

13th
PARLIAMENT



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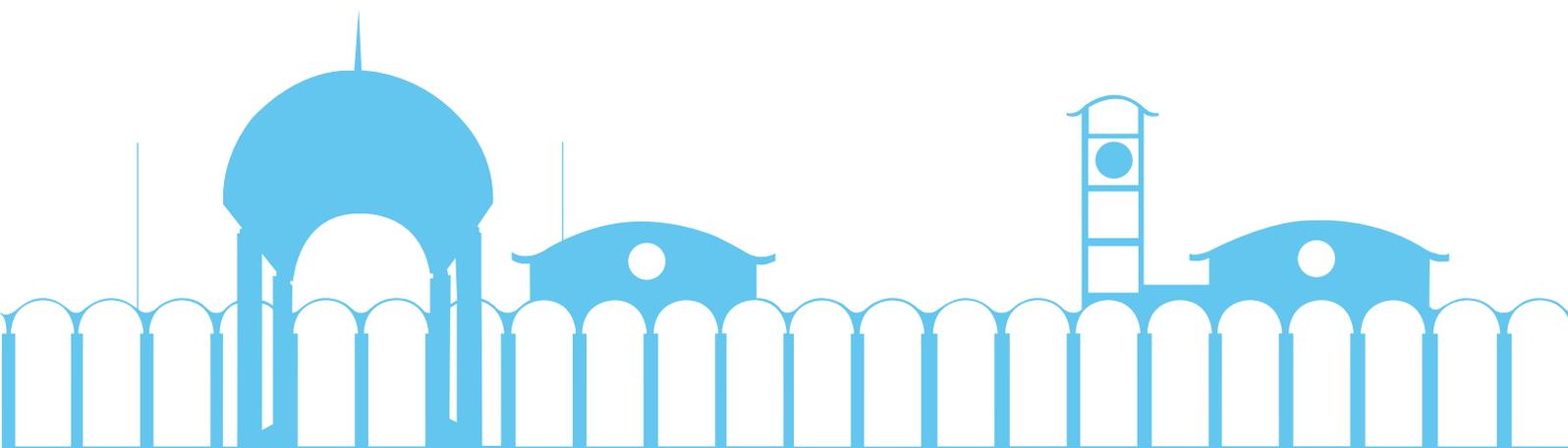
YOUR VOICE IN PARLIAMENT

**THE FIRST MEETING OF THE SECOND
SESSION OF THE THIRTEENTH PARLIAMENT**

MONDAY 1 DECEMBER 2025

MIXED VERSION

HANSARD NO: 219



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The Hon. Dithapelo L. Keorapetse, MP.
DEPUTY SPEAKER
Hon. H. P. Manyeneng, MP. (Mmopane-Metsimotlhabe)

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Deputy Clerk of the National Assembly	- Ms K. H. Ketshajwang
Learned Parliamentary Counsel	- Dr A. Masuku
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His Honour N. N. Gaolathe, MP.	- Vice President & Minister of Finance
Hon. M. C. Mohwasa, MP.	- Minister for State President
Hon. Dr P. Butale, MP.	- Minister for International Relations
Hon. N. Ramaotwana, MP.	- Minister of Justice and Correctional Services
Hon. K. Motshegwa, MP.	- Minister of Local Government and Traditional Affairs
Vacant	- Minister of Lands and Agriculture
Hon. D. Tshere, MP.	- Minister of Communications and Innovation
Hon. N. Kgafela-Mokoka, MP.	- Minister of Child Welfare and Basic Education
Hon. P. Maele, MP.	- Minister of Higher Education
Hon. W. B. Mmolotsi, MP.	- Minister of Environment and Tourism
Hon. Dr S. Modise, MP.	- Minister of Health
Hon. Maj. Gen. P. Mokgware, MP.	- Minister of Labour and Home Affairs
Hon. O. Ramogapi, MP.	- Minister of Water and Human Settlement
Hon. B. J. Kenewendo, MP.	- Minister of Minerals and Energy
Hon. T. Ntsima, MP.	- Minister of Trade and Entrepreneurship
Hon. L. Chombo, MP.	- Minister of Youth and Gender Affairs
Hon. J. Kelebeng, MP.	- Minister of Sport and Arts
Hon. N. S. L. M. Salakae, MP.	- Minister of Transport and Infrastructure
Hon. M. B. Mophuting, MP.	- Assistant Minister, State President
Hon. A. Nyatanga, MP.	- Assistant Minister, Justice and Correctional Services
Hon. M. I. Moswaane, MP.	- Assistant Minister, Local Government and Traditional Affairs
Hon. Dr E. G. Dikoloti, MP.	- Assistant Minister, Lands and Agriculture
Hon. S. Ntlhaile, MP.	- Assistant Minister, Communications and Innovation
Hon. L. Ookeditse, MP.	- Assistant Minister, Health
Hon. B. Mathoothe, MP.	- Assistant Minister, Trade and Entrepreneurship
Hon. J. Hunyepa, MP.	- Assistant Minister, Child Welfare and Basic Education
Hon. M. G. J. Motsamai, MP.	- Assistant Minister, Water and Human Settlement
Hon. K. Atamelang, MP.	- Assistant Minister, Transport and Infrastructure

MEMBERS OF PARLIAMENT AND THEIR CONSTITUENCIES

Names	Constituency
RULING PARTY (Umbrella for Democratic Change)	
The President Adv. D. G. Boko, MP.	President
His Honour N. N. Gaolathe, MP.	Vice President (Gaborone Bonnington South)
Hon. S. O. Digwa, MP. (Government Whip)	Boteti West
Hon. W. B. Mmolotsi, MP.	Francistown South
Hon. M. I. Moswaane, MP.	Francistown West
Hon. M. G. J. Motsamai, MP.	Charles Hill
Hon. O. Ramogapi, MP.	Palapye
Hon. D. Tshere, MP.	Mahalapye West
Hon. Dr P. Butale, MP.	Gaborone Central
Hon. P. Maele, MP.	Tswapong North
Hon. S. Ntlhaile, MP.	Gaborone North
Hon. N. S. L. M. Salakae, MP.	Ghanzi
Hon. K. Atamelang, MP.	Boteti East
Hon. M. Bagaisamang, MP.	Shoshong
Hon. L. Barongwang, MP.	Mogoditshane East
Hon. T. Bogatsu, MP.	Lentsweletau-Lephephe
Vacant	Kgalagadi South
Hon. C. K. Jacobs, MP.	Lobatse
Hon. J. Hunyepa, MP.	Tati West
Hon. J. Kelebeng, MP.	Takatokwane
Hon. A. K. Khan, MP.	Molepolole North
Hon. O. Kwapa, MP.	Jwaneng-Mabutsane
Hon. G. Lekau, MP.	Mogoditshane West
Hon. R. M. Lekutlane, MP.	Kgalagadi North
Hon. H. P. Manyeneng, MP.	Mmopane-Metsimotlhabe
Hon. Brig. D. Mokgwathi	Letlhakeng
Hon. S. D. Monageng, MP.	Molepolole South
Hon. M. B. Mophuting, MP.	Gaborone Bonnington North
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Hon. N. Ramaotwana, MP.	Gaborone South
Hon. V. B. Phologolo, MP.	Kanye West
Hon. G. Sedombo, MP.	Tonota
Hon. P. M. Segokgo, MP.	Tlokweneng
Hon. J. T. I. Modise, MP.	Kgalagadi South

OPPOSITION

(Botswana Congress Party)

Hon. D. Saleshando, MP. (Leader of the Opposition)	Maun North
Hon. C. K. Hikuama, MP. (Opposition Whip)	Maun West
Hon. Dr U. Dow, MP.	Kgatlung West
Hon. Dr K. Gobotswang, MP	Tswapong South
Hon. K. K. Kapinga, MP	Okavango West
Hon. G. Kekgonegile, MP.	Maun East
Hon. T. B. Lucas, MP.	Bobirwa
Hon. K. Nkawana, MP.	Selebi Phikwe East
Hon. P. Aaron, MP.	Ngami
Hon. G. Disho, MP.	Okavango East
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Hon. M. Moalosi, MP.	Nkange

(Botswana Patriotic Front)

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Hon. B. Mathoothe, MP.	Serowe North
Hon. O. Kedikilwe, MP.	Serowe West
Hon. J. J. Frenzel, MP.	Shashe West
Hon. L. Ookeditse, MP.	Nata-Gweta

(Botswana Democratic Party)

Hon. K. S. Gare, MP.	Moshupa-Manyana
Hon. K. T. Mmusi, MP.	Gabane-Mmankgodi
Hon. P. K. Motaosane, MP.	Thamaga-Kumakwane
Hon. M. M. Pule, MP.	Kgatlung East

(Independent Member of Parliament)

Hon. Dr E. G. Dikoloti, MP.	Goodhope- Mmathethe
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SPECIALLY ELECTED MEMBERS OF PARLIAMENT

Hon. Maj. Gen. P. Mokgware, MP.	Specially Elected
Hon. B. J. Kenewendo, MP.	Specially Elected
Hon. M. C. Mohwasa, MP.	Specially Elected
Hon. N. Kgafela-Mokoka, MP.	Specially Elected
Hon. Dr S. Modise, MP.	Specially Elected
Hon. L. Chombo, MP.	Specially Elected

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Monday 1st December, 2025

THE ASSEMBLY met at 2:00 p.m.

(THE SPEAKER in the Chair)

PRAYERS

* * * *

MADAM SPEAKER (MS MANYENENG): Pray be seated.

...Silence...

MADAM SPEAKER: Order! Order! Honourable Members. Let us start the business of today with questions. Prince Mosanana, Member of Parliament (MP), Kanye East.

HONOURABLE MEMBER: Ke tlaa mo e tseela *Madam Speaker*.

MADAM SPEAKER: Thank you Honourable Sedombo.

QUESTIONS FOR ORAL ANSWER

UDC HOUSING PLEDGE

MR A. K. KHAN (MOLEPOLOLE NORTH): asked the Minister of Water and Human Settlement:

- (i) to apprise this Honourable House on the status of the pledge to deliver 100,000 houses within the first five years as stated in the 2024 Umbrella for Democratic Change (UDC) Manifesto:
- (ii) to indicate what progress, if any, has been made towards this commitment; and
- (iii) how many houses are allocated to Molepolole.

MINISTER OF WATER AND HUMAN SETTLEMENT (MR RAMOGAPI): *Madam Speaker*, ntetlelele ke leboge Motlotlegi Khan ka potso e e nang le boleng ya batho ba kwa Molepolole.

- (i) *Madam Speaker*, mo potsong ya ntlha e motlotlegi a batlang gore re tsibose Ntlo e, ka maiteko a go aga matlo a le 100 000 jaaka Puso ya UDC e bua. Karabo ke gore Puso ya rona e rile go tsena mo Pusong, ga e ise e nne fa fatshe e bo e tla ka maano a gore e tlaa aga matlo a jang, mme ya tla ka *strategies* di le tlhano.

(a) Kgang ya ntlha ya nna gore Botswana Housing Corporation (BHC) e tswelidise go aga matlo ka e le yone e e bidiwang gotwe ke *single housing authority*.

(b) *Social Housing Scheme*; re aga matlo a bo e tsenya mo go bidiwang gotwe ke Turnkey. *Scheme* se motlotlegi se tsenya batho ba ba amogelang madi a e leng gore ka ngwaga ke P4,400 go ya kwa go...

MADAM SPEAKER: *Order! Order!* Intshwarele foo. *Honourable Aaron*, lentswe la gago le goroga kwano, jaanong ga ke utlwe.

MR RAMOGAPI: *Madam Speaker*; go raya gore fa re isa kwa mading, ba amogela madi a a tshwarang P367 go ya kwa go P7,917 ka kgwedi gore o tsene gone mo lenaneong le.

(c) Lenaneo le lengwe gape le bidiwa gotwe ke ba ba amogelang madi a selekanyo sa D4 kana go lekana, fa re re D4 kana go lekana, re raya gore le tsenya badirelapuso le ba e leng gore ga se badirelapuso.

(d) *Private sector* e etelele go aga matlo a.

(e) Lenaneo la botlhano ke le re ikuelang kwa bagwebing gore ba thuse batho ba ba dikobodikhutshwane ba e leng gore gotlhelele ga go na se ba ka se iphang, mme ka jalo ra fetola tebego ele ya bogologolo e e neng e le Self-Help Housing Agency (SHHA), ra tla ka lenaneo le lesa le, la gore re age matlo a le 100 000 mo *constituencies* tsotlhe.

(ii) *Progress* ya rona mo letsatsing la gompieno ka fa tlase ga Bonno Turnkey e ntse jaana:

(a) Kgang ya rona ke gore mo ngwageng one o, re age matlo a le 353 ka fa tlase ga Turnkey mo *constituencies* tsotlhe. Re setse re simolotse matlo a le 58 mo *constituencies* tse di farologaneng, ka jalo, re ikaelela gore e re ka *December 2025*, a bo a fedile. A a setseng a 295, one re solofela gore a bo a fedile mo kgwedeng ya *December 2025*, ka lebaka la gore madi a teng *was approved late* mo kgwedeng ya *November*.

(b) *Madam Speaker*, 61 houses a a ka fa tlase ga D4 scale a ke neng ke bua ka one, a tlaa wela mo go ya *December* a a tlaa simologang mo teng.

- (c) BHC le yone jaaka ke buile ka yone, e setse e simolotse matlo a le 924 dikgaolo ka go farologana. 11 494 a mo *stages* tse di farologaneng. Mo godimo ga moo, 12 418 *units* di mo *stages* tse di farologaneng. Matlo a le *seven* a setse a fedile, a le 550 a fa godimo, mo re ka reng ke 50 *per cent*.
- (d) Ka fa tlase ga Bonno Private Sector, matlo a ka tshwara 19 344 a setse e le gore a neetswe dikompone tse di ikemetseng ka nosi. Dikomponentse, dipalo tsa tsone di 154 *across 52 constituencies* ba ba tlaabong ba simolotse go aga matlo ao. Molepolole le yone e le mo teng ga dikonteraka tsone tse *Madam Speaker*.
- (e) Matlo a le *four has been donated*. Kompone ya Morupule e ntshitse e le nngwefela, Choppies e ntshitse matlo a le mabedi, fa Obakeng Construction e ntshitse ntlo e nngwe.
- (f) La bofelo, go na le matlo a mangwe gape a a neng e le a BCL, a 1226, a a kwa Selebi Phikwe. Ke tswa go buisa ba Selebi Phikwe gore ba tlaa tsaya matlo ao jaanong ka ditsela tse di farologaneng ka *scheme* sa ga Goromente.
- (iii) Kwa Molepolole go agilwe matlo a le kae; *Madam Speaker*, matlo a a yang go agiwa kwa Molepolole mo bogompioneng jaana a 1228 *through different housing schemes*. Go balelwa mo teng *private sector led investment* e e nang le matlo a le mantsi, one a a 1200, a latelwa ke a a 80 fa tlase ga BHC. Matlo gape a le *eight, under* Bonno Turnkey Development Housing Scheme. Se se supa gore Molepolole o a tsabakela, o na le matlo a le mantsi ka gore ba ne ba tsiboga mo kgannyeng ya go aba lefatshe gore ba kgone gore ba thusiwe. Re setse re le kwa pele thata mo dikgannyeng tseo *Madam Speaker*. Ke a leboga *Madam Speaker*.

MR KHAN: *Supplementary*. Ke lebogela dikarabo tseo Tona. Ke botse fela gore a matlo a a ya go rekisiwa ma P700, 000 jaaka go buiwa? A ga go na a a botokanyana? O leke go tlhalosa.

MR RAMOGAPI: Ke a leboga Motlotlegi Khan ka potso e e bothhale eo. Rraetsho, ga go boammaaruri ka seo. Kana jaaka ke ne ke araba, go na le matlo a *beneficiaries* ba duelang P90, 000 fela. Go bo go raya gore Goromente *covers additional cost over and above* P90, 000 wa *threshold* eo. So, madi a P700, 000, ke a re neng re raya ba *commercial* re re le se ka la ba la

akanya go aga ntlo e e fetang P700, 000, re raya matlo a *high cost*, a e leng gore bone mo seemong se bone ba ka re a a tura. Ntlo e e turang thata ra re e se ka ya bo ya feta foo. Jaanong a a Batswana a, a simolola fela ka bo P90, 000 mme e bile one ao gape, o kgona *to apply for* SHHA, o bo o ya go reka gone kwa mmeetsing ene yo e le Turnkey, o sena lefatshe. O bo o re nna ka gore ga ke na lefatshe mma ke ikopele (*apply*) yone e re neng re e bitsa re re ke SHHA, ya Bonno, o bo o re mme ka gore nna ga ke na lefatshe, ke reka yone ya babeetsi. Ba bo ba go rekisetsa ya P90, 000 ka gore matlo a teng a a farologana. Ke a leboga *Madam Speaker*.

DR DOW: *Further supplementary*. Ke a leboga *Madam Speaker*. Ke botse Tona, mo ditumalanong, fa o sa duele, o kolota mang, Goromente kana *investor* gore Batswana ba tle ba itse? Sa bobedi, jaaka o ne o bua ka Molepolole, ke batla go itse gore a matlo a, a setse a agilwe kana a tsile go agiwa? E bile gape o ne o bua gore bone ba ne ba tsibogile ka gore ba ne ba na le lefatshe, ke batla go itse gore kwa Molepolole, ke mo Kgotleng e gotweng mang? Batho ba Molepolole ka gore le nna ke na le masika koo, ba reeditse, ba itse gore kamoso ba ya go tlhola gore matlo a bone a tsamaya fa kae e bile ba simolole go itlhophele gone foo. Lefatshe le le bonweng ke mo Kgotleng e gotweng mang e bile a tsamaya fa kae? Ke a leboga.

MR RAMOGAPI: *Madam Speaker*, dipotso tse tsa rona re di dira ka lepotlapotla. Fa potso e tla gone foo e bile re a e araba ka bofelo. Jaanong le tlaa nkinela diatla metsing fa ke re tse dingwe batlotlegi ba di tsenye ke tle ke di arabe sentle ka botswerere.

Boammaaruri ke gore ga ke itse Kgotla eo mme fela go setse go ile go supiwa gone kwa Molepolole go simolodisiwa (*launch*) babeetsi. Bangwe ba ba agang gone koo, fa e le gore *Madam Speaker* o ka ntetlelela, go na le bangwe kwa Suping, Molepolole Institute of Health Sciences (IHS) le Baihara Holdings. Ka ke ne ke rile ba mphe sengwe le sengwe, go na le Magokotswane, go agiwa a le 200. IHS e nngwe 200, Baihara e filwe 100, Molepolole-Magokotswane, e nngwe ke 150, e nngwe ke 50. Go bo go nna le kompone e nngwe e bidiwa gotwe Phil Enterprises Ground, e filwe 150, go bo go nna le Molepolole-Garanta, e filwe matlo a le 200, go bo go nna le Molepolole-Suping Red Air, e filwe 150. Fa re a kopanya e bo e nna 1,200 *Madam Speaker*.

Madam Speaker, jaaka ke buile gore go na le a mangwe gape a a agiwang mo go farologaneng jalo, Molepolole le yone e le mo teng ka *social housing*. Ke lekile go supa gore yone ga ke na nnetlu ya teng mme fela go supegile gore a Turnkey a *eight* a a agiwang kwa Molepolole.

Mo kgannyeng e nngwe e Mma Dow o ne a botsa gore sentlesentle gatwe golo fa o tlaabo o kolota Goromente kana *investor*? Thulaganyo ya rona e ntse jaana batho betsho; re le Puso re tsere sepatšhe go sena, go kwakwaletse, re bo re tla ka leano la gore bagaetsho, mme ditlhaloganyo tsone di teng, ga re ka ke ra ema fela re re ga re na madi, a re bitseng batho ba tle ba beeletse (*invest*). Batho ba e leng gore ba a beeletsa ba jaaka ke ne ke bua, go tlaabo go le gabedi Mma Dow; fa o tsaya *loan* kwa go Goromente, o bo o reka ntlo ele, go raya gore o kolota Goromente. Jaanong go raya gore o tlaabo o nna o duela Goromente ka bonya ka bonya ka gore o tsere P90, 000 *that you qualify for* kwa go Goromente. Gona le gone gape gore matlo a mangwe, one a *private* nnetlane a, go bo go raya gore o itseela *loan* kwa bankeng. Fa o itseela *loan* kwa bankeng, go raya gore wena o duela *investor*, go bo go raya gore o sala ka go duela banka. Ke tsone ditumalano tse re nang le tsone mo bogompioneng. E bile gape re lebile...

MADAM SPEAKER: *Honourable* Ramogapi, baakanya sengwe foo, wa re o duela *investor* o bo o sala ka go duela banka.

MR RAMOGAPI: *Sorry*, go raya gore ga ke a e bua sentle. Ke ne ke re go raya gore o tsaya *loan* kwa bankeng o bo o duela *investor*, o fetsa le ene. Fa o feditse le *investor*, go raya gore wena o sala o duela banka, ke sone se ke se buang. Kgweedi le kgweedi jaanong go raya gore o dirile tumalano le banka. Ke tsaya gore gongwe e utlwetse sentle.

DR DOW: *Point of procedure. Thank you, Madam Speaker.* Ke ne ke re *Minister* ga a araba potso, ke ne ke botsa potso e e tlhamaletseng. Mo matlong a a *more than 1000* a o buang ka one, a a tšile go agiwa kana a agilwe?

HONOURABLE MEMBER: ...(Inaudible)...

DR DOW: Nnyaa, wena o a itumela o tswa Molepolole. Kana Magokotswane ke Kgotla, ga se *company*. Kana go na le *company* e gotweng Magokotswane ga ke itse? Kana e rile fa ke botsa gore e kae, a bo a re Magokotswane, e kete wa re ke *company*. A Magokotswane ke Kgotla kana *company* e e tšileng go aga matlo a le 200?

MR RAMOGAPI: Nnyaa, kgaitadiake gompiono o šhaba ka nna mahala. Ke ne ke tlhalositse gore Magokotswane ke Kgotla kwa e leng gore a ya go agiwa teng. Ke supile gore matlo a a simolodisitswe (*launched*), ka bo ka supa gore kana fa ke araba dipotso tse le fa di dirwa ka bofefo, ke a ne ke batla le tsa *supplementaries*

tse batlotlegi ke solofelang gore gongwe ba ka nna ba di botsa. Ke bo ke balolola gone moo gore matlo a ya go agiwa kae, mo Kgotleng efe, jaaka a ne a botsa mme e bile gape ke bo ke tsenya le gore go aga bomang.

Jaanong kgang ya Magokotswane, ke ne ke supa gore go aga kompone ya North Arrow (Pty) Ltd, matlo a le 150. A mangwe a Magokotswane go aga Double Action, ke 200 *houses*. Ke ne ke tsamaya le tsone jalo, ke tsaya gore o e utlwile.

