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**EMERGENCY MEETING
(FINANCIAL ACTION TASK FORCE (FATF) BILLS)**

TUESDAY 25 JANUARY 2022

MIXED VERSION

HANSARD NO: 204



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Tuesday 25th January, 2022

THE ASSEMBLY met at 2:00 p.m.

(THE SPEAKER in the Chair)

P R A Y E R S

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SPEAKER'S ANNOUNCEMENT

MR SPEAKER (MR SKELEMANI): Honourable Members, can we switch on our videos. Order! Order! Honourable Members, good afternoon. I thought before we start with the presentation of Bills, I should make certain things clear for the avoidance of doubts around the sitting hours. Again at the General Assembly, we said they are going to be increased starting from today by one hour. Today we are knocking off at 7:00 p.m. not 6:00 p.m., so, be prepared Honourable Members for the little long haul. Let us start with presentation of Government Bills.

First Reading

PRESENTATION OF GOVERNMENT BILLS

The following Bills were presented and read a first time.

COMPANIES (AMENDMENT) BILL, 2021 (NO. 36 OF 2021)

(Minister of Investment, Trade and Industry)

Second Reading – **Later Today.**

CRIMINAL PROCEDURE AND EVIDENCE (CONTROLLED INVESTIGATIONS) BILL, 2022 (NO. 1 OF 2022)

(Minister of Defence, Justice and Security)

MOTION TO PROCEED ON A BILL AS A MATTER OF URGENCY

MINISTER OF DEFENCE, JUSTICE AND SECURITY (MR MMUSI): Mr Speaker, I move in terms of Standing Order 72.3 to proceed with the Criminal Procedure and Evidence (Controlled Investigation) Bill, 2022 (No. 1 of 2022) as a matter of urgency. The Bill was published in the Government Gazette on the 12th January, 2022. Mr Speaker, this Bill

is therefore necessitated by the recommendation of the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), Financial Action Task Force (FATF) – Style Regional Body, which Botswana is a member of. Botswana has been found to be not fully compliant with Recommendation 31 of the FATF Standards. Specifically, it has been recommended that there are no laws enabling law enforcement agencies to;

- (1) Use undercover operations
- (2) Intercept communications
- (3) Access computer systems
- (4) Use control delivery and undertaking money laundering investigations and associated crimes.

The National Anti-Money Laundering (AML)/Counter Terrorism Financing (CFT) Strategy was developed to put in place a national response to money laundering risks and threats. Among the action items in the national strategy, there is a requirement to enact a law that caters for wide range of investigative techniques, including COVID law enforcement techniques and interception of communication to address Recommendation 31. Botswana has committed to address this recommendation by enacting the necessary laws. A failure to do so would affect Botswana's rating and thereby posing a high risk of having Botswana going back to increase monitoring of the FATF Issue of Capital and Disclosure Requirements (ICDR) grey listing process.

On effectiveness, Botswana scored nine low effectiveness ratings out of 11. Three of which are directly affected by the deficiency identified in Recommendation 31, more specifically immediate outcomes six, seven and eight, dealing with financial intelligence, money laundering investigations and prosecutions and confiscations respectively. Botswana still has a substantial risk of being placed under increased monitoring of the ICDR grey listing process. For a country to be admitted into the FATF ICDR process, it must have a low or moderate level of effectiveness for nine or more of the immediate outcomes, with a minimum of two being low ratings or alternatively, it must have six or more low level effectiveness rating. Botswana has nine low level effectiveness ratings and two moderate levels of effectiveness.

Mr Speaker, Botswana is scheduled to undergo a follow-up assessment, where an application for an upgrading of effectiveness rating can be made. Furthermore, Botswana is due for the third round of the mutual evaluations in 2024.



Accordingly, enacting the criminal procedure and evidence control investigation on an urgent basis will assist the country to generate the required data demonstrating effectiveness in the four immediate outcomes referred to above. It is therefore necessary and urgent for the Criminal Procedure and Evidence (Controlled Investigations) Bill, 2022 (No. 1 of 2022) to be considered.

In view of the foregoing, I accordingly move that the Criminal Procedure and Evidence (Controlled Investigations) Bill, 2022 (No. 1 of 2022) be proceeded with as a Matter of Urgency. I thank you Mr Speaker.

