



REPUBLIC OF BOTSWANA

**MINISTRY OF ENVIRONMENT,
NATURAL RESOURCES CONSERVATION AND TOURISM**

FILMING GUIDELINES

2019

1. Introduction

1.1 Purpose

- 1.1.1 These guidelines outline the terms, conditions and procedures that shall be followed by institutions or individuals who wish to conduct environment-related or wildlife filming under the auspices of Ministry of Environment, Natural Resources Conservation and Tourism (MENT).

1.2 Scope

- 1.2.1 These guidelines apply to filming activities undertaken in all Protected Areas (National Parks and Game Reserves) and areas outside Protected Areas, including Wildlife Management Areas, forest reserves, cultural heritage sites and national monuments under the managerial jurisdiction of MENT.
- 1.2.2 These guidelines do not apply to taking of amateur photographs, film and videos where the principal intent of the activity is the pursuit of personal or hobby interests, even where images obtained through such activity may subsequently be the subject of a minor commercial transaction (e.g. publication of the image). Such activities are permitted without restriction as long as the objectives, goals and mission of MENT are not compromised.
- 1.2.3 Footage or photographs taken and submitted to competitions and third parties without a commercial agreement (such as a photography competition or television programme) will be considered to be for personal use and not for commercial gain.

1.3 Definitions

- 1.3.1 **Filming** means capturing images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the Internet or by other means) or for sale. For purposes of these guidelines, all references to 'filming' include photography unless otherwise stated.
- 1.3.2 **Filming activity** means:
- a. filming, and
 - b. other activity reasonably connected with the carrying out of filming, whether or not for a commercial purpose.
- 1.3.3 **Applicant** is any person who is applying for a filming permit, as an individual or on behalf of a company.
- 1.3.4 **Film-maker** is a professional or amateur who is seeking permit to film or photograph in a designated area.

- 1.3.5 **Local Film Agent (Film-fixer of Fixer)** is any person or company responsible for advising prospective filmmakers, getting film applications correct, gathering all documentation required from the filmmakers, facilitating and monitoring the film crew on a daily basis and ensuring all legal requirements are complied with during filming, and that requirements after filming are met, such as, but not limited to, DVD deposit. The agent may also provide logistical support such as location selection, booking and management, equipment hire, accommodation and transportation.
- 1.3.6 **Filming Approval Panel** is a panel appointed to review filming applications and advise MENT on whether a filming permit should be granted.
- 1.3.7 **Commercial filming** means any filming principally intended for a market audience. Commercial filming is inclusive of, but not limited to, audio visual; advertisements; feature films; TV drama; documentaries; educational films; music videos; and, all forms of motion pictures for any form of public broadcast on any medium, whether existing or yet to be invented. Any filming activity for which the filmmaker is remunerated is considered commercial and it includes government sponsored films and tourism promotions.
- 1.3.8 **Commercial photography** includes still images for magazines, postcards, promotional material, books, advertisements, image libraries and the commercial photography of private events by private individuals, companies or public bodies including the government. Any photography work for which the filmmaker is remunerated is considered commercial.

2. Procedure for obtaining a Permit

2.1 Application

2.1.1 The permitting process contains the following steps:

- a. The applicant completes a filming application form and submits to the Ministry of Environment, Natural Resources Conservation and Tourism (MENT). Prospective filmmakers may apply either directly or through a registered Film-fixer;
- b. MENT Coordinator of Research and Development registers the application, acknowledges receipt thereof to the applicant, and then forwards copies to the Filming Approval Panel (FAP) for review;
- c. The Filming Approval Panel reviews the application and makes a recommendation. The timeframe for review of each application is approximately 30 working days.
- d. Any issues resulting from the review are brought to the attention of the applicant, who will be given an opportunity to address the issues;
- e. If the filming application includes locations outside the managerial jurisdiction of MENT or proposes topics that are relevant to other stakeholders such as Ministry of Youth Empowerment, Sport and Culture Development, the FAP will consult those stakeholders as part of its review process. The FAP may, however, refer the entire application to another ministry or permitting authority and notify the applicant accordingly.
- f. An official notification from MENT on the outcome will be sent to the applicant via Email or any other means preferred by the applicant.
- g. All successful applicants will be required to sign a Memorandum of Agreement (MoA) with the Government of Botswana before a permit can be issued. In cases where a Film-fixer submitted the application, the MoA must be signed by the Filmmaker themselves, not the Fixer.
- h. After both parties have signed the MoA, the filming permit will be processed and then dispatched to the applicant, along with a copy of the signed MoA. The permit can be dispatched either by Email or any other means convenient to the applicant.
- i. The recommendation from the Filming Approval Panel may be appealed with the Minister.