PROMOTION OF DIS OFFICERS

MR M. BAGAISAMANG (SHOSHONG): asked the Minister for State President to state:

- (i) how many Directorate of Intelligence and Security (DIS) officers were promoted from C1 to E2 in the last five (5) years;
- (ii) if their promotions were in line with the Public Service Act;
- (iii) if it is true that these officers are just staying home yet on DIS payroll; and if so,
- (iv) what remedial action the Minister intends to take to correct this anomaly on promotions.

MINISTER FOR STATE PRESIDENT (MR MOHWASA): Ke a leboga Motsamaisa Dipuisanyo tsa Palamente.

- (i) Ke simolole ke re dipalo tse di ka nnang makgolo a mararo le lesome (310) ke maloko a e leng gore ke ba DIS, ba e leng gore ba ne ba tsholediswa maemo ba tswa mo go C1 go ya kwa go E2 mo dingwageng tse tlhano tse di fetileng. Go rulagantswe ka tsela e e ntseng jaana;

- E2 - 15
- D1 - 36
- D2 - 33
- D3 - 59
- D4 - 100
- C1 - 67

Tsholetso maemo a Motsamaisa Dipuisanyo tsa Palamente, e ne e beilwe mo bokgoning kana bonatla jwa ba e leng gore ba ne ba tsholetswa maemo go lebeletswe tshetlana ya molao ya *public service*,

conditions of service tsa DIS le tse dingwe tse di laolang go tsholetswa maemo a bodiredi jwa Puso. DIS e lebeletse thata tsamaiso e e beilweng ka fa molaong e e lebeletseng bokgoni le bodiredi gore a batho ba a kgona mo tironng pele ga ba ka tsholetswa maemo.

Ga go na ope wa babereki ba kwa DIS o e leng gore mo nakong ya gompiono re ka re o beilwe kwa a sa tshwanelang gore a bo a le teng. Re tshwanetse re lebelele gore DIS e dirisa metlhale e e farologaneng ya tiro ya yone, go na le ba ba tsamayang ba le mo mpaananeng o ba lemoga, go na le ba e leng gore ke ba sephiri ka ba lebeletse tiro ya go nna jaana.

MADAM SPEAKER: *Honourable Minister*, ke kopa gore o gogele *microphone* (*mic*) kwa go wena...

MR MOHWASA: Ke a leboga. Re lebeletse gore ba e leng gore ba lebeletse gore ba tsamaye ba le mo sephiring, ga ba bereke ka dinako tse re ka di solofelang kana ba le mo diofising jaaka mongwe a ka solofela, ka gore golo moo go ka fenywa gone mo e leng gore ke maikaelelo a thomo e ba tlaabong ba le mo go yone. Dilo tse re tshwanetse re di lebe e le gore ga se gore batho ba a bo ba beilwe e le gore jaanong ba ntse kwa malwapeng, ka gore ba a bo ba ntse ba le mo tironng e e leng gore ke ya ditlholwa.

Re tshwanetse gape re tlhalose gore DIS e santse e ntse e tswelotse ka go lebelela tsamaiso e e teng ka fa Public Service Act (PSA) e ntseng ka teng. Se re se dira mme re ntse re itse bothokwa jwa gore dilo tsa yone, ka gore ke dilo tsa sephiri, di se ka tsa nna mo lebaleng. Ke a leboga Motsamaisa Dipuisanyo tsa Palamente.

MR BAGAISAMANG: *Supplementary*. Ke a leboga *Madam Speaker*. Ke ne ke kopa tlhaloso fa mo go Tona gore, a Tona se a se tlhalosang ke gore, go ya mo go ya gore a go na le ba ba nnang kwa motseng, a ka fa o tlhalosang ka teng jaaka o re ke *nature* ya tiro ya bone, a se o tlhomamisa gore bone ba teng ba ba ka tswang ba theogela ba le kwa malwapeng? Ke tsaya gore ke gone fa ke batlang tlhaloso ka teng. Ga ke utlwe thata mo go ya gore a mme *promotions* tse di dirilwe *in line with the* Public Service Act, kana le yone ke ka mabaka a gore ke lekalana la sephiri go na le jaaka ba ka tlodisiwa? Gore a Tona o raya gore le ba, go na le dikgang tse di nang le bosupi jwa gore gongwe ba tlhatlositswe maemo ba tswa *from* bo C1 *in a space of five years* ba bo ba setse ba le kwa go bo E2? A wa re le gone mo go ne go ntse go tsamaelana le *the nature of their duty*, gore a go ne go na le bokgoni mo teng ka nako eo, ka gore o kare ke DIS tse pedi, ya gompiono le ya maloba? Ke a leboga.

MR MOHWASA: Ke tsaya gore ke lekile go feta ka yone. O fitlhela ke eletsa gore ke bue ka Setswana, mme fa o ntlelela Motsamaisa Dipuisanyo tsa Palamente ke ka bala ka Sekgoa.

MADAM SPEAKER: Ee rra, tswelela.

MR MOHWASA: The promotions were merit-based, and in accordance with, among others, the provisions of the Public Service Act, Conditions of Service for the Directorate of Intelligence and Security (DIS) as well as other relevant policies and guidelines governing appointments and promotions within the Public Service. *Ke tsaya gore ke e arabile.*

E nngwe e o neng o bua, gongwe tlaa ke boele gape kwa tlase, tlaa ke arabe e nngwe gape e ke neng ke ntse ke e bua le ka Sekgoa gore gongwe e tlhatswege. Officers assigned to cover covert duties do not operate from a normal office setting, and may for security reasons not be visibly present in the manner common to other public officers. This arrangement may create an impression that such officers just stay at home whereas in reality they are actively engaged in day to day intelligence duties.

MR BARONGWANG: *Supplementary*. Ke a go leboga, e bile ke a go dumedisa Motsamaisa Dipuisanyo tsa Palamente. *Just a quick one Honourable Minister*, golo fale kana fa Puso ya UDC e tsena mo bogoging, go ne go na le ipelaetso e e tseletseng ka DIS. A re ne ra se ka ra fetola *structure* sa DIS golo fale? Fa e le gore re ne ra se fetola, *how far are we with it*, fa e le gore ga re a se fetola, a ga re na maikaelelo a go se fetola? Ke a leboga.

MR MOHWASA: Motsamaisa Dipuisanyo tsa Palamente, lekalana la DIS, go na le makalana a le mararo a re tshwanetseng re a dire, e le gore ka molao wa DIS Act, makalana ao re simolotse thulaganyo e e leng gore re kwaletse Palamente, ra kwalela le ba Leader of the Opposition (LOO) gore ba ntshe maina gore re kgone gore re tsenye maina ao mo dikomiting tse. Thulaganyo ya go dira gore dikomiti tsotlhe tse di tshwanetseng gore di nne teng tsa DIS, e tswelotse. Re solofetse gore e tlaa re pele ga ngwaga o o ya fifing, re bo re setse re kgonne gore re bo re ka tlhoma batho ba go nna jalo.

Motlotlegi Rre Saleshando e le Moeteledipele wa Kganetso, o ne a kopa gore fa Tautona a sekaseka maina, a se ka a ntsha batho ba e leng gore ene o tlaabo a akanya gore ba ka ba tsenya ba le kwa kganetsong, a tsenye ba bone a ba ntshitseng. *Indeed*, o tlisitse maina a e leng gore Tautona o tlaa a sekaseka, ka gore re buile gore maikaelelo a rona ke go dira gore DIS...

HONOURABLE MEMBER: ...(Inaudible)...

MR MOHWASA: Ke kopa gore o ko o nkgalemelele monna yo, a nne a itshwara sentle.

HONOURABLE MEMBERS: ...(Laughter!)...

MR MOHWASA: Ke gore re tsaya gore re botsa ka maikaelelo a gore re tlhoafetse, e seng gore fa motho a tswa fa a bo a ya go ema fa pele ga Palamente a tsena mo Facebook.

Se ke tsayang gore ke maikaelelo a sone *Madam Speaker*, ke gore re batla go dira gore DIS rotlhe re le Batswana, e dirisane le rona ka tsamaiso e e tlhamaletseng ka fa molaong. E bile maikaelelo ke gore re santse re sekaseka go bona gore molao wa DIS o ka tokafadiwa ka tsela e e ntseng jang ka gore molao mongwe le mongwe o tshwanetse gore o nne o tokafadiwa gore o direle batho ba lefatshe le botoka jang. Ke a leboga.

MR KAPINGA: *Supplementary.* Potso ya me e khutshwanyane fela *Honourable Minister*. Gongwe ga ke a go utlwa sentle. Gore a wa re mo dingwageng tsone tse o neng o di bua tse di fetileng tse, a wa re batho ba le 310 *were promoted* mo maemong a E2? Fa e le gore wa rialo, *what kind of organisation can be that top-heavy* e na le *executives* tse di tshwarang bo 310? Gongwe ga ke a go utlwa sentle *Honourable Minister*.

MR MOHWASA: Le tlaa dira gore le re patike gore re nne re bua ka Sekgoa ka gore fa re bua ka Setswana e kare go nna bokete gore re utlwane. Tlaa ke go e balele ka Sekgoa, *Madam Speaker* fa o ka ntetlelela. Tlaa ke e beye jaana Motlotlegi Rre Kapinga;

- *A total of 310 officers of DIS were promoted from the salary scale C1 to E2 during the past five years. The breakdown is as follows;*
- E2 - ke 15, jaanong ga ke itse gore tlhogwana-moimele e tswa fa kae gone foo. Ke dilo tsa go nna motho a itlhaganela fela a sa itse gore go diragala eng a bo a rwala digalase mahala.
- D1 - 36
- D2 - 33
- D3 - 59
- D4 - 100
- C1 - 67

Ke a leboga.

MOGODITSHANE-MMANKGODI DUAL CARRIAGEWAY

MR L. BARONGWANG (MOGODITSHANE EAST): asked the Minister of Transport and Infrastructure to update this Honourable House on the ongoing 27-kilometre Mogoditshane-Mmankgodi dual carriageway; specifically stating the following:

- (i) when the project commenced and the volume of work done against the planned;
- (ii) total amount spent thus far;
- (iii) expected completion date;
- (iv) if the Minister foresees the project being completed on time and on budget considering the progress rate; and
- (v) how much itemized maintenance and traffic management costs to the existing road has already been paid to the contractor; and
- (vi) if the Minister is aware of poor maintenance and traffic management experienced since the tender was awarded.

MINISTER OF TRANSPORT AND INFRASTRUCTURE (MR SALAKAE):

Thank you very much Madam Speaker. The 27-kilometre Mogoditshane-Gabane-Mmankgodi road project was awarded to Zutari in October 2024 to be delivered under the Development Manager Model (DMM).

The scope of the project entails design, construction, supervision and delivery of works.

- (i) Madam Speaker, I wish to inform this Honourable House that following Cabinet's revocation of implementing the DM Model, the Mogoditshane-Gabane-Mmankgodi project is among those permitted to proceed, subject to negotiations on financing and the delivery method. My ministry has since established a task team to engage with the Development Managers and provide recommendations to Government on the way forward. Current physical progress stands at 1 per cent against the planned 4 per cent while detailed design works are progressing concurrently with construction, with actual design progress at 95 per cent against the planned 100 per cent.

- (ii) Madam Speaker, the total amount expended on the project to date stands at P177,258,737.74 including Value Added Tax (VAT). This expenditure has primarily covered road maintenance works (repair of potholes) during the last rainy season, design works, land expropriation, and relocation of services.
- (iii) Madam Speaker, the project is anticipated to be completed in October 2028.
- (iv) Madam Speaker, in accordance with the Development Manager's programme of works, the project is still within schedule. However, the payment frequency as a result of the constrained fiscal situation, presents a significant potential risk to the project, as it impacts the cash flow of both the contractor and subcontractors.
- (v) Madam Speaker, to date, road maintenance costs paid to the contractor amount to P4,318,285.15 including VAT. This figure comprises of P2,310,393.31 for road widening and P2,007,891.84 for pothole repairs. The pothole repairs were undertaken during the early part of 2025, and completed at the end of April 2025. However, no payments have yet been made towards traffic management, as no major construction activities have commenced.
- (vi) Madam Speaker, I am acutely aware of poor maintenance and traffic management experienced since the tender was awarded. Thank you very much.

MR BARONGWANG: *Supplementary.* Nte ke go leboge Tona, tota ke go lebogele gore mo gare ga *projects* tse dintsi tse di emisitsweng *after the DM report, this project is one of those that are proceeding with conditions.* Tota re le ba Mogoditshane, re dumela gore *project* e e tshwanelwa ke gore e nne nngwe ya tse re tshwanelwang ke gore re ikgantshane ka tsone. Fa o lebelela gore go setse go duetswe madi a kana ka P177 million, mme tota ga go ise go nne le *any social impact* mo bathong ba Mogoditshane. A go na le thulaganyo epe e e ikaletseng gore go nne le *social impact* e e tlang ka *project* e, e e *related to this project? Social economic impact*, ditiro, gongwe bommadimausu jaana, ke tsaya ke re o a ntlhaloganya.

Ka fa ke utlwileng potso ya gago ka teng, ba setse ba kile ba dira *potholes maintenance*, ga ke itse gore ba di dirile fa kae ka gore fa o tswa fela fa Pula Spar go ya

go tsena kwa *junction* ya Gabane, ga go na fa go kileng ga kabiwa *potholes* teng. Fa re ka lebelela *portion* eo ya tsela, go ka supa gore *this P4 million* o ka bo a dirile pharologanyo e ntsi, gongwe ba supe gore fa e le gore go kabilwe *potholes* ke fa kae? Ke a leboga.

MR SALAKAE: *Thank you Madam Speaker. Thank you, Honourable Member of Parliament.* Ke tseela gore o e tshwere ka botswerere, e bile dipotso tsa gago di lebane. *The social impact*, maikaelelo ke gore go nne le *social impact*, ditiro di nne teng, dikgwebo le tsone di tlotlomadiwe kana di thusiwe. Bothata ke gore tsela e jaaka ke supile fa, *progress* ya teng *is just 1 per cent, there is nothing going on.* Se se kileng sa dirwa fela jaaka ke supile, ke *pothole patching before April*, ga bo go raya gore di senyega go tla mo seemong se di leng mo go sone.

Potso e ke e boditseng ba re ba abetseng tsela e, ka e bile *the DM contractual framework is such that anything that happens to the road*, ke bone ba ba e baakanyang. Jaanong kgang e nna le bone re leng mo go yone ke gore, le baakanya leng ka gore tumalano ke gore le baakanye? Ga bo go tla gore fa ba tshwanetse gore ba baakanye, re farologana mo goreng paakanyo e bone ba akanyang e ka dirwa mo tseleng e ke eng. Rona kakanyo ya rona ke gore, go thibiwe *potholes* gore e re letsatsi le *construction* e simologang, e se ka ya kgopakgopediwa ke sepe. Bone ba akanya gore go dirwe *re-sealing*, kana *re-sealing is more like doing the road*, mme ga go 100 per cent. Mo go rayang gore fa go tla nako ya gore jaanong ba dire tsela e, ga ba ka ke ba epolola *this re-sealing* e ba e dirileng. Ke gone fa nna le bone re leng teng gore, *let us patch this road* re thibe *potholes*, re bo re buisana ka gore le simolola leng ka gore tsela e ga e ise e ko e tswalwe, re dumalane gore e a tswelela. Jaanong bone ba re *re-sealing, re-sealing is cheaper*, e bile *it is the cheating* ya go ka dira *the actual work*. Ke tseela gore mo nakong e e sa fediseng pelo, *we are going to patch the potholes, subject to you Honourable Member Rre Motaosane*, ka ke a itse gore tsela e o e kgalhegela fela thata. Nna le wena re thusane mo goreng borre ba, re ba supegetsa jang botlhokwa jwa gore ba thibe *potholes*, so that *actual construction* fa e tla e se ka ya kgopakgopediwa ke sepe. Fa e ka goroga go na le *re-sealing, re-sealing* fa o e lebelela mo gongwe e nna e kete tsela e dirilwe, mme tota e le gore kwa tlase kwa, go santse go bodile. Re batla re *patch, patch, so that construction* fa e goroga, go dirwe *an overhaul*. *Thank you very much, Madam Speaker.*

MR LEKUTLANE: Supplementary. *Tanki Madam Speaker, ke go leboge Honourable Minister. Ga ke a go utlwa sentle Honourable Minister gore, tota where are we exactly in this project. Kgang ke gore wa re go dirilwe 1 per cent, is it the 1 per cent of the design or 1 per cent of the commencement ya construction? Se ke lekang go se supa ke gore, by 2019, the same project ya this road, was designed and was supposed to be awarded, design was complete.*

The other issue on top of that Honourable Minister, then, the estimate was P1,7 billion ya the designer. The one negotiated by *Goromente* was P1.3 billion. *Jaanong gompiano se ke se utlwileng ke gore*, the project has raised to P3.4 billion. Second question *ke gore* what are the changes there, *le gore se gompiano se ka bong se tswelitse ke eng?* Thank you Madam Speaker.

MR SALAKAE: Thank you very much Honourable Member for the question. It might be very possible that in the past year, the information that was given was such that the design was complete. What I want to tell this Honourable House is that, that is not true. The truth of the matter is, construction *le design ya* this road, *kana* the roads under the framework *ya DM, di ne di dirwa ka nako e le nngwefela*. They are being done simultaneously. As we speak, construction is at 1 per cent, design is at 95 per cent, not at 100 per cent, because of the non-performance of the DM Manager. The design is at 95 per cent, I am saying this *ke ikuthwa*, 95 per cent. The actual work is 1 per cent.

The reason why *e le fa e leng teng ke gore, e rile fa re sena go emisa ditiro tsa DM, ba bo ba na le tumelo ya gore ka gore Goromente o na le mathata a madi, ga ba ka ke ba tswelela, ba bo ba nna fela*. Up until *dingongora di tla le mo Mapalamenteng, le rona re bona gore fa re santse re batla tsela, e ne e le gore lona DM, le neelwa ditiro tse ka tumelo ya gore le na le madi a lona. A e tlaa reng Goromente a santse a na le bothata jo a nang le jone, le bo le dira le tla le duelwa. Ba bo ba dumalana gore, nnyaa mme re ka dira sengwe* right now. *Re bo re farologana fela mo goreng bone ba re re-sealing, rona ra re patching*. The actual truth that I am telling you *Rre Mmusi ka ke go utlwile o re e sale e fedile*, he was not telling you the truth. The facts are there at the ministry, only the design was at 95 per cent, construction is at 1 per cent. *Mo ga gore e sale e fedile*, it is something that me and you can even revisit and bring a comprehensive answer to this Parliament, to the effect that only 95 per cent of the design phase has been completed. Thank you very much.

MR MOTAOSANE: Supplementary. *Thank you, Madam Speaker. Honourable Minister, tsela e e utlwisa bothoko jo e leng gore ga ke itse gore ke ka go raya ke reng fa o bua ka design... Kana tsela e fa e simolola, the design was complete, the tenders were done, the awarding of the tender was actually given to the company called CCC. E bo e emisiwa ke tse di neng tsa e emisa, tse ke dumelang gore go ne go na le bo DIS mo teng. Ke tsone tse Honourable Lekutlane a neng a bua ka the original figure of around 1.4. Fa jaanong ele e tlogelwa gotwe DM Model, kante DM e ne e sa lebelele at least to do the editing or auditing of the design, ba bo ba tswelela ba dira project jaaka e ne e ntse kana ba ne ba simolola to redesign sesha completely? Tota fela the design, construction even the quantification of the project go fitlhelela e bo e nna tender and then awarding was done. Ke batla go itse gore e rile DM a tsena, e nna a completely new project, new design le sengwe le sengwe tota?*

Kwa bofelong, *the 1 per cent ya construction e ba reng e dirilwe, ke which part of the road e percentage eo e dirilweng kwa go yone ka gore nna jaaka re tsamaya ka tsela e jaaka ke tlhola ke go bolelela Motlotlegi Tona, re mo mathateng a dikotsi, every day. I am not saying once mo bekeng, every day go nna le dikotsi especially between Kumakwane and Gabane go nna fela go na le dikotsi. Jaanong potso ya me fela ke gore a go simoletse sesha? Ke a leboga sir.*

MR SALAKAE: *Madam Speaker, I want to, in a very special way, ke go kope re direle this Honourable House justice. I am saying design ga di a fela, re tsamaela kwa go reng gongwe ke tlhalosetse Mopalamente gore ke gone jaaka re ne re bua gore e rile re lebeletse ditlhopho, ga bo go fefosiwa dilo go sa ipaakannwa. Gongwe o ntheye o re a ke ye go tla ka an answer e e supang gore design e fa kae, there was no design; design is supposed to be done by the DM and approved by the Minister. By then go ne go batliwa go dira ditsela ka bonako, go bo gotwe ditsela di dirwe go ntse go tsweletswe design e le on; design e on, it is at 95 per cent.*

It might have been the case that Parliament in the past was told that the design was complete but where I stand now, the design is at 95 per cent. Kwa kgannyeng ya madi go digela...

MR MOTAOSANE: *On a point of correction. Honourable Minister, ke go utlwa sentle. I just wanted you to distinguish kgang ya gore tsela e kwa tshimologong, everything was complete when the tender*

was awarded to CCC not the DM tender. Ke ne ke batla go itse gore a DM fa e tsena, *did you forgo all the designs tsa project kwa e neng e simologile teng until it was awarded to CCC? Jaanong e rile DM e tsena e bo e nna a completely new design which I would agree with you gore probably e dule fa go tsena bo DM bao, ke gone ke ka dumelang gore it was at 10 per cent. The gist of the matter is that kana project ele e ne e dirwa gape mme tota the design of the road was complete.*

MR SALAKAE: *Thank you Madam Speaker. Ke a go tlhloganya Honourable Motaosane mme bile I admire your ... (Inaudible)... skills very much. The question had asked gore fa re leng teng tsela was awarded leng, ke bo ke supa gore within the DM framework, e abilwe ka October 2024. If there was any other award before that, the CCC one, ga ke na karabo ya yone gompiano, but as things obtain ke tsa DM. It is possible ke dumalana le wena gore ka nako ya CCC gongwe the scope of the design was smaller than that of the DM, such that then the DM was then told to redesign.*

With specific to the tender to Zutari yo ke buileng ka ene, is at 95 per cent. E bile 1 per cent ka o boditse gape, reaching a logical conclusion on that, 1 per cent wa teng relates to land expropriation like I indicated in my answer, potholes tse di dirilweng before October and relocation of services; bo metlakase, dipale and so forth.

