Press Freedom and the Protection of Whistleblowers: A Qualitative Study of Their Relationship

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This paper examines the potential causal link between press freedom and the quality of whistleblower-protection, namely the quality of the legislation designed to protect whistleblowers, and it does this with an intensive case study of Botswana and South Africa. In order to isolate the causal chain the paper controls for democracy, economic development, dependence on aid, Internet access, natural resources and state transparency. The results show that there is a correlation between press freedom and protection of whistleblowers, however the causal link could not be isolated thus inviting for further research into the relationship. The paper contributes to the field of political science by providing insights into the largely under-researched relationship between press freedom and protection of whistleblowers.
1 Introduction

1.1 General Background

In recent years the concept of whistleblowing, i.e. “the disclosure by organization members (former or current) of illegal, immoral or illegitimate practices under the control of their employers, to persons or organizations that may be able to effect action” (Near & Miceli 1985: 4), has on several occasions taken the center stage in both political theatres as well as news outlets. For example, the cases of Chelsea Manning, WikiLeaks and Edward Snowden could hardly have escaped the awareness and consideration of most people.

The attention that these cases of whistleblowing have received has opened up a discussion of such things as government secrecy and thereby showing the potential effect acts of blowing the whistle might have. However, not all acts of whistleblowing take the magnitude of the examples mentioned as it is a relatively common phenomenon that has been shown to not always result in serious retaliation (see Smith 2010). Nonetheless, retaliation against whistleblowers is an occurring theme and consequently some countries have implemented legislation designed to protect and encourage whistleblowers (see e.g. Domfeh & Bawole 2011).

The effectiveness of said legislation has come under scholarly scrutiny in recent years (see e.g. Hedin & Månsson 2012) thus prompting further research into what makes the protection these laws offer effective. Since the act of whistleblowing, for example, might expose governmental or organizational wrongdoing and consequently promote discussion concerning important political issues, to encourage and protect those who blow the whistle could be seen as an integral part of a well-governed regime. This paper explores this area with the hypothesis that a high degree of press freedom leads to a better quality of whistleblower-protection i.e. the legislation becomes more effective.

1.2 Purpose

This paper aims is to examine the potential causal relationship between the level of press freedom and the quality of whistleblower-protection, where a high degree of
press freedom hypothetically leads to better quality in the protection of whistleblowers.

2 Previous Research

There exists little to no previous research on the relationship between press freedom-legislation and the quality of protection for whistleblowers. The research so far seems to discuss either one or the other but not the two together in the manner this study is concerned, which creates incentive and support for research into this apparent gap. Nonetheless, the previous research into these two concepts has both aided in and guided the formulation of the theoretical framework described in the next section.

2.1 Whistleblowing

Pemberton et al. (2012) found in their study that whistleblowing, while being viewed as a legitimate organizational mechanism as well as a strategy for regulation, had up to that point been both theoretically and empirically underdeveloped thus creating incentives for further research.

Nevertheless, the research on whistleblowing has in recent years been focused on such aspects as the difference in how external whistleblowing versus internal whistleblowing is received, with the general consensus being that external whistleblowers – i.e. those who report outside of the organization – tend to experience much harder retaliation (see Near & Miceli 1986 in Mesmer-Magnus & Viswesvaran 2005). Another focus of whistleblower research has been the apparent lack of efficiency of legislation meant to protect those who blow the whistle (see Domfeh & Bawole 2011; Hedin & Månsson 2012; Pemberton et al. 2012; Smith 2010), supporting a view that its efficacy is contextual.

Potter and Baum (2014) has found that “electoral institutions that give rise to a whistle-blowing opposition, combined with sufficient media access to make it likely that citizens will be aware of any such whistle-blowing, facilitates credibility” (2014: 179). More specifically, their findings suggest that legislation that protects and provides incentives for whistleblowers to step forward serve not only the public by providing it with access to information otherwise hidden, but also politicians by
increasing credibility with the introduction of more potential audience costs. Moving on, Beim et al. (2014) has found a connection between the frequency of whistleblowing and how effective it was, finding that it was more informative when it was rare. The same authors also argue that the effectiveness of whistleblowing is conditional on the public’s access to the media.

In short, recent research has been focused on the various contextual variables that might affect both those who blow the whistle and the incentive to do so by those who are considering it.

2.2 Press Freedom

Some of the most recent research on press freedom has discussed the various effects and relations of press freedom such as how journalists’ right to refuse to disclose sources affects those sources (see Kagiaros 2015). It has also focused on the correlation between harassment of the media by state actors and the reporting of said media, showing that harassment increases when dangers of displacement exist, such as major public protests (VonDoepp & Young 2013). This can be tied to, the same research suggests, that state leaders find an open flow of information to be inherently dangerous and thus have an interest in controlling it.

Camaj (2013: 35) found that there exist a strong relationship between press freedom and corruption where more press freedom leads to less corruption. In the same area, Kalenborn & Lessmann (2013) found that a high press freedom together with democracy have a positive effect on absence of corruption. Democracy has a reductive effect on corruption as voters can remove corrupt officials from office as punishment; press freedom increases the likelihood of detection thus reducing the gains that are expected from corruption. In countries with a low degree of press freedom, democracy has a negative effect on absence of corruption whereas the reverse is found in countries with a high degree of press freedom (2013: 875f).

Stanig (2015) found in his study of the Mexican press that “restrictive regulation of speech substantially reduces the coverage of corruption in the media” (2015: 191). The study also shows that laws meant to protect the reputation of people (defamation
laws) discourages investigative journalism and thus decreases the amount of information available to the public (Stanig 2015: 192).

Stier (2015) conducted a study that showed that the type of regime greatly affects media/press freedom. He found that this variance, which is due to differing state and economic interests across regimes, not only could be found between democratic and autocratic regimes, but also in between various types of regimes on the autocratic spectra such as electoral autocracies and communist regimes (Stier 2015).

In sum, much like that on whistleblowing, some of the most recent research on press freedom has been focused on how it correlates with other variables such as corruption and regime type.