2.1.2 All correspondence pertaining to filming permits, including applications, is to be addressed to the following address:

Permanent Secretary
Ministry of Environment, Natural Resources Conservation and Tourism
Plot 13064, Government Enclave
Private Bag BO199
Gaborone
Botswana

Email: mentpermits@gov.bw

2.2 Application requirements

- 2.2.1 Filmmakers shall apply for permission to film/photograph at least one month in advance of the intended activity. Any applications submitted through a Botswana registered Fixer must be in the name of the Filmmaker / Photographer; and not in the name of the Fixer, or the Fixer's company. The legal contract is between the Applicant and the Government of Botswana.
- 2.2.2 The application form shall be completed fully; and include the following:
- a. Purpose for which the film/photograph is being recorded and will be used, and all broadcasters / networks / distributors / publishers proposed to be attached to the project.
 - b. Type of production, e.g. feature film, television movie or series, advertisement (broadcast or print or Internet), music video, editorial, etc. including, in the case of motion picture / film (not stills photographs), the proposed running length of the film.
 - c. Expected target audiences of production/publication/distribution.
 - d. CVs of principal crew members, as well as short Profile of the Production Company, where applicable.
 - e. Contact details of film/photography crew and the Production Company, where applicable. (Note: The company details are necessary since crew members often work as freelancers and may move onto another project in a different company).
 - f. Number of people in crew and their roles, with certified copy of ID or passport for each crew member. Where there are Botswana based and citizen crew or film team members involved, but the applicant is not yet in a position to provide their details, it will be acceptable to state the number of citizens and/or Botswana based personnel to be hired during the production and their respective roles without specifying names.
 - g. Number and types of vehicles to be used during filming.
 - h. Proposed itinerary of the filmmaker/photographer during shoot including locations that will be used. This needs to detail specific areas and concession boundaries (e.g NG26, NG31 etc.) and cannot be generalized to "Okavango delta" or "Chobe". Applicants would be well advised to attach letters from concession holders / locations, indicating that the applicant has sought approval, in principle, for filming pending the outcome of the application process.
 - i. Resources and special access required e.g. guide/ranger, permission to

leave vehicle, access to non-tourist areas of the park or game reserve, work at night, off-road access in Protected Area, Wildlife Management Area, concession area and/or community-managed area.

- j. Interviews required with government officials or any others and interview topic.
- k. Any anticipated impact on the environment and some proposed mitigation measures.

2.3 Immigration

- 2.3.1 In accordance with Botswana immigration laws (Immigration Act, 2010), a non-citizen shall not remain in the country unless the person:
 - a. is in possession of a valid visitor's permit; or,
 - b. is in possession of a valid residence permit; or,
 - c. has been exempted from such requirement by the Minister responsible for immigration.
- 2.3.2 A non-citizen who is issued with a visitor's permit shall not remain in Botswana for more than 90 days in aggregate in any one year unless he or she is authorized by the Director of Immigration in writing to do so. A residence permit is, therefore, required where filming is to take place for more than 90 days.
- 2.3.3 The Immigration Act also stipulates that a non-citizen shall not engage in any occupation for reward or profit unless he or she is the holder of a work permit or certificate of exemption.