Fa o ntetlelela Madam Speaker, ga ke a araba the second part ya ga Motlotlegi Mopalamente. *It is true much as when the President did his State of the Nation Address (SONA) in November, a ne a supa, re ne re itemogela gore fa re tla kwa dikgannyeng tsa costs le dipalo, ga go lebege sentle. I came to this Parliament to say, we will establish a committee that I have indicated here; as we speak it is in Francistown e dira ditsela tsa kwa Francistown. It is going to come to Zutari gore e tle go lebelela dikgang tsa madi le design gore e tsamaya fa kae, then they bring back the comprehensive report then I take it to Cabinet. It is not my job, ke tiro e e sanctioned by Cabinet gore go and look at all these things; madi, fa re leng teng and so forth. So, what I am telling you is at it obtains now, we are at 95 per cent design under the DM framework not ya CCC. Thank you very much.*

RWEE PRIMARY SCHOOL

MR K. K. KAPINGA (OKAVANGO WEST): asked the Minister of Local Government and Traditional Affairs if he is aware:

- (i) that the project to construct Rwee Primary School in Shakawe has disastrously collapsed;
- (ii) that similar projects in other districts which were commenced at the same time with Rwee Primary School are now operational whilst the latter is far from completion;
- (iii) that even the bricks used for the Rwee project are inferior to those used for example at Diagane Airlink Primary School;
- (iv) if this is not attributable to the budget for Rwee Primary School not having taken into cognisance the astronomical difference in cost of building in Shakawe and other places in or near Gaborone; and
- (v) is there any hope of the school being completed soon.

MINISTER OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS (MR MOTSHEGWA):

Ke a leboga Motsamaisa Dipuisanyo tsa Palamente. Ke leboge Motlotlegi Kapinga ka dipotso tse a di boditseng.

Karabo ke gore fa go lebelelwa sekole se se botlana sa Rwee, gongwe se ke tlaa se farologanyang ke gore gakere fa motlotlegi a bega gore go na le sengwe se se diragetseng, gongwe se se ka bonwang ka matlho se le physical se akaretsa go kuama, fa ke baakanyediwa go araba, gongwe karabo e bo e supa gore ga go ise go nne le go gosomana kana go wa ga sekole, se se leng teng ke gore go na le tiego, gantsi fa dikgang di ntse jalo, go botoka re rurifatsa ka go iponela. Fa gongwe ke kgona go araba ke re ga go a nna jalo, kante go ntse jalo. Go raya gore fa godimo ga go araba jaana, ke mo re ka batlang ditsela tsa go rurifatsa jalo.

E re go ntse jalo, ke arabe gore tiro e e ne ya kgaoganngwa gore go nne le dikago tsa matlo a bodiredi gammogo le kwa borutelong. Kwa dikagong tsa thutelo tsone go ne ga nna le tiegonyana e e leng gore go raya gore seelo sa fa go tsamayang teng ke 41 per cent kgatlhanong le mo go neng go solofetswe gore ka nako yone e go ka bo go tsamaya 100 per cent. Rankonteraka le ene o ne a felela a tswa from the site.

Matlo a bonno jwa bodiredi a tsamaya kwa seelong sa 62 per cent kgatlhanong le se go solofetsweng gore ka nako e e ka bo e le 94 per cent fa go ne go dirwa potielo mo paakanyong ya tiro eo. Mangmang wa tiego e ke gore borankoteraka ba ne ba nna le dikgwetlho tsa

madi mo go bone. Se sa bo se tlhotlhelediwa gape ke go tsholetsega ga ditlhwatlhwa tsa didirisiwa tsa kago. Dikgwetlho tse di kopana le mabaka a ditsela tse e leng gore ke tse di sa siamang tsa kwa dikgaolong tsone tseo le bokgakaleng jwa lefelo le re buang ka lone. Jaanong fa di kopana, e nna motswako wa tse di dirileng tiego ya kago yone e mme e se selo se se eletsegang ka gore go tlhoka gore e fele ka nako, e ye go dirisiwa se se neng se elediwa gore se dirwe.

Go leka go nolofatsa kana go baakanya (*mitigating factors*), dikgwetlho tse re setse re di tlhalositse, *ministry* o leka go rotloetsa mowa wa go dira sentle, mo re reng *sound project governance and policy by utilising both contractual mechanisms and proactive risk mitigation to drive successful completion*. Re leka go fefosa ka fa go tshwanetseng gore tiro e dirwe ka teng gore e fele ka nako fa go tla mo go e direng le mo go e tsamaiseng jalo le jalo.

Ga se tsone fela, go ema nokeng tiro e ka mo re reng *direct supplier payments* le *advanced payments* kana gore ba thusiwe ka madi mo tlhaelong ya bone gore ba kgone ba dire tiro. Ba neelwe madi mangwe kwa pele gore mo kgwethlong ya bone ya madi, ba kgone ba feleletse tiro yone e. Ntlha e nngwe ke go gakolola rakonteraka kana ba ba neetsweng tiro go oketsa didirisiwa (*machinery*) tsa bone le gore bodiredi bo oketsege ka dipalo go leka *to compensate for* tiego ele e e nnileng teng ka gore maikaelelo ke gore *project* e tle e fele.

Seemo sa kwa Rwee se tshwanetse sa lebiwa kana sa tlhalogannngwa gore se farologana le ditiro tsa kwa dikgaolong tse dingwe. Pharologanyo e e tsalwa ke mabaka a a farologaneng, go akareidiwa le *remote location* kana kwa tiro e e tlaabong e dirwa teng. Mo go farologanang le *projects* tse dingwe. Tse dingwe kana di ne di se kgakala le kwa go rekwang dithoto teng (*proximity to supply and service centre*). Dikgwetlho tsa Rwee di ne di tswa mo go reng kana go tshwanetse gore didirisiwa tse kana dithoto tsa tiro di tsewe bokgakaleng di isiwe teng. Ke gone mo go e farologanyang le *projects* tse di neng di dirwa kwa dikgaolong tse dingwe. Gone moo, go oketsa ditlhwatlhwa tsa go dira tiro yone e kana *elevate operational costs*, ka gore go a bo go itebagantswe le gore go ye go tsewa didirisiwa kwa ntle.

Motsamaisa Dipuisanyo tsa Palamente, mma ke solofetse Ntlo le Mopalamente ka go maleba gore a bo a tshwenyegile thata ka tiro e gore re tlaa fefosa. Ditena

tse di gone kwa Rwee, ka tshekatsheko, ga re bone e le tsa boleng jo bo kwa tlase, re bona gore bo tsamaelana le sekale le seelo se se tlhalosiwang e bile se supywa ke ba Botswana Bureau of Standards (BOBS) fa re bua ka *quality*.

Kwa bofelong, re amogele kwa lephateng gore go ne ga nna le tiego gone kwa Rwee Primary School. E supilwe ke mabaka a ke setseng ke a tlhalosa. Mme kana gone moo, go ama go akolwa ga ditirelo tse batho ba neng ba di solofetse mo kagong eo. Ke setse ke supile gore mo go lekeng go tsiboga kana go duelela tiego yone eo le dikgwetlho tsone tseo, re dira ditogamaano tsa *budgets* le *project planning implementation*.

Ke wela gone ka go solofetsa gore dikago tsa matlo a bonno le a borutelo gone kwa Rwee Primary School, di tsweletse. Re itlama gore e tle e nne tiro e e welang, e sa wele fela mme e le ya boleng jo bo kwa godimo.

Kwa bofelong Mopalamente Rre Kapinga, ke supe gore nngwe ya dilo tse re di ikaeletseng, e se kwa Rwee fela, dikago le ditiro tsothle tsa Puso kwa *Local Government*, re dumela gore re tshwanetse ra di dira gore di fediswa ka nako e e beilweng ka gore e a bo e ne e bewa go kadilwe. Di fediswa ka nako e e beilweng ka madi a a neng a rebotswe mme e le ditiro tsa boleng jo bo kwa godimo. Ke gore *durable projects delivered on time and delivered within time*. Ra re go nne le ditlamorago tsa go sa dira jalo ka gore fa gongwe go kgonwa go bakwa ke bodiredi kana bo rakonteraka. Ke gore *consequence management* ya *non-compliance to these standards* tse re buileng ka tsone. Ke yone *proper project management, monitoring, evaluation and proper execution*. Ke a leboga.

MR KAPINGA: *Supplementary*. Tona, ga ke go utlwe gore wa reng. A wa re *project* ya Rwee ga e a phuthama? Fa o re *project* ga e a phuthama, a o a itse gore e sale e simologile ngwaga mang? Le gompiono e kgakala le seemo sa gore e ka fela. E bile *projects* tse di simolotseng le yone jaaka ke go file sekai sa Diagane Airlink Primary school, bana ba setse ba tsena mo go tsone dikole tseo. A wa re *project* e e tsereng sebaka se se kanakana e sa ye gope, ga e a phuthama rraetsho? A o ka bolelela Palamente e gore mo dipampiring tsa lona le le Goramente, *project* e e abilwe ngwaga mang?

Ya bofelo e e botlhokwa rraetsho ke gore ga ke a go utlwa gore wa re jaanong fa go ntse jalo, le ya go thusa Khansale ya Okavango? *The cost of building a similar project* jaaka Diagane Primary School e e agilweng kwa ke nngang teng kwa Mogoditshane, gore o e age kwa

Shakawe madi a teng *doubles* kana *triples*. Fa go ntse jalo, le le Goramente, le ya go thusa jang gore *project* e wele ka gore fa le sa thuse ka madi gore *project* e wele, ga go na kwa e yang teng jaaka le yone e Rwee Primary School e eme golo go le gongwefela jaaka re bua jaana rraetsho? Ke a leboga.

MR MOTSHEGWA: Ke a leboga Motsamaisa Dipuisanyo tsa Palamente le Mopalamente. Tse dingwe ke ne ke di arabile, ke go di boelela. Ya go phuthama; kana go phuthama go ka nna gabedi, go ka tewa fa *project* e phuagantswe e sa tlhole e dirwa gotlhelele. Go ka nna ga tewa go wa ga *building*. Ke sone se ke reng *project* e tswetse. Ke supile *percentages* tsa kago ya matlo a borutelo le a bonno. Ke supile gore a borutelo go nnile le tiego e e leng gore go kwa go 41 *per cent*. Ka nako yone e, re ne re solofetse gore e bo e le 100 *per cent*. Ke bo ke supa gore bonno jwa badiredi ke 62 *per cent progress* fa re leng teng mme go ne go solofetswe gore ka nako e e bo e le 94 *per cent*. Ke bo ke re, kana dikgang fa di begwa kwa dikgaolong jaaka dikgaolo di le bophara jaana, fa ke araba ke neelwa tse di mo dibukeng le tse dingwe, fa gongwe gantsi go rurifatsa go feta foo, ke fa o iponela ka matlho. Ke sone se ke neng ke re fa go kgonegile nako e letla, ke dilo tse re tlaa di dirang jalo. Ke tshwanetse go ya golo gongwe le Rre Hikuama, gongwe fa re kgonne re tlaa tsamaya ke le gone ka koo ke ya go bona sekole seo.

Ya gore a ke a itse gore se simolotse ngwaga mang, nnyaa eo ga ke a tshola *information*, ke e ke ka e batlang. Gongwe fa go ne go supile gore e a tlhokega, ke ka bo ke e tsomile go sale nako. Ya gore se simolotse leng, *project* e abilwe leng, ke tse ke ka di phuthang ka di neela Mopalamente. Ya gore re ya go thusa khansela ka tsela e e ntseng jang gammogo le ba ba dirang mo dikgwethlong tse di ba lebaganeng, kana mme ke ne ke amogela gore pharologanyo ya tiro e kana ya kago ya kwa Rwee, e farologannwa le tse dingwe... Fa ke ne ke bua ka motswako wa dikgwethlo, nngwe ya tsone ke bokgakala fa bo kopana le *infrastructure* kana ditsela tse e leng gore ga se tsone.

Fa re ne re bua ka *equitable distribution of development* e ke nnang ke bua ka yone le *rural industrialisation*, go raya gore dikgaolo tsothle di tshwanetse tsa bewa mo seemong sa gore fa go isiwa ditlhabololo kwa go tsone, ga go dire gore jaanong gone go isa ditlhabololo le ditlamelo, go sokole ka ntata ya gore ga go na tse dingwe. Go raya go tshwanetse gore go nne le *proper infrastructure that supports availing of other services*

gone koo. Mo gompionong mo go *specific to project* e, ke e ke neng ke e tlhalosa ke re go tlaa dirwa *providing support through direct supplier payments and advanced payments*.

Ke ne ke re, go tlaa gakololwa rakonteraka go oketsa *machinery* le *workforce*. Moo ke mo go *immediate, but long-term* ke e ke neng ke e tlhalosa ke re, eo e amana le ditirelo tse dingwe tsa Puso go tsisa *supportive infrastructure* gore go se ka ga nna thata go isa ditlamelo kwa dikgaolong tse dingwe. Ke ne ke supa gore re amogela kgwethlo e, gore ga go a siama gore *project* fa go ne go ikaeletswe gore e bo e fedile ka nako ya gore, go sa fela ga yone go raya gore barutabana ba ba koo ba sokola ka boroko le tlhaelo ya matlwana a borutelo. Ke raya gore ke na le wena Motlotlegi Kapinga. Mme le fa gotwe re se ka ra nna re bua mathata gantsi, mme ke a re a fitlhelang, ke mo kalafing ya one. Ke a leboga.

HONOURABLE MEMBER: Procedure Madam Speaker.

MADAM SPEAKER: Honourable Members, e tshaila ya dipotso.

DR GOBOTSWANG: Procedure. Madam Speaker, Matona ba gakolotswe gantsi gore fa potso e bodiwa, ba tshwanetse ba akanye. Ke batho ba ba tlhaloganyang fela sentle gore fa potso e botswa, e bile e supa gore go ka tswa go na le bothata jwa go fetsa *project*. Potso e a tshwanetseng a e ipotse e le *Minister*, a tle a e ipaakanyeditse ke gore mme gone e ne e tshwanetse go simolola leng, e ya go fela leng? Fa a tla fa a re, ga a itse gore e simologile leng, *it is a very obvious question to ask*. Fa a ne a boditswe potso e, o ka bo a lemogile gore e sale e fetilwe ke nako, *so*, e phuthame. Jaanong e tlogedisitswe go botsa *very elementary questions*. Madam Speaker, a ko le gakolole Matona, ba ko ba dire tiro e e tshwanetseng. Ga se maSub-A, ke batho fela ba ba tseneng sekole, ba ba tlhaloganyang Madam Speaker.

MADAM SPEAKER: Nnyaa, mme e ne e se procedure Honourable Gobotswang. Go raya gore o ne o batla go akgela fela ka fa o akgetseng ka teng.

MINISTER OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS (MR MOTSHEGWA): Point of order. Motsamaisa Dipuisanyo tsa Palamente mo nakong e e fetileng, o ne a dira *ruling or guidance* mo kgannyeng e motlotlegi a e buang. Ga ke itse gore fa a ntse a e boelela jaana, a o batla go fetola *Ministers* baporofiti gore fa potso e botswa jaana, go ka nna ga

nna le e e ntseng jaana. Go tshwanetse gore mmotsi wa potso fa go na le se a se eletsang, o ka se botsa, se bo se arabiwa. Rre Kapinga ga ke a mo e neela, gantsi fa Mapalamente ba botsa dipotso, ke ba romelela dikarabo gore a mme ke yone e o neng o e eletsang. A go na le sengwe, ke tle ka sone gape. Ke dilo tse di ka thusanwang, gore yo o eletsang go itse *information*, a boletse ruri le ene. Tona le ene fa go na le *information* e e tlhokang go pata eo, a e phuthe. Re se ka ra fetola Matona baporofiti fa go senang dikereke teng.

MADAM SPEAKER: Order! Order! Honourable Members, question time is over.

HONOURABLE MEMBER: *Ke na le point of order Madam Speaker.*

MADAM SPEAKER: Nnyaa, ya dipotso e fetile.

HONOURABLE MEMBER: *O ne a araba on a point of order.*

MADAM SPEAKER: Nnyaa, ga le fetolane ka mafoko. Ke tsaya gore e wetse.

HONOURABLE MEMBER: Ga gore sepe.

MADAM SPEAKER: *Nnyaa, reetsang Honourable Members, e tshale ya dipotso.* I now invoke Standing Order 26.2 and convene into a General Assembly. Clerks, *ke kopa le thuse ba time cameras. Ba ntshe* journalists if there are any. *Re tlaa tla* later. We are getting into the General Assembly Honourable Members.

...Silence...

MADAM SPEAKER: Let us now proceed to presentation of Government Bills.

First Reading

PRESENTATION OF A GOVERNMENT BILL

MADAM SPEAKER: Order! Honourable Members, the Minister of Health has a Bill to present. Honourable Minister, please present your Bill.

MINISTER OF HEALTH (DR S. MODISE): Procedure. I was advised before coming, that the Bill will be tabled on Wednesday. We will be dealing with the Constitutional Court today. Later date on Wednesday. Thank you.

MADAM SPEAKER: Thank you. Honourable Members, we are going for Second Reading, Constitution (Amendment) Bill, 2025 (No. 14 of 2025).

LEADER OF THE HOUSE (MR MOHWASA): *Procedure. Madam Speaker,* ke tsaya gore go botlhokwa gore ka re tswa mo *General Assembly*, setšhaba se tlaa gakgamala gore ke eng fa gompiano re ntse jaana, re se mmogo, *particularly* go na le kgang e tona ya botlhokwa fa pele ga rona. Ke tlhalose *Madam Speaker*, gore fa re le mo *General Assembly which you convened*, because re ne re tsaya gore go botlhokwa gore go tle go tlhalosiwe ka *Constitution*, bagarona ka ditlhaloso tse ba neng ba supa fa re le mo tseleng e e siameng, ba tsaya tshwetso ya gore ba tswe mo teng. Go a tshwanela gore re tlhalosetse setšhaba gore re na le kgang ya mokatakata, e e bokete, e e agang setšhaba, e re solofelang gore baemedi ba bone ba ba romileng, ba tshwanetse ba bo ba le fa ba ntsha maikutlo a bone. Re bua batho bao gompiano ba seyo mo Palamenteng. *This thing cannot be allowed.* Re le setšhaba, re tshwanetse re kgale selo se, re se kgwe mathe. Ga se maikaelelo a rona gore re tsamaye re tlhota ka batho ba ba dirang ka bomo. Ba batla go folodisa maiteko a Puso e le kang go a dira. Re tshwanetse re tlhalose seo Motsamaisa Dipuisanyo tsa Palamente.

MADAM SPEAKER: Thank you Honourable Minister.

MR MOHWASA: Fa o ntletlela, ke tlhalose gore fa re re ba kganetso, ke ba Botswana Congress Party (BCP), ba gokagane le ba ga bone ba Botswana Democratic Party (BDP). *This has to be on record.*

MADAM SPEAKER: *Thank you Honourable Minister.* Re a go amogela *Mr President.*

CONSTITUTION (AMENDMENT) BILL, 2025 (NO. 14 OF 2025)

Second Reading

(Resumed Debate)

MADAM SPEAKER: Order! Order! Honourable Members, the debate on this Bill is resuming. When the House adjourned last week Thursday 27th November, 2025, Honourable Mokgware was on the floor debating and he is left with 17 minutes and 4 seconds. Honourable Mokgware, continue with your debate.

MINISTER OF LABOUR AND HOME AFFAIRS (MAJ. GEN. MOKGWARE): *Thank you very much Madam Speaker and good afternoon.* Le nna ke bue fela ke re, re maswabi gore letsatsi leno, re bo re bona ba garona ba *opposition*, ba BCP le Domkrag ba sa tla Palamenteng re tswa mo kgannyeng e e botlhokwa, e

e ntseng jaana. Ke simolole jaaka ke ne ke simolotse maloba ke re, re le UDC, re tla jaana re ne re ipeetse maikano a rona a re neng re a beile fa pele. *Manifesto* wa rona fa o ka o bala sentle, *paragraph 2.1* e o ka e bonang kwa *page 13* go tsena kwa go *page 14*, ke kopa o ntetlelele ke *quote Madam Speaker*.

MADAM SPEAKER: Continue sir.

MAJ. GEN. MOKGWARE: Go kwadilwe ka Seesemane, ke nopole jaaka go ntse, ra re, *“we will act to establish a body and mechanism within the confines of the law, to act in motion, a comprehensive review and public engagement, people driven, participatory inclusive and transparent for a new Constitution crafted to offer our nation an inclusive Government system.”* Ke se re se ipeetseng pele. Jaaka re simolotse jaana re bua ka go fetola *Constitution* mo ga rona mo, re dira re lebeletse maikutlo a rona. Gore o fetole *Constitution*, o tshwanetse gore o tsamaye ka tsela. Re tlhaloseditswe ra ba ra kaediwa gore mo melaong ya Botswana, *any amendment to the Constitution has a process well tabulated* gore fa o amana le e tshetlana mo *Constitution*, o tshwanetse gore o e tsamaye ka tsela e e ntseng jang. Re le Goromente wa molao, le tsamaiso e e tlhapileng, re dira jalo gompieno, re setse tsela e morago. Ra lebelela gore se se leng botoka mo go rona re le Botswana re ka simolola fa kae mo tsamaisong e, *in this particular process*. Re bone gore re simolole *to amend* kana re tsenye *Constitutional Court*. *This amendment* jaaka re ntse re bolelelwa *the main amendment, the main cause of why we are discussing this thing today*, ke yone e re e balang re re ke yone *Section 11 which introduces 102* e e buang ka *Constitutional Court*. *Any other laws around this* di tlisiwa ke yone *the introduction of the Constitutional Court*. Ke yone e re e tliasang.

Mabaka ke a, a farologaneng; kana fa o lebelela ditiro tsa *Constitutional Court* kana...

MINISTER OF HEALTH (DR S. MODISE): Elucidation. Thank you very much Honourable Member. I just wanted to share because on page 14 of that very same manifesto of the UDC, if you allow me Madam Speaker, at point T it is very explicit when it talks about the establishment of a Constitutional Court, I just want to bring our attention to that. Point T reads, and I quote Madam Speaker, “establish a Constitutional Court which will deal with specific legal cases as a result of improved people’s understanding of their rights and their inalienable rights to litigate and claim those rights for themselves.” So, the issue of the Constitutional Court is not an afterthought, it is something that we had in our manifesto. Thank you.

