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**Alternative Report Submitted to the  
UN Committee on the Elimination of All forms of Racial Discrimination  
(CERD)  
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**1. Introduction**

In August 2002, RETENG: The Multicultural Coalition of Botswana submitted a shadow report to CERD on racial discrimination that is enshrined in Botswana laws and practices, which have led to the endangerment of many of the countries languages and cultures and subjugation of many non-Tswana speaking peoples by the politically dominant Tswana. In its Concluding Observations of the Sixty-first session (5-23 August 2002), CERD stated in paragraphs 300 and 301 as follows:

**300.** The Committee expresses concern that sections 3 and 15 of the Constitution do not fully respond to the requirements of article 1 of the Convention. In particular, section 15 permits many derogations from the prohibition of racial discrimination, for instance on the basis of laws, such as the Tribal Territories Act, which were in force before the coming into force of the Constitution. The Committee recommends that the State party review these provisions.

**301.** The Committee is concerned by the discriminatory character of certain domestic laws, such as the Chieftainship Act and the Tribal Territories Act, which only recognize the Tswana-speaking tribes. Other tribes, especially the Basarwa/San peoples, are reported to suffer from cultural, social, economic and political exclusion, do not enjoy group rights to land, and do not participate in the House of Chiefs. Noting that the amendment of sections 77 to 79 of the Constitution is currently in process, the Committee recommends that recognition and representation of all tribes in Botswana on an equal basis be ensured in the Constitution, and that the Chieftainship Act and the Tribal Territories Act be amended accordingly.

1.2 The goal of this submission is therefore to provide an assessment of the extent to which the State Party has responded to the above stated recommendations and complied with the requirements of the Convention.

1.3 With regard to any background information on the economy and so on, not much has changed and we therefore refer the Committee to our 2002 report. However, it is worth noting that school fees were introduced in January 2006 and this will negatively affect access of rural poor communities to secondary education. The local currency was devalued by 19,5% in 2005 reducing the purchasing power of ordinary citizens due to high prices.

1.4 On a positive note, a Bill abolishing marital powers was passed by Parliament in April 2005 and it was welcomed by most gender oriented organizations.

## 2 Non Compliance

2.1 The Chieftainship Act, the Tribal Territories Act and Section 15 of the Constitution have not been amended and there are currently no plans to do so.

2.2 The Amendment of Sections 77 to 79 of the Constitution has not achieved recognition and representation of all tribes on equal basis in the House of Chiefs. A detailed assessment of the shortcomings of the Bill is here attached as **Appendix 1 (page 5)**.

2.3 In **Appendix 2 ( page 12 )**- we present a set of other laws that enforce racial discrimination of the non-Tswana tribes with regard to land, chief and language, based on the definition of tribe, chief and territory stated in section 2 of the Chieftainship Act.

2.4 In **Appendix 3 (page 18)**- we provide the practical situation on the ground on specific ethnic groups as they face discrimination with regard to land, language and chieftaincy.

2.5 In **Appendix 4 (page 25)**- we provide two options as possible solutions to the problem. Option One is the preferred as stated in this document.

## 3. Conclusions

3.2 Botswana continues to enforce racially discriminatory laws with impunity. It has launched an international campaign to be accepted as a legitimate case in which racial discrimination should be permitted.

3.3 The majority of the peoples of Botswana (including some Tswana) are not happy about the government's position on this matter and as a result, government has lost credibility among citizens.

- 3.4 The government has become insensitive to public opinion and Parliament is now known for serving the interests of the ruling party and not of the people. It is Parliament under siege in which individual members of the ruling party are not permitted to express their views, but those of the party.
- 3.5 The general state of democracy has deteriorated considerably over the last decade with regard to the rule of law, corruption and general aggression on citizens.
- 3.6 Billions of US Dollars have been spent on suppressive tactics and silencing mechanisms. This money could be positively utilized to nurture the diversity of cultures and languages in the country.

#### **4. Recommendations**

- 4.1 We implore CERD to take a position on one of the two solutions provided in Appendix 4 - and work with the Government towards its implementation over the next several years.
- 4.2 Measures which usually apply to non-compliant State Parties should be considered.
- 4.3 CERD should urge government to develop a pilot program in mother tongue education for at least three linguistic groups and seek for donor funds to implement it.
- 4.4 Other languages should be used on national media for news and other items, not just during the elections but consistently.
- 4.5 The Basarwa should be allowed to go back to their ancestral lands in the Central Kalahari Game Reserve, and services should be restored. According to the 2001 population and Housing census, there were 689 people in the CKGR. This number can be well managed to protect wild life.
- 4.6 The judgment on the Wayeyi court case should be enforced and tribes which have designated their chiefs should be admitted to the House of Chiefs.
- 4.7 Forced relocations in general must be stopped and alternative ways of dealing with new settlements, resulting from population growth, should be found.

- 4.8 A coroner should be appointed to investigate the death of the Wayeyi Chief.
- 4.9 Botswana should be encouraged to include ethnicity and language data during the next population and Housing census in 2011.

**Appendix 1: Botswana Parliament Passed a Racially Discriminatory law  
Constitutional Amendment Bill No. 34 of 2004**

On April 14, 2005 Botswana Parliament passed Bill No. 34 of 2004 to amend Sections 77 to 79 of the Botswana Constitution, which recognize only the numerical minority Tswana speaking tribes and gives them all economic, social and cultural rights including automatic admission to the House of Chiefs at the exclusion of the numerical majority of non-Tswana tribes. As a follow up to its previous recommendations of August 2002, and the communication from the Rapporteur on Racial Discrimination of March, 2004, the Committee on the Elimination of Racial Discrimination issued a letter dated March 10, 2005 bringing to the attention of the Government of Botswana the need to have a Bill that will eliminate both direct and indirect discrimination. It further called on the Government to engage in dialogue. Local and International NGOs made recommendations to improve the Bill but despite these efforts and wide spread concerns expressed in the country about its entrenchment of racial discrimination in the constitution, the government forged ahead.