3 Theory

3.1 General Theory

Michael M. Ting (2008) describes that “there exists something of a consensus today that the legal protection of whistleblowing, …, is an essential part of effective government” (2008: 249). However, as the research by Domfeh & Bawole (2011), Hedin & Månsson (2012), Pemberton et al. (2012) and Smith (2010) shows, legislation designed to protect whistleblowers is not necessarily sufficient or efficient in doing so, posing the question of what determines whether it is or not. A hint of where to look for an answer is found in Pemberton et al. (2012: 20) who argues that: “whistleblower legislation cannot be treated as if it exists in a ‘vacuum’” thus highlighting the need for it to be investigated together with other variables that may affect it. Together with Kagiaros (2015) findings, i.e. that press freedom legislation has indirectly protected whistleblowers, as a stepping-stone the hypothesis this paper puts forward and tests is that a high degree of press freedom leads to a better quality in whistleblower-protection.

Since there as Potter and Baum (2014) mention, exist a relationship between the press and whistleblowers as the former often serve as the link between the latter and the
public, the press holds a position of being able to affect the situation of a whistleblower, which has been confirmed by Kagiaros (2015). Consequently the assumption that press freedom affects the quality of whistleblower protection can be made since firstly: the press and whistleblowers are inherently linked; and secondly: the former can serve to protect the latter.

Further, with VonDoepp and Young’s assertion (2013: 38) that state leaders have an interest in how information flows and since both the press and whistleblowers have an objective of passing on information to a third party (2013: 36; Ting 2008: 249), the connection between press freedom and the quality of whistleblower-protection becomes even clearer.

Furthermore, as findings show, the press holds a more favorable position – as a result of press freedom-legislation – than whistleblowers (see e.g. Kagiaros 2015), which often experience retaliation in some form (see e.g. Hedin & Månsson 2012 or Mesmer-Magnus & Viswesvaran 2005). Hence, the press feels a responsibility to protect whistleblowers and the information they leak by publishing it under the protection that press freedom-legislation offer.

The general public then becomes aware of both the wrongdoing contained in the information and of the situation of the whistleblower, who might be protected by press freedom legislation or not. Consequently, as has been shown by Kalenborn and Lessmann (2013) albeit in a different context, the informed public holds the state leaders accountable for the published transgression, which is accomplished through democratic institutions such as elections or demonstrations.

The accountable then consider through which means whistleblowers are better protected, as the act itself of leaking the information has proved to be important for the governance of the state in question both by exposing wrongdoing that would not necessarily have been exposed otherwise and by putting pressure on state leaders. Legislation is then drafted or improved to be more qualitative in order to encourage whistleblowing. Thus, the independent variable and dependent variable of this paper are press freedom and protection of whistleblowers.
3.2 Control Variables

In order to examine whether press freedom in fact does have an effect on the quality of whistleblower protection, six control variables have been defined.

The first of these is economic development, which Stier (2015: 1282) describes as plausibly affecting press freedom in few possible ways and consequently also whistleblower protection. For example, economic development could affect the protection of whistleblowers in that a prosperous regime with good economic development tends to experience a high level of legitimacy and thus have a low chance of being displaced. Which might in turn lead to incentives for the regime to liberalize and enjoy the benefits it could bring. On the other hand, economic development could induce democratic demands and societal problems such as a rising inequality, which in turn could create incentives for an autocratic regime to censor the media.

The second variable that needs to be controlled for is reliance on aid. The argument for this is if the examined country is dependent on aid from another country or organization, it is possible that the donor has certain conditions it wants to be met in order for the receiver to gain access to said aid (see Molenaers et al. 2015). This possible conditionality could have an effect on the protection of whistleblowers thus mitigating the possible link between press freedom and the quality of whistleblowing legislation.

The third control variable is dependence on natural resources since states that are highly dependent on them tend to have a lower degree of media freedom since regimes can compensate the population for a reduced number of rights (Stier 2015: 1282). The idea is that if a nation is largely dependent on income generated by rents, that dependency could affect the protection of whistleblowers with press freedom in effect becoming an intermediary variable. Hypothetically, aid dependency would affect the level of press freedom which in turn would influence the quality of whistleblower-protection.
The fourth control variable is state transparency since the access to information that comes with transparency-oriented measures such as freedom of information-legislation can serve to empower both journalists and citizens, expose corruption and constrain politicians (Berliner 2014: 479). This could theoretically entail that a high state transparency could serve to mitigate the need for good quality whistleblower-protection as both the citizenship and press have access to a large part of the information that would otherwise be hypothetically leaked.

The fifth variable that needs to be controlled for is Internet access since studies have shown that an increased access to alternative information sources, especially the Internet, have a reverse correlation with media freedom. This is viewed as being a result of the difficulty state actors have in controlling these alternative channels, which prompts them to clamp down on already existing media channels (Stier 2015: 1283). As a result, it is plausible that access to the Internet has an effect on the quality of whistleblower-protection through press freedom and in effect making press freedom an intermediary variable.

The sixth and final control variable is democracy as Stier (2015: 1285) has found that a transition from a multi-party electoral regime to a one-party rule reduces media freedom substantially thus providing data that supports the thesis that democracy leads to more press freedom. Taken into the context of this paper, democracy could serve as an underlying variable that affects variation in the quality of whistleblower protection and in effect making press freedom an intermediary variable. Therefore, if the level of democracy is controlled for its effect on the dependent variable can be discarded.

Research conducted by Voltmer and Wasserman (2014) on an epistemological level found that journalists from different parts of the world view press freedom differently as a result of the cultural context surrounding their native country. While this provides an argument for including a control for cultural context, it has been deemed that the geographical proximity of the two cases as well as the restrictions of the C-thesis-format provide enough arguments not to include it.
4 Research Design

4.1 Case Selection

Below is a table visualizing the process of selecting the cases for this paper, which has been carried out with a method of difference-approach (Teorell & Svensson 2007: 226).

