

Botswana APRM Popular Sensitisation (BAPS)
Zoom Online Civil Society Working Group Meeting
Tuesday 9 June 2020, 14:30-16:30

Report by Nhlakanipho Macmillan Zikalala

Welcome Remarks:Mr Kaelo Mokomo

Mr Kaelo Mokomo made welcome remarks on behalf of Botswana Council of Non-Governmental Organisations (BOCONGO). He expressed his gratitude at being part of the meeting and mentioned this is a platform of learning and sharing. Mr Mkomo stated that BOCONGO will continue to give all the support needed to enhance the participation of civil society organisations (CSOs) in Botswana's APRM process.

Dr Rachel Mukamunana, Country Coordinator, APRM Secretariat

Dr Mukamunana expressed her excitement and enthusiasm to engage with the CSOs in Botswana. She proceeded to give a brief background on the APRM and stated that it was established in 2003 as a move to monitor governance issues across Africa. There are currently 40 member states, the last one being Seychelles to have acceded on 8 February 2020. The aim is to make sure that by 2023 all African countries would have acceded to the APRM. Civil society makes up a group of principal actors that can demand proper governance. The Focal Point reports to the head of the state in terms of the implementation of the APRM. She mentioned that the APRM Secretariat is waiting to see who is going to be Botswana's representatives on their the National Governing Council. In closing, Dr Mukamunana extended a vote of thanks to SAIIA for their commitment in supporting the APRM, especially in the SADC region. She then closed by saying the APRM Secretariat is counting on CSOs in Botswana to make this an effective process.

Presentation of Key Governance Issues in Botswana – Steven Gruzd, Programme Head: African Governance and Diplomacy at the South African Institute of International Affairs (SAIIA)

Mr Gruzd's presentation was informed by the results of an online survey that was conducted by SAIIA and BOCONGO for CSOs in Botswana. He began by acknowledging that the number of participants was not vast (24 respondents) and therefore did not reflect what everyone in the country thinks, but it is a good number to start assessing what are the most important issues. These responses were from the Botswana Centre for Public Integrity, Success Capital, Young 1ove Organisation, University of Botswana, Botswana Federation of Trade Unions (BFTU), Kgasongo Association, Window Of Hope Centre, Botswana Watch Organization, Organization For Youth and Elections in Botswana (OYEBO), Civic Commission for Africa, Stereo-Types Society, Men and Boys for Gender Equality, BW YALI Network, Phemo Local Government Association, Botswana Association of Local Authorities, Environmental Heritage Foundation, Class Volunteers Foundation, Infers Group, Phikwe Network, Ngamiland Council of NGOs, Kalahari Conservation Society, BOCONGO, and the Chobe Arts Association.

The methodology of the survey was not scientifically based and there were no pre-determined choices, allowing respondents to raise any governance issues that they wanted. This however meant that the issues had to be evaluated manually as the online survey could not sort open-ended answers. About 20 major issues were identified and the aim is to take them down to 12 towards the drafting of the Civil Society Organisations' APRM Submission. Listed in a descending order (beginning with those that dominated the survey), the issues that seem to be of concern to CSOs in Botswana include the following:

Separation of Powers

The issue of separation of powers dominated the survey with CSOs stating that there needs to be an examination of the doctrine of separation of powers vis-à-vis the three arms of government and functionality thereof. It was observed that upholding the separation of powers must include the protection of the independence of the judiciary and of an effective legislature. CSOs expressed that parliament lacks independence, in that it has limited checks and balances on the cabinet and the President. Parliament members are to some extent regarded to be puppets of the Executive arm of Government. CSOs stipulate that most policies are Presidential directives, not grounded in communities.

The Executive is endowed with overarching powers, specifically, section 41 of the Botswana Constitution which grants the Presidential immunity. This leads to impunity and abuse of office. Furthermore, section 47 provides that the President is not obliged to follow advice tendered by people or authority, which undermines democracy. Moreover, it was stated that leaders behave like celebrities, in such a way that they look down on communities. The only time they seem to care is during vote harvesting times towards elections. CSOs reasoned that there is a need for a Constitutional Court, Constitutional Review, and they expressed deep concerns over the absence of a Declaration of Assets Law.