2.4 Permit extension and additional members/places

- 2.4.1 In the event that extension of a permit or addition of new members/places is required, submission is to be made to MENT, using the prescribed form and justifying the need for the extension or addition.
- 2.4.2 In all cases, the submissions will be referred to the Filming Approval Panel for review.
- 2.4.3 The filming permit reference number must always be quoted to facilitate processing of the requests.

2.5 Other permits

- 2.5.1 The possession of a filming permit does not give the holder authority to enter private premises or establishments, and this includes leased Concession areas. Permission for such entry must be obtained from the owner or leaseholder of the property concerned.
- 2.5.2 In the case of filming conducted in Protected Areas like national parks and game

reserves; heritage sites and/or monuments; and forest reserves, the filmmaker is required to obtain permission from the relevant department. For example, a supplementary permit from the Department of Wildlife and National Parks is required for national parks and game reserves. The permit is issued by the Parks and Reserves Reservations Office (PARRO) in Gaborone and can be collected from any Regional Wildlife Office or dispatched to the applicant by Email to other means. Applicants are advised to contact the Coordinator of Research and Development for further details or clarification.

- 253 Where filming is done for live broadcasting or is pre-recorded, the applicant should apply for a special event license with the relevant authorities.

2.6 Aviation requirements

2.6.1 Filmmakers flying their own aircraft or hiring commercial aircraft should follow Civil Aviation Authority of Botswana (CAAB) regulations.

2.6.2 Some of CAAB requirements include:

- Certificate of air worthiness
- Certificate of aircraft registration
- Insurance document of aircraft
- Radio licence
- Copy of pilot license
- Letter from Contractor

Contact: Tel: +267 391 3236/ +267 368 8200.

2.7 Imported Equipment

2.7.1 Where the proposed filming requires importation of equipment to Botswana, either temporary or permanent in the case of consumables, the applicants must make their own arrangement to import such and pay the necessary fees to the Botswana Unified Revenue Service (BURS). Applicants should note that this can only be done through a registered clearing agent. Applicants should also note that ATA Carnets are accepted in Botswana and can be used for temporary importation without paying any fees to BURS.

2.7.2 Applicants are advised that Botswana Communications Regulatory Authority (BOCRA) is mandated by Communications Regulatory Authority Act, 2012 to “Type Approve” communications equipment that may be connected, used or operated to provide broadcasting or telecommunications services in Botswana. Accordingly, filmmakers intending to use two-way radios or similar equipment need to register them with BOCRA and receive a licence that will be linked to the serial numbers on the equipment.

2.8 Local Film Agents (Film-fixers)

28.1 Any person or company wishing to provide services as film-fixer is required to register with MENT and get a confirmation letter.

28.2 The registration requirements for Local Film Agents (film-fixers) are:

- a. Citizens of Botswana or majority citizen- owned companies.
- b. Academic certificates and/or industry experience of company directors and key crew/officials, if applicable.
- c. Samples of work done and / or references from clients they have facilitated (company profile).
- d. List of equipment available for hire (if relevant).
- e. Certificate of incorporation (Company) or business registration, if applicable. In the case of individuals a copy of national ID (Oman).
- f. V.A.T. Certificate (Tax certificate), if applicable.
- g. BURS registered income tax certificate.
- h. Proof of Botswana bank account.

283 The Ministry will only accept applications from agents that are duly registered.

284 Fronting is strictly prohibited.

2.9 Filming by journalists

29.1 Foreign journalists require an accreditation letter from the Office of the President. Contact details are as follows:
Government Communication and Information System, Tel: (267) 3950867; Fax: 3904019; Email: jramsay@gov.bw.

29.2 The office will need press cards and passport information to process the letter.

29.3 Any equipment they carry has to be declared as temporary imports at point of entry. The applicants must make their own arrangement to import such and pay the necessary fees to the Botswana Unified Revenue Service (BURS). Applicants should note that this can only be done through a registered clearing agent. Applicants should also note that ATA Carnets are accepted in Botswana and can be used for temporary importation without paying any fees to BURS.