MAJ. GEN. MOKGWARE: *Thank you very much* Dr Modise. Fa o e bala sentle, jaaka ba bangwe ba re raya ba re a re tsweleng fela ka yone *High Court*. Fa o bala mo *Constitution* ya rona, *the High Court held unlimited power*, go raya gore *it can deal* le case nngwe le nngwe e e batlang *to deal* le yone. Rona ra re *there are special issues of constitutional law, we want to unpack*. *Cases tse di kwa High Court there are over 3,000 as we speak today*, jaanong re batla *a specialised court to define* molao, e bua fela ka molao e itebagantse le yone *Constitution or matters of the Constitution*. Re batla sone seo, *a specialised, a specific court dealing with dikgang tse*. Ba bangwe ba re raya ba re re *consult*, re bitse batho, ga re gane, re ya go dira jalo, *that is why* re ipeetse ra re *an inclusive, transparent Constitutional Review*, go bua rona. *Within that particular process*, e ka nna ya re re ntse re tsamaya *consulting* batho re bua le bone, yo mongwe a bo a re raya a re nnyaa, *this consultation* e le e dirang e ga e nkame, e ntsheditse kwa ntle. O tlaabo a ya kwa *High Court*, rona ra re *no, it is a constitutional issue*, a e ye *to the Constitutional Court*. *That is why* go le bothokwa gore re dire jalo gore *during this process*, re tile go tsamaya re kgopakgopetsana le *matters of constitutional issue, and we should be having a court in place* e e tlaabong e tlhalosa dilo tse, e leka go di rarabolola. Ke sone se o bonang re bua re re, a re nneng le *Constitutional Court* pele e e ka reng le fa re fetsa ka yone *Constitution* e, ra e isa kwa go yone ba ya go e kakoba ba e tlathloba, ba re raya ba re nnyaa, e siame kana ga e a siama.

MR BARONGWANG: *Elucidation*. Ee, ke a go leboga. Kana kwa ntle kwa *Honourable Mokgware*, go na le mabarebare a gore yone *Bill* e re e buisanang gompieno, ke yone *Constitutional Review*, a ko o tlhalosetse Batswana gore nnyaa, golo mo ke tshimologo ya go ipaakanyetsa go dira *a comprehensive Constitutional Review*. Ke a leboga.

MAJ. GEN. MOKGWARE: *Thank you very much* motlotlegi, *you have put it very perfectly well*. Jaaka re tlhalosa, kana ga re ise re simolole *to review Constitution*. E bile gape ga re ise re bue ka gore re ya *to review Constitution* ya rona ka tsela e e ntseng jang. Jaaka ke ntse ke utlwa o tlhalosa jalo mokaulengwe, bangwe ba bua ba re re tshwanetse gore re bo re nna le *a Constitutional Review Act*. Babui ba molao ba re tlhaloseditse gore fa re ka e tliisa mo Palamenteng, e ya go gotlhagotlhana le yone e. Jaanong ke sone se e leng gore re gatelela mo *Constitutional Court* gore e tle e nne teng. Jaanong ke sone se re se batlang sone seo gore re dira jalo ka bomo.

HONOURABLE MEMBERS: ...(Murmurs)...

MAJ. GEN. MOKGWARE: Ke sale ke bua ka re e tlaa re ba utlwa ke bua kwa ntle, ba tlaa goroga, ke ba ba a tsena *Madam Speaker*.

HONOURABLE MEMBERS: ...(Murmurs)...

MAJ. GEN. MOKGWARE: Ba reye fela ba tle ka tidimalo, ba tle ba nkuhlwe gore ka reng.

Jaanong ra rialo, e le rona ba re tlhalosang re batla go sireletsa Batswana, re batla go bona gore Motswana mongwe le mongwe o na le lentse. Ga re ise re simolole *Constitutional Review, we are just establishing a Constitutional Court, period*. Re se ka ra lebala, ba ga Domkrag ba kile ba tla gone fa e le *a weighty matter, a Constitutional issue*, ba emisa *floor-crossing* gone fa.

MR MONAGENG: *Elucidation*. Ke ne ke re, *Madam Speaker*, gongwe *point* e e neng e buiwa ke Dr Modise ka gore *it is very important and* bagarona ba ne ba seyo fa a e bua, gongwe fa o ka e boelela gore, ke gore ke se re neng re ntse re se ikaeletse mo *manifesto* wa rona. A ko o e boelele *Honourable Minister*.

MAJ. GEN. MOKGWARE: *Thank you Madam Speaker*. Tanki motlotlegi. Ke tseela gore ba ntse ba reeditse maranyane, ba ntse ba ntebeletse mo megaleng ya bone re bua gone mo gore *the establishment of the Constitutional Court is there in the UDC manifesto, written in black and white*. Jaanong ga re simolole sepe se sesha, re a tlhamalala, re dira sone se re se ipoleletseng gore re ya go se dira.

MR LUCAS: *On a point of order*. Ke a leboga *Madam Speaker*. Kana re ntse re le mo General Assembly re le Palamente, e ne e le gore re tlile go bua ka kgang yone e go buiwang ka yone gompiano. *Madam Speaker*, o ne wa tsaya tshwetso ya gore o a re emisa re ise re akgele kgang eo ka botlalo. Selo seo re le ba kganetso ga re se itumelele gotlhelele ka gore *this is a weighty matter*; e ne e tlhoka gore o re neele sebaka se se lekaneng go e akgela, mme ga o a dira jalo, re ngongoregela seo.

HONOURABLE MEMBER: Procedure Madam Speaker.

MR LUCAS: I am standing on a point of order sir.

HONOURABLE MEMBER: Procedure!

HONOURABLE MEMBER: Clarification Madam Speaker, clarification!

MR LUCAS: I am standing on a point of order.

MADAM SPEAKER: *Honourable Members*, mo leseng a wetse.

MR LUCAS: *Honourable Ramogapi, can I?* Ga o a re letla, ga o a re neela tshwanelo ya rona e e lekaneng, seo ga re se itumelele, e bile re a se ngongoregela.

Sa bobedi, e re o sena go re tima tshwanelo yone e, le tsenya mo *Order Paper an addendum* e e tsileng go buisana ka kgang yone e, mme e le gore *addendum* eo e bua ka kgang e re sa e kgotsofalelang. Seemo sone seo ga re se itumelele, e bile ga re se amogele. Re tsaya gore kgang e e tona thata, e e batlang gore o ka bo o re neetse sebaka se se lekaneng gore e tle e re fa o tsenya *addendum*, mme kgang yone re bo re e buisantse ka botlalo. Ga o a tsamaisa sentle, e bile ga re itumelele seo. Re le ba Kganelo, re tlaa go reetsa Motlotlegi Rre Mokgware, mme re tlaa go reetsa re le golo gongwe.

Madam Speaker, we are very unhappy ka tsela e o tsamaisang ka yone, o a bona gore o tsamaisa sephathi, rona ga re amogele gore *Constitution* e tsamaisiwe sephathi. Re tsaya gore *Constitution* ke ya Batswana botlhe, e tshwanetse gore e re re le Mapalamente re emetse batho, fa re na le dikgang tse re tshwanetseng gore re di bue, o re neele sebaka sa go di bua, o se re timile, jaanong o re pateletsa go reetsa bangwe fa, re tlaa ba reetsa re le golo gongwe. Ke a leboga.

MINISTER OF WATER AND HUMAN SETTLEMENT (MR RAMOGAPI): Procedure. Madam Speaker, *tota* we abuse points of order. *Fa o re* point of order...

HONOURABLE MEMBER: Point of procedure.

MR RAMOGAPI: ...you are relating to the speaker *yo o buang*...

HONOURABLE MEMBER: Point of order.

MR RAMOGAPI: Jaanong fa e le sengwe, *there is nothing wrong* se se diragetseng.

HONOURABLE MEMBER: Point of order Madam Speaker.

MADAM SPEAKER: O santse a eme ka *point of order* le ene, mo letlelele a fetse.

HONOURABLE MEMBER: He is on procedure, I am standing on a point of order.

MR RAMOGAPI: *There is nothing wrong what Honourable Mokgware has said. Therefore, no one ought to have ordered him gore he is out of order; jaaka Honourable Lucas a ne a re order. Then fa re bua ka procedure, re ka bua ka procedure e wena o e dirileng during this House, e seng e e fetileng ya kwa General Assembly. E re fa e sena go nna reported, re bo re tswa kwa jaanong re e tlisa kwano mo Palamenteng re re order ya tse di fetileng. No, no, no. this is not how we should run the Assembly. O kokometswa lekapi la motsotsojane gotwe ga o tsamaisa sentle, o tsamaisa sephathi, o ise o ko o bo o bua ka dikgang dipe, batho ba ngadile ka bo bone. A ba tlhalose fela gore e rile ba sena go nna ba utlwa ba Attorney General ba tlhalosa Molaomotho, ba bo ba tshaba, ba ngala, ba tswa ba sia. A ba tlhalose dikgang tse, ga o ise o gatelele ope...*

HONOURABLE MEMBER: On a point of order Madam Speaker.

MR RAMOGAPI: Mongwe le mongwe o buile, ba buile gantsintsi. Fa ba sena go nna ba bua gantsintsi, Honourable Lucas go ne go setse ene a le nosi, o bo o re bagaetsho, re sale re dumalana gore fa e re *half past 4*, re ema gone foo. Jaanong ke re o se ka wa kokometswa lekapi la motsotsojane, gotwe o tsamaisa sephathi, kana batho ba reeditse kwa ntle kwa. Kgang fela ke gore, ba tshabile go utlwa boammaaruri jo bo buiwang. Ke a leboga.

HONOURABLE MEMBER: On a point of order.

HONOURABLE MEMBER: Clarification Madam Speaker.

MADAM SPEAKER: Honourable Members, tlaa ke rianeng ke tlhamalatse sengwe. Re simolotse General Assembly ka 15:10 hours, e bo e re fa le ntse le tswelletse, ke bo ke le lemotsha gore, ke kopa gore *by 4:30* re bo re fetsa *because* re na le *Bills* tse re tshwanetseng go boela kwa go tsone. Ke le file nako la araba, *only Acting Leader of the Opposition* ke ene a sa buang, batho ba buile. Fa a tsholetsa lebogo, nako *was 16:34 hours*, ke bo ke bua gore nako e tshaile ya General Assembly, ke kopile gore re eme ka 16:30 hours. Jaanong ke kopa gore fa go na le dikgang tse le batlang go di bua, le se ka la ntsenya mo teng la re ke busa sephathi. Ke kopile nako, ra e dumalana gore 4:30 ke a tswala. Jaanong fa e pota ka kwa ke re nako e tshaile, ke tsamaisa sephathi?

Ke ne ka kopa gore go ya go tsena *Bill* e, le tlaa akgela mo go yone jaaka e simolotse jaana, o bo o kopa gore wena o kopa gore le tswela kwa ntle. Ga ke a re ee, tsamayang, le tsamaile *on your own Honourable Lucas*.

Jaanong fa le tsamaile la re ke nna ke reng le tswela kwa ntle, nnyaa. Se ntshenye leina Honourable Lucas, a re tsene fela mo *issue* ya *Bill*, re bua, kwa pele re ya go welana sentle fela. A ko re nne fela fa fatshe re reetseng, ka gore ga go na mosola wa gore re re direla Batswana, e bo gape re tla re ngala kana re gogagogana. Dikgang tsa *Constitutional Bill* di di telele, le tlaa akgela, ga go na le fa e le mathata. Ya General Assembly e tshaile, ke ne ke le boleletse nako gore fa e tsena fa ke a tswala.

HONOURABLE MEMBER: Procedure.

HONOURABLE MEMBER: Madam Speaker, on a point of order.

MADAM SPEAKER: *I think* ke ya bofelo ke e tsaya, ka gore le dira gape jalo, le ja nako, e tlile gore ke gana ke bo ke sa le tseye, le bo le re ke gana le bua.

MR MOTAOSANE: *Point of order. Thank you, Madam Speaker.* Se ke se kopang fela mo go wena, se sengwefela. Ke gore fa dikgang di ntse jaana, gongwe ke eme *on a point of order* kana *procedure, please make a ruling before sepe se ka tsena.* Fa go ntse jalo, o tlaabo o re thusa gore le rona re se ka ra nna tsa tswela ka *other points of order. Please make a ruling, I think o lebala go dira ruling on everything se re se buang, so that it makes the House flow.* Ke yone fela kopo ya me eo.

MADAM SPEAKER: *Tanki.* Point taken.

HONOURABLE MEMBER: Procedure.

MADAM SPEAKER: Ke kopa gore re tswela ka *debate, Honourable Mokgware.*

HONOURABLE MEMBER: Procedure.

MADAM SPEAKER: I have made a ruling *gore re tswela.*

HONOURABLE MEMBER: So, there will be no more points of procedure today?

MAJ. GEN. MOKGWARE: *Thank you very much Madam Speaker.* Mma le nna ke tle ka gore, kana dilo tse tsa rona, re ne re le mo Assembly.

HONOURABLE MEMBER: Procedure.

MADAM SPEAKER: O se ka wa tsena ka *procedure*, gape o bo o tla o re *order.*

DR DOW: Procedure. I thank you Madam Speaker for giving me this opportunity to raise this point of procedure. Context, *ka Labone re simolotse* to debate, *ka debate, Honourable Mokgware a simolola*. Ya re fela a sena go nna a simolola, sengwe sa tsiboga *Speaker* yo o neng a le mo setilong gore gongwe go tlhokafala gore *the House should adjourn. The House adjourned...*

HONOURABLE MEMBERS: ...(Murmurs)...

MADAM SPEAKER: Honourable Members, *a re rianeng*. Honourable Dow...

HONOURABLE MEMBERS: ...(Murmurs)...

MADAM SPEAKER: A re reetsaneng. *Mother of the House*, golo mo o go buang moo go builwe kgantele mo General Assembly.

DR DOW: Ga re bue ka General Assembly kwano, gotlhelele.

MADAM SPEAKER: Ke batla gore ke re, nako e ke e buang, o a ipona gore o tsaya *issue* e e fetileng o a e busetsa gape.

DR DOW: Ga e ise e fete, mma ke tlhalose gore ke eng e ise e fete. Ke a bona gore ke tena batho, mme fela ke re gongwe ba *khokhe*. *A adjourn House, following that adjournment* go bo go supafala gore go botlhokwa gore dikomiti di kopane. Ka nnete phakela ono, komiti ya *Governance* e ne e kopane, e bua ka *this Bill* e e fa pele ga rona. Ka nako ya teng, e ne e seyo mo Order Paper, re itse gore letsatsi la gompiano re e tshotlha kwa ntle, ga e mo Order Paper. Ra tla ra tsena mo General Assembly *Madam Speaker*; ra bua ka yone. Ke ne ka tsholetsa ka re a o a re kgaupetsa, wa re nnyaa, 4:30. Ke sa itse gore 4:30 re potlaketse eng, ga re a potlaka *Madam Speaker*. *Then there is an addendum* e e tsenyang mo teng. Ke gore maloba re le kgaupeditse, letsatsi leno le re kgaupeditse, gompiano jaanong *this is an ambush*.

We are saying it is un-procedural to adjourn the House for purposes of consultation, then to stop the consultation and force us back to the House and...

HONOURABLE MEMBERS: ...(Murmurs)...

DR DOW: Rra, kgantele o ne o sa itse le one molao wa teng didimala. O a tlhodia. Ke kopa o reye *Honourable Ramogapi* a didimale.

MADAM SPEAKER: *Mathata* you are entertaining Honourable Ramogapi. Talk to me.

DR DOW: Yes. It is un-procedural Madam Speaker, we object the inclusion of this item on today's Order Paper, because it was adjourned for purposes of consultation. You refuse the consultation or you terminated them early, and in addition this morning... Parliamentary Counsel (PC), *o itaya Speaker tsebe, o tlaa go bitsa sentle fela fa ke nna fa fatshe gore o tile go mo advice*.

HONOURABLE MEMBERS: ...(Murmurs)...

DR DOW: *Boammaaruri ke gore*, she is entitled to consultation with the PC at any time, and therefore, *o kgona gore fa ke bua a ntheve a re, nna fa fatshe ke santse ke bua...* I must apologise for calling you like that, but at the end of the day it is courteous to say *ke nne fa fatshe*.

MADAM SPEAKER: Honourable Dow, ke kopa gore o wele, *because o address side remarks*.

DR DOW: Ke wela ka gore...

MADAM SPEAKER: Ah! ah!

DR DOW: ...*ke wela ka gore*, it is un-procedural for you to include this particular addendum, when you refused that we consult outside. If you insist Madam Speaker, to continue with this addendum *e e neng e seyo, go raya gore ga o re tlhoke. O tlaa sala le ba o ba tlhokang kana ba ba tlhokanang ba tlaa sala mmogo*.

HONOURABLE MEMBER: Procedure.

DR DOW: Ga o re tlhoke. *Thank you*.

HONOURABLE MEMBER: Procedure.

HONOURABLE MEMBERS: ...(Murmurs)...

MADAM SPEAKER: *Order! Honourable Members*, a re rianang. Bagarona ba iphitlha ka monwana, ba batla go iphitlha ka nna, mme ke itlhatswe leina fa ke leng teng fa. *Madam Dow*, wena *of all the people* ke wena o buileng thatathata go feta mongwe le mongwe. Jaanong fa o re ke le kganetse, *I only remember Honourable Lucas* ka 16:34 p.m. a re a akgele, e le ene fela. Ke kopa gore le nne le bua nnete setšhaba se le reeditse.

Ya bobedi, *addendum* e o reng e tsentswe *after* General Assembly, o bone nako e e tseneng ka yone mo *phones* tsa lona gore e ne e le nako mang *and then the paper* le bo le e neelwa re ntse re le mo General Assembly. Se ke batlang go se tlhalosa ke gore fa le na le dikgang dingwe, se lekeng go ngala le re ga ke le tlhoke.

HONOURABLE MEMBERS: ... (Murmurs)...

MADAM SPEAKER: Se mmareng dipuo. Ke batla go wela ka gore ke dirile *ruling* ke ne ke go reeditse fela, *I have ruled* gore Motlotlegi Mokgware a tswelele *because* le ne le tswelele kwa ntle, ga ke a *rule* gore le tswelele kwa ntle le sena go kopa, le ikitshitse le boile le ipuseditse. Jaanong ga ke itse gore gatwe nna tota mathata a me ke eng. Ke kopa gore fela fa re leng teng fa, re reetseng *debate* ya ga Rre Mokgware. *You are here for* Batswana, ga le a tla go ngalela gore gatwe General Assembly e ne e fela ka 4:30 p.m. gape le se ka la ntsenya mafoko ganong le re ke le iditse *to debate*.

HONOURABLE MEMBER: ... (Inaudible)...

MADAM SPEAKER: Nnyaa, o ntse o *debate*, ntheetsa ke go bolelele gore *you debated for the longest time*. *So*, o se ka wa re ga o a bua (*debate*).

MINISTER OF ENVIRONMENT AND TOURISM (MR MMOLOTSI): *On a point of procedure*. Ke a leboga *Madam Speaker*. Gongwe ke leke go thusa jaana gore *addendum* kana go tewa tlaleletso ya *programme*...

HONOURABLE MEMBER: Point of order *Madam Speaker*.

HONOURABLE MEMBERS: ... (Murmurs)...

HONOURABLE MEMBERS: ... (Applause!)...

MR MMOLOTSI: Ke tlaa sala ke tlhalosa ba sena go nna ba tsamaya.

HONOURABLE MEMBERS: ... (Murmurs)...

MR MMOLOTSI: Ke ne ke akantse gore *Mother of the House* ka gore ke *Mother*, nna ke *Father of the House*, gongwe o ka bo a ne a reetsa pele, ra leka go tlhalosetsa bakaulengwe ba e leng gore gongwe ba ka tswa ba sa tlhaloganye gore *addendum* mo *programme* ya Palamente ke selo se se tswang kwa Palamente e tswang teng, ga se selo sa letsatsi leno. Go nna go na le *addendum all the time*. Jaanong letsatsi leno *addendum* e ba tena ka eng? Ga go na sepe se se tshwanetseng gore se tene ope ka gore *addendum* e nna e le teng mme gape kana ke *addendum* ya kgang e e neng e ntse e le teng mo bekeng e e fetileng, ga go na ka fa e leng gore ope o ka re *was ambushed* mo kgannyeng e a e buileng maloba e le *Mother of the House*. *So, Mother of the House is being disingenuous* gore e re a sena go nna a *debate* a bo a re ba bangwe ba se ka ba *debate*, go ngalwe. Ga se tsamaiso ya Palamente e *Madam Speaker*.

Gape ke tlhalose gore kana jaaka Batswana ba tlhophha kwa dikgaolong, ba a bo ba tlhophha Mopalamente ba re re go romela gore o ye go emela dikgang dingwe le dingwe kwa Palamenteng tse di buiwang ka rona. Letsatsi leno jaana Batswana ba dikgaolo tse ba BCP le BDP ba di emetseng, dikgang tse di kanakana tsa *the Constitutional Court* ba re Batswana ba kwa ga bone ba emetswe ke bomang? Ke sone se e rileng nako e ke neng ke le mo *opposition* ke na le bona maBCP, ke le nosi ke tswa kwa Alliance for Progressives (AP), fa ba ngala ke bo ke sala ke re ga ke ye gope, ke sala ke emetse batho ba e leng gore bone ga ba ka ke ba dumalana le tsamaiso e.

Fa e le gore maBCP ba dumela gore sengwe ga se tsamaye sentle, kana ba ka bo ba eme fa ba *defend* ba tlogela go sia. *I stood up* ke *debate* le maDomkrag mo nakong ya teng ke dumela gore ke na le dikgang tse Batswana ba di nthomileng. Jaanong ga e ka ke ya re Batswana ba romile maBCP gore ba tle go ba emela, ba bo ba ngalela Batswana. Kana ga ba ngalele rona, rona re fa, ke emetse Francistown South, Rre Ramogapi o emetse Palapye, mongwe le mongwe o emetse kgaolo ya gagwe. Ba dikgaolo tsa bone ba emetswe ke mang? *This is unfair to the electorates* gore e re fa ba re rometse kwano, *Mother of the House* a bo a tla a rotloetsa batho gore a re ngaleng, e le *Mother*.

Se ke se buang fela *as Father of the House is to encourage Honourable Members* gore bagaetsho, a re emeleng dikgaolo tsa rona, *whether* o moBDP kana efe. Batswana ba re romile ka tshepho ya gore re tle go ba emela. Jaanong *I want to pronounce* gore dikgaolo tsa kganetso ga di a emelwa, mme kopo ya me mo Batswaneng ba ba tlhophileng kganetso ke gore fa Mapalamente ba bone ba tsena kwa dikgaolong, ba ba botse gore jaanong rona ba re le romileng re emetswe ke mang mo dikgannyeng tse ka gore *whether* dikgang di maswe kana di siame, ba tshwanetse go ema ba re e ga e a siama re a e gana, e e siame re dumalana le yone. Jaanong bone ba a sia, ba a ngala mme e le batho ba batona, *this is very unfair, it is stealing from* Batswana ba ba romileng gore ba tle go ba emela kwano. *This is terribly unfair. Madam Speaker*, ke ne ke re *procedure* ya Ntlo e ke e tsenye ka tsela e e ntseng jalo.

