIONS AUTHORITY (BTA) AT THE OCCASION OF THE MISA BOTSWANA GALA DINNER/AWARDS NIGHT HELD ON 3 SEPTEMBER 2004 AT THE MAHARAJA CONFERENCE CENTRE

Distinguished Guests

Ladies and Gentlemen:

I am singularly honoured by your invitation as a Guest Speaker tonight in this 2004 Gala Dinner and Media Awards Night. Botswana Telecommunications Authority (BTA) views your role very seriously as development partners in a democratic society and that is why I was delighted to accept your invitation to be part of this occasion.

I know that MISA Botswana's main objectives include the promotion and defence of freedom of expression as enshrined in Chapter II of our organic law – the Constitution; and in particular

freedom of a responsible media. I am also aware that your organization advocates and encourages media diversity through both print and electronic media. You asked me to speak on the Theme; **“Enhanced credibility through a sustainable and an enterprising media”**; and I hope that what I am going to say tonight will satisfy this theme.

I have followed MISA Botswana’s efforts as an individual and I must say, I have always found the organization’s role very relevant in our democracy. You have not been shy to voice your opinions on those issues that you felt ran counter to the ideals of our country and you must not shy to point our wrongdoings on the society as long as you can avail yourselves of the defences of fair comment on a matter of public interest, justification and privilege wherever accosted in litigation.

I must hasten to extend my appreciation of efforts in the media to promote professionalism in the media through the newly

established Press Council. We look forward to resolving professional issues through the Press Council committees directed to do so, in accordance with its Deed of Trust. We also note developments in the formation of the Editors Forum as well as the Botswana Media Women Association, which I see, as positive developments in our media environment currently. With your recently announced “Code of Conduct”, the society should now take you more seriously than before and create greater respect for your role in our democracy. These are laudable efforts in the media industry and organizations such as MISA Botswana, should be commended for their involvement in them.

It is with the foregoing in mind that my organization, BTA was even able to show support for MISA Botswana’s activities by donating electronic equipment in the form of computers and a television in 2002.

Botswana Telecommunications Authority has a direct relationship with the media because we serve as a technical advisor to, and secretariat for, the National Broadcasting Board (NBB), which as many of you know regulates broadcasting. My organization therefore interacts with issues that you work on a daily basis. The NBB is currently working on concluding recommendations for a Broadcasting Policy and Regulations so that it could perform its duties with a complete sense of direction. I am aware that these processes have taken time but I wish to inform you that once the policy is approved we can expect significant growth in the broadcasting sector in Botswana, both socially and economically.

I am aware that MISA Botswana is concerned that currently in Botswana there are no community broadcasters, especially, community radios, and this concerns me as well. This matter will be addressed once government passes the broadcasting policy and regulations. Community radios can play a major role in

educating, entertaining and passing information that is relevant and immediate to its listeners in a given locality, thereby enhancing and extending our democratic dispensation to a greater number of Batswana. We at BTA support these endeavours and look forward to the expeditious implementation of the suggested NBB policy and regulations after approval by Government.

Having said that, the BTA is concerned that the media, as a major stakeholder of the telecommunications industry seem to lack an in-depth knowledge of issues surrounding telecommunications. Without this knowledge, it is difficult to see how the public can fully participate in the development of its industry. I believe that we need to develop journalism capacity in this area. BTA receives a lot of invitations from various institutions that regularly run telecommunications courses ranging from seminars on specific topics, to short and long term courses. I recognise that the media fraternity does not have financial

resources to forum shop these courses wherever they are held. I think that we should put our heads together with operators to run informative courses locally in order to make the media familiar with such terms. Some institutions have already coined a glossary of telecommunications terms as a tool which BTA can readily make available to the media at a minimum cost.

As you may remember, BTA recently reduced annual net turn over fees paid by the major operators namely Botswana Telecommunications Corporation, Mascom Wireless and Orange Botswana from 5% to 3% effective 1 April 2004. We also encouraged these service providers who had benefited from the reduction to pass some of it to the consumers. I am happy to report that both Mascom and Orange have done so by the reduction of pre-paid tariffs to the consumers. The pre-paid consumers are mainly the lower end users who are unable to enter into contract facilities with the mobile operators. BTA also recently reduced BTC's request for an increase in tariffs by a

percentage factor when approving the tariffs in order to pass the some of the benefit of the reduction to BTC's customers.

I take note of the environment in which Non Governmental Organisations (NGOs) such as MISA Botswana operate under. Resources are scarce and money is not easy to come by. It is therefore heartening to note that despite the said difficulties faced by NGOs, MISA Botswana was still able to make laudable achievements in the sector..

I am however impressed that many of the existing private media have struggled through thick and thin but have survived. This should be a lesson for new ones to emulate. It is encouraging to see the media develop positively as indicated earlier in this address as this will help create a sustainable and enterprising media that are also credible. I am informed that MISA Botswana is also calling on our government to create an environment suitable for the existence of a real public media. By

public media, I understand MISA to mean media that are accountable to all strata of the people as represented by an independent board, and that serve the overall interest of the republic, avoiding one-sided reporting and programming. This brings me to the issue of whether to regulate the media through government intervention or through self regulation. I am supportive of self regulation with government intervention only coming in as a last resort where the media is unable to regulate itself.

I have gone through your “Media Code of Ethics” and I was impressed by the provisions of this code. In the code you provide that a "media practitioner has a duty to maintain the highest professional and ethical standards by being honest, fair as well as courageous in gathering, reporting and interpreting information". It also provides that you must never publish information that you know to be false or malicious or make unfounded allegations about others that are intended to harm

their reputation. These are loaded statements which, if not adhered to, leads to litigation which should be avoided at all cost. If you observe your code then you will always avail yourselves of the legal defences which I have earlier alluded to, should there be litigation against you. A bid's eye view of these defences are as follow –

- Justification: This is a complete defence for the media where you justify the defamatory allegation;
- Fair Comment on a matter of public interest: This defence enables the media to express their opinion on matters of public interest.
- Absolute or qualified privilege: It is a defence to show that the allegations were published on a privileged occasion e.g. fair and accurate reporting of proceedings in Parliament; in a public court; a public inquiry etc.

However, your pledges in this code of ethics will attract credibility if you have a transparent and effective implementation structures. In perusal of the Press Council of Botswana Trust Deed, the Deed set up a Complaints Committee within your structures to deal with complaints, however it does not have teeth. The power to apply effective sanctions is a tool which would enhance the credibility that I am talking about. It is provided that the Committee, after investigation on alleged infringement of the Code of Practice and/or Code of Ethics, may dismiss the complaint, record criticism of the conduct, reprimand, direct that a correction of the findings be published or make any supplementary or ancillary orders or directions. Certainly, these are mild sanctions. You may wish to compare with our profession whereby the Law Society has powers even to petition the High Court so that a legal practitioner is suspended from practicing or is even struck from the roll completely. This is deterrent enough and one has to think twice to be involved in actions which would deprive them of their livelihood as practising lawyers.

Allow me to conclude by calling on MISA Botswana and other media stakeholders to work hard for freedom of expression that is coupled with good professional ethics and conduct. I also note that this year's dinner and awards come at a time of Botswana's general elections. MISA Botswana had to run a number of workshops covering elections for both electronic and print media practitioners. Let your professionalism show responsibility at this sensitive time of heightened attention placed on your industry.

In conferring awards on those deserving media practitioners, let this be a call on others to improve on their work so that they should be the recipients of the awards next year. Let me congratulate those winners and hope that they see this as an acknowledgement of their efforts in their work which must continue to be carried out at all times.

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