<table>
<thead>
<tr>
<th></th>
<th>Botswana</th>
<th>South Africa</th>
</tr>
</thead>
<tbody>
<tr>
<td>Press Freedom</td>
<td>Partly Free (41)*</td>
<td>Free (26)**</td>
</tr>
<tr>
<td>Economic Development</td>
<td>Slightly below average</td>
<td>Slightly below average</td>
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<tr>
<td>Aid</td>
<td>Low</td>
<td>Low</td>
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<tr>
<td>Natural Resources</td>
<td>High</td>
<td>High</td>
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<tr>
<td>State Transparency</td>
<td>Average</td>
<td>Average</td>
</tr>
<tr>
<td>Internet Access</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Democracy</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Protection of</td>
<td></td>
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<tr>
<td>Whistleblowers</td>
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Table 1: Method of Difference - Case Selection * - Average score rounded down over the period 2011-2015 according to Freedom House’s press freedom-index (Freedom House 2015f); ** - Average score rounded down over the period 1997-2001 according to Freedom House’s press freedom-index (Freedom House 2015f)

As mentioned, the two cases to be analyzed in this paper, Botswana and South Africa, have been chosen by using the method of difference-design as defined and described by Teorell and Svensson (2007). The method states that in order to isolate the causal mechanism, two cases are chosen that are similar in all respects except for when it comes to the proposed independent variable and the dependent variable, where the former is proposed to explain variation in the latter (Teorell & Svensson 2007: 226).

Since the independent variable in this study is press freedom, the method of difference-design demands a variance in it between the chosen cases. In order to determine if a variance is present Freedom House’s Freedom of the Press-index has been used. The index grades a country’s press freedom on a nominal scale with three categories: “Free”, “Partly Free” and “Not Free”. The categorization and grading is
determined by the use of 23 questions that when answered and added together assigns a score of 0 to 100, where 0 is the most free and 100 the least free. The total score subsequently determines the category in which the country ends up, where 0 to 30 represents “Free”, 31 to 60 represents “Partly Free” and 61 to 100 represents “Not Free”. (Freedom House 2015e: 2 & 26ff)

Botswana receives an average score of 41 rounded down over the period 2011-2015, resulting in a categorization as ”Partly Free”. South Africa receives an average calculated score of 26 rounded down over the period 1997-2001 and thus receiving a categorization as ”Free” (Freedom House 2015f). This variance of 15 in calculated score represents a measured difference in degree of press freedom between the two countries and therefore justifies the use of them in this case study.

In regards to the dependent variable, South Africa has implemented national legislation specified for whistleblowers (Domfeh & Bawole 2011; Department of Justice and Constitutional Development 2000), which Botswana has not so far although it is currently in the process of drafting (IRGUNCAC 2014; Motsamai 2015).

Although the recent developments in Botswana might discourage the use of the country in a method of difference case study, one must not ignore that there is a substantial difference between drafting and actually enacting legislation. Furthermore, the argument can be made that there would exist an inherent qualitative difference between legislation in two countries. In sum, this paper argues that the actuality of South Africa already having enacted legislation with the purpose of protecting whistleblowers serves as a significant enough divider between the two cases to warrant the use of them in this case study.

Moving on, as a result of this, data concerning South Africa has been gathered from the five year period leading up to and including the year 2000 as it was then that the country implemented legislation designed to protect whistleblowers. Hence, the data relating to Botswana has been collected from a five year period leading up to the year 2015.
The period 1997-2001 has been chosen for South Africa since Freedom House’s Freedom of the Press-index lags one year i.e. the 2001-score represents the measured level of press freedom during the year 2000 and so forth (Freedom House 2015f).

4.2 Method

As this is an intensive comparative case study, process tracing through qualitative content analysis will be the method of choice. Process tracing, as Teorell and Svensson (2007: 247) describes, entails that the various mechanisms in the process between the independent and the dependent variable are examined in order to discover and analyze possible intermediary or underlying variables. In short, qualitative content analysis entails the search for underlying themes in the material analyzed (Bryman 2011: 505).

The content analysis utilized in this paper takes a grounded theory-approach, which in a simplified description entails that the development of the theory has, firstly, been done on a foundation of data (see the Previous Research and Theory-sections) and, secondly, that the collection and analysis of the empirical data will be done in parallel and in an exchange with each other (Bryman 2011: 513). The grounded theory approach is appropriate since it demands for coding of data. In other words, that the collected material is examined and the parts of it that are determined to be of theoretical or practical importance to the case studied labeled and categorized for comparison and analysis (2011: 516ff) thus somewhat mitigating the arbitrary aspect of qualitative content analysis.

To analyze the quality of whistleblower-protection, the quality of potential legislation will be determined by using content analysis on the law-text in order to determine the purpose of the law itself. When the purpose of the legislation has become clear, empirical cases of whistleblowing will be investigated to see if the purpose of the law has been met thus analyzing whether or not the legislation is effective.

If there is no legislation present that is specifically designed to protect whistleblowers, the quality of whistleblower-legislation will be assessed by analyzing empirical cases of whistleblowing and how those whistleblowers have been received.
4.3 Operationalization

Press Freedom is operationalized as the score the country in question receives on Freedom House’s Freedom of the Press-index (FOTP) (Freedom House 2015f), which assigns the score by using 23 methodology questions (see Freedom House 2015e: 2, 26ff).

Economic development is operationalized as GDP Per Capita, as using only GDP shows a somewhat eschewed image of economic development as South Africa had a GDP of around 136 billion US$ in the year 2000 (World Bank 2015a) whereas Botswana has around 16 billion US$ in 2014 (World Bank 2015b), which could be attributed to the fact that South Africa has approximately 26 times the population as Botswana (Statistics South Africa 2015; The World Factbook 2015).

Therefore, as GDP Per Capita adjusts for population size (see worldbank.org) it has been deemed a much more suitable measure of economic development. The GDP Per Capita will then be compared to world average by calculating the percentage of world average that the country in question’s GDP Per Capita is. This will be done in order to better infer the value of the variable while at the same time controlling for the temporal difference between the data of the two cases. Additional data from the World Bank and OECD will also be used to obtain a contextual view of the economic development of the country examined.