LEARNED PARLIAMENTARY COUNSEL (DR MASUKU): *On a point of order*. Thank you, *Madam Speaker* and good afternoon. I just wanted to clarify because Honourable Dow when she was on the floor said that I was disturbing *Madam Speaker* when I was walking to you to give the advice. It should go on

record that Standing Order 13 mandate my functions as Parliamentary Counsel one such being that I render legal advice either on my notion or upon the request of the Speaker or any member on any legal issue. It was apparent at the time that there were legal issues that were being discussed by the Mother of the House and on Madam Speaker's cue, she cued me to go and assist and render legal advice. I stood up to go and do but Mother of the House perhaps thought it was discourteous of me. That was not the intention, the intention was to just to fulfil the duties as stipulated in the Standing Orders. Thank you, Madam Speaker.

HONOURABLE MEMBER: Procedure Madam Speaker.

MADAM SPEAKER: *Honourable Members*, ke kopa gore re tsweleng.

HONOURABLE MEMBER: Ke tswelletse ka *procedure Madam Speaker*.

MADAM SPEAKER: *Honourable Moswaane*, ke kopa gore re tswelele.

ASSISTANT MINISTER OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS (MR MOSWAANE): *Procedure*. Ke ne ke ka go thusa gakere...*(Interruptions)*... Kante ke eng le nnyatsa mme? Ke ne ke re ngwana yo o tšhomile thata ntlha ya botlhokwa, Batswana ga ba utlwe kwa gae, o ka bo a e baya ka Setswana. Batho ba horile Batswana ka Setswana gone fa, jaanong wena o tšhomile, re sala ka tšhomi fela Batswana ga ba utlwe gore gatweng. *This is a very important matter. Thank you.*

MADAM SPEAKER: *Honourable Mokgware*, tswelela

MAJ. GEN. MOKGWARE: *Thank you Madam Speaker*. Nako e nngwe jaaka maloba bale fa ba *opposition* ba bua gore go kgaolwe *allowances* dingwe e bile go bo go tsenngwe le tsa *wives*, letsatsi leno ke ba re a ba bona gore ba tsile fa *and* ba ya go tsenyediwa madi a teng. Ke ne ke batla gore go batliwe *Clause* nngwe, ba se ka ba ba *claim* letsatsi la gompiano *because this is not right. We are here to debate*, ga se gore le rona rotlhe nako le nako, *we accept and agree to whatever they are saying*.

This addendum issue here, the Leader of the Opposition (LOO) o ne a tliša addendum gone fa a bo ra e amogela. Jaanong bona gore ke bale kwa, ba ile go lebelela ba le

kwa ga ba bue le batho ba ba tšileng go ba emela fa. Ba ne ba ntsha an addendum Palamente e ntse e tswelletse and we accepted it a dira statement, ga re ise re gane. We did not take it as an ambush on our side, re ile ra mo reetsa jaaka e le tshwanelo.

MINISTER OF WATER AND HUMAN SETTLEMENT (MR RAMOGAPI): *On a point of elucidation. Thank you for yielding Honourable Member. Madam Speaker*, ka bokhutshwanyane fela ka ke ja mo nakong ya gago, gongwe re supegetse Batswana gore kana bagarona ba BCP ba tennwe fela ke gore e rile re sena go nna re rutiwa gotwe Kenya ga re ka ke ra re ke yone fela e re ka kopisang mo go yone, ba bangwe le bone ba ka tla ba kopisa mo go rona ka fa re ka itirelang Molaomtheo wa rona ka teng le ka fa re ka *amend* ka teng re dira *Constitutional Court*. Ke dilo tse di tlhamaletseng fela rraetsho, gongwe le tsone tseo o fete ka tsone. Ke a leboga.

MAJ. GEN. MOKGWARE: *Thank you very much Madam Speaker*. Tanki mokaulengwe. Ke leboga thata ka fa o neng o bua ka teng. Ke dikgang tse re tshwanetseng re di arabe. Ke ne ke batla gore gongwe ke tswelile ke ntse ke ela kwa motsubong...

HONOURABLE MEMBER: ...*(Inaudible)*...

MAJ. GEN. MOKGWARE: Nnyaa, gakere o ne o nthaya o re *you are elucidating*.

MINISTER OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS (MR MOTSHEGWA): *On a point of elucidation*. Ke a leboga Motsamaisa Dipuisanyo tsa Palamente. Ke re mme mafoko o a tshwere sentle. O atolose ya gore kana tota tiro ya Palamente jaaka Mopalamente mongwe le mongwe a tlhophilwe ke batho, ke go dira melao. Batswana ba rometse Mapalamente go dira melao mme ke go tlhoka boikarabelo gore fa Mopalamente go solofetswe gore a tle a dire molao a bo a inyatsa gore o ka tswa a sena mabaka. A tsaya gore o ka tsisa tlhakatlhakano mo Palamenteng, a bo a felela a tlogela boikarabelo jwa go nna mo Palamenteng jaanong a ya go ipega kwa setšhabeng. Ke gore fa setšhaba se go roma gore o bue mo teng, wena o bo o ya go ipega kwa setšhabeng, o a bo o raya setšhaba o re go padile, nna ke ka tla go nna le lona, kwa tlase kwa go raya gore go a fisa, go a pala.

Ke re o atolose ya gore fa o reetsa gongwe kgang e e tshwanang le ya ga Motlotlegi Dow, ke bona e le motho yo o pitlaganeng, a na le *fear*. Gakere ke ene wa ntlha go simolola a le mafolofolo. Go raya gore ya re a ntse

a bona *debate* e atologa a bo a tlhoboga, ba bo ba tsaya gore gongwe ba ka iphemela ka go ngwega kana go phatlalala. Jaanong ke ne ke re seemo sone se o bue ka sone, Batswana ba se utlwe.

HONOURABLE MEMBERS: ... (Applause!)

MAJ. GEN. MOKGWARE: *Thank you Madam Speaker. Rraetsho, rona re a tswelera, re tlhamaletse, re mo tseleng fela jaaka re solofeditse Batswana ka manifesto wa rona gore re ya go dira Constitutional Review mme re ya go e simolola ka Constitutional Court. Ga re a iphitlha, selo se ga se sešha. Jaaka ke ne ke leka go supa, ba a botsa ba re is there a vacuum fa re ka tswelera go ntse jaana? A go ya go nna le mathata a a rileng? The answer is... Gompiano fa o lebeletse cases tse di kwa High Court, di dintsi, e seka criminal and civil cases. These weighty matters of the Constitution, you need a specialised court, a certain court mandated by law, that can deal le dikgang tse.*

What are the benefits? The benefits are to ensure the rights of the people. As a human rights Government, every time, step by step, we are protecting the human rights. Le gone fa ra rialo, ga re batle gore kamoso re bo re utlwa yo mongwe a re kana consultation ga e a dirwa ka language ya rona. Fa a ya kwa High Court ya re it cannot rule on that one. Re batla gore a bo a ya to the Constitutional Court. We want a transparent way of doing things. That is all what we want and ke sone se o bonang re gatelela e bile re kopa Batswana gore ba reetse ba bone gore re ntse re mo tseleng.

Tota fela nna ke akantse gore *whatever comes from an opposing Member*, se tshwanetse go tla go nonotsha, e seng gore sone e bo e le se se batlang go senya fela. Ke gore go tlhakatlhakanya motho a bo a re fela ka gore ga le a tsaya *example* ya me ya Kenya, ke a ngala. Go tshwana le ngwana yo o reng fa a reketswe *ball* kwa lelwapeng a bo a ya go tshameka le ba bangwe, fa ba nosa a bo a tsaya bolo a e tsenya mo legwafeng, a bo a tswa a sia a ya kwa ka yone kwa ka gore ga a nosa. *That is not leadership.*

MR BARONGWANG: *Point of elucidation. Gongwe fa o setse o tswelutse o tlhalosa fa ka kgang ya vacuum, cite an example ya ruling e e kileng ya dirwa ka ipelaetso ya UDC ka 2019, e court e kileng ya supa gore bone e le court that exists gompiano, ga e na dithata tsa go lebelela dikgang tsa ditlhopho. Jaanong fa re ka tswelera ka seemo se se tshwanang le se, it is likely to happen again. Ke a leboga.*

MAJ. GEN. MOKGWARE: *Thank you very much. O nkgakolotse sentle, kana ke kile ka e bona gone fa. That is why in this Clause, one of the duties tsa Constitutional Court ke go lebelela gore a ditlhopho di tsamaile sentle. Because of that experience, it is well documented, le bone ba a itse. Jaanong fa motho a re ga go na vacuum, it is there. Re ka nna ra nna le ditlhopho jaaka re na le by-elections jaana, fa re tsena kwa motho fa a re o a seka, ba bo ba re no, we do not have the powers of dealing with ditlhopho. So, these are facts, ke boammaaruri jo bo sa jelweng pheko jo bo teng. So, there is a vacuum of course, that is why we need this Constitutional Court as a matter of urgency. Let me rest here Madam Speaker.*

THE PRESIDENT (ADV. BOKO): *Thank you very much Madam Speaker. Setilo se ke na le bothata le sone dinako tsothle. Ga ke itse gore se ka kgaramediwa jang kwa morago, se boela kwa go nna. Ga ke itse gore a go ne go na le thulaganyo ya gore motho o ka bua a le fale?*

HONOURABLE MEMBER: ... (Inaudible)...

ADV. BOKO: *Okay. Mma ke bue ke eme fale. Ke simolole ka go tlhalosa gore rona kwa Mahalapye, go na le dipula tse di tona tse di bogale. Go na le leru le lengwe le le tlang, re le supela ka fa Shoshong mokgwa wa lone. Fa le tla ba re le tsosa diphefo. Ba le bitsa Mmadiphokoje. Ba bangwe ba kgona go phatlalala ba bo ba sia ba inaya naga e le gore go tla leru le le tona Mmadiphokoje.*

HONOURABLE MEMBERS: ... (Applause!)

ADV. BOKO: Ke simolole fela go iketlilwe jalo. Ke bo ke tlhalose gape gore ke tletse fa go tla go akantshanya le botlhe ba ba mo Ntlong e, barongwa ba batho, barongwa ba setšhaba. Go akantshanya le bone ka dikgang tse di amang lefatshe le setšhaba, e le dikgang tse di mašhetla tse di tlhokang kebelele, neelano le kabelano ya megopolo ka mewa e e edileng. Gone mo, go bo go tlhoka gore botlhe ba ba amegang, ba ba tlhokang gore ba bo ba tsaya karolo, ba nne teng. Go maswabi gore e re fa dikgang di phagela jaanong di palamela, go bo go inewa naga. Golo ga teng ga se selo se se siameng. Tota ke go nyatsa bone ba ba go romileng fa o dira jalo.

Megopolo e abelanwa fa, melao e dirwa fa. Ntlo e e na le dithata tsa go fetola go dira melao ka fa tlase ga tshetlana ya bomasome a ferabobedi le borataro. *Section 86 of the Constitution of the Republic of Botswana, Parliament must make laws for the good Government and the peace of the Republic. Those laws are made*

here, right here. Anyone who flees from this sacred site of lawmaking, abdicates a very profound responsibility given to him or her by the people of this country. So, those constituencies as we speak are not represented by those who were designated. I will represent them from where I stand.

HONOURABLE MEMBERS: ...(Applause!)

ADV. BOKO: A lot of ideas have been bandied about a Constitutional Court. I am here to deal with these dispositively and comprehensively. I am going to speak softly because I want to speak to the hearts of the people of this country and any people of goodwill and conscience. That songstress of Freshly Ground fame, Zolani Mahola is the one who said, "speak softly, you speak to my heart." I wanted to speak to the heart and Tracy Chapman says, "be careful of my heart." We are here to discuss the law, re a tlhoafala fa re dira jalo. Ke gore jaanong re tsena mo go yone tiro e le e rometsweng gore le tle go e dira fa ya go dira melao le go bua ka melao. Re tlile go bua molao fa mme go na le ka fa o buiwang ka teng. O o farologanya le ditshele, tlontlokwane le dipolotiki tsa kwa mekgwatheng.

Molao o na le ditsamaiso tse di faphegileng, tse di tlotlegang, tse di kgontshang gore dikgang tsa molao di begwe, e bile di begege sentle. We are going to discuss the law first, because the role of this House is to make laws. As I have indicated under color of Section 86 of the Constitution of the Republic, we are going to discuss law because the issue of the Constitutional Court is a legal issue. It requires lawyers and then any lawyer here, must be on red alert because I am going to drop down bombs, legal epithets and principles. I am going to explain them carefully and thoroughly. As I go along, feel free to stop me and seek clarification, so that I explain. I had wished that our colleagues would be here because in some substance, I had come here for them, so that these issues do not confuse and confound them in the manner that I have observed. I was here to clear any confusion and I studied this.

The issue of the establishment of a Constitutional Court for the country is not a new issue. There is nothing new and or novel about this idea. In fact, let me make a jarring proposition and say, this country has a Constitutional Court as we speak. There is a Constitutional Court. As I stand here, since independence, this country had a Constitutional Court. How did it have a Constitutional Court? Go to the Constitution, that document itself was an addendum. Our Constitution was an annexure. It was

an addendum to the Order in Council of the 3rd August, 1966, Order No. 1171, that was pursuant to an Act passed by the British Parliament, the Botswana Independence Act. The Botswana Independence Act addressed and changed circumstances that had been brought into existence by a previous Order in Council on the 9th of May, 1891, history. You cannot discuss these things if you are ahistorical and antipodal. You must understand history of the Constitution of this country. You better understand the institutions that the Constitution has set up and the interplay of these institutions. The Order in Council of the 9th May, 1891 declared Bechuanaland then, a protectorate. It was a protectorate until the same Parliament, *Palamente ya kwa Enyelane e e rileng ka Order in Council ya 1891, ya thalosa gore lefatshe la Bechuanaland, ke le le ka fa tlase ga tshireletsego ya ga Mmamosadinyana. Bona jaanong, e tlamega go dira o mongwe, o o itholang tshireletso e o neng o e file Bechuanaland. E dira molao o o diragatsang se, o o bidiwang Botswana Independence Act passed by the British Parliament in 1966. Pursuant then to which Act of Parliament, the Order in Council 1171 of the 3rd August, 1966 was promulgated. What did that Order in Council bring? It gave us this Constitution. It was an addendum. It was an annexure to that Order in Council 1171 of 1966 independence granted.*

Let us deal briefly with the Constitution, this addendum, how did it come about? The addendum came about because there were two Constitutional Conferences; one was held in Lobatse in 1963, discussing a Constitution of a possible independent Botswana. We have complained about that conference. *Re ngongoregile ra re, phuthego e e neng e bua ka Molaomtheo wa Botswana ka 1963... Ke ne ke le fa maloba ke le tlhalosetsa gore ba ba neng ba tsaya karolo ke ba merafe e gompieno o e bonang e tlhagelela mo Molaomtheong o, gotwe ke yone e metona mo go e mengwe.*

Sa bobedi, botlhe ba ba neng ba tsaya karolo, e ne e le borre, go ne go sena bomme mo teng. Go ne go sena banana. Merafe e mengwe e e neng e sa emelwa, ga e a tsaya karolo mo go betlweng ga motheo o, kwa phuthegong ya 1963. Ga bo go nna le e e latelang ya 1965, eo e tshwaretswe kwa Enyelane. O kgona go bona gore e bile le go goroga koo, bangwe ba ne ba ka se ka ba goroga. Motheo o, o dule mo diemong tse di ntseng jaana. Ke jaaka o kgona go o bona ka fa o agegileng ka teng, mo mererong e e amang merafe le ditshwanelo dingwe tsa batho. Fa motheo o, o sena go tsisiwa, ga bo go nna le boipuso. Lefatshe le, la bo le tsamaisiwa ka

motheo o. Motheo o, o na le ditsetlana mo teng. Go na le golo mo go bidiwang gotwe Bill of Rights. Bill of Rights ke karolo ya Molaomtheo, e bile rona kwano re ne re sena dithata tse di kalo tsa go ganana le yone kana go e tsuolola. The Bill of Rights is an international standard of adherence to the fundamental human rights flowing from other international instruments like the Universal Declaration of Human Rights and many others. Go raya goreng, e bile ke yone nthla e ke tlaa gorogang kwa go yone fa ke ntse ke le sedimosetsa dilo tse gore molao wa Botswana o agegile jang.

Ke eng re tshwanetse re tseye tsela e re e tsayang gompiano? One Molaomtheo, fa o tsaya Constitution ya Botswana, Bill of Rights go tewa go simolola ka Section 3 go fitlhelela Section 16 inclusive, ke yone Bill of Rights. Section 3 ya re, “whereas every person in Botswana is entitled to the following...” every person in Botswana, ga e re citizen, ga e re national, ya re, “every person in Botswana.” Ope yo o mo Botswana, o na le ditshwanelo tse. “Life, liberty, security of the person and the equal protection of the law,” Section 3, Constitution of the Republic of Botswana, ke yone foundation ya Bill of Rights.

Go kile ga nna le manganga a tlhoko tumalano mo case nngwe mo lefatsheng le, e bidiwa gotwe Attorney General versus Dow, ke bua molao. Molao fa o o bua, you reference. You cite authorities, you bring authorities, ga o ipuele fela. Le gone ke tlaa supa gore ke eng go le bothokwa gone mo. Go na le go ipuelwa fela bagarona baphuting. Go buiwa fela, go bo go ikgalaletswa mo go bueng. Diagente di bua di remeletse mo molaong, di bo di go bolelela gore tsetlana e, e kwa bokete, go sekilwe jaaka ke go bolelela gore mo case e e bidiwang gotwe Attorney General versus Dow, eo o ka e batla mo the Law Reports. Botswana Law Reports page 119,1992; that is the volume, the year.

There were a number of issues, but the key issue there was an interpretation of Section 3 of the Constitution. *Bangwe ba re* it is just a preamble, it is a preambular provision, it does not confer any rights, the court said it is an overarching provision. It is a right conferring provision, it is the most important because it is overarching. Section 3, *ka re di simolola gone foo, di ya go felela kwa go* Section 16. *Gakere le a itse gore* Section 17 *ke ya* State of Emergency *e re neng re e dirisa maloba? Ke ne ke re ke di tlhalose jalo, ke ne ke le bolelela ka* Section 5 *ya* Constitution; rights against deprivation of liberty. Section 10 - rights to a fair trial; Section 11 - freedom of conscience; Section

12 - freedom of expression, Section 4 - right to life. You need to have more than a passing acquaintance with this Constitution, it must be written in your heart, you must know it by heart. This is the fundamental document, it is the supreme law of this land, it is the grundnorm. Any law in this country is valid only to the extent that it is consistent with the Constitution. So, the supreme law of this country is the Constitution, any law that is inconsistent with the Constitution is *ultra vires*, and therefore, unconstitutional. It is on that firm principle that certain sections of the Citizenship Act were declared unconstitutional in the Dow case. This is what I want you to understand.

MINISTER OF HIGHER EDUCATION (MR MAELE): *Procedure Madam Speaker. My apologies Mr President. Nnyaa, ke ne ke re ka gore Tautona o emetse dikgaolo tse 20 tse beng ba tsone ba seyong fa, e ne e se gore ka gore ke bona go setse three minutes, bogolo re mo neele nako ya bone batho ba ba 20 bao gore a wetse nnetu ya gagwe? Gakere ba bangwe bale ba BCP ba 16, ba Domkrag ba four, so ke 20 constituencies, rona re teng re tlaa ipuelela mo go tsa rona. Ke ne ke re gongwe re mo neele a fetse fela tse 20 tse di setseng. Ke a leboga Madam Speaker.*

MADAM SPEAKER: Honourable Maele, the Leader of the House is working on it to extend the time.

ADV. BOKO: *Thank you very much. Tota e bile ke ne ke solofetse gore le ka mpha dioura le fa di ka nna thataro ke eme fa, ke thantlholola dikgang tse. E bile ke ne ke eletsa ke ka bo ke di thantlholola rotlhi re le fa, ke gore ba mpotse ba bo ba kgotsofale, ke ba ranolele dikgang tse. Ke maswabi gore ba bo ba seyo.*

MR MONAGENG: *Elucidation. Tanki Madam Speaker. Ke ne ke re mme gakere jaaka Tautona a bua, fa ba ne ba le fa, go ne go tlaa nna kaone thata? Gakere mme ga go molato gore e kare Tautona a ntse a tswelutse, ba nna le segakolodi, ba bo ba boa Madam Speaker?*

ADV. BOKO: *Ke a leboga bakaulengwe. Ke ne ke tlhalosa Bill of Rights. Ke batla go tlhalosa gore even in the new process, the comprehensive Constitutional Review, there are certain parts of the Constitution that you cannot do much about. One of those parts or aspects of the Constitution is the Bill of Rights. Ga o ka ke wa re rona ga re ... (Inaudible)... ditshwanelo, first because our Government is a human rights Government, but on another level, we are bound by international law in two ways. (1) We are bound by what is called the ‘jus cogens’ of public international law.’ Customary rules of international law di bidiwa ‘jus cogens.’*

We are also bound by obligations under public international law that we have voluntarily assumed. *Re itlamile*, we are signatories to certain international instruments and conventions. We are bound by them, they tell us in relation to human rights what we can do and what we cannot do. *Ke sone se e reng fa ditshwanelo tsa batho di tsuololwa le tsa Basarwa mono, re bo re ka omangwa ke United Nations (UN), le ke makgotla a mangwe, ba re le fapaana le dikano tsa lona tse le ikamantseng le tsona. Ke sone se go nang le golo mo gotweng, 'the principle of pacta sunt servanda.'* You are bound by these obligations that you voluntarily assumed; *pacta sunt servanda. Ga re ka ke ra dumalana gore melao e nne jaana ya mafatshe rona re bo re ingaola.* So, the Bill of Rights is there, it is cut, dried. *Re ka e tokafatsa, ga re ka ke ra ba ra e tsuolola ra e tlhofofatsa.* So, even as we go into the comprehensive Constitutional Review process, the Bill of Rights can only be made better, we cannot whittle it down. That is number one. Number two; the Bill of Rights is not a part of the Constitution that you can subject to majoritarian impulses. *Ga se e gotweng a ba ba ntsi ba rialo, ba ba palo e e kwa tlase ba reng, eo ga e bereke jalo,* Bill of Rights *ga se ya dilo tseo.* It is not subject to the vagaries of political partisanship. All of us, whether you are BCP, BDP, UDC, you are bound to the same degree. These are basic principles, 'elementary, my dear Watson.'

Jaanong ke ya kwa Constitutional Court gore ke bua ka eng fa ke re e teng. Section 18 of the Constitution says, where any person alleges or believes, or becomes aware that certain of his or her rights as enunciated from Sections 3 to 16 of this Constitution, and there are three circumstances; are being violated, have been violated, or are about to be violated. Section 18 (1) of the Constitution, *ya re motho yo o mo sengweng sa diemo tse kana tsothle, se a ka se dirang, ditshwanelo tsa gagwe di tsuolotswe, di a tsuololwa, di gomagamela go tsuololwa, motho yo o ka tabogela kwa High Court a ya go femela ditshwanelo tsa gagwe tse a di tsayang mo Molaomotheong. Ke eng gone mo?* It is a Constitutional Court. The High Court is therefore, designated as the court of first instance yes, but the court that interprets the Constitution...