**What does the Bill Provide?**

1. The translation of the definitions of 'chief' (from the Chieftainship Act) from English to Setswana (kgosi<sup>1</sup>) has now been made part of the territorial phenomena (from the Tribal Territories Act), in which all former 'tribal territories' have now resumed the names of the eight Tswana speaking tribes. In other words, names of tribes which were stated as nouns are now morphologically transformed into locatives by adding 'Ga- or Goo-' before the name of the tribe or '-ng' at the end of the tribal name. In Setswana, such locatives carry the double meaning of both the name of the place and the people to whom the place belongs. For instance GaMmangwato means the land of the Bangwato tribe, while Goo-Tawana means the land of the Batawana tribe and Tloweng means the land of the Batlokwa tribe. Semantically therefore, this morphological exercise is a continuation to recognise the Tswana tribes and their sovereignty over the land at the district level at the exclusion of the non-Tswana. Since section 77 composes the membership to the House of Chiefs, Paragraph 11 therefore defines, which chief of which tribe, with land can be admitted to the House of Chiefs in accordance with their custom.
  
2. The Bill maintains the three unequal ethnic categories created during the colonial rule as follows:

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<sup>1</sup> Kgosi means chief - in Setswana it includes all the ranks, from paramount chief to headmen. This is why the government chose to use it so that the different treatment given to different tribes is not easy to detect as it is in English.

a. Chiefs from Tswana speaking areas are designated in accordance with their custom of permanency and hereditary at the District level (called *dikgosi*). The names of their areas reflect their ethnicity hence recognised as tribes. In official discourse referred to as 'Kgosi kgolo ya + name of the tribe. (For instance, kgosi kgolo ya Bangwato, meaning paramount chief of the Bangwato tribe and so on). In practice, they are consulted by government on all decisions affecting the lives of the people within the district and if they agree, the decisions are implemented without the input of the non-Tswana in those districts even if they are the only affected (**Paragraph 11 reflects this status quo, and there is no change**).

b. The Sub-chiefs of non-Tswana speaking crown lands, are elected by the House of Chiefs or Senior Chiefs' representatives in the area (and not the People) at the District level and are also called *dikgosi* (chiefs) However, since they are not designated according to customs of their tribes, and are not representing a particular tribe, they are in reality sub-chiefs. Further the names of their areas do not reflect their ethnicity and therefore the tribes are not recognised. In official discourse, they are referred to as ' Kgosi ya (chief of) + the name of region. For instance, kgosi ya Chobe, Masunga, Kgalagadi and Gantsi, but not 'kgosi ya Bekuhane, Bakalanga, Bakgalagadi and Basarwa' respectively. Of significance here is their non-recognition as chiefs of the ethnicities they come from. They receive a lower salary than the Tswana chiefs they report to. Further they do not make decisions affecting their people, but implement decisions made by the Tswana Chief. For instance in Kgalagadi South, it would be chief of the Tswana speaking Bangwaketse who can make decisions, while in Chobe, it will be the Chief of the Batawana. Since they are 'elected' by other chiefs under the supervision of the Tswana chief, they are in most instances not the rightful chiefs of the tribes or the preferred choice of the residents. They are picked on the basis of political affiliation. For instance, in Chobe, the rightful chief Sinvula was rejected and Chika was advocated for by government agencies in an election in which only four senior chiefs took part (see appendix 3). Their term expires after five years, and those who have changed their political orientations have not been re-admitted, as government would usually de-campaign them. Essentially these are not chiefs but employees in the tribal administration under the Tswana chief, since chiefs are not elected or handpicked by governments. (**Para 12 (4) reflects this status quo and again nothing has changed from the past**).

c. The third category is that of representatives elected by electoral colleges ( a group of headmen in the region). They are paid headmen (*dikgosana*) (literally meaning small chiefs) who do not represent any tribe but a region and they are not elected by the people from the area, but other headmen in the presence of the Tswana paramount chief described in category (a) above. For two weeks, while the House meets, they would be referred to as *dikgosi*, however, they remain

headmen when they are back at their duty stations. In official public discourse they are referred to as *'kgosana ya motse wa* (small chief of village + name of the village ( e.g. *kgosana ya motse wa Kavimba*, that is headmen of Kavimba village). Their salaries are much lower than the two categories above, and they cannot make any decisions but only implement those decisions made by the Chief in category (a) above. They are referred to by the name of the Tswana ethnic group that dominates them. When the non-Tswana elect headmen at the community levels, the Tswana chief must approve them before they are paid by government. Most of the non-Tswana regions fall under this category. Equally, these are not chiefs, but employees of the tribal administration (paragraph 12 (2) reflects this status). This category is an extension of elected members in the old order and they have been increased from three to 22. **This is the only change in the entire constitutional review, apart from transferring the discrimination from the Chieftainship Act and the Tribal Territories act into the constitution as stated above.**

3. Essentially the review exercise was meant to protect the discrimination and consolidate Tswana supremacy over other tribes.
4. The admission of sub-chiefs and headmen to the House of Chiefs, therefore does not suggest equality in any way, especially with regard to decision making at the district and regional levels, and this has had a negative impact on the economic and socio-cultural development of the non-Tswana.
5. The new law transfers the discrimination (through the concepts of chief, tribe and land) that is in the Chieftainship Act, and the Tribal Territories Act into the constitution to make then difficult to challenge in a court of law in the future. This is a regressive and oppressive step, rendering the legislation anti-human rights.
6. The law is not simply admitting representatives in the House of Chiefs, but it first recognizes the eight Tswana speaking tribes and provides them the right to territorial sovereignty (e.g. GaaMangwato - denoting the recognition of the existence of the Bangwato tribe and their land) and then admits their rightful chief to the House as one of the associated rights to recognition. The main agitation has never been simply about the admission to the House of Chiefs, but rather about recognition of all existing tribes and the accordance of the associated rights, such as the admission to the House.

7. It continues to foster tribalism with regard to Tswana supremacy over other tribes even more so than before, since the district names now reflect the names of the Tswana ethnicities, a direct contradiction to the claim that the amendment was meant to render the constitution tribally neutral.
8. The concept of regional representation is only applicable to the non-Tswana speaking regions, while the Tswana are admitted to the House on the basis of their recognized tribes.
9. Derogations in 15 4 (d) and 15 (9) of the Constitution continue to permit discrimination on the basis of ethnicity and language (paragraph 4, page B264) only sex is added.
10. It has scrapped off Section 14 (3) (c) which protects the right to free movement of the Basarwa (also known as the Bushmen), yet another regressive step into discrimination.
11. The non-paid Headmen are not eligible for election to the House. It is unjust to discriminate people of the same rank on the basis of payment.
12. The President nominates five members to the House, on no clear and transparent criteria.