How dependent the country is on aid will be operationalized as the percentage of GDP that is aid. The World Bank Indicator “Net Official Development Assistance and Official Aid Received (Current US$)” will be used in order to determine the total amount of US$ that the country in question is receiving in the form of aid (see data.worldbank.org). The amount of aid received together with ”GDP at Market Prices (Current US$)” (see data.worldbank.org) will then be used in order to calculate the percentage. A higher percentage is equaled to a high dependency on aid and consequently aid will be considered controlled for if the cases have similar percentages.
Natural Resources is operationalized in a similar way as the aid-variable except “Net Official Development Assistance and Official Aid Received (Current US$)” is changed to “Total Natural Resources Rents (% of GDP)” (see data.worldbank.org). Important to note is that the percentage calculation has already been made in the data and thus will not be calculated in the results and discussion-section.

State Transparency is operationalized by Transparency International’s “Corruption Perceptions Index ” (CPI), where CPI ranks countries after how corrupt their public sector is perceived to be (see transparency.org). Only CPI will be used since the methodology (see transparency.org) behind the index is considered to provide a sound view of state transparency. Since the index changes its ranking from a ten-point scale with decimals, where a high number equals low corruption, to a 100 point scale where a high number also equals low corruption in 2012 (see transparency.org), the scores from before 2012 will be multiplied by ten to adjust them to the scale currently used.

Internet Access will be operationalized as the percentage of the country’s population that has access to the Internet, where a similar percentage will infer that Inter Access has been controlled for. The data used to determine the country’s percentage is the indicator “Internet Users (Per 100 People)” as calculated by the World Bank (see data.worldbank.org). Since Internet users are calculated per 100 people the result can be translated to percentage as for example 5 out of 100 is the same as 5% out of 100% and thus the percentage of the population.

Using Freedom House’s Freedom in the World-index, democracy will be controlled for. As this variable has been coded as dichotomous, a country will be considered democratic if it receives a rating of “Free”, thus enjoying many of the rights that are defined in the Universal Declaration of Human Rights (Freedom House 2015d: 2).

Protection of Whistleblowers is operationalized firstly as the presence of legislation designed to protect whistleblowers and the quality and purpose of that legislation. The quality of legislation is assessed by examining the statutes of the legislation and how well those appear to fulfill the stated purpose of said legislation. A second operationalization of the dependent variable is the de facto protection a whistleblower
has received after he or she has blowed the whistle; has the whistleblower experienced any retaliation or has he or she been protected from it? The second operationalization is defined as a way through which protection of whistleblowers can be assessed and compared between the two cases as Botswana does not as of yet have any formal institution protecting whistleblowers.

All variables that are represented by numerical scores will be calculated as their averages over a five year period leading up to and including the year of interest, 2000 in the case of South Africa and 2015 for Botswana. If no data is available for the year of interest, which might be the case for the second data for Botswana, as it is possible that complete data for 2015 is not yet available, data from a five year period including the year closest to the year of interest from which complete data is available will be analyzed. These steps will be taken in order to obtain a more nuanced and representative picture of the variable in question. Also, the reasoning behind looking at years leading up to and including 2000 in the case of South Africa and not more current data, is that the country signed an act that protects whistleblowers during that year (see Department of Justice and Constitutional Development 2000).

5 Results

5.1 Press Freedom

The press freedom score of Botswana according to Freedom House’s FOTP-index has been relatively constant over the period 2011-2015. Botswana’s index score for 2011 was 40 and "Partly Free”, 40 and ”Partly Free” for 2012, 41 and ”Partly Free” for 2013, 41 and ”Partly Free” for 2014 and finally 44 and ”Partly Free” for 2015 (Freedom House 2015f), which results in an average of 41 rounded down.

As can be seen in the scores there has been a slight decrease in score firstly by 1 over two years and finally by 3 in a one year period. The most significant decrease in score from 41 to 44 between the 2014 and 2015 indexes has been attributed to the Botswana governments use of sedition laws against one journalist and one editor after the publication of an article about the president (Freedom House 2015e: 20). Overall, Botswana has for the period 2011-2015 experienced a steady decrease in press
freedom according to Freedom House (2015a) as journalists and the media have been facing restrictions or outright censoring as well as exercising self-censorship from fear of reprisals by publishing stories critical of the government.

The print media is generally thriving in towns and cities but state-owned broadcast media reach far more people and does not provide sufficient access to the opposition or to those who are critical of the government (Freedom House 2015a). There exists two regulatory institutions of the media in Botswana, the first is the 2008 Media Practitioners Act that established a statutory body to oversee the media and which requires the registration of all outlets and workers in the media. Although the act has been passed by the legislature it has not yet become fully operational as media outlets, NGO’s and trade unions has challenged it legally. If the act would become fully operational it would allow for the minister of communication to hold considerable influence over a new Media Council’s management of complaints against media outlets and journalists through the control of various committees (Freedom House 2015a). The second regulatory institution is the Media Complaints Committee operated by the Press Council of Botswana as a self-regulatory body (Freedom House 2015a). When examining press freedom in Botswana it becomes clear that the government is regulating the media output as well as seeking to further do so, consequently resulting in a less than free environment for the press.

The press freedom score of South Africa according to Freedom House’s FOTP-index during the period 1997-2001 was 27 and ”Free” for 1997, 28 and ”Free” for 1998, 28 and ”Free” for 1999, 25 and ”Free” for 2000 and finally 23 and ”Free” for 2001 (Freedom House 2015f). The overall tendencies of press freedom in South Africa during the period of interest according Freedom House (2015b; 2015c) have been that of a general respect of free expression for the media. A number of newspapers and magazines have during the period of interest published pieces critical of the government, political parties and other actors with no documented reprisals. Radio broadcasting were considered to be very liberal during this period and the South African Broadcasting Corporation, which is owned by the state, was deemed independent but did still practice self-censorship at times (2015b; 2015c).
There did however occur documented concerns of possible infringements on press freedom in early 2000 as editors from a number of leading publications were subpoenaed to appear before a court of law. However, the subpoenas were renounced after considerable criticism and were subsequently replaced with "invitations" (Freedom House 2015c). In sum, the press freedom in South Africa during the period of interest was generally free without substantial restrictions and allowing for the publishing of a broad spectra of opinions and pieces.