Citizen Participation and Inclusion

There is a lack of effective citizen consultation in the decision-making process, in that decisions are made first and thereafter communities are just engaged to be told about those decisions. There is a need for citizen empowerment, which must be understood beyond economic activities. Citizen empowerment includes cultural and political empowerment and ensures citizen participation in a bottom-up manner, in the formulation of national policies and programmes, to encourage broad-based participation and ownership. In this way, the people are involved in identifying, designing, implementing, evaluating, and monitoring programmes and policies that directly affect them. Societal dialogue is needed to get consensus and resolve disputes to avoid conflicts. Decision makers need to understand that importance of feedback mechanism to reinforce decisions and monitoring of implementation of policies. Furthermore, Civil Society needs to be strengthened so that it can be a watchdog for communities. Moreover, there is a lack of civic space, many CSOs are shut down by government as they raise thorny issues. This is coupled with limited funding for CSOs and they struggle to achieve their intended goals. The government has not been proactive in fulfilling the provisions of the existing NGO policy.

Sustainable Economic Development

There is a lack of effective local economic development. Economic resources need to be used to the benefit of communities, not only at national but also at district level to reduce inequalities. Regarding Economic Diversification and Economic Justice, CSOs reasoned that there is a need for a fair distribution of wealth. Land reform issues were raised as concerns in relation to a long wait for allocation, inequitable ownership and access, tenure and security as well as access to national resources and opportunities.

Education

Poor education results need to be addressed, especially public schooling where there is low quality of teaching and curricular deficiencies in terms of the skills the country needs. There is corruption in the Education sector. It is important to understand that recreation is an important aspect of education, as well as creativity and leisure. There is a need for tertiary education reform to be in line with the fourth industrial revolution. Moreover, mother tongue instruction is important so that everyone can be accommodated.

Poverty and Inequality

Botswana is the third most unequal country in the world according to the World Bank Report, 2010. This is influenced by the fact that the gap between the haves and have-nots is very high. Poverty is still high despite being an upper-middle income country. People in the rural areas experience poverty the worst. There is a perception that justice is for the rich, money distorts fairness. This is coupled with a gap between social security and social protection. The economy is not diversified enough and there is need to assess and evaluate existing programmes.

Corruption

It is worryingly that corruption is growing (“rampant”) in Botswana. It is largely influenced by lack of transparency and accountability and lack of institutional governance. It is submitted that information about tenders is shared amongst public officers to disadvantage the private companies which they are competing with. There is a need to have strict laws put in place to curb corruption matters. It is important to have clear identification of various types of corrupt practices and effective tools put in place on how to deal with such. Corruption partly stalls growth. In dealing with corruption, it is important to ask whether are the systems weak or is corruption embedded in the system? A solution is that there must not be a show-trial attitude towards previous corruption and the government should set up a strong and empowered Whistle Blower Protection Office.

Access to Information and Media

Access to information is very important for CSOs and the unavailability of information when requested from government offices raises a lot of concerns. There is an absence of a Freedom of Information Act, which makes it difficult, for citizens, CSOs, and journalist to navigate across different spaces and access the required information. Furthermore, expenditures of the budget are never shared with the public yet the Budget Speech is made to the public. It was observed that there should be more regulations on media independence and freedom to enable self-regulation. Currently, there is more dramatic Media with few investigative skills and there is a lack of community radio stations, this amounts to censorship. Additionally, the Government Media should be turned into a non-partisan public broadcaster.

Accountability and Transparency

Accountability is about ensuring accountable, efficient, and effective public office holders and civil servants. It also includes fighting corruption in the political sphere. In general terms, the country is not transparent and does not account to its citizens. It is not part of transparency mechanisms like the Open Government Partnership (OGP) and the Extractive Industries Transparency Initiative (EITI), this has led to blacklisting by the EU, a respondent contended. There is a need for better public procurement and accountability in relation to more effective checks and balances that are necessary to ensure minimal violations of set statutes. Transparency at all levels of government is key to ensuring integrity and proper governance, particularly when dealing with national resources. There is poor governance of public enterprises which drains Government resources.

Natural Resource Governance

Understandably, the extractive sector represents the economic backbone of the country. There is a veil of secrecy and government does not seem to be able to control the sector. Mining affected communities bear the brunt of pollution (air, water, and soil) from mining companies. Mining companies do not consult the local communities during mining commencement and operation. It is worth looking at a Community-Based Natural Resource Management (CBNRM) Act, which would strengthen communities in their bargaining power, clarify roles by different Government arms. There must be an inquiry in terms of how the Government is ensuring that citizens largely benefit equitably from national resources, like diamonds. There is too much tolerance of influence peddlers in the resource economy. There is need to examine further issues such as climate change, sustainable use of resources and innovative technologies.