MR SALESHANDO (MAUN WEST): Ke a go leboga Motsamaisa Dipuisanyo tsa Palamente. Ke kopa Palamente e gore e se ka ya dumela kopo ya ga Tona ya gore molao o o se ka wa sala ditsamaiso tse di teng mo molaong, o fetisiwe ka lepotlapotla, re ise re iphe nako ya go o sekaseka.

Melao e e ntseng e balolwa mo letsatsing la gompiano le la maabane, ke e e tsalwang ke gore, re nale fa pele ga rona, molao wa Financial Intelligence Bill o o tsenang sesha, *which has been gazetted* ngwaga o o fetileng pele ga go iwa Keresemoseng. Melao yotlhe e e tsamaelana le molao o, *were gazetted last year* ka December. A o bua ka one wa Financial Intelligence o re buang ka one, bo Virtual Assets Bill le Moveable Property (Interest) Bill, di tlisitswe *last year*.

Ga go amogesege Motsamaisa Dipuisanyo, gore e re Matona e rile ngwaga o o fetileng, ba baakanya melao e yotlhe e le mmalwa ka December, ga lebalesega gore mme go na le o mongwe o o tlaa tlhokafalang. E re Palamente e le fa gare ga phuthago ya lepotlapotla, go bo gotwe go sukunyediwa o mongwe *that was gazetted* ka di 12 tsa ga January, o e bileng o na le dintlha dingwe tse di amang ditshwanelo tsa batho, tse di sireleditsweng ke Molaomotho (*constitutional human rights*). Re bo re tewa ke Tona gotwe go lemogilwe gore Botswana ga a na melao e e letlelelang go reetsa Batswana ba bua tse ba di buang mo megaleng ya bone ya sephiri. Ga go boammaaruri. Re na le melao e e letlelelang makgotla a a tlhotlhomisang jaaka bo Directorate of Intelligence and Security (DIS) gore ba ka reetsa megala ya Batswana ba ipua kwa sephiring, fa go rileng. Mo Tona a go buang, ke mo go fetelelang, mo gotweng jaanong a e nne bulela ditswe, Puso e ithlophela go rata le go bona go tsuolola ditshwanelo tsa Batswana.

A molao o o yang go ama ditshwanelo tsa Batswana, o se ka wa tlisiwa ka lepotlapotla. A o letlelelwe fela o tsamaye ka ditsela tse di tshwanetseng, re ye go rerisanya le ba ba tseelwang ditshwanelo, re ikgotsofatse gore tse Tona a di buang a re makgotla a mangwe a re ga itumelele ka fa go tsamaisiwang ka teng, di boammaaruri, re di bapise le melao e e leng teng mo bogompionong. Jaanong ke kopa Palamente e Motsamaisa Dipuisanyo tsa Palamente, gore golo fa re bua ka ditshwanelo tsa Batswana tse di sireleditsweng ke Molaomotho, a re sa di tseye ka kgang ya gore re mo lebelong, re lelekilwe ke tau e re sa e boneng, e e bonwang ke Tona a le nosi. Ka bokhutshwane, ga ke dumalane le kopo ya ga Tona, ke kopa gore *Bill* e e se ka ya tsena *under urgency*, e sale morago ditsamaiso tse di beilweng ka fa molaong. Ke a leboga.

MR RAMOGAPI (PALAPYE): Ke a leboga *Mr Speaker*. Fela jaaka *Honourable* Saleshando a ne a bua, bagaetsho, selo sa ntlhantlha ke gore Tona o paletswe ke gore e re fa a tliisa Tshutiso ya gagwe, a bo a ka kopa Ntlo e e tlotlegang e a re, kana ke tliisa molao o ka *Certificate of Urgency* ka mabaka a le a. O tla fela a re nnyaa, ka lebaka la WATAF fela, kana melao e e tshwanelwa ke gore e fete ka bonako. Re re nnyaa, bo WATAF ba gago bao, ke go leka go tsietsa Batswana fela *Honourable* Mmusi, a ko fela re tsamaiso dilo ka fa tshwanelong. Fa Motlotlegi Serame a ne a simolola *gazetting* melao ya gagwe yotlhe, wena o ne o le kae? Wena o ne o dira eng, o ne wa lebatlwa ke eng? E re fa o sena go nna o re araba ka yone kgang eo, re bo re sekaseka mabaka a gago. Ke yone tsamaiso ya go tliisa molao ka *Certificate of Urgency*.