29.4 For any filming in National Parks or Game Reserves, journalists will be required to obtain a Supplementary Permit from DWNP as outlined in this document.

3. Assessment of filming applications

3.1 Key considerations

- 3.1.1 In assessing an application for filming, the Filming Approval Panel (FAP) will be guided by the Wildlife Conservation and National Parks Act, Fish Act, Forest Act, Waste Management Act, Environmental Assessment Act, National Monuments and Relics Act, Tourism Act, Botswana Tourism Organization Act and other relevant legislation and policies.
- 3.1.2 Existing management instruments such as National Biodiversity Strategy and Action Plan, Okavango Delta Management Plan, Makgadikgadi Framework Management Plan, Botswana Tourism Master Plan, Protected Area Management Plans and National Ecotourism Strategy will also be considered by the FAP as part of the review process; and to determine the permissibility of the proposed filming activity in certain areas.
- 3.1.3 Applications that propose participation and empowerment of Botswana citizens in filming activities will be given priority; but will be assessed according to number of citizens involved and roles played during the production.

3.2 Other considerations

- 3.2.1 When assessing a filming application the FAP will give sufficient regard to heritage and cultural values of any area proposed for filming; the cultural significance of any building or structure to be used; and any management, operational or zoning plan for the area selected.
- 3.2.2 When assessing a filming application the FAP shall duly consider any existing rights and interests conferred on a third party, whether or not they are commercial (e.g. rights under an existing lease, license, easement or right of way, or rights under an existing filming approval).
- 3.2.3 The FAP will, furthermore, take into consideration the following matters:
 - a. that the filming activity is carried out in a manner that minimizes adverse environmental and socio-economic impacts on the area;
 - b. that existing roads, tracks, paths or other means of access to the area will be used by the permit holder wherever feasible;
 - c. that the location in which the filming activity is to be carried out is the minimum

area that is feasible for the carrying out of such an activity;

- d. that the period of time required to carry out the filming activity is limited in accordance with the permit or extension thereof;
 - e. that the filming activity is not inconsistent with any applicable species conservation and action plan or any heritage management plan;
 - f. that the siting and timing of the filming activity, as far as is practicable, minimizes the impact of the activity on the natural and cultural heritage values of the area and on the public enjoyment of the area.
- 3.2.4 The FAP must be satisfied that the filming activity will be carried out by the feasible number of persons who could easily carry out such an activity. The applicant may be asked to reduce film crew size if deemed essential.
- 3.2.5 Where the proposed location is deemed inappropriate, the FAP would assess whether there is no other feasible location to carry out the activity. If practical, the FAP will assist the applicant by giving advice and support on possible alternative locations.

4. Conditions

4.1 Compliance with laws

- 4.1.1 Filmmakers must comply with all applicable laws. It is the responsibility of the permit holder to make themselves familiar with all applicable laws, including those regarding wildlife, labour and immigration. Most laws of Botswana can be accessed through www.elaws.gov.bw.

4.2 Citizen participation and empowerment

- 4.2.1 Foreign filmmakers must make an undertaking as part of their applications to identify and collaborate with locals; in as far as it is feasible.
- 4.2.2 It is important for filmmakers to utilize locally available skills and contribute towards local economic development and other endeavours by government. For example, filmmakers with or without bush experience are encouraged to employ local guides and enlist qualified citizens into their professional filming crews; or otherwise show reasons why they cannot.
- 4.2.3 MENT will, as far as possible, liaise with the department responsible for internships to encourage citizen graduates who may be interested in filming to consider attachments with filming companies as and when opportunities become available.

4.3 Compliance with Permit

- 4.3.1 Permit applications must include the intended use(s) of images captured and images must only be used for stated and approved purposes.
- 4.3.2 A filming permit shall only cover one filming project (whether it is a series or stand-alone film); not multiple films.
- 4.3.3 MENT reserves the right to review any final public copy of a film; and this may be set as a condition within the permit.