When the levels of press freedom in Botswana and South Africa are compared it becomes evident that they differ a great deal, both in their FOTP index-scores as well as in the context from which the very same scores were measured. The press and media in Botswana during the period of interest experienced restrictions as well as censorship. On the contrary, the situation in South Africa was more free and the media and journalists experienced few if any infringements on press freedom during the period of interest. In sum, the clear difference in press freedom represent a measured difference in value for the independent variable as the media in Botswana experienced regulatory measures and censorship to a significantly greater extent than its South African counterpart.

An interesting aspect of the above is that the relatively significant increases in press freedom in South Africa, that can be observed in the index-scores for 2000 and 2001, occur in the same time period as the Protect Disclosures Act was signed (see Department of Justice and Constitutional Development 2000). This might if one hypothesizes represent the first empirical indication of a positive correlation between press freedom and protection of whistleblowers. Nevertheless, as the other the empirical values of the control variables have not been analyzed, the correlation remains speculative but intriguing for now.

### 5.2 Economic Development

The GDP Per Capita in current USD for Botswana varied between USD 6244.0 in 2010 and 7123.3 in 2014 (World Bank 2015c) and results in an average of USD 6938.02 in GDP Per Capita in the five year period leading up to 2015 for which data
was available. The fluctuations in GDP Per Capita have been attributed to a decrease and subsequent increase in demand for Botswana’s export of diamonds, which the country is relying heavily on, in the period of interest (World Bank 2015d).

The GDP Per Capita in current USD for the world fluctuated from USD 9472.2 in 2010 and USD 10721.4 in 2014 (World Bank 2015c), which gives an calculated average of USD 10329.72. Thus when compared, the five year averages of Botswana and the world shows that Botswana’s GDP Per Capita is approximately 33 % lower than the world average during the period of interest.

Moving on, the GDP Per Capita in current USD for South Africa varied between USD 3690.2 in 1996, and USD 3099.1 in 2000 (World Bank 2015c) thus resulting in an average of USD 3397.78 in the five year period leading up to and including the year 2000. The patterns of the economic development of South Africa during the period of interest can be ascribed to an exclusion of a large part of the population from the work force as a consequence of the apartheid-system, which lead to annual growth slowing down (OECD 2008: 20f).

The GDP Per Capita in current USD for the world during the period 1996 to 2000 fluctuated between USD 5406.8 in 1996 and USD 5443.4 in 2000 (World Bank 2015e), which gives a five year average of USD 5346.74. When compared, the five year averages of South Africa and the world in the period 1996-2000 show that South Africa’s GDP Per Capita is approximately 36 % lower than the world average during the time of interest.

The calculations above show that Botswana and South Africa had a very similar GDP Per Capita during their respective periods of interest when compared to world average to adjust for the unavoidable differences caused by the temporal divergence. The two countries differ only by 3 % when comparing their five year averages to the world average thus leading to the conclusion that a potential effect of economic development can be discarded. This conclusion can be made since a difference of only 3 % is in all likelihood so minuscule as to be negligible.
5.3 Aid Dependency

According to the World Bank, aid received by Botswana during the period of interest varied between USD 279 160 000 in 2009 and USD 108 380 000 in 2013 (World Bank 2015f), giving a five year average of USD 147 538 000. Botswana’s GDP for the same period in time fluctuated between USD 10 267 128 733 in 2009 and USD 14 979 304 171 in 2013 (World Bank 2015a) thus resulting in an average of USD 13 701 682 727 rounded up. Consequently, when calculated it becomes evident that aid represented approximately 1.08% of Botswana’s five year average GDP.

Aid received by South Africa varied between USD 362 340 000 in 1996 and USD 486 370 000 in 2000 (World Bank 2015f), which results in a five year average of USD 479 544 000.

In comparison, between 1996 and 2000 South Africa had a GDP that fluctuated between USD 147 608 050 636 in 1996 and USD 136 361 791 003 in 2000 (World Bank 2015a), which gives an average GDP of USD 142 192 490 049 rounded up for the period of interest. Thus when calculated, aid represents approximately 0.34% of South Africa’s five year average GDP.

The results above show a variance that, while not being substantial, might still be significant in what it implies. What is interesting about these findings is that South Africa had a lower dependency on aid than Botswana, which would suggest that Botswana and not South Africa would have had a higher degree of press freedom in accordance with the conditionality-theory proposed when defining the aid-variable (see Molenaers et al. 2015). In other words, a higher dependency on aid might entail more conditions (such as a high degree of press freedom) on the receiving country that must be met for the aid to be supplied. However, as the press freedom-section above shows, that might not be the case here as South Africa had higher press freedom than Botswana.
This would follow the reasoning of defining the aid-variable when the theory proposes that since Botswana during the period of interest has been more dependent on aid than South Africa, it might also have been affected more by the conditionality of aid (see Molenaers et al. 2015), and would consequently alter its policies. If that would be the case aid could be considered controlled for as the country with the higher degree of press freedom had a lower dependency on aid; thus mitigating the effect aid would have had in this case because if aid dependency would have affected the level of press freedom then Botswana would have had a higher degree of press freedom than South Africa, since the country had a higher dependency on aid than South Africa.

Furthermore, since the difference between the two countries is relatively small the argument could be made that the possible impact of aid dependency is so similar as to conclude that the potential effect of the variable might be negligible.

5.4 Natural Resources

Botswana’s natural resource dependency during the period of interest was 3.7 % in 2009, 5.5 % in 2010, 4.8 % in 2011, 4.2 % in 2012 and 3.2 % in 2013 (World Bank 2015g). The average for the period of interest is thus that 4.28 % of GDP comes from natural resources rents.