MR MOHWASA: *Madam Speaker, procedure.* Ke ne ke re ke go raya ke re ke kope gore ka fa re bonang re diilwe ke gore re bo re ntse re mekamekana le batho ba ba neng ba ikaletse go tswela kwa ntle, e bile re bona bokete jwa dikgang tse, ke ne ke batla *to move* gore re

oketse Ntlo ya Palamente go ema ka nako ya 7:30 p.m. E bile ke kope gore *if it is permissible*, re *extend* nako, ka gore nako ya ga Tautona ya *his intervention* e setse e fetile. Ke a leboga.

MADAM SPEAKER: Leader of the House, I think *jaaka o ne o kopa, re ne re santse re e baakanya le Parliamentary Counsel (PC) gore re tle re okeletse Tautona* his time to debate, but at least you covered that one *ya extension of Parliament*, but now we need to extend his debating time. Continue Mr President, *re tlaa e bua o ntse o tswelletse.*

ADV. BOKO: Ke a leboga *Madam Speaker.*

MR BARONGWANG: *Clarification.* Ke a go utlwa Tautona, o bua ka *Section 18 (1)*, e e buang gore ope yo o akanyang gore ditshwanelo tsa gagwe di ka tswa di ya go tsuololwa, o na le thata ya go atumela lekgotla la ikuelo. A se se raya gore, fa e le gore *process* e re e salang morago e, ya *to introduce Constitutional Court* gompiano, *in one way of reviewing our Constitution*, fa go na le ope kana lekgotla lepe le le ngongoregang kana le le ipelaetsang, le ka dirisa *this section?* Ke a leboga.

ADV. BOKO: Ee rra, gakere e a tlhalosa ya re ope yo o dumelang gore ditshwanelo tsa gagwe tse di dibetsweng, tsa rurifadiwa mo ditsetlaneng, go simolola ka ya boraro go fitlhelela ka ya lesome le borataro mo Molaomotheong o, di a tsuololwa, di tsuolotswe kana di gomagamelwa ke go tsuololwa, o ka tabogela kwa Lekgotleng la *High Court*. Ke supa ka ntlha e gore, *there is already a Constitutional Court in this country, and it is the High Court. The question then becomes, why do you need anything else? That is what I will deal with, and I will deal with it at length, so that* go se ka ga nna le ope yo o nang le ketsaetsego, le nna le tsiediwa mo ditseleng gotwe ga go tlhokafale, e bile ga le a tsenya Batswana mo tirong e le e dirang.

Kgang ya *Constitutional Court*, go kile ga nna le a *commission* e bidiwa gotwe the Aguda Commission. Aguda e ne e le a *Judge of the Court of Appeal in this Republic*. Ke mongwe wa *Judges* tse di neng di ntse mo *case* e ke neng ke e bua kgantele ya Attorney General *versus Dow*. Ke mongwe wa bone. E ne e neetswe dithata tsa go tlhodumela seemo sa makgotla, gore di ka fetolwa jang, tsa tokafadiwa, tsa ntshafadiwa gore di kgone go dira tiro botoka. *One of the recommendations of the Aguda Commission, was for the establishment of what they called the Supreme Court.* Gore go tsewe mo

go leng teng go bo go sobokwa, go bo go bewa sentle jaanong go dirwa *Supreme Court*. E ne ya se ka ya amogelwa ke babusi ka nako eo, ra tswelala ka seemo se re ntseng re le mo go sone.

Mo bošheng jaana, go nnile le mo go neng go tsamaiwa go batliwa batho maikutlo gotwe go batliwa go fetolwa Molaomotho, ke lekoko le le neng le eteletse pele ke *Former Chief Justice Dibotelo*. *If you go to that report of the Dibotelo Commission, at Page 141 of the report* ba re, megopolo e e tswang kwa bathong ya re go tlhomiwa a *Constitutional Court*. O bo o re batho ga ba a bolelelwa, batho ga ba rate, batho ga ba itse. Batho ba re... kwa go tsamailweng teng. Gatwe Saatane e kile ya re a botswa ke Modimo gore o tswa kae wena, o ntse o le kae, a re ke tswa go tsamaya-tsamaya mo lefatsheng le go gobeya-gobeya mo go lone. Dibotelo Commission e tsamaya-tsamaile mo lefatsheng, ya gobeya-gobeya mo go lone, ya tla ka megopolo e e tswang kwa bathong. Batho ba reng, ba buile ntlha tse pedi *which are recorded at Page 141*, ba re *there must be a Constitutional Court and an Appeal Court, and Industrial Court of Appeal*. Ba bua dilo tse pedi tse.

HONOURABLE MEMBERS: ... (Applause!)

ADV. BOKO: *Batho, ga ke re mapolotiki kana ba e seng mapolotiki, ka re batho ba lefatshe le*. It is recorded, and I am citing to you the page number in the Dibotelo Commission, 141. Now at Page 142 of the report the Commissioners say, we do not agree with what the people are saying. Listen to this, who is now taking the decision here, not the people. The people have spoken, the people have instructed, the people want a Constitutional Court, Dibotelo and the Commissioners say, we do not agree. This is the reality, *Rre Dibotelo le ba a neng a na le bone, ke bone ba ba tsayang tshwetso ya gore, ba ganane le se batho ba se kopileng, e bile ba se laetse. Ka jalo betsho, ga go boammaaruri go emelela o bo o re Batswana ga ba itse, Batswana ga ba batle, Batswana ga ba rate, e bile Batswana ga ba na keletso epe ya Constitutional Court. Batswana ba buile ba re, ba laetse the Dibotelo Commission.*

Now, the High Court as a Constitutional Court, *ke ne ke bua ka Section 18, Sub-Section 1 of the Constitution. Go na le Section 18, Sub-Section 3, e e reng*, “where any matter in any lower Court, involving these rights adumbrated at Section 3 to 16 inclusive of this Constitution, alleging a violation thereof, in any proceedings at a lower Court, a person aggrieved must come to the High Court to ventilate that grievance,” *Ke le tlhalosetse, ke le tlhofofaletse le tle le di tlhaloganye dilo tse, ke le reile ke re molao* is common sense...

MADAM SPEAKER: Hang on Mr President, I understand the Leader of the House has a motion to move.

BUSINESS MOTION

LEADER OF THE HOUSE (MR MOHWASA): Thank you Madam Speaker. I rise to move in terms of Standing Order 27.1 (b) that we extend today’s sitting by 1 hour 30 minutes. So that instead of concluding our business at 1800 hours, we conclude at 1930 hours. I move accordingly, Madam Speaker.

Question put and **agreed to**.

ADV. BOKO: Thank you very much, Madam Speaker. Thank you very much, colleagues. I was dealing with Section 18 (3) which says, “where in any proceedings in any subordinate or lower Court, a matter implicating the rights enshrined under Section 3 to 16 of the Constitution arises, that matter must them be referred to the High Court.” *Ke ne ke re ke le supegetsa gore dilo tse di diragala fa kae*, matters involving violations of people’s rights, normally arise in criminal cases in the Magistrates Courts. When a matter implicating the Constitution arises there, the proceedings, when it is raised by the parties, the proceedings must adjourn, and the matter must go to the High Court. This also comes under Section 10. *Ke gore Section 18 (3) and Section 105 of the Constitution le yone ya rialo. Ya re fa go ka tlhagoga mo ditshekong dipe fela gore ditshwanelo tsa motho di a gatakiwa, ga di tlhatswege sentle kana go na le mathata, tshoko eo e eme, kgang eo e bo e isiwa kwa High Court. High Court e bo e ya go rarabolola ntlha eo fela dikgang di bo di boela kwa di neng di le teng di ya go tswelala.*

There is an order of the High Court, Order 70 I believe it is, that enables this to be done. Now here is an aspect that is problematic which requires a Constitutional Court. Fa motho a ipelaetsa gore ditshwanelo tsa gagwe di a tsuololwa, the Magistrate seized with the matter must make a determination. The Magistrate may say the matter you are raising is frivolous and vexatious gore ga e na boleng, re ya go tsholola. A bo a ya kwa High Court to appeal this, if the High Court says this claim you are bringing is frivolous and vexatious, that is the end of the matter.

Gakere le a itse gore fa o ngongoregela ditshwetso tsa *High Court* o tabogela kwa Court of Appeal (CoA). *Here is an anomaly, here is a constitutional aberration which says where you are complaining about your right*

and the High Court says your complaint is frivolous and vexatious, you cannot then appeal this ruling, this decision to the CoA. Ga o letlelelwe gore o ye kwa CoA o re kana batho ke ba ba a mpelemela, ke lela ka se, ba re selelo sa me ga sena boleng, CoA e kgorelediwa ke molao gore e ka go reetsa. Go raya gore tshwetso ya ditshwanelo tsa gago fa go tulwe ga o reediwe, go ile fela jalo ka wena. O ya kae fa go ntse jalo? Mo seemong se re leng mo go sone ga go na. Fa go ka nna le *Constitutional Court*, fa diemo tseo di ka tlhagoga, o itse gore o ya kae, ga go belatse, o ya kwa *Constitutional Court*. Ditshwanelo tsa gago jaanong di ya go tlhodumelwa, di bo di sekasekwa ke ba ba lebaganeng tota.

There is merit in the establishment of a Constitutional Court. That is the first thing I want you to practically as matter stand, you do not need anything else. Practicality says there must be a Constitutional Court because if a person under 18 (3) and 105 and he is told by the High Court, your claim is frivolous and vexatious, then it is ... (Inaudible) ... it is the end of the enquiry, ga go na gore o ka fetela kwa pele. No, you must be able to go further and have a higher court, a court of high instance determine our rights. That is a Constitutional Court. Gatwe go tsietsa eng gone fa bana ba ga mme? A ko le mpolelele.

Ke bona dilo tse di tlhamaletse fela, bangwe gongwe di a ba tsietsa ga ke itse gore di ba tsietsa fa kae. Kana ke rile molao ke *common sense*, ga go na ope yo o tsiediwang ke molao fela yo o tlhalefileng sentle, go motlhofo fela jaana. Ke sone se Oliver Wendell Holmes, monna wa motshereganyi wa moAmerika yo o tumileng thata a re, “*the life of the law has not always been logic, it is experience.*” Dilo tse ke tsone botshelo jwa molao. O se ka wa di tlhakatlhakanya.

ASSISTANT MINISTER OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS (MR MOSWAANE): *Clarification.* Ke ne ke re ke go utlwe sentle *Mr President*. Mo ntlheng e o e buang ya therisanyo le Batswana, ke gopola nako nngwe fa le kwala *Manifesto* wa UDC, le solofetsa Batswana gore le tlaa ba thusa ka *Constitutional Court*, e le morero o o neng o tsene lefatsheng lotlhe. Ke gopola gape fa Batswana le bone fa ba rerisiwa ka Dibotelo Commission, ba supa gore ba batla *Constitutional Court*.

Ke gopola gape gore o kare maloba mo bekeng e e fetileng, re ne ra phuthiwa mo holong ke moitseanape mongwe a re lotlela ditlhaloganyo a re neela *position* ya gagwe, a bo a tsamaya ka di *key*. A motho yo e seng

Mopalamente o ka laela batho ba e leng Mapalamente gore le ye go ngala Palamente ka gore ga go dumalanwe le mogopolo wa me? A selo se ga se go latlha boikarabelo o le Mopalamente, o letlelela mongwe fela wa motlhalefi go go ntsha mo tseleng? Ke ne ke re re tlhalosetse Batswana gore kana batho ba ba ngadileng ke ba ba fa ba, ba reeditse ba le mo maamong a Batswana a Palamente. *Thank you.*

ADV. BOKO: Batlhalefi le bone fa gongwe ga re le bone re ba tlhalefe. Gakere le rona re tlhalefile. Mongwe le mongwe o botlhale mo lefatsheng le. Ke sone se ke le rayang ke re molao ga o thata e bile ga go tsietsa, mongwe le mongwe o o tlhalefetse. Diagente fa gongwe di kgona go le tsietsa di o tshopha di o tlhabisa di o reng, mme one o tlhamaletse fela jaaka o utlwa ke bua gore fa o tabogela fa o re o tlile go itela, o bo o tewa gotwe ga re go amogele mme o felela gone fa, rona ra re a go nne le kwa e ka reng fa o gannwe fa wa ya teng wa ya go reediwa gape jaanong. O se ka wa latlhiwa fela. *Constitutional Court* e tlaabo e bereka gone moo, ke sa ntlha.

Sa bobedi ke se, *Constitutional Court is a court of first instance*. Ga se lone lekgotla le le kwa godimodimo, le le kwa mankalakaleng mo makgotleng, *in the hierarchy of the courts*, e kwa tlase. Go raya gore fa e sena go ranolola Molaomotho, fa e se mo mabakeng a ke ntseng ke a tlhalosa, *you can appeal* kwa CoA jaaka go diragetse mo makgethong a le mantsi. CoA e bo e ka tsaya tshwetso jaaka e tlhola e di tsaya, e bo e re ga re amogele kana re a amogela.

Ke batla go le fa dikai tsa go le supegetsa gore diemo tse di kgona go nna jang, le *the dynamics and the challenges of the CoA as presently constituted or as it then was*, ke eng? Ke rile *the High Court is a court of first instance, it is not a final court, so when it pronounces on your rights, that is not a final decision, it is appealable to the CoA. If it grants you your rights, the CoA can decide no for whatever reason.*

CoA e a fosa dinako tse dintsi, fa gongwe ba bo le bone ba lemoge gore ba fositse. Mo dikgannyeng tse di mmalwa, CoA mo *case* e nngwe e bidiwa gotwe Utjiwa Kanane Versus the State, go ne go buiwa ka *Section 165 and 167 of the Penal Code* gotwe *they are unconstitutional, they discriminate on the bases of gender* le tse dingwe. *The CoA then, o tle o bone, very interesting judgement, if you find that judgement you read it. The Judge was a Tanzanian, Roman Catholic zealot, modumedi yo o feteletseng, o ne a bidiwa Justice Mwaikasu. A bo*

a tsaya molao a o beela kwa, a bo a tsaya tumelo ya gagwe ya seRoma a bo a e sitlhega mo molaong, a bo a ranola a ratha sekgwa. Ga bo go iwa kwa CoA, CoA ya re ga re dumalane le Mwaikasu le sengwe le sengwe se a se buileng, re dumalana le yo o emetseng moikuedi. Moikuedi o ne a emetswe ke ene yo o emeng gone fa gompiano, ke ene a neng a emela baikuedi ka bogale jo bo gakgamatsang fa go tla mo ditshwanelong tsa batho. Fa gongwe le na le go reetsa batho ba ba iseng ba ko ba emele ope ka ditshwanelo tsa ga ope ba le pheosa mo tseleng. Le reetse bone ba ba kileng ba lwa dintwa tse ba tshologa madi kwa matlhabanelong ba sikere sefapaano sa go hemela ditshwanelo. Ba re re dumalana le wena, sengwe le sengwe se o se buang mme bothata jwa rona ke gore o kare *the society is not ready*. Ke ne ka ba raya gone kwa CoA ka re nnyaa, se ipateng ka *society*, batho ba ba seng *ready* ke lona. Buang fela gore *you are not ready, the society out there has never been more ready...*

MADAM SPEAKER: *Order! Mr President.* Ke batla go tlhalosetsa Batswana *Mr President* gore *looking at the weighty matter* e o e tshwereng fa le *situation* e e diragetseng mo Palamenteng, go botlhokwa gore re go okeletse nako ka gore fa re ka go kgaola, batho ba bangwe ga ba ise ba tlhaloganye gore go diragetse eng, go diragala eng e bile ke eng re tlhoka *Constitutional Court*. So, I invoke Standing Order 102.3 gore ke go okeletse ka *an hour*.

ADV. BOKO: Ke a leboga Motsamaisa Dipuisanyo tsa Palamente. Ke ne ke santse ke supa mathata a re ka kopanang le one. *Constitutional Court* e lebagana le diemo tse di tshwanang le tsa ga Utjiwa Kanane, lekgotla le rile *the society is not ready*. O tle o bone jaanong gore *a few years down the line, the same law has not changed, nothing has changed*. Now ba re ba dumalana le se se neng se buiwa kwa *case* ya ga Kanane gompiano in the Lesbians, Gays and Bisexuals of Botswana (LEGABIBO) *case*. *They basically dusted Kanane and made it a judgement which they should have done then. The point I am making is that Court of Appeal does get it wrong from time to time. One very critical and dangerous area in which the Court of Appeal does get things wrong is in relation to elections, electoral matters and electoral petitions.*

Section 106 ya *Constitution* ya re *you cannot appeal as of right. Very precise legal language, you cannot appeal as of right in a matter that involves the membership of the National Assembly that implicates Section 69 (1) of the Constitution which deals with election of the Members of this House. You cannot appeal as of right,*

it does not say you cannot appeal because there are two ways in which you appeal. You appeal as of right or by leave of the court. If you appeal by leave, you must go to the same court that decided against you and apply and say to them, "please allow me to appeal to the Court of Appeal." That is an appeal by leave. They can look at your matter and then grant you and the basis on which you appeal there to move the court by leave is to say to them, another court may come to a different conclusion, e seng lona. Lona le tsere tshwetso mme ba bangwe bone ba lebile one mabaka a le a lebileng. Go na le kgonagalo ya gore bone ba tle kwa tshwetso e e farologanang le ya lona. That is an appeal by leave. So, Section 106 does not prohibit an appeal by leave in a matter involving Section 69 (1) of the Constitution. What does the Court of Appeal say? It says it does, it is wrong, the Court of Appeal was palpably wrong. Ga se badimo kana, they were wrong on a very simple reading of the provision of Section 106.

Then what do they do? They kill a petition and election petitions are very emotive issues. Go ka nna le dintwa fa batho ba ka se ka ba dumela gore fa ba ngongorega ka maduo a ditlhopho, go na le kwa ba reediwang teng. Fa ba ka dumela gore ba a kgorelediwa jaaka Court of Appeal e tlile e ntse e tla e dira throughout, this is not a first one... Ke kile ka emela Reggie Reatile in an election petition at the Court of Appeal. I said to the Court of Appeal, "dilo tse le di dirang, le tlile go dira gore batho ba se ka ba tlhola ba le tsaya tsia gore ba ka tla go ngongoregela maduo a ditlhopho kwano. Ba tlaa ngongoregela kwa mekgwatheng go bo go nna le dintwa." Ba nthaya ba re, "a o a re tshosetsa?" Ka re, ga ke le tshosetse ke le bolelela boammaaruri, Mephato Reatile versus Election Commission.

Magala a re a gatile, re a tsamaile, re a a itse. Ke sone se go leng botlhokwa gore a se ka a tla a gatwa ke bape a ba fisa. Re tlhfofaletse bangongoregi, baipelaetsi ba ba batlang go ya go supa gore ditshwanelo tsa bone di a gatakwa, re ba direle tiro motlhofo, go nne le kwa ba yang go itela teng ga utlwala, ba reediwa, *very important, that is the one.*

The other part is this, why you need the Constitutional Court? Go kile ga nna le tsheko e nngwe ya batho ba ba neng ba athloletse leso, ba e rileng ba tsoga ba kalediwa kamoso ga bo go diriwa an urgent application gore go emisiwe kaletso. Kana go kaleditse High Court, ya boa e ya go felela kwa Court of Appeal, Court of Appeal ya bo e re ba kalediwe. Gwara Motswetla and Brown Mauwe, banna bao, ba kalediwe. Babueledi ba

bone ba bo ba tabogela kwa *court*. Ba ne ba emetswe ke monna yo mongwe o bidiwa Dick Bayford, mongwe wa batlhalefi ba ba kwa godimo thata, bo mmantswitswidi wa makgaola dilaga. Ga ya go sekwa kgang e, ba busiwa, *High Court* jaanong e fapaana le *Court of Appeal*. Gakere o bona gore golo mo go diragala jang? *Court of Appeal* e kwa godimo, *High Court* e kwa tlase, mme *Court of Appeal* e ganediwa ke *High Court*. Ya bo e re ba se ka ba kalediwa. Ya bo e bile e re, e bile tshoko ya bone e ne e sa tsamaisiwa sentle, a ba ye go seka sešha. Ene Rre Bayford a bo a ya go ba seka ba bo ba tlhokwa molato, *they were acquitted and discharged. They were going to die, they would have died the next day.*

Now this window, this anomalous window enabled them to survive. This has happened overtime. Recently, le a gakologelwa gore mo case ya ga Carter Morupisi, o ne a ipelaetsa a re ditshwanelo tsa gagwe ka fa tlase ga ditshetlana tse, in particular Section 10, di tsuolotswe. A re, “mo kgannyeng ya me ya boikuelo, e rile batshereganyi ba Court of Appeal ba nkatlhola, ba bo ba dirisa mafoko a a builweng ke Tautona golo gongwe a re borukutlhi jo bo ntseng jaana bo tshwanetse bo kgalemelwe. Ke dumela gore ga ba a ka ba dirisa ditlhaloganyo tsa bone, ba tsere gone moo, go bo go ba rotloetsa, go bo go ba dira gore jaanong ba se ka ba akanya,” a rialo. O ka dumalana le ene, o ka ganana le ene, eo ga se kgang, kgang e fa, gakere mme ene o a ngongorega. O ngongorega ka ditshwanelo tsa gagwe, a re Section 10 fa e re sentence, fair trial e akaretsa go fitlhelela kwa bofelong. A re, “my rights to a fair trial have been violated because the Judges of the Court of Appeal referenced some remark that was made by the President elsewhere.” So, High Court ya bo e dumalana le ene, e bo e mo golola. Le a itse gore o ne a gololwa malatsi a le five kana a le kae. Go bo go tabogelwa kwa Court of Appeal. Court of Appeal e bo e bua dilo di le dintsi ya re nnyaa, a monna yo a boele fela kwa toronkong. E bile le dikatlolonyana tse a neng a di neetswe, re a di oketsa.

Se sengwe sa boraro ke gore a *High Court* jaanong e emise mokgwa o wa gore fa ditshwetso di tserwe kwa godimo, yone e bo e ya go tla e di fetola kwa tlase. Ke lenyatso mo *Court of Appeal*. Go raya gore bo Brown Mauwe le Motswetla ka thulaganyo e e teng e, ga go na bape ba ba mo diemong tseo ba ba ka tlholang ba thusega kwa *High Court*. Go raya gore go tlhokafala *Constitutional Court*. Gakere ke yone e e tlaa reng diemo tse fa di tlhagoga di ntse jaana, batho ba bo ba ka siela kwa go yone ba ya go itela e le labofelo, ba

reediwa ba tlhobosediswa kana ba amogelesega. Rre Carter Morupisi o ne a ya kwa *Court of Appeal*, ba tswa go mo gana koo. O ne a ka eletsa go fetela fa pejana and ga ke bone ba e lebile sentle. Lekgotla le sele jaanong le le kwa godimo ga bone, lone gongwe le ne le ka tsaya tshwetso e e farologanyeng. O ka bo a ne a ile teng. Lekgotla leo ke lefe? Ke *Constitutional Court*. Re bua ka diemo tse di tshelang. *Court of Appeal* e kile ya re, go bua yone, tota e bile mo go Carter Morupisi ya re, “fa o na le ngongorego, o ka bo o sa ya kwa *High Court*, o ka bo o tsile kwa go rona. Gakere ke rona re ntshitseng tshwetso ya bofelolo. O ka bo o tsile kwano. Ga o ka ke wa ya gope gape.” Jaanong e lebala yone *Court of Appeal* gore pele ga case ya ga Carter Morupisi, go nnile le case ya monna mongwe o bidiwa Oduetse Monnanyana.