Vulnerable groups – Women

Gender equality is a problem, in that female participation in politics is at its lowest even after Botswana signing the SADC Gender Protocol that supports a 30% representation of women. There are pressing concerns about gender-based violence, which warrants a need for the re-examination of existing policies and programmes related to efforts to curb GBV. This is linked to failed sincere attempts at gender equity. Sexual reproductive health was raised as a concern as girls and women end up doing unsafe abortions due to no legalisation of abortion in the country and prevalent numbers of HIV/AIDS of girls and women.

Human Rights

The Government should work more towards promoting and protecting economic, social, cultural civil and political rights as enshrined in all African and other international human rights instruments. This includes promoting the rights of women and mainstreaming gender equality as well as the promotion of the rights of young people and all vulnerable groups. Assuring justice can be expensive and a vast majority of people can not afford lawyers. Furthermore, businesses, especially multinational corporations, do not always respect human rights and there are allegations of human rights abuses and violations. There is no law on the promotion and protection of human rights defenders currently, and human rights defenders from all spheres of life face reprisals. The death penalty still prevails in Botswana.

Monitoring Policy and Conflicts of Interest

There is explicit concern around the monitoring, evaluation and transparent execution of projects. This is accompanied by weak policy and project implementation mechanisms. Feedback mechanisms to reinforce decisions and monitoring of implementation of policies are not enabled sufficiently. There is failure to implement state preparations for a role in a human capital-based economy, which amounts to a denial of essential services. There must be a clear definition of conflict of interest and how to handle it.

Public service

Public employees are “tenderpreneurs” inasmuch as they are the tender administrators and implementors which blocks private businesses from participating in the economy. There is a need for public sector reform to deal with segregationist policies which influence preferences on tendering and appointments in high positions. Other issues include the appointment of key officials and lack of evidence-based policies, in that ministries have weak research units which do not contribute much to the policy making process. Moreover, there is a failure to separate strategic, tactical, and operational levels of public service.

Oversight Bodies

It is submitted that strong institutions and not strong men guarantees accountability and good governance. Therefore, there needs to be a strengthening of operational independence of oversight institutions. In particular, Parliament should have a greater role in the appointment and dismissal of key accounting officers of institutions such as Auditor General, Botswana Unified Revenue Service (BURS) the Ombudsman, Directorate on Corruption and Economic Crimes (DCEC), Directorate of Public Prosecutions, Financial Intelligence Agency, and the Independent Electoral Commission. Currently, they lack independence, and many report to the Office of the President. Importantly, there needs to be compliance to internationally set standards on corporate governance, especially with application to oversight institutions.

Vulnerable Groups - Youth

Respondents expressed concerns about the marginalisation of vulnerable groups. It was reasoned that there is a lack of youth inclusion in national and local government decision-making bodies. Implications of this include the fact that non-inclusive political structures perpetuate social inequalities. The youth are, to a great extent, left behind in planning and programming. The issue of youth unemployment and mismatching of skills needs to be addressed in more detail.

Health

The most important issue here is Public Health and Welfare: a healthy nation as an asset and a basis for sustainable development. Access to quality health care is a human right that should be extended to all

citizens. Corruption in the health sector should be addressed. Managing HIV/AIDS and COVID-19 has exposed important gaps. Furthermore, infrastructural development in this sector is still an issue. There are expressed concerns over education and training needs as well for public health professionals. Some CSOs mentioned the need for non-discriminatory health care service based on sexual orientation.

Political Parties

There is a lack of political education by political parties, which includes teaching their members about the electoral act, and local government structures to enable them to prepare for public office. Accountability is an issue related to no performance monitoring for leaders. Politicians represent parties and there is no way the parties monitor them. Furthermore, Internal democracy is encouraged from political parties; some parties have had the same leaders since inception/rebirth and that inhibits growth or participation in leadership by other members of the party. Furthermore, the lack of political funding results in political parties seeking funding from dubious sources and in effect makes politicians for sale for those seeking influence. Moreover, parties without strong financial muscle cannot compete favourably with the ruling party.

Unemployment

This is one of the most important issues. The country is still battling with the creation of employment. Notably, a significant number of young people are unemployed as the small economy cannot absorb them. Citizens are concerned with unemployment & entrepreneurship.