**What are the practical effects of non-recognition?**

13. Constitutional NON-RECOGNITION of the non- Tswana speaking groups meant and therefore will continue to mean that:
  - The languages and cultures of the majority non-Tswana are **not** permitted for use in local schools, the media and all other social domains.
  - The curriculum excludes the histories, cultures, traditions, norms and values of the non-Tswana. Private schools are barred from departing from the centralized curriculum.
  - International donors have been discouraged from providing funding for the introduction of bilingual and multilingual education in schools in the past. As a result, monolingual education in either Tswana or English has resulted in high failure rates, high school drop out rates, high absenteeism, and low self-esteem of the students in non-Tswana speaking areas.
  - The Non-Tswana have no group rights to land and this has meant that they can be relocated at any time as long as the Tswana chief in their area

has agreed or as government pleases. Currently, four groups are facing imminent relocation against their will. They are not consulted on the use of land, since they have no chief to consult. This has negatively affected the economic status of the non-Tswana. The areas occupied by the non-Tswana lack basic social amenities such as schools, hospitals, and roads. The non-Tswana areas have the highest poverty levels, high unemployment rates, ravaged by disease and characterized by high illiteracy rates. The non-Tswana have to travel miles to villages identified as the district capitals of the Tswana to access services.

- The Non-Tswana are denied the right to designate their chiefs in accordance with their cultural norms and practices. If they did, such chiefs would not be recognized and not paid by the government, nor admitted to the House of Chiefs, nor can such chiefs be consulted on decisions affecting their people, e.g. on land use and relocations
  - The result of these policies and practices has been the polarization of the nation, assimilation and subjugation of the non-Tswana, and the endangerment of the languages and cultures of the non-Tswana.
14. The constitution of Botswana therefore, continues to endorse and protect racial discrimination. It continues to be a colonial document which gives rights with one hand takes them away with another as far as the non-Tswana are concerned. In public discourse, Government emphasizes those sections that prohibit discrimination (section 3) but puts in practice those sections of the constitution which promote and protect racial discrimination (sections 4 (d) and 15 (9)).
  15. The constitution of Botswana is in violation of the International Convention on the Elimination of Racial Discrimination, the International Covenant of Civil and Political Rights and the Universal Declaration on Human Rights which Botswana has ratified. The government has refused to engage in dialogue with the affected populations. It has misled the International Community that it shall amend the discriminatory laws, but instead, enhanced it.
  16. Government has instilled fear in Members of Parliament who come from the marginalized groups and used their voice 'of fear' to be representative of the people in their constituencies. Advocating the position of government has become the main way one gains a cabinet post, especially for Members of Parliament from minority tribes.

17. The Bill is an indication of the government's long standing desire to implement a philosophy of cultural genocide on the non-Tswana tribes **'if you want to get rid of a tribe, deny them of their identity, take away their land and kill their leaders'**.

### Conclusions and Way Forward

18. RETENG: the Multi-cultural Coalition of Botswana therefore shall continue to reject the Bill in its entirety since it has not brought about any significant change in addressing the discrimination.
19. We further maintain that the assimilationist model has failed to build a united and proud nation. The fact that members of this nation vow not to sing the national anthem is testimony to that. The so called 'peace' defined in simplistic terms as the absence of war, has been due to the unprecedented patience on the part of the non-Tswana and not due to government efforts. The government has done all it can to divide the nation into the visible and the invisible, the 'us' and the 'them' but the oppressed peoples have refused to wage a tribal war but will carry on with the struggle.
20. The solution is to **recognize** and admit chiefs of all tribes into the House of Chiefs and accord all tribes equal protection and enjoyment of all rights under the law (**see details in Appendix 4**).
21. We continue to appeal to CERD to take interest in the deteriorating state of democracy in Botswana. We believe that Botswana has a legal obligation to eliminate racial discrimination which the non-Tswana have suffered for so long and peacefully advocated for change.
22. We also wish to state that the current foreign policies, partnerships and alliances Botswana has developed are most valuable and should be encouraged and nurtured for the good of the country. It is on the basis of this good spirit of brotherhood, that we feel that the International Community should continue to encourage Botswana to take this opportunity to address the matter of racial discrimination as a positive step in strengthening its democratic tradition. They should continue to share good practice with Botswana on these matters.
23. Botswana is one situation where the International Community can practice preventive measures with greater success. We therefore, call for the assistance of CERD to raise its voice and call upon the International Community at this point in time and engage Botswana in constructive dialogue to improve Bill No. 34 of 2005 before implementation.



## Appendix 2 - Discriminatory Laws of Botswana

### **Introduction**

This document provides the legal context for the violation of the linguistic and cultural Rights of the Non-Tswana speaking ethnic groups in Botswana. The laws recognize and protect the rights of the eight Tswana speaking groups with regards to ethnic identity (which includes language and culture), land (which entails the economy and culture) and chieftaincy (which entails the governance and decision-making body). The constitution of Botswana and related laws is in violation of the International Convention on the Elimination of Racial Discrimination, the International Covenant of Civil and Political Rights, the Universal Declaration on Human Rights and the UN Declaration on the Rights of Persons belonging to Minorities, which Botswana has ratified.

All the Acts described in this report are in violation of the main spirit of Sections 3 and 15 of the Constitution. However, judgment on the Wayeyi case indicated that sections of the constitution cannot be declared unconstitutional. As a result of this judgment, the discrimination in the Chieftainship Act and all the other laws or Acts, relating to who is chief, tribe and who owns the territories (land) have been transferred into the constitution through Bill No. 34, in order to validate and protect such discrimination. This means that there are no domestic remedies the court can issue after the enactment of Bill No. 34. This is highly regrettable and clearly anti-human rights.

The discriminatory laws are as follows:

### **1. Chieftainship Act (CAP 41:01)**

#### **Section 2**

- This law predates independence (1933) and it defines the concepts of 'tribe' and 'chief' in section 2, and limits them to the eight Tswana speaking tribes at the exclusion of others. It states that the term tribe "*means the Bamangwato tribe, the Batawana tribe, the Bakgatla tribe, the Bakwena tribe, the Bangwaketse tribe, the Bamalete tribe, the Barolong tribe or the Batlokwa tribe*". *All these tribes speak Setswana as mothertongue*'. This means only these tribes and their chiefs are recognised by law in Botswana.
  
- It further states, "*Tribal territory means respectively, the Bamangwato, Batawana, Bakgatla, Bakwena, Bangwaketse, Bamalete and the Batlokwa tribal territories, as defined in the Tribal Territories Act, the area known as the Barolong Farms as described in the Botswana Boundaries Act, and any other area which may be added to any such areas by any enactment*". This law provides group rights to land to the Tswana at the exclusion of the non-Tswana who are in fact the earliest arrivals on the land.