First of all, you must deal with the issue of why urgency. Jaanong Tona ga a tliisa lone lebaka le o tshwanelwang ke *to deal* le lone pele. Kana go tshwana fela le fa o le mo *court*, e le gore o tliisa kgang e re reng ke *preliminary* kana *points in limine*. Selo sa ntlha fela o tshwanetse o itse gore kgang ya me fa o bona ke batla gore ke tlise *the points in limine*, ke *one, two, three*, ke gone o bo o ka fetela kwa pele. Jaanong Tona o paletswe ke go dira jalo. Ga go na *case* epe, ga go na molao ope o re tshwanelwang ke gore tota re senye nako re sukunyetse mo gongwe.

Bagaetsho, kgang e e botlhokwatlhokwa golo fa re bua ka ditshwanelo tsa Batswana. Dilo tse dingwe e nne e re fa melao e tla, le bolelele Batswana gore la re le batla go reetsa *phones* tsa Batswana ba bua, le bua ka Setswana. Le se ka la bua fela ka Sekgoa le



re to intercept communication, le tsietsa Batswana. Bolelelang Batswana gore le batla go ba reetsa fa ba bua ka mogala. Ba bua eng kana eng fela, e bo e le gore jaanong go na le mongwe ka fa o ba reeditse.

Heelang! *Mr Speaker*, maabane ke letse ke bua ke re moAferika fa o ka mo neela dithata a bo a re e ke tlaa di diragatsa ka fa tshwanelong, ga go na sepe se se ka diragalang. Ba tlaa go raya ba re nnyaa, re tlaa di diragatsa ka fa tshwanelong, ka fa molaong, re tlaabo re ntse re lebeletse ditshwanelo tsa setho ga go na sepe foo. E bile gape ga go na gope mo molaong fa go reng nnyaa, mme kana ditshwanelo tsa batho tsona fa motho a ka di tlola, a di gataka, re tlaa mo tseela dikgato jaana. Dilo tse di a tshwenya. Batswana ga ba a tshwanela gore ba tsewe lolea, ba reediwe bosigo le motshegare fela ka fa motho a batlang ka teng. Fa a ipuela ka kgarebe ya gagwe kana masimo a gagwe, go bo go reeditse. Ke go re kgokgontsha maDomkrag, ga go na ka fa re ka ba tshephang ka teng.

E kare DIS e kgokgontsha sengwe le sengwe; le fa *court* e re nnyaa, lotlololang ntlo ya ga Khama, motho a bo a gana fela a re nnyaa, ka re ke e lotletse. Ke e lotletse ntlo e ga ke batle gore e bo e lotlololwe. Jaanong fa re ba neetse e le molao, *Mr Speaker* ao! Ra rialo? Bone ba! Re ntse re ba bona fela gore ba re gogela kae. Ntlo e lotletse kwa ya ga Tautona wa pele Khama, *court* e rile lotlololang, ba a gana. Re bo re ba raya gape re re tsayang molao, nnyaa ga re ka ke ra ba ra dira jalo, re a gana. Fa e le go re le tlaa dira *aye* koo, Batswana ba le reeditse. Re a gana *Mr Speaker*, ga re dumalane le molao o gotlhelele.

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *On a point of procedure. Thank you Mr Speaker, good afternoon Honourable Members.*

Mr Speaker, ke ema on a point of procedure ka gore jaanong we are not addressing what has been put before us, se se mo tafoleng. Se se mo tafoleng ke gore Tona o kopa gore re buisane molao o o sa fetisa malatsi a 30 a a beilweng. Jaanong re setse re tsenelela kwa *Clauses*, le tse di seyong mo *Bill* e e fa pele ga rona. Re batla to discuss the *Clauses*, mme ga se se Tona a se re beileng fa pele. Jaanong ke ne ke kopa fela *Mr Speaker*, ka boikokobetso tsala ya me Rre Ramogapi, mo ngwageng o mosha, o tla o le montle jaana, gore a re ikganelele fela mo go se re se beilweng pele ke Tona Mmusi. Ke a kopa *Mr Speaker*.

MR SPEAKER: *As I understand, Honourable Ramogapi, he is saying o a le itse ka diketso tsa lona. Ga se mo a ka tlang a dumalana le mogopolo o Tona Motlotlegi Mmusi a tlang ka one, ka go dira molao ka lepotlapotla ka gore o setse a le lemogile. O le lemogile jang? Ka diketso tsa lona which is quite... (Inaudible)... it is relevant. Fa a le lemogile, o le lemogile.*

MR RAMOGAPI: Ke tlhamaletse *Mr Speaker*. Kgang e ka bokhutshwanyane fela ke gore ga re oshaoshe, re bua re tlhoafetse ra re molao o o fa pele ga rona... (Interruptions)... o sa tsene le e mengwe go ne go ntse go fitlhilwe eng fa *Honourable* Serame a ne a tsenya ya gagwe a e *gazette* e bo e tla ka fa molaong.