Laws and Constitution

There is an expressed concern about outdated laws and policies. Other issues include justice and Illicit Financial Flows (IFFs). As a result, Botswana's tax regime is not fair and progressive. Some tax laws are outdated and very porous as they facilitate public resource leakages. Furthermore, constitutional review and amendment is need to bring it up to date with current developments in the nation, and in particular to incorporate second generation rights and freedoms.

Low mentions

- Review Electoral System
- Decentralisation, Constituency Offices
- Crime and security – Tribalism, Conflict, High Military Expenditure
- Corporate Governance – Role of Boards, CEO, Chairman, Corporate Citizenship
- Foreign Policy – awe of Western Democracies and South Africa
- Natural Disaster Response Mechanisms
- Sex Education
- Research and Development
- Language and Ethnicity

Question by Rachel: The survey covers the APRM pillars. What is the objective of the survey? The survey has not identified a list of recommendations.

Steve: The objective is to see issues that come up the most and figure out the issues that are going to be in the Civil Society Submission. It is not intended as a scientific survey, but merely to allow the key issues of focus to surface.

Views from Zambia: Ms Susan Mwape, Director: Common Cause Zambia

At the beginning of the process, there was a large list of issues. Ultimately, we tried to cluster them according to the expertise of CSOs and the 4 thematic areas of the APRM. There were issues that came up but did not make it to the final submission. For example, one issue that came up the most was Police brutality, but it did not have evidence and backing so it was abandoned along with other issues that did not have evidence. This meant that we had focus on issues that were informed by evidence. My advice is that since organisations are already working together, it is important to look at the availability of information. This should be informed by a combination of information and passion.

Views from Namibia: Mr Graham Hopwood, Executive Director, Institute for Public Policy Research, Namibia

Mr Hopwood stated that in Namibia, Civil Society ended up with 13 issues instead of 12. There was an advantage that CSOs met face to face. This is impossible in the short term for Botswana due to the COVID-19 outbreak. Meetings held in Namibia were traditional types of workshops. Key issues that came out of the submission were gender-based violence, inequality, corruption, and land. Notably, land did not come up so prominently in the list of Botswana issues and perhaps this is informed by different experiences of colonial history between Botswana and Namibia. The issue of access to information also came up in Namibia because CSOs thought of this as an enabler for it to be able to do its work.

Choosing the 12 key issues for Botswana's CSO Submission and Next Steps. Discussion and Q&A

What could be important is to try and come up with the most important issues and to delegate work according to expertise. Let us share ideas regarding the survey.

Tumelo: Tumelo stated that he would like to comment on the separation of powers and corruption. In doing so he observed that CSOs should not be making suggestions that critical of the Government. What is important is that the CSO submission should adopt a problem-solving approach. He mentioned that he identified traditional knowledge and nutrition as being of paramount importance as issues. CSOs should be focusing on psychological and physical issues instead of attacking the Government.

Robert: What are the modalities out of the range of issues? Should we vote on the most important issues and how will this deal with the fact that we have different mandates? Corruption and Accountability need to be considered mutually exclusive.

Steve: The tone of the report that Tumelo is suggesting is good but CSOs should not be scared of approaching the Government, but then again it is your report you have the liberty to choose which narrative to take.

Simasiku: The tone should not be directed at pleasing the Government and CSOs should not always work on issues that the Government is working on. If we are scared to put together specific issues we won't be doing ourselves justice, and as CSOs we shouldn't feel intimidated to address our concerns.

Steve: Maybe we should do another survey where CSOs can rank the issues.

Galaletsang: We should also focus on issues that are not commonly discussed. We should ask ourselves this; what are the hidden issues? I do not want to add on existing issues, I am just referring to the fact that some of the issues at the bottom of the list are as important as those that are at the top.

Game: I agree with Galaletsang, in that issues that are not identified as being priorities should still be given the importance they deserve.

Yarik: It is important to remember that we have limited space. Even if an issue is mentioned once, it is still okay because what matters is the expertise and evidence available to work on that issue.

Closing Remarks – Dr Bashi Mothusi from the University of Botswana

The issues that have been presented here are not a surprise. What has been presented here is what I expected to hear from the colleagues. It was a pleasure to be here and I am looking forward to the next session where we rank all the issues according to available information and expertise.

ENDS