Oduetse Monnanyana o ile kwa *Court of Appeal* a re, “batho betsho, dikatllholo tse ke di neetsweng, ke tswa go nna kwa kgolegolong go feta sebaka se ke neng ke se tshwanetse, e bile ke se atlholetswe. Ke tsuolotswe mme phoso e, e dirilwe ke lona *Court of Appeal*. Fa le bala (*calculate*) nako e ke tshwanetseng ke e nne kwa kgolegolong, la dira phoso la bo le mpaya sebaka se se feteletseng, ke fa.” Gakere gompiano ba re, go tsiwe kwa go bone pele, ga ba riana Oduetse Monnanyana o ile kwa go bone. *Court of Appeal* ya re, “re sekasekile mabaka a kgang ya gago, ke boammaaruri, ga wa direlwa sentle, re fositse. Re go foseditse mme rona ga go na se re ka tlholang re se dira.” Ba dirisa tsetlana ya molao, *principle* e nngwe gatwe *functus, we are functus officio*. Re feditse, ga go na gore re ka tlhola re reng. Boa, fa e le sengwe, ya go kopa kwa go Tautona. O ka bona gore ba ka goreng, go bua *Court of Appeal*.

Mo go Morupisi ya re, “o tshwanetse o ka bo o tsile kwano.” Mo go Monnanyana ya re, “ee, o tsile, re a bona, e bile ga re a go direla sentle. Re dumalana le wena Oduetse Monnanyana mme ga go na gore re ka reng.” Gakere o a bona bothata jo re bo direlwang ke ditsamaiso tse re mo go tsone? *Constitutional Court* ke lekgotla le le kwa godimo, le e tlaareng dikgang tse fa di tla di ntse jaana, di bo di ka ya teng di tlhamaletse. Di bo di ka ya go rarabololwa go sena yo gotweng ga re a go direla sentle, mme ga go na gore re ka reng. Thuso ya ga Oduetse Monnanyana e tlaa tswa kae fa go ntse jaana? Molao o tshwanetse o mo sireletse. *Section 3* ya *Constitution* ya re, “*equal protection of the law.*” *Where is the equal protection of the law for Oduetse Monnanyana if the Court of Appeal says yes, we wronged you, but we cannot help you? It is a violation of itself of Section 3 of the Constitution, that requires ventilation before a higher Court, which is the Constitutional Court.*

There is another reason, ke le beela mabaka, ke gore ke a gasa a le mantsi. Lebaka le lengwe ke le; ke rile High Court is a lower court in the hierarchy of the courts. Go na le sengwe mo molaong, fa o bona diagente di rata to cite cases, ba a bo ba direla gore go na le tsamaiso ya molao e e reng, fa lekgotla le kile la tsaya tshwetso e e ntseng jaana, fa kgang e e tshwanang le e, e tla mo go lone, ga le ka ke lekgotla le, la tsaya tshwetso e e fapaanang le e. Fa mabaka a tshwana, tshwetso le yone e tshwanetse e tshwane, go sa kgathalesege gore batho ba ba neng ba seka ke bomang. Golo mo go bidiwa gotwe stare decisis, mo molaong, stare... diagente di a itse. "Stare decisis et non quieta movere," stand by past decisions and do not disturb things at rest. Le a bona gore injustice go tewa eng. Fa batho ba ya kwa makgotleng, the court is a forum of recourse and complaint. Batho ba tshwanetse ba nne le kwa ba itelang teng fa ba sa direlwa sentle, a ke Puso, a ke mang. Fa mabaka a ntse jaana, batshereganyi ba bangwe ba ba re kaelang, ba reng bone.

Mo case e nngwe e bidiwa gotwe *Ambard versus the Attorney General for Trinidad and Tobago, 1936 appealed cases page 332. Ke kopa to quote Madam Speaker, and the quote I will render appears at page 335 about justice. A Judge there, Lord Atkin says, "justice is not a cloistered virtue, she must be allowed to suffer the scrutiny and respectful, even loud comments of ordinary men."* A re, *this thing called justice, ga se sephiri sa ga ope. Se tshwanetse se bewe mo pontsheng, le batho fela kwa mekgwatheng ba kgone go akgela gore golo mo, ga go a siama. "Justice is not a cloistered virtue," Ambard versus the Attorney General for Trinidad and Tobago, Lord Atkin. The same Lord Atkin goes in another decision, three years before he died. He died in 1944 at the age of 77, from bronchitis, brilliant Judge. He makes another powerful statement, he says, "when the ghosts of the past stand in the path of justice, clanking their medieval chains, the best course for a Judge is to go through them undeterred."* Lord Atkin, *Case - United Australia Limited versus Barclays Bank, 1941 appealed cases page 1 and the quote I gave you is at page 29. "When the ghosts of the past stand in the path of justice, clanking their medieval chains, the best course for a Judge is to pass through them undeterred."* When Oduetse Monnanyana comes before a court and says, *I have been wronged, the court must not invoke precedent and say we cannot help you. Those are the ghost from the past, they are clanking their medieval chains, what is the best course for the Judge to render justice, pass through these ghosts undeterred and this case was cited*

in a Zimbabwean case, e e bidiwang gotwe Zimnat Insurance Company versus Stella Chawanda reported in the 1990 Volume 2 of the Zimbabwean Law Report at page 143.

Ke le reile ke re, molao fa o o bua, o tshwanetse o o tshegetse ka ditsetlana le sengwe le sengwe, o se ka wa bua fela. Diagente ga di dire jalo. *This judgement is reported in the Zimbabwean Law Report, Volume 2, 1992, page 143. It is also reported in the 1992, Volume 2 of the South African Reports at page 826 and this statement by Lord Atkin, a part thereof, is reproduced at page 833 of that judgement as reported.* Ke molao betsho, fa o o itse, o tshwanetse o o begele batho jaana. Ba o utlwe le bone ba kgone gore fa ba tsena kwa dibareng, ba o bue tlhe! Le kgone go o bua, e nne o kare ke lona le neng le o tshwere. Le se ka la ba bolelela gore re ne re utlwa ka Boko. O re, nnyaa, molao o, ke a o itse. *Zimnat Insurance Company versus Stella Chawanda, o tlhalose o menne phatla, o kanotse sehuba, ga go na ope yo o ka go reng sepe. Le tsone diagente o bo o bona ba go phatlalalela, molao o ntse jalo, ke common sense. Ke batla gore dilo tse re di tlhaloganye ka gore batho ditshwanelo tsa bone, di a tsuologa ka the structure of the courts. Ba bo ba sa bone thuso, ba kganelwa ke maparego one a.*

The establishment of the Constitutional Court will remove all these barriers, boundaries and barricades for people to ventilate their rights. We are a human rights Government. Ga re ka ke ra bua gore re human rights, e bo re simolola re kgoreletsa batho go ya go itsheka. We cannot do it. Fa o tsaya kgang ya ga Pitseng, yo re neng re mmoloka kwa, o e simolole kwa go Roy Sesana and others, o bo o bona tshiamololo e e dirwang ke makgotla. Roy Sesana o phutha bagabone, batho ba Modimo ba ba senang sepe, ba a thusiwa le ka ditsompelo, ba a rwalwa ba ya go tlhodiwa kwa Lobatse ba a itsheka. High Court go ne go le Judges di le tharo, e ne e le Rre Phumaphi, Rre Dibotelo, mme yo mongwe o bidiwa Dow, o ne a le mo teng. O tle o bone gore ba reng. Basarwa ba ba tla ba le ba ntsi, fa go ntse go tsweletswe, ba re re supegetseng ka the power of attorney gore a le lona le mo tshekong e. Power of attorney ya eng? This is a class of people, similarly circumstanced. Why do you want to know who the others are, what is of consequence about that? Ba fa, render justice. Ka lesego la Modimo ke bao ba kgona go fetelela, mme gatwe nnyaa, go fetile lona fela ba ba 163, e nngwe e ntsi e e some e ga e yo mo teng, go bua lekgotla. Ke sone se e reng Pitseng a re ke tswa kwa Central Kalahari

Game Reserve (CKGR) nna le ba bangwe, ba bangwe ba tswa kwa Metsiamanong, ba bangwe ba tswa kwa Gope, ba bangwe ba tswa kwa Mothomelo, re batho ba koo, ke fa ke batla go ya go fitlhweng. *Court of Appeal* ya re a o ne o le teng mo kgannyeng ya ga Roy Sesana, a re batle maina. Go fitlhelwa e le gore *yes, he was there, he was applicant number 163*. Ba re mme ga re bone *power of attorney* ya gago, ga re dumele gore o ne o le teng. *What kind of justice is this? This is the Court of Appeal now, and then it violates peoples' rights and then the man languishes for three years. It is a gross violation of people's rights, it redounds against the Government, against all of us, we are guilty. Why, because there was no forum above this Court of Appeal that could have examined this matter afresh, there was nothing.* Jaanong ra re no more. *No more, no more shall we have people's rights trampled underfoot even by their Government because there is no forum for recourse and complaint, the courts have bolted the doors of justice from within.* O ne a rialo *Judge* yo mongwe o ne a le gone fa gotwe Hayfron-Benjamin a re, *"lo and behold! it is calamitous when the doors of justice are bolted from within."* *This one was bolting the doors of justice from within, and we must sit? Those of us who have been in the frontlines, every person of conscience in this country re lebelele fela go tsuololwa ditshwanelo tsa batho ba Modimo ba ba senang madi a go itsheka, re bo re re go siame fela, nnyaa bagarona. Go tlhoka Constitutional Court. Re bo re ngala fa re tshwanetse re bue dikgang tse ka mewa e e edileng, ga go berekwe jalo bagarona.*

Kgang e nngwe e ke batlang gore le yone ke se ka ka e tlogela kwa morago ke e ya gore, ke rile *High Court is a lower court*. Fa o tsaya United States (US) *Supreme Court*, fa e lebelele dikgang tsotlhe tse di diragalang, e na le golo mo gongwe diagente di go bitsa di re 'certiorari.' Ke le ruta lefoko le lesa. *Certiorari* go tewa gore lekgotla le le kwa godimo le na le dithata le sa kopiwa ke ope. Fa le bona gore tshiamololo nngwe e dirilwe mo tshwetsong ya lekgotla le le kwa tlase, lone lekgotla le le kwa godimo le bo le bitsa kang ya teng le re a e tle kwano. Gakere lona le feditse le yone le tsuolotse ditshwanelo, jaanong a e tle kwano, re tsile go rarabolola kang e, ga go tlhokafale gore ene motho wa teng a bo a re kopile. E bile le fa a ka re kopa, go ntse go siame fela, *but because we have supervisory jurisdiction, we can call up the matter in exercise of our powers under this certiorari, and hear the matter and determine it.*

Supreme Court ya America e bereka jalo, *the High Court of Botswana and the Court of Appeal does not have those powers. The Court of Appeal is not a Constitutional Court anyway, and we want the Constitutional Court to have powers of certiorari that any judgement passed by a lower court, past and present, the Constitutional Court must be able to call up that judgement and determine the matter and declare people's rights and issue what is called declarator; declaratory relief.* E bue fela gore ditshwanelo tsa motho yo di tsuolotswe, gore le dira eng ka gone, le tlaa bona, mme tsone di tsuolotswe. *That is declarator.*

MINISTER OF WATER AND HUMAN SETTLEMENT (MR RAMOGAPI): *Clarification, ke tlhaloganye sentle. Ke a leboga Madam Speaker. Ke ne ke re ke e utlwe sentle, le Motswana a e utlwe sentle kwa gae. Kana go ntse go buiwa Sekgoa sa gore ka gore go siame fela go na le courts tse di leng teng, ga go tlhokafale gore re dire Constitutional Court ka gore High Court and Court of Appeal di teng. Jaanong o sedimositse sengwe sa gore nnyaa, kana Motswana yo o senang madi a appeal, a go seka, o ka re yone Sekgoa se o se buang, kana ke seLatin se se monate sa bo certiorari. Nnyaa, motho yo wa Modimo yo o tlaa kgona gore jaanong ditshenyegelo tsa gagwe le fa a sena madi a go itsheka, court e bo e ka tsaya case. Ke raya gore o e tlhatswe sentle gone foo le ka Setswana, ba e utlwe sentle kwa gae ka gore go ne go ikepetswe thata gone fa gotwe nnyaa, courts di teng, jaanong ga go tlhokafale gore re dire e nngwe. Ke tsaya gore Batswana ba tlaa e tlhaloganya sentle.*

ADV. BOKO: *Ee rra, go bothokwa gore kang e e tlhalosege, courts di teng, mme ga di yo, gakere ke ntse ke supa ka dikai, ga se tsone fela, di di ntsi batho betsho tse ditshwanelo tsa batho di gatakilweng. Batho ba ba ntsi ba ba sa kgoneng go itsheka ka gore ga ba na tsone ditsompelo. Kana gore o itsheke mo dikgannyeng tse di matswakabele jaana, o tlhoka babueledi. Babueledi ga ba tle fela, ba go lopa madi, jaanong fa o sena one madi a go batla babueledi, o ya go sekwa ke mang? Ke sone se re reng, o tshwanetse o sekwe fela o ntse o sena madi. Certiorari e go kgontsha gore kang fa e athlotswe ka fa e athlotsweng ka teng. lekgotla le e bitse ka gore lekgotla le le na le mo gotweng supervisory jurisdiction over all the lower courts, including the Court of Appeal. So, certiorari will apply at all levels.*

E bile o tle o bone sengwe *about appeals and bothata jwa to appeal, there is a recent judgement, I think it was given not more than a week ago by the Court of Appeal, a single Judge of the Court of Appeal, Rre Sidney Pilane,*

has hit the ground running, he delivered a judgement, he says, fa motho a tsenya appeal, o tliša mabaka a appeal, o beelwa nako, mme e bile go na le madi a a bidiwang gotwe security for costs a o tshwanetseng o a duele. Fa o ka tloedisa wa se ka wa a duela ka nako e e beilweng, kgang ya gago e a tshololwa. Fa o tla kwa lekgotleng o tla go kopa gore, nnyaa mme se e tshololeng, mabaka a me a gore ke bo ke sa duela ka nako ke a mme ke ka duela, gatwe fa o sena go supa gone moo jaanong o bo o dira mo gongwe o supa gore a mme yone kgang ya gago e e tlaa atlega mo appeal. Sidney Pilane a re nnyaa, potso e nngwefela fela, ga di pedi, ga se gore a e tlaa atlega, eo ga e yo mo teng. O na le tshwanelo ya to appeal. Tshwanelo ya gago ya to appeal ga e beye mo goreng a o ka atlega kana ga o ka ke wa atlega, ke tshwanelo, you have a right of appeal. Fa o sa duela ka nako, o bo o ya go kgotsofatsa lekgotla gore mme jaanong o ka kgona nako e e beilweng, Rre Pilane a re ee, lekgotla le tshwanetse le go amogele, le se ka la botsa dipotso tse di kwa thoko, he has given that judgement. It is a ground-breaking judgement, it is an interesting judgement, it departs from what has been happening. Go raya goreng jaanong? Gore go na le other judgements that were there saying this, there is this judgement recently delivered, saying something else. Gore jaanong go letlangwe all these disparate views, go iwe kae? Rona ra re go tshwanetse go bo go na le Constitutional Court, dilo tse di ye go tlhodumelwa labofelo, e bo e re tsela ke e, Constitutional Court.

Ditshwanelo di botlhokwa gore o di itse o bo o di tlhaloganye, ka gore ditsetlana tse di sireletsang batho mo ditshwanelong tsa bone, fa o di tsaya o di bapisa le melao e mengwe gotwe, naare molao wa Botswana ke eng, o bo o re molao wa Botswana go na le mo gotweng Customary Law. Customary Courts Act, Section 2 fa e tlhalosa gore molao wa Botswana ke eng, e bua ka dilo tse pedi, ya re Common Law and Written Law. E bo e tlhalosa gore it does not include Customary Law, so Customary Law is not part of the laws of Botswana. O a e utlwa gore e ntse jang tsamaiso, lona le tletse mo la re ngwao ya rona, Customary Law is not part of the law by definition, Section 2 of the Customary Courts Act. E bo e define Customary Law e re, in relation to any tribe or tribal community, it is the law in respect of that tribe or tribal community. So there is no Customary Law, there are Customary Laws. E bo e re, Customary Law must not be incompatible with written law, morality, natural justice. It must not be incompatible, ke gore fa Customary Law e ka farologanang le molao o o kwadilweng, latlhela kwa kgakala Customary Law eo, fa e thulana le molao

o o kwadilweng. Ke dilo tsa bogologolo tse go neng go bidiwa gotwe, the repugnancy Clauses. If it is repugnant to written law, morality and natural justice, Customary Law is not law. Ke dikgwetlho tse di tlhokang jaanong tlhodumelo e e fa godingwana, e e batlang baitseanape kwa godimo.

MR RAMOGAPI: Clarification. O e tshwere sentle gore Botswana ba tlhaloganye, ka e bile o bua ka Customary Law. Go na le kgang e nngwe jaanong fa o bua ka Customary Law, o nkgakolola e nngwe, e e leng gore e ne e feta fa le yone, go kile ga buiwa fa e le kgang ya mmammane gore kana Dikgosi who play advisory role fa go tla mo dikgannyeng tsa Molaomotho, ba re ba a gana gore Constitutional Court e nne teng. Ka jalo, go raya gore Mapalamente ba Ntlo e, le bone ba gakololwa gore ba gane. Jaanong ke re gongwe le yone e o ka tlhalosetsa Botswana gore, tota dilo tse di nyalana jang, ka o kare wena o a di tlhaloganya, o di phutholola botoka?

ADV. BOKO: Ke na le tumelo e e tletseng ya gore fa nne ba kopane le nna ka ba tlhalosetsa dilo tse ka fa ke ntseng ke di tharamolola ka teng, ba ka bo ba sa tsaya tatlhego e ke bonang o kare ba digetswe mo go yone. Ke sa ntla.

Sa bobedi, thata ya Ntlo ya Dikgosi ka fa Molaomotho, ke go gakolola, mme le gone go gakolola ga teng, ba gakolola ka dikgang tse di amang Customary Law kana ditsamaiso tsa makgotla a bone fela. Ke Molaomotho ka fa o ntseng ka teng, fa e le gore re ne re batla go o fetola, e tlaa re fa re o kwala sešha re fetole, mme fela dikgakololo tsa bone di tlhokwa fela fa go buiwa ka molao wa Setswana, Customary Law, kana ditsamaiso tsa makgotla a bone. Sepe se se kwa ntle ke go tsaya dikgang fela, ba bo ba ka reediwa. Ntswa advisory opinion e le advisory opinion, ga e tlame. So fa ba re bangwe ba gane, ke to lobby fela mo go ka dirwang ke mongwe le mongwe. There is nothing wrong with it, it is not binding on anybody. Tumelo ya me ke gore fa nne re ntse fa fatshe, ba bona tshedimosetso le kgakololo ya go supa mathata a le go a supa le ka dikai, ba ka bo ba sa tsaya kgato e e ntseng jalo.

Ke wele ka e nngwe, go le supegetsa gore makgotla a rona a kgona go nna diphatsa jang. Ka 1989, go ne ga nna le kgang e nngwe ya rre mongwe yo o neng a tlhokafala mo kotsing e e neng e sa diragala sentle, ga bo go lemogwa gore go phoso. Mosadi wa gagwe le masika ba bo ba seka, e bidiwa Archibald versus the Attorney General. Ba seka gore re latlhegetswe ke

motho yo o neng a re tlamela, yo re neng re tshela ka ene. O sule mo diemong tse di sa nnang sentle, tse di seng ka fa molaong, re batla *to be compensated*. Go ne ga nna *Judges* di le tharo, ke gore ke batla go go supegetsa bothata fa gongwe jwa go tsaya ditshwetso mo go one makgotla, mo teng ga lekgotla.

Go ne go na le Austin Amissah, Akinola Aguda, Justice Pakrine. Ba babedi ba ba ithutile molao kwa Enyelane, yo o ithutile molao kwa Afrika Borwa. Ke gore English Common Law, Roman Dutch Law, Cross Judicial Dialogue, Botswana Court of Appeal. Case; Archibald versus Attorney General. What is the issue? Compensation for loss of support. What does the court say? We agree that there has to be compensation. The problem is the amount. The quantum of compensation, gore yo o tswa kwa kae, o ithutile molao kae, go na le influence mo goreng o tsaya ditshwetso jang.

Kgang e e simolola kwa High Court e tshwere ke ... (Inaudible)... another English lawyer from Sierra Leone. He says there is a whole range of approaches, the Roman Dutch Law approach is this, the English Law approach is this, a bo a tsaya the English Law, ba bo ba appeal ba ya kwa Court of Appeal. Court of Appeal e bo e re, fa re sekaseka le rona re dumalana gore go dirisiwe mo go neng gotwe multiply method to calculate the compensation quantum, gore a duelwe bokae. Judges tse pedi di bo di dumalana, a bo a neelwa P582 211. Justice Pakrine a re nnyaa, the method that should be applied here is the year on year method under Roman Dutch Law. Why is he saying this? Because in the Customary Courts Act itself, Section 2, it says the law of Botswana is the common law. What is the common law of Botswana? They say it is Roman Dutch Law. So which law do we apply and why? These ones applied English Law, this one applies Roman Dutch Law, Common Law, and the outcome ka calculation ya year on year, ya ga Justice Pakrine, the appellant was to be awarded P1 076 842, poles apart, same case, same matter, the amounts, P582 211, P1 076 842.

Democracy ya reng gone fa? Go raya gore tshwetso ke e e seng e, this one is a minority opinion. Dikgang tse ka bo tsone fela, ra re molao wa Botswana ke eng tota, re dirisa ofe? English Law, Roman Dutch Common Law, what are we following? There is need to resolve this matter and resolve it authoritative at the highest level, not at first instance. Apex, Constitutional Court, ke yone e ka re rarabololelang dikgang tse. Ke sone se ke le rayang ke re, go botlhokwa tota gore go bo go na le Constitutional Court. E seng jalo ditshwanelo tsa batho ga di ka ke tsa sireletsega.