Selo sa ntlha fela gone o bona gore go a re belaetsa gore ba ne ba sa batle re tlhaloganya re bo re itse, re bo re reye ba bangwe re re, 'bagaetsho re thuseng molao ke o.' Ba bo ba re, 'nnyaa, o re tlaa tla re o sukunyetsa ka sephiri ka gore fa re ka bolelela Batswana fela sentle gore molao ke o re ya go le reetsa, Batswana ba ya go tsarologa, jaanong mma re tle re o fitlhile.' Ke yone kgang e ke e buang Mme Serame gore ke eng o ne o sa tle le wa gago? Fela se ke se buang batlotlegi ka re nnyaa, tse ditiragalo tse di diragalang mo lefatsheng la Botswana, a re beyeng sepolotiki kwa thoko re itse gore fa *court* e laotse, e laotse. Fa re sa bone kamoso e le gore nnyaa dikgang tse di ntseng jaana jaanong ke gore re dumela gore re le neela molao gore le ye go o dirisa sentle, kamoso one molao o e bo e le gore le o dirisa tlenyepu fela, go rata le go bona, nnyaa batho betsho. A re nneng ditlhong, Batswana ba re kopile gore re tsamaisa, a re sisimogeng mebele. Ke a leboga *Mr Speaker*, ke gana molao o.

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *Thank you Mr Speaker. Ke sone se ke neng ke se bua, a re o gana molao mme ke ne ke tsaya gore ga re ise re goroge koo.*

Mr Speaker, ke ema jaana fela ka bokhutshwane fela go ema Tona nokeng mo kopong ya gagwe ya gore re buisane...

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

MS SERAME: A ko o didimale tlhe Ramogapi, ke ntse ke go reeditse. Gore re buisane molao o o tla mo malatsing a makhutshwane o sa kgonna go bona gore o nne 30 days. *Mr Speaker*, fa ke ne ke reeditse Tona, o ne a tlhalosa gore ke eng molao o o tla ka nako e o tlang ka yone ka gore o tsamaelana le melao e mengwe e re e fetisang. Fa re ka seka ra o fetisa le e mengwe e, go



raya gore go tlaabo go re baya ka fa mosing gore e re fa re tla re sekasekwa gape ka ngwaga wa 2024, re bo re ka iphitlhela re boitse kwa seretseng sa *greylisting*. Ka mabaka a a ntseng jalo, ke dumela gore go tshwanetse gore re le Palamente, re le badiri ba molao, re reetse re bo re buisane Molao-kakanyetso o gore le one e tle e nne molao o tsene mo tirisong.

Ke dumela gore *Clauses* tse batlotlegi ba leng betse se molangwana ka tsone, tse ba reng kgotsa di ka baya Batswana ka fa mosing, e tlaa re fa re setse re buisana molao, re kgone go ya go di bua di le *specific* re re, 'Clause e o kare ga re e utlwe, re e tlhalosetse Tona kana re kopa gore o baakanye Clause e o e fetole e tle e nne mo seemong se re dumelang gore re le Batswana e tlaabo e le molao o o re siametseng.'

MR SALESHANDO: *Clarification.* Ke kopa gore o re tlhalosetse Tona Mme Serame gore fa o *gazette* gore go fete 30 days last year, one molao o wa *Financial Intelligence*, ba *Investment and Trade* ba *gazette* melao ya bone ya bo *Company Amendment* le maphata a mangwe a a tshwanang le a bo Mme Mokgethi, a ke wena o neng wa gakolola gore mo ga go tlhokafale, go ka iketlwa pele, re tlaa re o bona ngwaga o o tlang? Fa e le gore ga se wena, ke eng o ne o sa tsene ngwaga o o fetileng? Kana potso ke yone eo.