4.4 Term

- 4.4.1 The term for filming permits is variable but limited and will be set in the permit.
- 4.4.2 Applicants are encouraged to request term lengths that will provide a reasonable amount of time for them to complete their proposed film shoot while accounting for variables such as weather conditions and scheduling.
- 4.4.3 A filming permit shall only be extended upon submission of a rough footage **or** full progress report with verifiable evidence that production is actually taking place. An additional fee for the extension shall apply.

4.5 Accreditation

- 4.5.1 The copyright of film footage and photographs resides with the filmmaker/ photographer.
- 4.5.2 Where acknowledgement is due for any assistance provided by Botswana government, the following credit shall be displayed:

Produced with assistance of the Government of the Republic of Botswana

- 4.5.3 The location of the filming will be acknowledged in the following way:

Filmed on location atNational Park / Historic Site, Botswana (as applicable)

- 4.5.4 In the case of photography, the location and name of the relevant park or reserve should be specified in the caption.

4.6 Suspension or Halt to Film Production

- 4.6.1 The Ministry reserves the right to review a filming permit and associated conditions. For example, filming activities may be halted where a fire danger exists or there are concerns regarding a culturally or environmentally sensitive area. Moreover, some unforeseen circumstances like continuous wet weather may arise, which present immediate threats to habitat, wildlife or public safety.
- 4.6.2 In any of those circumstances, MENT may suspend or order the cessation of any or all of the film production activity; and no further film production would be undertaken without written approval from the Ministry.
- 4.6.3 The permit holder will not be entitled to any compensation, in damages or otherwise, if any film production activity under the permit is suspended or ceased.

4.7 Public consideration and safety

- 4.7.1 National Park and Game Reserve users and staff shall not be unduly inconvenienced by restricted access to areas where filming may be taking place.
- 4.7.2 Film crews are not allowed to close any part of a site or ask visitors to move out of shot while a site is open to the public.

- 4.7.3 Botswana's wilderness areas and heritage sites are available for the enjoyment of all, so filming must not in any way disrupt the visitor experience.
- 4.7.4 The filmmaker shall be responsible for the safety of any staff or crew under their guidance, and should be prepared to address medical emergencies and initial search and rescue operations at their expense. This would also include responsibilities such as traffic control that may require special training and safety equipment (e.g. high-visibility vests). Some locations will not have reliable cell phone service.

4.8 Insurance

- 4.8.1 The Applicant is required to have adequate insurance cover for themselves and their equipment, as is the case with all commercial undertakings. This includes general public liability insurance, and medical emergency evacuation cover when working in remote areas.
- 4.8.2 MENT shall not be liable for any loss or injury to the applicant's party or equipment.
- 4.8.3 Higher insurance coverage may be required depending on the scale of the activity, nature of the activity, location of the activity, the potential risk of injury to the general public and potential environmental impact.

4.9 Animal welfare and ethics

- 4.9.1 Any filming activity shall be abandoned (and scene vacated) if animal subjects show signs of abnormal distress.
- 4.9.2 Permit holders shall ensure that filming does not disrupt hunting techniques for prolonged periods such that it becomes impossible for the animal to feed itself.
- 4.9.3 Use of sound recordings to attract any species is prohibited.
- 4.9.4 Darting of animals for filming purposes is forbidden under any circumstances.
- 4.9.5 The use of lights to film any sequence involving predators and prey in a hunting and hunted situation is strictly forbidden; except where professional infra-red lighting which is invisible to animals is used.
- 4.9.6 If permission has been granted to film after dark, such filming should where possible be accomplished with NO LIGHTS by resorting to use of technologies like image intensifiers and infra-red lighting.
- 4.9.7 In circumstances where it is impractical or unsafe to film certain biological processes or animal behaviour in the wild, the use of captive animals to portray what happens naturally in the wild may be allowed through a special permit. However, it should never be claimed

that the captive sequence was actually recorded in the wild or in the actual location depicted in the film.