MINISTER OF LABOUR AND HOME AFFAIRS (MAJ. GEN. MOKGWARE): *On a point of clarification. Thank you very much Mr President. O tlile sentle ka those issues but e le nngwefela ke bona e kare e tsietsa bangwe go ntse gotwe we want people to be taken on board, we want people to be consulted. Ke kopa gore o fete fela ka yone mongwame.*

ADV. BOKO: *Fa re bua ka consultation, ke tlhalositse gore batho ba gotweng ga ba a rerisiwa, ke bone ba ba ntshitseng taelo. Gakere ke rile page 141 ya Dibotelo Commission ya re ba rialo, it is recorded, came directly from the people. Fa o ema fa o bo o re batho ga ba a rerisiwa, bone ba ba ntshitseng taelo ya gore go nne jalo, wa re go ye go rerisiwa bafe? Ke wena o tsayang gore o botlhale go ba gaisa. Bone ba rialo, jaanong wa re re reng?*

Gape paakanyo e ya the hierarchy of the courts, go baya dilo sentle gore di tlhamalale, e botlhokwa ka gore ga e simologe fa, e simolotse 29 years ago ka Commission ya bo Aguda, very important to understand these basics bakaulengwe gore jaanong e re fa re tsena mo kgannyeng ya Constitutional Report, re bo re e tlhaloganya sentle.

Fa ke sena go nna ke go bolelela dilo tse tsotilhe, mme ke go bolelele e nngwe ke e. O bona the comprehensive Constitutional Review that is coming, ga se kgang ya letsatsi le le lengwefela, beke, dibeke tse tharo kana dikgwedi tse pedi, ke kgang ya lebaka. Go tlaa tswa gore batho ba re tlaabong re bua le bone re ipaakanya, go ya go re tsaya nako e e kae. Constitution ya South Africa fa, e gogile from 1989 e buisanwa, ba tswa go e fetsa ka 1996 for the final certification before the Constitution Court of their Constitution. Pele ga foo ba ne ba bereka ka Interim Constitution.

Go kwala Molaomtheo le go o baakanya one o wa rona, ga go tseye jaaka ke bona batho ba tsaya gore re tlaa kopana beke e e tlang re bo e bile re kwadile Molaomtheo, re tlile go tlaa kwano re re re a o fetisa. Ke kgang e e mashetla, e ya go tlhoka thutuntsho mo bathong. Dilo tse ke di buang fa o di tlhalosetsa motho o ntse le ene fa fatshe, a di tlhaloganya sentle, o ka go fa maele, a go raya gore ke a go utlwa mme o ne o sa bone e, le ka e re, batho fela; mongwe le mongwe Motswana. Jaanong go ba tsaya o ba tlhalosetsa, o ba rutuntsha ka Molaomtheo gore tiro ya one ke eng, kana o tlaa ba raya o re Molaomtheo fa o batla go o tlhaloganya sentle, o bale kgang ya Attorney General versus Dow; 1992 Botswana Law Reports page 119, mme o ye kwa page 129 o utlwe Austin Amissah, Judge President of the Court of Appeal (CoA) a soboka gore golo mo gotweng Constitution go tewa eng, tiro ya yone ke eng.

MINISTER OF COMMUNICATIONS AND INNOVATION (MR TSHERE): *On a point of clarification. Thank you very much Mr President. Ke ne ke utlwa o kare go na le confusion, ke latedisa ya ga Honourable Ramogapi gore golo fa o kare go ya go nna le patlo maikutlo ka molao o. Gongwe o e tlhatswe yone eo ka gore ba bangwe ba ba gokaganyang le gore ga re a rerisa batho, o kare ba ipata ka yone.*

E nngwe ya bofelo; ke bona mo *Clause* 102 (2) go buiwa gore o tshwanetse wa bo o le Motswana gore o nne mo CoA. *Is that so?* Ke lebeletse gore ke ntse ke utlwa o bua *Judges* tsa mafatshe a mangwe jaana, gore *we will have benefitted from that experience as well. Thank you.*

ADV. BOKO: *Mma ke tlhalose jaana;* I have not touched the Bill, I have dealt with the cardinal principles underpinning the establishment of the Constitutional Court. What the Bill presents, in addition to the establishment are matters of detail; the structure, other corollary changes that must take place, situating the Constitutional Court at the top and all those issues. The issue of ... (Inaudible)... that I have mentioned is not covered there. So, the Bill itself will require some improvement in those regards and there are others that can be added. What I am dealing with here are the underpinning considerations; why it is imperative to have a Constitutional Court. *Jaanong re ya go e loga re e baya jang?* It is a matter of detail which we will deal with. *Dikgang tsa gore go nne le Constitutional Court, di bothokwa mo go gakgamatsang.*

Ke ne ke re kwa South Africa ba tsere seven years, ga re itse gore rona go ya go re tsaya nako e e kae. Fa go re tsaya three years, four years re bo re tshwere Constitution fa, mo dingwageng tsone tse, ba ditshwanelo tsa bone re bonang gore di tla di ntse di tsuololwa, a re lese fela go tswelole? Re a bona gore ga go direge sentle, ditshwanelo di a gatakiwa, nnyaa, re siame fela re tlaa tla re baakanya seemo se dingwaga tse five tse di tlang, nnyaa, bagarona ra re a re se baakanyeng gompieno.

The substantive review of the Constitution is the establishment of a court, is in fact predominately an adjectival matter, it is not a substantive legal matter. *Ke mo gotweng structural ambition, do we have the right institutions to carry the kind of society that we want of a human rights-based society? Ke yone kgang fela eo.* You cannot argue against it. On what basis really? What do you say? No, people have not been consulted. Dibotelo Commission page 141 says, the people themselves

wanted a Constitutional Court. What do you say? So, your proposition that the people have not been consulted explodes, it evaporates. It requires to be stated only to be rejected, that is what it is.

The people want a Constitutional Court. A Constitutional Court is absolutely essential so that people's rights are vindicated, they are protected. This is the debate; this is the piece and the substance. *Tota e bile go ka bo go tletse diagente fa go betswa molao re o tlhalosa. E seng... Hey! Banna wee, la reng ne banna? Aah!... (Interruptions)... Go ipuelwe fela? A re support se re se buang ka mabaka and cite re bue gore golo mo ke eng, mathata ke eng. Re se ka ra tla fela bagarona, gape re se ka ra dira sepolotiki mo dikgannyeng tse di ntseng jang. O bona gore ga ke tsenye dipolotiki tsa ga ope mo teng,* this is about BCP, BDP, Botswana Movement for Democracy (BMD), MELS bring them all, *babize bonke,* they must be here to debate, they must be here to debate these matters for the good of the country. This is what we are talking about. So, there are many of these issues that keep cropping up.

Go na le kgang ya *civil imprisonment* gone jaana. *The Court of Appeal says civil imprisonment is okay to imprison a person because ga a kgone go duela sekoloto, it is not unconstitutional. South Africa says civil imprisonment is unconstitutional, you cannot imprison a person for being impecunious. Fa ke tsile kwa High Court ke ba raya ke re, I want to argue constitutionality, ba re mme Court of Appeal e rile it is not unconstitutional mme ka re nnyaa, ke batla go ba supegetsa gore mme go na le tsela e o ka e lebang ka gore mo case e nngwe e e tsileng kwa Court of Appeal gatwe Clover Petrus e e neng e bua ka corporal punishment, Court of Appeal e ne ya re corporal punishment is not per se unconstitutional. Yone fela ka boyone is not unconstitutional, but when it is administered in instalments, it becomes unconstitutional.*

Ke ne ke batla go ba remelela mo go yone Clover Petrus ke bo ke ba raya ke re, *civil imprisonment is not per se unconstitutional but there are circumstances in which it can be deemed unconstitutional.* Ke molao o ntse jalo, go tlhokafala ba ba o itseng, baoranodi, baitseanape ba one, ba o tlhaontlholole fa e tle e re ba ba akgelang le bone ka gore mongwe le mongwe o tshwanetse a akgele gone, mme ba bo ba akgele ba tlhaloganyana. Re remeletse mo mabakeng, mongwe le mongwe inonotsha ka mabaka a a utlwalang, a a bonalang gore golo fa re

leka go dira eng. Re se ka ra ganetsanya fela, ga re a tlela go ganetsanya fa, re tletse go akants'hanya. So, ke tsone dilo tse ke neng ke batla gore re di lebelele batho betsho.

We need the Constitutional Court, we need it urgently, we need it desperately, we need proper redress for all these violations. The Constitutional Review process, go ya go nna le ditsheko tse di tswang mo teng ka gore bangwe ba ya gore fa gotwe re fetola Section 77, 78 and 79 re tsenye merafe e mengwe, bangwe ba ya go gana. Ba kile ba gana, re ya go nna le dikgogakogano gone fa tse gongwe di yang go tlhoka gore di rarabololwe at the highest level ke Constitutional Court. Kgang e ga se gore e ya go diragala o kare ke sewagodimo. Nnyaa, re dumalane Batswana betsho, batho ba a farologana ka mewa, meono, maikutlo le megopolo. Fa ba farologana ba bo ba sa dumalane mo ba kgonang go emelelana, ba bo ba goagoelana. Go tshwanetse go nne le kwa re ka ba isang teng gore ba ye go tshereganngwa koo ke lekgotla le e tlaa reng fa le ba tsheregantse, go bo go amogelesega gore aah! le fa ke sa rate se ba se buang ka gore mme it is the final instance, I am supposed to live with it. Tsamaiso ke yone eo, rule of law e ntse fela jalo.

Ba bangwe ba batla boipuso gone fa, ba tlile go tla ba bua jalo ba bo ba tena merafe e mengwe e e sa batleng gore ba bo neelwe, go bo go tsoga dikgotlhang, bo go re go iwe kwa lekgotleng go ye go bonwa gore a mme dilo tse di ka bereka. Go batla go na le kwa di ka rarabololwang teng go tlhoafetswe e bile e le baitseanape. Ke mang yo o ka ganang dilo tse di ntseng jaana ba garona Baphuting, la reng tota? Le gana dilo tse di tlhamaletseng jaana, le di gana le re go rileng? Dikgogakogano tse di yang go tlhagoga, di ya go ya kwa High Court di bo di ya kwa Court of Appeal, go tswa fa di bo di felela go sa tlhalosege sentle. Mo ketsaetsegong e, e e leng teng, Judges tsa Constitutional Court di tlaabo di se five. Fa di se seven di tlaabo di le nine. Kwa Afrika Borwa di 11. Go biditswe bo mankge ba teng, ba kopanye ditlhogo fa, ba thulane go nne maswe, ba rarabolole dikgang.

Section 18 (2) ya Constitution ya Afrika Borwa ya re fa motho gotwe jaanong ditshwanelo tsa gagwe di tsuolotswe, lekgotla ga le ka ke la re tsone di tsuolotswe mme ga go na sepe se re ka se dirang mo molaong. Constitution ya re in such a situation, the court can issue such orders, writs and directions as it deems fit to address the violation established. Kwa Afrika Borwa mo dikgannyeng tse di farologaneng, bo Fourie against the Minister of Safety and Security, ba re gone moo go raya gore you must create a relief. O se ka wa re molao ga o letle.

Go kile ga nna le kgang e e ileng ya ya go felela kwa High Court, Dingake a re go na le mo gotweng constitutional damages. Fa ditshwanelo tsa gago di tsuolotswe o tshwanetse go duelwa, constitutional damages. Gideon Boko a bo a kwala article kwa Zimbabwe Law Review a re, "towards a compensatory approach to redressing constitutional violations in Botswana." Ba bangwe le bone ba tla ba bua ka fa ba buang ka teng. Re batla go ya go felela kwa Constitutional Court ka gore Court of Appeal e ne ya re golo mo ga go letlelesege mme o ka bona sengwenyana. Ba fokotsa gotlhe ba mo neela manotonyana, go batla Constitutional Court, jaanong e tle e nne sentle, e tlhodumele e itse gore ke yone last number, numerus clausus.

Dikgang tse di ntseng jaana bagarona, ke sone se ke le rayang ke re, ga go na ope yo tshwanetseng a le tsietse kana a le fapose mo go reng go tshwanetse go nne le Constitutional Court as the court of final instance and first instance. Ke gore motho yo o batlang go ya go itsheka kwa Constitutional Court, a seka a constitutional matter or a rights matter, o tshwanetse a kgone go tlhamalala kwa Constitutional Court a sa ye High Court. E bile fa a batla, o tshwanetse a kgone go ya kwa High Court and appeal kwa Constitutional Court.

MR SEGOKGO: *Point of clarification.* Ke a leboga Mr President ka thuto yone e o re e fang mo letsatsing la gompiano. Ke gore ka fa o tlhalosang ka teng ka amendment e, go raya gore it is just a normal amendment fela e e leng gore e sale e nna go simologa ka 1966. From 1966 hitherto, re nnile le amendments di le kae mo Constitution? A amendment e ya gompiano ke e e normal fela e e tshwanang le the previous amendments tse di nnileng teng e se a holistic or a comprehensive review of the Constitution?

ADV. BOKO: *This amendment seeks to rationalise the structure of the Judiciary. The hierarchy of the courts addresses all these problems, mathata a ke ntseng ke a balolola fa le a mangwe a mantsi. Kana a mantsi, go na le a ke sa a balololang a tshwana le one a gore jaanong go tle go tlhamalale gore a rarabologa jang. Go tle gape gone go rarabologa ga a a ntseng a le teng le go tlhamalala ga makgotla sentle mo go saleng go simolotswe ke bo Aguda le batho ba go batla, go bo go ka re thusa gore jaanong dikgotlhang kana diketsaetsego tse di tlaa bakwang ke yone the substantive review of the Constitution, go bo go na le kwa batho ba yang go kgaogannwa ba letlannwa teng. Ga go molato gore batho ba farologane ka megopolo e bile ga go molato gore fa ba farologana jalo, ba kgone go ya go itsheka,*

go siame jalo gore ba bone gore nnyaa, mme ke tsero kgang ya me, ke e boledisitse ke tswa go e boela kwa e felelang teng. Ba nkganne ee, mme yone ga ke ka ke ka nna fa ka re ga ke a e lwa. *That is how these things are. Fundamental rights are important for these reasons and jaaka ke ne ke bua, dikgang tsa ditshwanelo ka gore re itlamile gore re batho ba ditshwanelo ka all the international treaties that we have ratified and signed and even domesticated. Molao one wa re, where you have signed and ratified, even if you have not domesticated where there is ambiguity in your law, the court must interpret your law in accordance with those international obligations that you signed and ratified even if you have not domesticated them.*

Justice Amisshah o ne a lwa le yone kgang eo. Mo go yone kgang ya ga Dow, *Attorney General versus Dow*, 1992, Botswana Law Reports, page 119 mme fa a mekamekane le yone, o ne a bua ka the Organisation of African Unity (OAU) convention which had not been domesticated a re, *“an interpretation that is consistent with those obligations which have been ratified but not domesticated is preferable at page 159 of that judgement.”* Letsatsi leno ke batla gore e re fa re bua molao, re o bue fela. Mme le fa re bua sengwe le sengwe, re kgone go itshegetsatsa ka dingwe. Re kgone go baya mabaka a re reng ga ke nosi, dilo tse di tlhamaletse di ntse jaana, di re supegetsatsa kwa re tshwanetseng re ye teng.

Go botlhokwa bagarona ka jalo fa ke wela, ke le boledisitse. Tota ke ne ke tletse gore bagarona ba tle ba mpotse, ke ba tlhalosetse dilo tse ka mowa o o edileng, ke sa ba felele pelo. Ga ke motho le go fela pelo fa ke tlhalosetsa batho ba ba sa itseng dilo, mme fa gongwe ba e tla ba ipaya jaaka o kare ba a di itse. Ga ke ke ke ba felela pelo. Ga ke a tlela go tla go nganga, ke tletse go tla go akantshana le batho, ga ke ngange.

MADAM SPEAKER: E go tshwere *Mr President*.

HONOURABLE MEMBERS: ... (Applause!)

ADV. BOKO: Ke le lebogile bagarona.

HONOURABLE MEMBERS: ... (Applause!)

MADAM SPEAKER: Honourable Members, the floor is open.

HONOURABLE MEMBER: Nna ke ka emelela fela fa o mpha clarification.

HONOURABLE MEMBERS: ... (Murmurs)...

MADAM SPEAKER: Are you all fine? Maybe I shall call...

MR KEDIKILWE (SEROWE WEST): *I am not fine. Madam Speaker, gakere wa re the floor is open. Ke eletsatsa go kgwa Tautona dikgaba. Nnyaa, le fa le ka ntshupa ka monwana, I have my opinion. Mma ke lebogele thuto e e kanakana Mr Pres, e o re e neetseng ya mahala. O butse lefifi le le neng le le teng. Fa gongwe le fa re le Mapalamente, le fa re debate dikgang tsa molao, ga re botlhe ba re kileng ra feta ka molao. Se o se dirileng o remile tsela, le kwa gae ke tsaya gore ba ba go reeditseng, ba bona botlhokwa jwa gore court e, e nne teng.*

Ke gakologelwa case e nngwe ke batla to reference ka yone ya kwa Land Tribunal. Batsadi ba tlhoka kitso ya go isa basupi kwa Land Tribunal, e bo motlhalefi a fenyang kgang e ka gore, o ne a itse tsamaiso. Le fa ba re ba e tsaya appeal, kwa Court of Appeal gotwe a bo le sa ise basupi kwa Land Tribunal. So, ga ba tseye basupi ba bone tsia. Fa court e, e ne e le teng, o bona gore ba ka ya go swela fa pelenyana fale. Ba supa gore ba ne ba sa itse tsamaiso. Ke ratile ka fa o tlhalositseng ka teng. Bagarona ba ba seyong fa, tota ba itshotse kitso fela e e neng e tla mo lebaleng. E tlaare kamoso fa re le kwa dikgaolong tsa rona re tlhalosetsa batho, go tlaa bonala gore go tlhalosa batho ba ba tlhologanyang se ba se buang. Ka bokhutshwane jo bo kalo, ke raya gore go se ka ga nna o kare o ne o bua le mapako. Go supafale gore o ne o bua le batho ba ba neng ba tsenya mo tlhologanyong, ba go utlwa sentle. Ka a le kalo Madam Speaker, ke eme gone foo.

MADAM SPEAKER: Honourable Members, I shall now call upon Leader of the House to respond.

MINISTER FOR STATE PRESIDENT (MR MOHWASA): Ke a leboga Motsamaisa Dipuisanyo tsa Palamente. Ke simolole fela ke tlatse bakaulengwe ba ba ntseng ba tlhalosa gore re na le seemo se e leng gore tota ga se jese monate. Fa re le fa, re tsaya gore re tsile go tla go abelana megopolo. Le fa re sa dumalane, re tshwanetse re letlane gore megopolo e tswa ka gore re emetse setšhaba. Motho o ne a gopotse gore e tlaare fa a araba jaana, a bo a feta ka dintlha tse e leng gore bakaulengwe ba ka bo ba nnile le sebaka sa go akgela mo go tsone. Ke tsaya gore ba tlaa ithuta gore go tswelala ba dira jaaka ba dira jaana, ga go thuse ope. Ga go thuse mokgatlho wa bone. Ga go thuse lefatshe la rona ka gope. Ga se gore le rona fa re le fa dinako tsotlhe, re nna re dumalana le bone. Re tshwanetse re itse gore jaaka

re bua gore mmualebe o bua la gagwe, monalentle a le tswe, re rotloetse go bua re gololesegile. Golo mo ga go nna re tswela kwa ntle fela, re iphetlha ga se gone. Re tshwanetse re go kgale, e bile re gakolole, tota ga se go tswela kwa ntle, ke go ngala.

Ke leboge Mma Dow, o ne a akgela. Mathata ke gore e rile a sena go akgela, *then join* ba bangwe ba tswela kwa ntle, ba ise ba nne le sebaka sa go akgela. Ke bo ke leboge Rre Mokgware ka dikakgelo tsa gagwe. Ga ke bone go ka tlhola go tlatswa sepe, mme bogolo jang ke leboge Tautona. Ke tsaya gore Motlotlegi Kedikilwe jaaka a ne a bua, o a tlhalositse sentle. O ntshitse sefifi jaaka o bona Rre Kedikilwe a beotse *chisel* jaana, bogologolo re ne re itse gore o a beolwa gotwe o ntshiwa sehihi. Ke tsaya gore sefifi se se ntseng se le teng, Tautona o kgonne go se beola. Go se beola ga teng, re tsaya gore kgang e tlaa tlhamalala. Go ne go na le bangwe ba ba neng ba dule letsholo. Re tsaya gore kgang e, e tlhamaletse. Ga go tlhokafale gore go ikitaagangwe go ye kwa le kwa, re tsene le kwa ofising. Re tshwanelwa ke go tsaya dikgang le batho. Re ba kaetse gore tota maikaelelo a se ke eng.

Jaaka Tautona a bua, Batswana ba setse ba tsere tshwetso ya *Constitution* ka bo yone. Batswana ba ne ba bua, ke gore fela Puso e e neng e feta, e ne ya ba gana. Ba buile dilo ka bontsi tse di neng di batla gore go baakangwe lefatshe le. Ke tsaya gore ba ba neng ba romilwe, re tlaa tsaya go le gontsi mo go bone gore re dire *Constitution* ya lefatshe e e ka re agang go ya kwa pele. Ka mafoko a a kalo Motsamaisa Dipuisanyo tsa Palamente, fa o bua batho ba sa bolo go bua, e a bo e le go senya le mafoko a mantle a ba a buileng. Jaaka ba bangwe ba a tle ba re, tladi fa e setse e rathile, ga go na se motho a ka tlholang a se akgela. Ke leboge bakaulengwe. Ke leboge Mma Dow. O dirisitswe tshwanelo ya gagwe ya go bua, a bo a sa rotloetse ba bangwe le bone gore ba se ka ba tswela kwa ntle, ba dirise tshwanelo e le ene a neng a e fiwa. Ke leboge Rre Mokgware le Rre Kedikilwe. Ka mo go faphegileng, ke leboge Tautona.

HONOURABLE MEMBERS: ... (Applause!) ...

MR MOHWASA: *Madam Speaker, I move* ka gore ke tsaya gore re di buile, dikgang di wetse. Ke batla *to move* gore *Bill* e re e baakanyang e, *Constitution (Amendment) Bill, 2025 (No. 14 of 2025)* e ye *for* padi ya bobedi.

Question put and **agreed to.**

Committee - **Later Date.**

MADAM SPEAKER: Honourable Members, looking at the time, we cannot go for Committee Stage today, so I am calling the Leader of the House to move a Motion of adjournment.

MOTION

ADJOURNMENT

LEADER OF THE HOUSE (MR MOHWASA): *Ke a leboga* Madam Speaker. I beg to move that this House do now adjourn.

Question put and **agreed to.**

The Assembly accordingly adjourned at 7:15 p.m. until Tuesday 2nd December, 2025 at 2:00 p.m.

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