South Africa had between 1996 and 2000 a percentage of GDP from natural resources rents of 2.0 % in 1996, 1.4 % in 1997, 1.5 % in 1998, 1.3 % in 1999 and 1.7 % in 2000 (World Bank 2015g), resulting in an average of 1.58 %.

The data shows that South Africa had less than half the dependency on natural resources than Botswana during their respective periods of interest. These results highlights the possibility that one of the contributing factors to Botswana’s lower degree of whistleblower-protection could be the country’s higher dependency on natural resources. In extension, the natural resource-dependency of Botswana could have affected the protection of whistleblowers by contributing to making press freedom a mediating variable. Thus, when controlling for dependency on natural resources...
resources it is not possible to discard a possible effect of natural resource-dependency on whistleblower-protection.

5.5 State Transparency


This data together with the operationalization-theory above suggest that Botswana’s state transparency might have mitigated the need for whistleblower-protection. A higher transparency would in theory decrease the need for whistleblower-protection as the need for leaking information would decrease and consequently could Botswana’s higher state transparency have affected the protection for whistleblowers. Still, it can be argued that the relatively small variance between the two countries CPI-scores is not sufficient to explain the much larger difference between press freedom-scores on its own. It is however not feasible to completely discard it as a contributing factor to a possible lower quality of whistleblower-protection in Botswana.

5.6 Internet Access

The Internet access in Botswana was 6 % in 2010, 8 % in 2011, 11.5 % in 2012, 15 % in 2013 and 18.5 % in 2014 (World Bank 2015h), which gives an average of 11.8 %.

The Internet access in South Africa was on the other hand 0.8 % in 1996, 1.6 % in 1997, 2.9 % in 1998, 4.1 % in 1999 and 5.3 % in 2000 (World Bank 2015h) thus resulting in an average of 2.94 %.

These results provide support for the theory put forward in the operationalization above as degree of press freedom seems to correlate with access to the Internet. South Africa had during the period of interest a relatively high press freedom while a low percentage of the population had Internet access (with Botswana it was the other way
around), which agrees with the theory that press freedom decreases when alternative sources of information emerge. Consequently, when controlling for Internet access it has become apparent that it might have affected the level of press freedom and thus also the protection of whistleblowers. The data could also imply that Internet access is a confounding variable affecting both the independent and dependent variable, as they both vary together with the control variable.

However, as the Internet can be argued to still have been in its infancy during the period of interest for South Africa the possible effect it might have had on press freedom can be discussed. Nevertheless, the data do not contradict the theory put forward by Stier (2015) and thus entail that there is a possibility that the low percentage of Internet access could have affected both the independent and dependent variable in South Africa.

5.7 Democracy

When investigating Botswana’s level of democracy it becomes evident that it has received a rating of ”Free” in all the reports by Freedom House in the period 2011-2015 (Freedom House 2015a). South Africa does during the period 1996-97 to 2000-01 also receive a score of ”Free” for each single year (Freedom House 2015b).

Since this variable has been operationalized as dichotomous, where a categorization as ”Free” is coded as representing a positive outcome i.e. democracy, both Botswana and South Africa are considered democracies as they have both received a categorization of ”Free” in their entire respective periods of interest. As a result, democracy can be rejected as having an effect as the variable has a similar outcome in both cases and can thus be assumed to have been isolated from the potential causal link between press freedom and the protection of whistleblowers.

5.8 Protection of Whistleblowers

5.8.1 Botswana

Botswana has in recent years worked towards decreasing corruption both within the public and private sectors through the implementation of a number of measures, one
of which is an increased actual protection for whistleblowers (Mmolai 2014; Botswana Daily News 2015; Ntshole 2015). However, as has already been mentioned, Botswana does not yet have any legislation that is designed to protect whistleblowers although one is in the process of being drafted and implemented (IRGUNCAC 2014; Motsamai 2015), which necessitates an analysis of the de facto protection of whistleblowers.

One of the above mentioned measures is an increase in whistleblowing-hotlines that are made available, through which it is possible to report wrongdoings and to be anonymous while doing so (Botswana Daily News 2015; Ntshole 2015). The hotlines are being implemented by the recommendation of the Directorate on Corruption and Crime (DCEC) by the Botswana Investment and Trade Centre (BITC) as well as Botswana Oil in an effort to stave corruption and provide protection for those who blow the whistle (Botswana Daily News 2015; Ntshole 2015).

Botswana Oil’s whistleblowing-hotline provides a channel through which both employees and members of the public can report wrongdoings, while the hotline provided by the BITC offers means to report only to employees and stakeholders (Botswana Daily News 2015; Ntshole 2015). As can be seen, there exists a discrepancy in access to these hotlines between organizations which might pose a problem for those who seek to blow the whistle but that are not members of, for example, the BITC, as the hotline is only open to those who are.

Apart from the whistleblower-hotlines implemented by organizations, recent years has seen the establishment of the multinational web service afriLeaks, which is designed to make easier and more secure the connection between whistleblowers and media across Africa. Through the website, which is established in Botswana, South Africa, Mozambique and Zimbabwe, a whistleblower can upload files and suggest which media organization that should receive the leak while at the same time having the choice of whether or not they want to be anonymous (Cummings 2015).

It is however noteworthy that this channel for whistleblowing in Botswana is not the result of any actions taken by the country itself, as it has been created by a number of
media organizations working together (Cummings 2015), thus arguably not only highlighting the arbitrariness of whistleblower-protection in Botswana but the link between the press and whistleblowers as well.

Thus in effect, the only real protection that whistleblowers are currently experiencing in Botswana is the anonymity offered by the so-called hotlines and the afriLeaks-website. The argument could be made that this highlights that the protection of whistleblowers in Botswana is quite arbitrary as organizations within the public and private sphere act on recommendation and goodwill. This might in turn result in a variance in the protection offered by different organizations, which can be for instance seen in the discrepancy between the cases of the BITC and Botswana Oil. There does not, in other words, as of yet exist any formal consensus of how whistleblowing should be handled.