## Sections 15 – 22

- The functions and powers provided for in these sections are exclusively enjoyed by the Tswana chiefs as a result of their recognition in the definition of ‘chief’ contained in Section 2 of this Act. These include the powers to recognise or terminate recognition of sub-chiefs and headmen.

## Section 16:

This section is worth highlighting because:

- It empowers the Tswana Chief to admit other tribes into his/her tribal territory.
- This assumes that all non-Tswana tribes are members of the Tswana tribes by this admission.
- In reality, no non-Tswana tribe, either individually or collectively, has ever made an application for membership to the Tswana tribe. The Tswana found all the non-Tswana in the country, hence it is not logical that such applications and in turn the admission could have been made or likely to be made.

## Section 20 (2):

- Empowers the chief to impose a headmen over the people without consultation with the people but only with the Minister. In practice this has happened only in non-Tswana speaking areas where the Tswana chiefs have imposed headmen onto the non-Tswana tribe. For example, Regent Kealetile and his brother Tawana of the Batawana tribe have imposed headmen onto the Wayeyi tribe in Seronga, Gumare and Tubu and Makalamabedi between 1997 and May 2005. The Bangwato chief imposed a headmen on the Batswapong tribe in 2004.
- In Tswana areas, headmen and other chief’s representatives are designated by consensus in accordance with their custom.

## Section 25:

- It reads *‘Notwithstanding any provision of any enactment to the contrary, no court shall have the jurisdiction to hear and determine any cause or matter affecting chieftainship. 2) For purposes of this section ‘ cause or matter affecting chieftainship’ means any cause, matter, question or dispute relating to any of the following: a) the designation of any person as a Chief or the claim of any person to be designated as a chief; or b) recognition, appointment or suspension of a person to be a Chief’* (page 14:10).
- This section bars the courts from hearing issues of chieftaincy. It closes all other legal forum other than the *kgotla*, where only the Tswana Chiefs preside over cases, from hearing disputes regarding chieftaincy. It is clear that the likely complainant would be the non-Tswana, as they attempt to assert their

- chieftaincy, and those to hear them should only be the Tswana chiefs in their *dikgotla*. This is not justifiable.
- In practice, the Magistrate and High Courts have heard such cases since section 81 of the Constitution provides them with the powers to hear any matter. This implies that the intention of section 25 of the Chieftainship Act remains unconstitutional.
  - In the Wayeyi court case (Misca 377/99), the Chieftainship Act was declared unconstitutional and discriminatory. A court order was issued to amend it to enable all tribes to enjoy all rights in this law on equal footing. The government has refused to implement the order from the High Court.
2. **Tribal Territories Act** (CAP 32:03) demarcates the country into territories as belonging to the eight Tswana speaking tribes and four crown lands. The Act is also a colonial law, predating independence. This law provides group rights to land to the Tswana speaking groups, while other tribes have no such right, but only individual rights derived from the Land Act of 1970 (revised in 1993 & 1999). As a result, the Tswana speaking tribes have both group rights (as sovereigns) and individual rights to land use. In theory, the non-Tswana have no land and it is often used as a reason why non-Tswana cannot have their own chiefs – ‘where will they get the land, this is our land’. *We derive our supremacy over other tribes because we own the land*’ asserted Kgosi Kwena Sebele of the Bakwena tribe, during an interview with Gabz FM radio (April 20, 2005).
3. **Tribal Land Act** (CAP.32:20 PP 17)

#### Section 2:

- Defines **Land Boards** ‘as any land board established under section 3 and in relation to any area of land, the land board of the area where the land is situated’. This means that if the land is situated in the Bangwato Territory, the land board would be the Ngwato land board. It assumes that all the people in the territory are Bamangwato and denies others the right to identity.
- It also defines the terms ‘**customary law**’ in relation to land, meaning the customary law of the place where land is situated. That is to say, if it is in the Bangwato tribal area, then it will be custom of the Bangwato tribe.
- It defines **tribal area**, as the tribal territory defined in Section 2 of the Chieftainship Act as belonging to the eight Tswana speaking tribes.
- The term ‘**district council**’ is also defined as a tribal area (which is a tribal territory of the eight Tswana speaking tribes).

#### Sections 3 - 7:

- Establishes the land boards. The Chief of the eight Tswana speaking tribes or his Deputy are Ex-Officio members of the land boards.
- It names land boards after eight Tswana speaking tribes according to Schedule 1 & 2- e.g. Bangwato Tribal Territory and Ngwato Land Board, Tawana Land Board etc.
- The former Crown Lands of Tati or (North East), Chobe, Kgalagadi, and Ghanzi, are the 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> land boards, but without a tribe and therefore not defined as the eight Tswana land-boards, since the tribes in these areas are not recognized.
- Since the non-Tswana cannot be Ex-Officio members of the land boards, they may resign or may be forced to resign by the Minister while the Tswana are immune to these processes.
- Land board secretaries (Chief Executives) are appointed by the Minister and currently, nine of the twelve (75%) are Tswana speaking.

#### **4. Administrative Districts Act (CAP.03:02)**

- It defines administrative districts along tribal lines and in conformity with the Tribal Territories Act.
- Local district/District councils Act defines these entities based on the Tribal Territories Act. It discriminates along along tribal lines, e.g. the four Crown Lands of North East, Chobe, Kgalagadi and Ghanzi districts which are inhabited by non-Tswana are not defined along tribal lines.
- In the Section 2 of the Chieftainship Act, these districts are defined as 'tribal communities' and not territories in order not to recognize the tribes that reside in these districts, and to distinguish them from the eight Tswana territories with recognized tribes.

#### **5. Bamangwato Land Grant Act : CAP32:07**

- This Act sets the parceling out of land occupied by the non-Tswana speaking tribes (Babirwa in Selebi-Phikwe area ) and Wayeyi, Kalanga, Khoesan, Nambya, Herero and Kgalahari (in the Orapa Letlhakane area) to the Bamangwato Concession Limited (BCL) and the De Beers Mining Companies respectively, without consultation or the consent of these tribes.
- The royalties from these mines are used to develop Serowe village (capital of the Tswana speaking Bangwato tribe), while the areas of the non-Tswana remain undeveloped.

#### **6. Customary Courts Act: (Cap 04:05)**

- Section 2 - defines 'customary law' in relation to tribe as defined in Section 2 of the Chieftainship Act, meaning it is the law of the eight Tswana speaking tribes.

