

**HUMAN RIGHTS COUNCIL
FORUM ON MINORITY ISSUES**

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**National Reform on Minority Issues in Botswana: Implementing the
Declaration on the Rights of Persons Belonging to National or Ethnic,
Religious and Linguistic Minorities**

By

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Thank you Madam Chairperson. My Name is Lydia Nyati-Saleshando. I have been working on minority issues in Botswana since 1995.

In 2004, I made a presentation to the then Working Group on Minorities, and outlined the institutionalised and structural discrimination against the non-Tswana speaking ethnic groups on the basis of tribe, language and culture. These persons make the majority of the population of Botswana. The discrimination enshrined in Botswana laws has led to minority dominated areas to be poverty stricken and characterised by under achievement of children in schools, thus creating poverty circles in many families.

While much of this situation has not changed, I note with appreciation, efforts and notable achievements the Government has made in the promotion of the ideals of the Declaration on Minority Issues. The Chieftainship Act was reviewed in 2008 and now provides the Minister with discretionary powers to recognise a tribe, a chief and define a tribal areaⁱ within a tribal territoryⁱⁱ for the recognised tribal communityⁱⁱⁱ. The UNESCO International Mother Tongue Day

which was celebrated by NGOs only for some time, was taken on board by the Department of Arts and Culture and it is now celebrated annually as the Botswana National Languages Day. The Department now has permanent funding for festivals for several cultural groups to maintain their identities. The Government has ratified the Convention on Intangible Heritage and continued to document such heritage on some tribes including the non-Tswana groups. The President's holidays are characterised by competitions in visual and performing arts at regional and national levels, stimulating talent with the view to address poverty. This year, there were consultations on chieftaincy matters with two non-Tswana tribes – the Bekuhane and Babirwa. Consultations on the application of the Wayeyi to be recognised as a tribe in line with the new Bogosi Act were completed in 2009. Engagement with government has been possible in a few instances and minorities issues have been raised in Parliament. In this regard there has been compliance with a number of articles of the Declaration including articles: 2.1, 2.2, 2.4, 2.5, 3.1, 4.2 and 4.5.

On the other hand, I also note room for improvement. Creativity and talent cultivation in a

second language has some significant degree of constraint especially when competing with first language speakers. It is also evident that access to enablers such as recording avenues and promotion on media, are not available for minority peoples performing in their languages as much as it is for the Tswana and those who sing in Tswana. The education of minority children in a second or third language continues to contribute to high failure rates in minority dominated areas. Relocation of citizens from their ancestral land and destruction of their property by Land Boards is a common act for many years. These acts aggravate the poverty situation, which is more severe among minority communities. Equality before the law continues to be a concern. Sections 77-79 of the Constitutions were revised to protect the discrimination of the non-Tswana tribes, and continues to exclude their designated chiefs from participating in the House of Chiefs. Access to information in the language of their competence is yet another serious challenge facing rural minority people. In this regard, I note that while the spirit of the Declaration has been implemented to extent, knowledge about the Declaration at the national level remains low. Hence there is limited compliance with articles: 1.1, 2.3,3.4, 4.1, 4.3, 4.4 and 8 of the Declaration.

Recommendations

1. The Government should implement the new Bogosi Act. (In-adequate as it may, it is worth implementing, approved in 2008 no minority has been recognised);
2. Consultations of tribal communities on chieftainship matters should result in recognition of the tribe in line with the new Bogosi Act ;
3. The African Commission on Human and Peoples Rights and African Governments should work with NGOs to publicise the declaration at national and community levels, through the media and through other means and put in place programmes for its implementation;
4. The performing arts should be encouraged in minority languages and aired on national media in the languages they are presented;

5. Artists should be promoted on national media regardless of their regional, political or ethnic backgrounds;
6. Land policies should be developed which protect citizens from evictions and destruction of property, especially if they occupied the land before the establishment of the Land Boards.
7. The Basarwa should be compensated for land rights in the Central Khalahari Game Reserve as part of affirmative and for economic empowerment, and they should be allowed to reside in the CKGR and provided with all social amenities.
8. Mother tongue education for rural minority children should be implemented in line with vision 2016.
9. Government should remove barriers for NGOs to implement mother tongue education.
10. Special attention through affirmative action and prioritization should be given to rural women when implementing poverty eradication programmes.
11. A 30 minute television program devoted to promotion of different cultures with emphasis on minority cultures should be developed.

12. The Tribal Territories Act should be reviewed to provide equality before the law for all the peoples of Botswana.
13. Sections 77 to 79 of the Constitution should be reviewed to ensure equality before the law, and equal participation in the House of Chiefs by both Tswana and non-Tswana tribes.
14. Representation on minority issues should be established at Council and Parliamentary levels.
15. The establishment of the Human Rights Commission should be expedited.
16. Translations into local languages during community meetings in minority dominated areas would go a long way in ensuring better comprehension of issues that affect them.

I believe that continued engagement with Government on minority issues by the international community and at local level, is likely to create an enabling environment for the full implementation of the Declaration in Botswana.

I thank you.

ⁱ Tribal area means the area inhabited by a tribe (that is, a recognized tribe) whether within or outside of a tribal territory (see new Bogosi Act). This means if a non-Tswana tribe is recognized their area will be called a tribal area, if it is within a tribal territory of an already recognized Tswana tribe.

ⁱⁱ Tribal Territory means any territory defined as such in the Tribal Territories Act, and includes the territory defined in schedule B of the Botswana Boundaries Act.

ⁱⁱⁱ All non-Tswana tribes are referred to as tribal communities, while the recognized Tswana tribes are defined as tribes.

Botswana

Good Practice on Minority Issues:

1. **Funding of annual cultural festivals for minority groups** – Currently government funds five cultural festivals for minority tribes who initiate such. During the festival, the public media broadcasts clips of the festival as part of the news. Though this publicity is confined to an event, it has raised awareness on the cultural diversity of the country and made minority groups happy because it promotes and preserves their identity in line with Articles 1.2 and 2.1 of the Declaration
2. **Public consultations of minority groups on chieftaincy matters.** This has helped the tribe in question to revisit its history, culture and traditions and narrate them before their children and help them to understand their origins. Examples of such meetings were held with the Wayeyi, the Bekuhane and Babirwa. This could be done on any subject matter besides chieftainship. This also promotes ethnic identity and promotes diversity.
3. **Helping minority groups with tourism projects:** In the Ghanzi district, a number of projects at Ghanzi, Khawa, and D'kar have been established. The Tourism Board has now gone in partnership with some tribes in advertising and selling their annual festivals to the nation. This helps minority groups to participate in economic life in line with Article 2.2 and 4.1 of the Declaration.
4. **Use of Drama (theatre) to stimulate debate and raise awareness on minority issues:** RETENG has a play which was shown in Tswana dominated areas and the Vice President officiated at its launch. After watching the play members of the public would comment. They were very impressed. This is an ongoing project to be taken to all parts of the country. This promotes the draft recommendation to raise awareness on minority issues and Article 2.1 of the Declaration.