This lack of a formal consensus or institutions, as a whistleblowing bill has not yet been implemented (Motsamai 2015), creates an environment in which those who blow the whistle are reliant on mechanisms put in place by the very organizations of which they are often members. In other words, there is nothing that states how organizations should handle whistleblowing and hence the protection of them becomes largely arbitrary. Consequently, the protection of whistleblowers is arguably lacking since the potential whistleblower does not have, for lack of a better word, a safety-net on which they can rely across organizations.

In sum, this paper argues that the arbitrariness together with the current lack of any legislation creates an environment in which a whistleblower is reliant on protection through the recommendation and goodwill of organizations. Hence, protection of whistleblowers in Botswana is concluded to be deficient.

5.8.2 South Africa

5.8.2.1 Protected Disclosures Act

As discussed, South Africa has implemented legislation designed to protect and encourage whistleblowers under the Protected Disclosures Act (Department of Justice
and Constitutional Development 2000). However, as the implementation of legislation does not necessarily equal good quality protection of whistleblowers (see e.g. Domfeh & Bawole or Hedin & Månsson 2012), the actual purpose of the Protected Disclosures Act along with how its statutes are seen to meet that purpose will be analyzed.

The Protected Disclosures Act (Department of Justice and Constitutional Development 2000: 1) states its overall purpose as:

To make provision for procedures in terms of which employees in both the private and the public sector may disclose information regarding unlawful or irregular conduct by their employers or other employees in the employ of their employers; to provide for the protection of employees who make a disclosure which is protected in terms of this Act; and to provide for matters connected therewith.

The purpose of the act is further elaborated when it is declared it has been drafted to produce a culture that makes it easier to responsibly disclose information about illegal or otherwise improper actions in the workplace. It aims to achieve this by supplying statutes that guides any such disclosure and protection against any possible retaliation that is the effect of those disclosures. The act also aims to encourage the removal of illegal or otherwise improper actions in both state and private entities. (2000: 1)

Lastly, the second subsection of the act (2000: 3f) more specifically elaborates on the connection between the purpose and legislation by stating the objects and applications of the act:

(a) to protect an employee, whether in the private or the public sector, from being subjected to an occupational detriment on account of having made a protected disclosure;

(b) to provide for certain remedies in connection with any occupational detriment suffered on account of having made a protected disclosure; and

(c) to provide for procedures in terms of which and employee can, in a responsible manner, disclose information regarding improprieties by his or her employer.
In order to assess whether or not the statutes fulfill the purpose of the legislation the definitions of the words needs to be examined through content analysis to determine exactly who is subject to the legislation. The first part of the employee-definition refers to anyone - excluding independent contractors - that works for another, be it person or the state and who is entitled to or presented with payment (2000: 2); independent contractors could hypothetically be included in the definition of if they are e.g. hired as consultants. The second part of the Employee-definition refer to "any other person who in any manner assists in carrying on or conducting the business of an employer" (2000: 2), thereby including those who may work as volunteers without the statute of monetary compensation present in the first part of the definition.

An employer is on the other hand defined as one who provides what is defined in employee to any other person (2000: 2) thus including state agencies, private corporations or other undefined organizations. The definitions of both employee and employer thus aid the legislation in fulfilling its purpose by clearly defining to whom the law is applicable i.e. the whistleblower.

Protected disclosure is defined as a reasonable good faith disclosure meeting any of the conditions put forward in the second subsection of the act i.e. its purpose, to a legal adviser, employer, cabinet member, executive council member, public protector, auditor-general or another person whom it may concern. The person who discloses the information must also have reason to believe that he or she will experience retaliation or that the impropriety will be covered up. (2000) By impropriety the act refers to any form of conduct that included in the definition of disclosure whether or not it occurred in South Africa or any other country, or if it is considered illegal in South Africa or any other country. (2000: 2)

With disclosure the act refers to the disclosing of information, which regards any form of conduct by an employer or employee of the same employer that is illegal, criminal, discriminatory or harmful to another person, detrimental to the environment, or the concealment or likelihood of concealment of that type of information (2000: 2).
The definitions of disclosure, protected disclosure and impropriety provides the foundation of what is considered to be whistleblowing and leaked information and thus determine when and why protection should be offered. Furthermore, the extensive definitions of these three concepts in effect makes the legislation encapsulate the entire concept of whistleblowing as defined by Near and Miceli (1985: 4), the definition that this paper uses.

Moving on, Occupational detriment defines just what is to be considered retaliation against a whistleblower and thus in effect determines what those blowing the whistle are to be protected from which is as follows:

(a) being subjected to any disciplinary action;
(b) being dismissed, suspended, demoted, harassed or intimidated;
(c) being transferred against his or her will;
(d) being refused transfer or promotion;
(e) being subjected to a term or condition of employment or retirement which is altered or kept altered to his or her disadvantage;
(f) being refused a reference, or being provided with an adverse reference, from his or her employer;
(g) being denied appointment to any employment, profession or office;
(h) being threatened with any of the actions referred to paragraphs (a) to (g) above; or
(i) being otherwise adversely affected in respect of his or her employment, profession or office, including employment opportunities and work security

(Department of Justice and Constitutional Development 2000: 2f)

The definition of occupational detriment fulfills the purpose of the legislation well on account of the conclusion that it clearly states what actions are considered retaliation against an employee who has blown the whistle. It is assumed that this in practice would make the application of the legislation less arbitrary as determining whether or not retaliation has occurred in accordance with the legislation, becomes quite...
straightforward. Consequently, the quality of whistleblower-protection would become better.

Lastly, the third subsection Act states that: "no employee may be subjected to any occupational detriment by his or her employer on account, or partly on account, of having made a protected disclosure" (2000: 4) and it further declares that if an employee have experienced any form of occupational detriment he or she may receive remedies (2000: 4). The third subsection in effect makes illegal any type of retaliation against a whistleblower and thus solidifies legal protection of them.