- The powers and functions provided by this law are enjoyed by the eight Tswana speaking tribes (as defined in Section 2 of the Chieftainship Act). Examples of such powers are in sections 6, 17 and 39, power to establish customary courts, power to pass sentence, and access to records of all courts in his/her area respectively.
7. **Sections 15(4) (d) of the Constitution:**
- Sections 3 and section 15 of the constitution are meant to provide fundamental freedoms and protection from discrimination on any grounds.
  - However, Section 15 4 (d) makes such protection from discrimination not applicable *'to any law so far as that law makes provision for the application in the case of members of a particular race, community or tribe of customary law with respect to any matter whether to the exclusion of any law in respect to that matter which is applicable in the case of other persons or not'* (page 00:17).
  - This means that if other laws, such as the chieftainship Act etc, discriminate against particular races, tribes and tribal communities, protection from such discrimination is not applicable. This is a derogation permitting non-prohibition from discrimination.
8. **Section 15 (9) of the Constitution:**
- **It reads:** *'Nothing contained in or done under the authority of any law shall be held to be inconsistent with the provisions of this section – a) if that law was in force immediately before the coming into operation of this Constitution and has continued in force at all times since the coming into operation of this Constitution; or b) to the extent that the law repeals and re-enacts any provision which has been contained in any written law at all times since immediately before the coming into operation of this Constitution'* (page 00:18).
  - This section protects colonial laws such as the Chieftainship Act and the Tribal Territories Act, which pre-date independence are not only colonial but also discriminatory along linguistic and ethnic lines. This section permits discrimination as contained in these colonial laws.
9. **Sections 77 to 79 of the Constitution:**
- Refer to RETENG's detailed reaction, contained in RETENG STATEMENT NO. 1, to the discriminatory nature of Bill NO. 34 of 2004 passed by Parliament on April 14, 2005, which was meant to amend these sections. They remained discriminatory along ethnic lines.
  - The transfer of the discriminatory effect of all Acts of Parliament cited above, with the regard to the concepts of tribe, chief and land, into these sections of the constitution, validates these Acts and legitimatizes the discrimination they carry.
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## Conclusions:

10. In practice the Chieftainship Act sets up the tribal administration system in which only chiefs of the eight Tswana speaking tribes are recognised and rule over all other tribes of different ethnic groups within the territory (district) and it is validated by section 77 and 78 of the Constitution..
11. The rest of the laws enforce, in more practical terms, the definitions contained in Section 2 of the Chieftainship Act, resulting in the following discriminatory practices on the ground.
  - a. Only these tribes have group rights to land and are the sovereign of the soil on behalf of the Queen.
  - b. Only them can agitate as a group for their land rights.
  - c. They can also be compensated for loss of land rights should it be necessary that they move to facilitate national development. While relocation has been prevalent among the non-Tswana, who are only compensated for the inconvenience to move, and not for the value of their land, it has not affected the Tswana.
  - d. The non-Tswana only have sub-chiefs, chiefs' representatives and headmen, who have no authority but work under the Tswana Chief to implement his/her decisions. This means that consultations on issues that impact on their lives, are carried out with the Chief of the eight Tswana speaking groups, at the exclusion of the non-Tswana who normally are only informed of the decision at *kgotla* meetings.
  - e. It is well known that when decisions are communicated to the general public in a *kgotla*, that is synonymous with consultation. Rarely will what people say change the already made decision.
  - f. The customary laws, which are used to pass judgment in the traditional *kgotla* are of the ethnic Tswana laws.
  - g. The exclusionary definitions contained in Section 2 of the Chieftainship Act therefore resulted in exclusionary and discriminatory practical chieftainship and local governance structures. These structures have continued to operate despite the High Court order of 2001 (Misca 377/99-Wayeyi case) and the recommendations of the Committee on the Elimination of all Forms of Racial Discrimination of 2002.
  - h. It is on account of these laws that the Basarwa (Khoesan) are being relocated from the Central Kalahari Game Reserve against their wish. They are not a tribe, have no collective land rights, and have no chief to be consulted and reach a decision, and therefore, are part of flora and fauna at the mercy of the government, and so are all the non-Tswana.

### **Appendix 3 - Current discriminatory Practices on the non-Tswana**

Botswana laws as described above have fostered Tswana supremacy over other tribes and translated into the discriminatory practices. These are carried out on the non-Tswana since they have no linguistic and cultural rights granted to the Tswana as stated above. They have and will continue to receive such treatment as long as paragraphs 11 and 12 exclude them.

#### **A. Chieftaincy and Land Issues**

##### **The Gana and Gwii - First People of the Kalahari (see report from FPK)**

1. Our member organisations - the First People of the Kalahari have gone to court on their relocation from the CKGR. We await the court's decision and if positive we hope that government will implement. Meanwhile some have been arrested for hunting in the reserve.
2. In 2003, Minister of Lands, Dr. Magaret Nasha went around the country addressing public meetings on the sale of land to foreigners. Part of her agenda was to have voice against the allocation of land to Basarwa. In these meetings members of the ruling party were used to reject the idea of having exclusive land for Basarwa (Daily News, Wednesday August 20, 2003 No. 156).
3. There have been serious violations of Human rights in the CKGR. These include torture, starvation to death, detention and verbal abuse. This matter will be detailed by Ditshwanelo and the FPK reports to CERD during this session.

##### **Tsua/Kua (San)- Tsua/Kua Group - Relocation**

3. The relocation of the Tsua/Kua San people in the Western Sandveld and Jamakata in the Central District is still eminent. Their misery not to bury their dead in the land of their owners (cattle ranchers) still continues, and they have to use the little money they get from government on the old age pension scheme to travel to near by villages and bury their dead in Tswana customs, with Western food and coffins.
4. They are faced with illiteracy as the Lutheran Bible Translator Missionary who was working there teaching them has gone back to the States. Her involvement with the plight of the Tsua/Kua, and the negative attitude of the Mahalapye district Council towards her work, is felt to have contributed to the decision not to renew her contract. Other factors related to her Church also contributed to her departure.

### **Tqii Xu Yani – (San)**

5. They run a development trust. A rich man was allocated a borehole in their farm area. They went to court and won. However, their borehole has been sold to another rich man and they are currently, seeking legal advice.
6. Their children have been relocated to a hostel far away from the parents against their will

### **The Batswapong – Lenstwe la Batswapong**

7. They wanted to install their chief. The Minister referred them to the Bangwato Chief for permission to do so. They have since not installed their Chief. They further elected a village headman, and the Bangwato chief - have refused to recognise him Kgamane rejects Sefhare headman – Mmegi, Friday December 19, 2003. page 3).
8. Government would like to impose one of their own choice. They were threatened not to participate in the language development project run by RETENG and funded by the Canadian High Commission. They are now left out of the project completely.
9. The Batswapong of Lotoreng are facing eminent relocation against their wish.