- 4.9.8 The use of captive animals shall only be permitted on approved captive facilities, with permission from the Department of Wildlife and National Parks (DWNP). The DWNP officials will, at any time, be permitted to visit and inspect the site where the captive animals are being filmed.
- 4.9.9 Only licensed professionals are allowed to capture wildlife. The involvement of filmmakers in capture operations is forbidden. Where the filming of a wildlife capture is necessary, it shall be done under supervision of a DWNP approved Veterinary Officer and the filmmaker shall in no way interfere with the capture process.
- 4.9.10 The filmmaker shall, under no circumstances, be permitted to ask for sedatives or tranquilizers to be used on any animal in order to obtain a sequence.
- 4.9.11 Baiting of animals to obtain footage is strictly prohibited.
- 4.9.12 Out-of-vehicle filming is not allowed inside Protected Areas unless special permission to that effect has been granted by the Director of Wildlife and National Parks and endorsed on a supplementary permit.

4.10 Site protection

- 4.10.1 Filming crews must ensure they don't cause any damage to national monuments.
- 4.10.2 Equipment should not be attached to any part of a monument.
- 4.10.3 All lighting, tripods and any other structures must be freestanding and have rubber footing to avoid any damage to the monument; For example, freestanding counterweighted rigs may be used for overhead camera shots.
- 4.10.4 Nothing must penetrate the ground so as to protect any undiscovered archaeological artifacts.

4.11 Special effects

- 4.11.1 Use of special effects such as foam, smoke, liquids and other effects is prohibited.

4.12 Unmanned aerial vehicles

- 4.12.1 Requests to use unmanned aerial vehicles (UAVs) will be considered on a case-by-case basis.
- 4.12.2 The UAV shall be operated in accordance with applicable Civil Aviation Authority of Botswana (CAAB) regulations, and any UAV brought into the country needs to be

registered and licensed by CAAB before use.

4.13 Copies of finished productions or publications

4.13.1 Filmmakers are required to provide 10 copies, free of charge, of the finished production or publication for purposes of education and information only. MENT may utilize the production or publication for its own or government promotional purposes but will not charge a fee for the viewing of such a production. However, the ministry may at the application stage negotiate broadcast rights of whatsoever nature including television, radio, internet, and social media.

4.14 Fees

4.14.1 Permits shall be issued only when the required fees, as may from time to time be stipulated, have been paid to Government.

4.15 Additional Conditions

4.15.1 Additional filming conditions specific to any Protected Area, site or activity may apply.

4.15.2 The additional conditions will be discussed with the Applicant first; and then attached to the existing permit.

4.16 Variations

4.16.1 Variations to permit conditions may be negotiated. Significant variations will require that a new permit be issued, along with associated fees.

4.17 Film Site Monitor

4.17.1 MENT reserves the right to appoint a Film Site Monitor for selected productions, who shall act as the on-site representative for the ministry, and be responsible for monitoring film production activities, ensuring compliance with permit conditions, facilitating communication between MENT and the filmmaker, as well as and approving minor changes to the conditions in the permit.

4.17.2 Where a Film Site Monitor is assigned to monitor the shoot, the filmmaker may where appropriate need to provide them with a radio so that they can be in contact while on site.

4.17.3 The Film Site Monitor shall be independent from the rest of the film crew. As such, MENT will cater for his/her transport, accommodation, food and any other necessities.

4.18 Financial Guarantee

4.18.1 Filmmakers will in due course be required to post a financial guarantee or bond with MENT prior to the commencement of any filming activity. The financial guarantee is to

ensure diligent *bona fide* use, site restoration, clean up, payment of monies owing and compliance with the provisions of the filming permit. The posted guarantee will be set depending on the scale and term of the film production, anticipated impact and risk; as well as estimated cost to the country should the park or any proposed site suffer any modifications or damage from filming activities.

- 4.18.2 The financial guarantee will be refunded to the filmmaker after all permit conditions have been met, including payment of fees, satisfactory clean up and restoration of the permit area, and deposit of finished productions or publications. Part of or the entire guarantee may be retained to cover any unexpected costs due to the filming activity.