The Act does not however declare any penalties for those who violate the statutes of the legislation by retaliating against a whistleblower (2000), which might serve to lower the quality of whistleblower-protection. In other words, since the legislation does not discourage retaliation against whistleblowers by way of posing penalties on those who do, its effectiveness in lowering retaliation against whistleblowers might be questioned. This question might be asked since the purpose of the act is to protect and encourage whistleblowing as well as "matters connected therewith" (2000: 1). Discouraging retaliation against whistleblower can be argued as being one of the connected matters as if discouraged those who retaliate might do so to a lesser degree, which in effect might entail a better protection for those who blow the whistle.

In sum, the Protected Disclosures Act in South Africa is concluded to be an example of good but possibly toothless protection of whistleblowers in the form of legislation, as the stated purpose of the act is considered well but not fully met by the specific statutes of the legislation itself. The purpose of the act, in short, is to promote the creation of an environment that protects and encourages whistleblowers and whistleblowing. This is something the act does rather well, as it provides an extensive legal space in which all types of whistleblowers are protected against retaliation in virtually every shape or form thus hypothetically encouraging blowing the whistle. It does not however pose any penalties on those who breach the statutes it declares, which poses the question of how effective it is at preventing retaliation against whistleblowers as retaliating does not necessarily pose any risk for those who do it.
5.8.2.2 Cases of and Concerning Whistleblowing

Andre du Toit, a former whistleblower, has stated that people around the time of his disclosure in 1999 were reluctant to divulge information regarding misconduct from fear becoming intimidated and victimized. This, he claimed, the Protected Disclosures Act helped remedy as a result of the protection it offers. Furthermore, the act has been argued to create the culture which it promotes i.e. one that facilitates disclosure of information concerning wrongdoings (Temkin 2002).

However, soon after its implementation the Protected Disclosures Act received criticism and questioning of its effectiveness as it only offers protection to those who are members of an organization regarding which he or she leaks information i.e. it only offers protection to employees from retaliation by their employers (All Africa 2001; Hartley 2003). As a result, those who may disclose information from the position of e.g. supplier, customer or intermediary are not included in the protection offer by the act (All Africa 2001). It has also been criticized for remedies it offers to those who have been the subject of retaliation, which have been considered small in relation to the overall costs of blowing the whistle (Ensor 2003).

The discussion regarding the Protected Disclosures Act and its effectiveness seen above highlights other concerns in extension to those expressed in the previous section which further puts into question the quality of the protection it offers. There is no doubt that it offers protection; doubt can however be found in just how much protection and to whom. For example, in early 2003 the then public service and administration minister Geraldine Fraser-Moleketi released a summary which stated that whistleblowing were not as prevalent as desired as ”most government departments do not have policies and procedures in place to comply with the Protected Disclosures Act (All Africa 2003).

By and large the Protected Disclosures Act can be argued to not having achieved what it set out to do as those who blow the whistle often faces what has been described as a ”witch hunt” and retaliation (South African Press Association 2004; Domfeh & Bawole 2011). One of the reasons for this has been claimed to be that South African
society equals whistleblowing with betrayal and mistrust thus making more difficult to foster an environment where it is more desirable (SAPA 2004).

In sum, while the effectiveness of the Protected Disclosures can and have been questioned, its implementation could still be seen as a positive development in the fight against corruption. After all, it is hard to disagree with the idea that somewhat ineffective legislation to protect whistleblowers is better than no legislation that does so.

6 Discussion

The potential causal link examined in this paper, that of press freedom and protection of whistleblowers, has both gained support and opposition when controlling for the variables. Firstly, it has become clear that there does exist a variance in level of press freedom between the two countries in their respective periods of interest as well as a difference in quality of protection of whistleblowers. However, when analyzing the data it is not possible to rule out that the control variables natural resource dependency, state transparency and Internet access could have had an effect on the outcome of the dependent variable.

Nevertheless, the quality of whistleblower-protection in South Africa is concluded to be higher than in Botswana as a result of the South African Protected Disclosures Act which offers formal protection for whistleblowers. This variance is also concluded to correlate with press freedom as South Africa had a higher level of press freedom than Botswana when comparing their periods of interest. More specifically, South Africa experienced a relatively high level of press freedom prior to the implementation of the Protected Disclosures Act with the media being able to report critically and independently without fear of infringements overall. On the other hand, the media in Botswana experienced restrictions and censorship during the period analyzed which was characterized by an environment of arbitrariness towards the protection of whistleblowers.

Observable in the data is the fact that Botswana is in the process of implementing whistleblower-legislation, even so there is still a substantial difference between
drafting and proposing and actually implementing legislation not to mention the inherent qualitative variance between legislation in two countries. This, this paper argues, justifies the conclusion that South Africa and Botswana have different levels in their quality of whistleblower-protection.

Despite the support the theory has gained, it becomes somewhat opposed in the isolation process of the control variables. When controlling for natural resource dependency it becomes evident that Botswana is more dependent on them than South Africa and thus the variable could not be isolated. This could entail that press freedom is a mediating variable through which natural resource dependency affects protection of whistleblowers.

Like natural resource dependency, a potential effect of state transparency cannot be discarded. Botswana has been found to have a higher level of state transparency than South Africa which could have affected whistleblower-protection in the country by lowering the need for them. Further, an effect of Internet access cannot either be completely discarded as the data suggests that it might be a confounding variable affecting both press freedom and whistleblower-protection.

Hence, the theory receives support but also opposition and as a result it cannot be validated to the extent needed. While the independent and dependent variable have been found to correlate, the causal link between them could not be isolated from potential intervening variables. Thus the theory that a high level of press freedom leads to better quality in whistleblowing-protection cannot be confirmed.

7 Conclusion

In conclusion, this paper has tested the theory that press freedom affects the protection of whistleblowers by using a qualitative content analysis-approach of South Africa and Botswana. A correlation between the two variables was discovered although the causal link could not be isolated and consequently the theory could not be confirmed. The correlation between the independent and dependent variable does however invite for further research between the two. More specifically, the findings of this paper invites for further research into the relationship between press freedom and
protection of whistleblowers together with natural resource dependency and Internet access as the variables have been found to co-vary. The paper also creates incentive for further research into the relationship between protection of whistleblowers and state transparency as the latter have been shown to possibly correlate with the former.
8 References