### **The Bekuhane – Ciciya Nkulu Trust (Chobe Crown Land)**

10. They installed Chief Sinvula in 1968 as their paramount chief. He was in the House to Chiefs for only five years and due to his political orientation, he never returned. Last year, the government initiated a counter group to advocate for Chief Chika, who is well known as a sympathizer to the ruling party. In January 2005, it was Chika that was 'elected' by other three senior chiefs' representatives in the area to the House of Chiefs as sub-chief of Chobe (in Setswana he is a kgosi).
11. This is one clear indication that government does not support non-Tswana to have their rightful birth chiefs, installed in accordance with their customs to be admitted to the House. It is also clear evidence that the so called 'elections' do not reflect the people's choices. The politicization of chieftaincy coupled with visible manipulations are likely to cause problems across the country.
12. The Bekuhane have been seeking legal opinion to go to court on this state of Affair, but the major constraint has been lack of funds and also most lawyers have been intimidated from handling such cases.

13. It has to be noted that paragraph 11 does provide for them since they live in a crown land (thought not recognized) but government manipulated the situation so that not the rightful chief of the Bekuhane is currently in the House.
14. The House of Chiefs as composed in January, 2005 has resulted in a non rightful chief (Chika) being admitted to the House. The Bekuhane will not have their rightful Chief (Sinvula) in the House. Only the 'elected' one is in the House. The Bekuhane are denied representation by their rightful chief through systematic manipulation.
15. The local traditional groups (mainly composed of women) have been discontinued from performing in local hotels in Kasane and the surrounding tourist areas. Instead, groups from schools' have been recommended and they sing and speak in Setswana.

#### **The Bakgalaharhi (Chelwa ya Shekgalaharhi)**

16. The proximity of Shekgalagarhi language to Setswana has been an aggravating factor in the demise of the language. It is estimated that complete language shift from mother tongue to Setswana as the first language amongst the Bakgalagarhi is estimated to be approximately 63.6%, with the rate of shift being higher in villages than in towns (Smeija 2000).
17. In 2005 three Bakgalagadi groups, the Bangologa of Kalfontein, the Bakgwatheng of Lekgwebe and the Babolungwe and Bashaga of Letlhakeng installed their Paramount Chiefs. We are yet to see if the government will bring them to the House of Chiefs.
18. A workshop on the development of Shekgalaharhi was scheduled for Hukuntsi in July 2005. A Mokgalagadi man and a senior government official, who is married to one of the Tswana tribes, and staunch supporter of the ruling party wrote letters discouraging people from attending the workshop. The workshop was rescheduled to another village and it was successful.

#### **The Wayeyi - Kamanakao Association**

19. Following the death of the two chiefs they had installed, the Wayeyi designated Shikati Fish Malepe Wuzuwo as their Paramount Chief and Shikati Jacob P. Seidisa as his Deputy on March 25<sup>th</sup>, 2005. The names have been submitted to the Ministry of Local Government. Paragraph 11 does not provide for them, despite the court order of 2001.

20. After the passage of Bill No. 34 of 2004 on April 14, 2005, the Tswana speaking Batawana Regent Kealetile Moremi undertook a tour of the Northwest District (Ngamiland). The purpose of her visit was to inform the tribes that she is their paramount chief and she has come to introduce herself and see her people.
21. The Wayeyi informed her in no uncertain terms that she is not their chief, and they are awaiting government to recognize their own chief. They shall not accept a chief from another tribe to be imposed on them at any time (Wayeyi Reject Batawana Regent (The Mirror, July 27- August 2, 2005, page 8).
22. At Nokaneng, the Tswana speaking Batawana Senior Chief's representative, Mr. Charles Letsholathebe summarized the Wayeyi position when he said 'We have heard the same story since we our meeting at Beetshaa. It is only at Xauxau where we did not here these words, that you have your own paramount chief. Please note that we are not against that, it is your government which has sent us here to tell you that Kealetile is the only recognized paramount chief who will rule all tribes in Ngamiland'.
23. The Batawana Regent has imposed a headman on the people of Makalamabedi, a Wayeyi dominated area. They have rejected the headmen ( Ngami Times May 20-27, 2005 - Villagers in astonishing attach on Kgosi Moremi).
24. Headmen who are elected by the majority of the people in Wayeyi dominated areas are not paid, hence they would not qualify for election to the House of Chiefs since payment is one of the requirements. Currently there are ten (10) headmen who are not paid. Instead, government pays those who are imposed by the Batawana Chief, who submits the names to the Minister.
25. Three headmen died in Tubu and Gumare, the government has imposed one headmen elected by six people at Tubu and has refused to recognise the one elected by 179 people. The plan is to impose puppets in all the three traditional courts in Gumare. This exercise is most likely to cause problems as the people have already rejected the first to be imposed at Tubu.

26. The Batawana Chief had vowed to remove all Wayeyi headmen who supported the Kamanakao Association on the struggle for liberation of the Wayeyi people. Headmen Kenewang Mandja Samaxate, Bontlebokae Motlalentwa, Thaamano Sedumedi, Taolo Sefo and Sondano, were indeed taken out of the payroll. All except Mr. Motlalentwa have been paid salaries covering June 2004 to December 2004. They were supposed to be paid arrears from April 2002 when the government payment paper came out to December 2004. They are yet to be paid for arrears from April 2002 to May 2004. Mr. Bontlebokae Motlalentwa who passed away in January 2004 should have been paid from April 2002 to December 2004 and his family has been making this request without any success.
27. The Wayeyi have suffered open discrimination from government due to the fact that they took the government to court (MISCA 377/99) they have successfully denounced Tswana rule and it is currently surviving only due to government's imposition, as it was the case during the colonial rule.
28. On May 6<sup>th</sup>, 2003, the Wayeyi chief, Calvin Kamanakao died. The Government has refused to accede to the request made by his family to declare the only eyewitness a suspect and subject her to interrogation. The government also refused to appoint a coroner to investigate this death the police activities following his death to establish whether or not there was negligence.

### **B. Discrimination on the Job**

29. Discrimination on the job is rampant in Botswana. Until the debate on ethnicity intensified in 2000, the Office of the President was reserved for the Bangwato tribe in its top ranks. After the debate, two other Tswana speaking groups and one Kalanga found their fortune there. No other non-Tswana ethnic group is employed in the Office of the President.
30. The Local government structure is also biased towards the Tswana. Landboard Secretaries are appointed by the Minister of Local Government. Currently, out of the 12 land-boards, nine are headed by Tswana and only three Kalangas. No other tribe is represented in that position. Most District Chairpersons are Tswana, the only recognised Chief in the District is Tswana chief, and the District Commissioner is most likely to be Tswana and only some Kalanga<sup>2</sup>.

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<sup>2</sup> There is a group of Kalanga elite who support Tswana hegemony in exchange for cabinet posts.

31. To be employed at Radio Botswana, one must be Tswana (not officially on paper) but practice. Otherwise if non-Tswana, they must not speak with an accent. This means that very few non-Tswana can be employed at Radio Botswana. Currently 75% of the employees are Tswana and most announcers speak the Southern dialect of Setswana.
32. The Department of Culture and Youth is mainly Tswana, with only three Kalangas and no other tribes. Currently the Department has 80% Tswana employees.
33. For a non-Tswana to be employed in any of the UN agencies and other strategic positions, they are either married to the Tswana or their loyalty to Tswanadom must be beyond doubt or both.

### **C. Language and educational Issues**

34. History books, television documentaries are being rewritten with distortions of the histories of the non-Tswana and emphases on the portrayal of the supremacy of the Tswana.
35. The teaching methodology and (content of course) is aimed at assimilation of the non-Tswana. For instance, at Block 3 school, a class of standard 3 was asked a fill in the blanks question ' *Tswii is the staple food of \_\_\_\_\_ tribe*'. A Mueyeyi child wrote *Wayeyi tribe*, and she was marked wrong. The teacher wanted students to write the Tswana speaking Batawana tribe. The student protested and told the teacher that the Batawana found the Wayeyi eating tswii when they arrived in Ngamiland. To the present day, no Motawana goes to gather tswii from the river, but only eat it when gathered and sold by Wayeyi who are the water experts. The teacher told her that the Wayeyi are Batawana according to government. The teacher refused to change the mark even after the parent intervened. This raises the issue of how many non-Tswana children are failing tests because they are not complying with the assimilationist policy in their responses. In 2005 the government celebrated UNESCO's Mother Tongue day (February 21). For the past two years, RETENG and the Basarwa Research Project had organized activities around this day and invited the government. This past year, there was collaboration between the Basarwa Research Project and the Ministry of Education to commemorate the day. RETENG was invited to attend. We found this to be a positive step. What was disappointing however, was that the Keynote address restricted the concept of mother tongue to Setswana only.
36. During the election campaign in 2004, the election message from the Independent Electoral Commission was televised in five minority

- languages – Shekgalahari, Naro, Ciikuhane, Ikalanga and Shiyeyi. There was a lot of support for cultural activities. For instance the Babirwa Cultural Festival was initiated and fully funded by government. This was not repeated in 2005.
37. After the elections not much of this is happening. However, the Department of Culture and Youth gave a grant of P13000.00 to the Kamanakao Association for its annual cultural festival, specifically to encourage talent through prizes. This is highly appreciated.
  38. Announcements in non-Tswana languages are not accepted and the use of these languages in education is still not allowed. The Assistant Minister of Local Government told Parliament in November 2004 (immediately after elections) that government has no intention of providing for the use of minority languages in education. Thus we have had mixed messages depending on the election period, and practice is not encouraging either.
  39. Popular music from artists who sing in languages other than Tswana (except Kalanga) has been ‘silenced’. One of them went to Radio Botswana to enquire why his albums are not played and he was told ‘that is a sensitive issue’ I cannot help you right now (Sunday Tribune –July 17-23, 2005, page 13).
  40. The National Television declined to televise the cultural festival organised by RETENG on November 20<sup>th</sup>, 2004.
  41. A Television documentary on the history of Botswana which had been airing every Wednesday since mid 2005 was edited to remove parts that addressed racial discrimination. In these parts members of RETENG: Profs Mogwe, Ramahobo and Roy Sesana featured, detailing the struggle for recognition by minority groups in Botswana. Another feature was on the Kalanga chief Nswazwi and how he resisted the ill-treatment of the Ngwato chief, Tshekedi. While there were advertised as the next episodes, they never saw the light of the day.

This paper is a living document which will continue to be updated as time goes on.

September, 2005

## **Appendix 4 - The Solution to Linguistic and Ethnic Discrimination in Botswana**

In light of the fact that the amendment of Sections 77 to 79 of the Constitution has indirectly encompassed other laws such as the Chieftainship Act, and Tribal Territories Act to protect the discrimination, we offer two recommendations and most preferred is recommendation 1.

### **1. Recognition of the ethnic and linguistic diversity of Botswana**

- The first and preferred option is to have each of the identified tribes to have their chief in the House of chiefs. The majority of the people preferred this option during the Presidential consultations in 2002.
- It brings dignity to all peoples of Botswana and is inline with international trends and UN instruments and mechanisms.
- This model will address the recommendations of CERD of 2002, equality among tribes, preservation and value for diversity.
- It does not take away the privileges already enjoyed by the Tswana, but simply extends them to other tribes.
- There are no legitimate disadvantages to this model other than that the Tswana would cry to maintain discrimination. But no one has the right to discriminate or dominate others.
- It would be inline with other countries in Southern Africa.
- This model is currently in place for the Tswana, and shall need no major reorientation. For instance, the Barolong live in three districts and yet they have one chief in the House of Chiefs representing their culture.

There shall be description of the jurisdiction of the Non-Tswana chiefs -this should not be difficult as it will be based on the current jurisdiction of the Senior chief currently operating in the area. The following is the list of tribes in Botswana which should be recognised and have their chiefs in the House of Chiefs.

## Existing Tribes in Botswana

### Bantu groups (including Tswana tribes) and estimated populations (in thousands<sup>3</sup>).

1. Babirwa - 69	13. Bakgatla- Mmanaana 43**	25. Batlhware -23
2. Bagciriku- 5	14. Bakwangali -2	26. Batlokwa -10**
3. Bahurutshe 9	15. Bakhurutshe- 18	27. Batshweneng-8***
4. Bakaa -18	16. Bakwena – 60**	28. Batswapong 34
5. Bakalanga -276	17. Bamalete – 20**	29. Bekuhane - 19
6. Baphaleng -14 *	18. Banabjwa- 9	30. Hambukushu - 49
7. Baboalongwe -40*	19. Bangwaketse-40**	31. Ndebele 2
8. Bangologa -17*	20. Bangwato- 18**	32. ovaHerero 29
9. Bashaga -189*	21. Barolong – 47 **	33. ovaMbanderu -30
10. Bakgothu -19	22. Barotsi – 4	34. Wayeyi -60
11. Bakgatheng - 12*	23. Batalaote – 5	
12. Bakgatla - Kgafela-65**	24. Batawana – 2**	

Total **34** - plus 4 regional Basarwa chiefs = **38**

\* Collectively referred to as Bakgalagadi = total population 272

\*\* Tswana speaking tribes

\*\*\* Also known as part of Batlhware

### Basarwa Groups

While linguistically all the Basarwa languages need to be recognized and developed, for purposes of the designating a chief, it has been found advisable to have chiefs in four regions since disintegration in many small communities could disempower them from a collective voice. However, this question should be left to Basarwa to decide and if they wish separate representations, the following larger ethnic groups have been identified through various studies. Each one of these can have a chief and that will bring the number in the House of Chiefs to 45. We believe this number is still reasonable.

1.   Gana	5. Shua	9. ≠Kx'au  ein
2.  Gwi	6. Khwedam	10. Tsowa
3. ≠Hua	7. Kua	11. !Xóǀ
4. Ju 'hoan	8. Naro	

Estimated population for Basarwa is 55 000.

**Note:** The last data on ethnicity was in 1946

### Total 45 in the House of Chiefs (if eleven Basarwa groups are represented)

<sup>3</sup> These figures are arrived at by using populations in the geographical locations in which these tribes reside as per the 2001 Population and Housing Census.

## 2. Regional representation

The second option is the regional representation to apply to all tribes.

- a. All chiefs should be elected at the regional level and be of equal status in terms of salary, decision making, area of jurisdiction, reporting lines and so on. This would imply that Bill No. 33 – which defines regions should be revisited to redefine the regions for the Tswana, who are currently designated at the district level. In this regard paragraph 11 would not list the Tswana district – but rather refer to a reviewed version of Bill no. 33 (see detailed suggestions under g below).
- b. There are currently 57 political regions (constituencies). Under this model 45 of those can be defined as regions for purposes of the selection to the House of Chiefs. This is possible since the 57 are result of split already defined regions in Bill no. 33. For instance, Tswapong region has two political constituencies, in Bill no. 33 it is not split. This means that collapsing some of the constituencies would result in a few regions close to 45.
- d. Each region should elect in accordance to its custom and practices – that is to modify **paragraph 12 (4) c.**
- e. There should be no reference to tribal names either in their nominal or locative form in naming the regions.
- f. Since all chiefs would have equal status, the presence of the *kgosi* will not be necessary (**paragraph 12 (4)**) during the elections. Someone identified as the village elder would conduct the elections. Also on this paragraph, composition should only include headmen of records as it was in Bill No. 31. Across the country, some headmen of arbitration are paid others are not, and it will be unjust to discriminate against people of the same rank on the basis of payment.
- g. In this model therefore, Paragraph 11 – would read as follows:
  - 77 (1) a (i) Barolong Constituency will have to be renamed and tribally neutral and that would be region for the operation of the chief. E.g. It can be called **Good Hope region** – this is name of the major village in that region (**1 chief**).
  - (ii) **Chobe region** will sustain its name – since it is already tribally neutral – a crown land (**1 chief**)
  - (iii) Gamalete – should be replaced by the name - South East North Region **or Ramotswa Region (1 chief)**.
  - (iv) Gamangwato – delete ethnic name - should have 5 regions comprising: Serowe (north and South), Palapye, Mahalapye and

- Shoshong constituencies. They would have **5 chiefs** (or they can choose to have one since these areas are very loyal to Khama)
- (v) Ghanzi will have two regional chiefs - North and South (local names can be used instead of cardinal names) (**2 chiefs**)
  - (vi) GooTawana - ethnic name deleted- Ngami region to be split into two - East and West, then Maun region and Okavango to have two regions (Okavango East and West (**5 chiefs**)).
  - (vii) Kgalagadi district - have **2 regional chiefs** - North and South - cardinal names can be substituted with tribally neutral names.
  - (ix) Kweneng District - delete ethnic name - to have **5 regional chiefs** - West, South, Molepolole, East, and Letlhakeng - cardinal names can be substituted by local names that are tribally neutral
  - (x) Ngwaketsi - deleted ethnic name - have **5 regional chiefs** - South, North, Kanye, Moshupa and West - cardinal names to be replaced by local names that are tribally neutral.
  - (xi) North East - region - will sustain its name since it is already neutral - as one region (**1 chief**)
  - (xii) Tlokweng - to be called South east North region - a local name may be used that is tribally neutral instead of cardinal points- eg. **Thakadu Region (1 chief)**
  - (xiii) Kgatleng - to have East and North and have **2 regional chiefs**.

To be added to this list then, would be those regions that are not already covered here - e.g. Tswapong, Bobirwa, Boteti, Tutume, Tonota, Thamaga, (see Bill No. 33) with one chief each.

Total number in the House of Chiefs would be 37.

**Advantages:** of this model - it is tribally neutral. It also eliminates domination of one tribe over others to a great extent, though not completely.

**Disadvantages:** - it defeats the purpose of cultural representation in the House of Chiefs, a chief from one tribe cannot articulate all the cultures represented in their region. It does not accept cultural diversity which is a living phenomenon in Botswana. Regions are occupied by human beings, who have languages and cultures. It is the interest of the people and not of the flora and fauna that counts. It is pretentious to think that a regional model will make ethnic identity to disappear, especially when the Tswana ethnicity is overemphasized on national media. To select in accordance with customs and practices in a culturally diverse region would be difficult, e.g. Ghanzi North, Okavango, Ngami and Tonota.

**Signature:**

Mr. Batshani Ndaba - Chairman \_\_\_\_\_

Prof. Serara Sello Mogwe - Vice Chairperson \_\_\_\_\_

Prof. Lydia Nyati-Ramahobo (Secretary General) \_\_\_\_\_

Mr. Kapule David Mabuta (Vice Secretary) \_\_\_\_\_

Mr. Thutego Knudsen (Treasurer) \_\_\_\_\_

Dr. Kemmonye Monaka (Member) \_\_\_\_\_

Mr. Bennet Maifala (Member) \_\_\_\_\_

January 11, 2005