MS SERAME: *Thank you Mr Speaker,* ke a leboga Leader of the Opposition (LOO). Nnyaa, Honourable LOO, ga ke a ka ka gakolola gore molao o se ka wa feta le melao e mengwe. Ga ke itse gore a Tona Mmusi o tlaa fiwa motsotso wa gore a arabe, mme fela se ke se itseng ke gore melao e kana fa re e dira, go tla maphata a a farologanyeng le baitseanape ba ba farologanyeng ba lebelela ditshetlana tse dintsi le melao e mengwe. Go bo go raya gore e mengwe fa e fela, e yone e salela kwa morago *because of its complexity* le dikgwetlho tse dingwe tse ba neng ba na le tsone. Ka jalo he, ke dumela gore le fa gone ke amogela gore go ka bo go ne go le kaone gore o ka bo o ne o tlile le melao e mengwe *last year*, ke dumela gore tota go ka baya lefatshe la rona mo tshiamelong gore re buisane Molao-kakanyetso o re tle re o fetise le melao e mengwe.

Ke a leboga *Mr Speaker.* Ka mafoko a a kalo, ke ne ke re ke ema kopo ya ga Tona nokeng ya gore Palamente e e buisane Molao-kakanyetso o. Ke a leboga.

MINISTER FOR PRESIDENTIAL AFFAIRS, GOVERNANCE AND PUBLIC ADMINISTRATION (MR MORWAENG): Mma ke go leboga Motsamaisa Dipuisanyo tsa Palamente. Tota

ke tsaya gore kopo e e fa pele ga rona ka boikokobetso e tlhamaletse. Kopo ya re, 'ke kopa gore molao wa mofuta o ke o tlise mo go lona mme o buisiwe, re o sekaseke mmogo ka gore go botlhokwa gore go buisanngwe ka one.' Ke yone kopo ya ga Rre Mmusi gore, 'ke kopa gore molao o re se ka ra o tsamaisa ka *process* e e leng gore Motlotlegi Rre Saleshando a re rotlhe re a itse gore ke ya tsamaiso.' Ka mabaka a Rre Mmusi a re beileng one ... (*Inaudible*)... le a a *obvious* mo go rona re lebile melao e e fa pele ga rona e Mme Serame a tllileng ka yone, kgang e bo e nna gore fa re ka tswelela ka e mangwe mme one o bo o salela kwa morago, re tlaabo re sa dira sepe. 'Jaanong ke le Rre Mmusi, ke kopa gore melao e re e buisane.' Ke le Morwaeng ke eme fa, ke bona go lebane gore re bue molao o. Re letle gore re buisane molao o gore ba ba ka tswang ba ipelaetsa sengwe mo go one, ba bo ba ntsha mabaka a bone. Ba e leng gore ba bona go siame gore o pase, re bo re rialo. Ga ke dumele gore a go lebane gore re bo re ngangga re re re gana go bua, re se ka ra bua ka boleng, re se ka ra o bua. Ba e leng gore re fano re le baemedi ba batho jaaka Motlotlegi Rre Saleshando a bua, ke tsaya gore ke maikarabelo a rona. Ga re ... (*Inaudible*)... re le mo Palamenteng, ga re ye kwa kgaolong re ya go botsa pele, re baemedi ba batho *as Members of Parliament. We are representatives* tsa batho. Re tshwanetse dikgang tsa mofuta o fa di tla, Tona a ntshitse mabaka jaaka go utlwala jaana, re eme nokeng kopo ya ga Rre Mmusi. Ka moo, ke kopa Batlotlegi Mapalamente le eme nokeng kopo ya ga Rre Mmusi ya gore a molao o o buisanngwe ka bofelo o pase.

Gape ke kopa gore le itlhokomolose mafoko a ga Rre Saleshando le a tsala ya me Rre Ramogapi gotlhelale fela. E tlaare fa re bua e bo e le gone re ntshang mabaka.

Ka tsela eo, ke ema nokeng kopo ya ga Motlotlegi Rre Mmusi gore molao o o tsene o buisanngwe. Ke a leboga Motlotlegi Motsamaisa Dipuisanyo tsa Palamente.

MR KEORAPETSE (SELEBI PHIKWE WEST): Ke a leboga *Mr Speaker. Good afternoon Honourable Members.* Ke ema go ganana le kopo e ya ga Tona Mmusi, *Minister of Defence, Justice and Security* ya gore Criminal Procedure and Evidence (Controlled Investigations) Bill, 2022 (No. 1 of 2022), *gazetted on the 12th January*, e amogelwe *under Certificate of Urgency*. Go tlwaelegile, tota e bile ga ke gakologelwe go na le *Meeting* wa Palamente *Honourable Speaker since I joined this Parliament in 2014... session* yone ga ke dumele gore e teng, mme ga ke gakologelwe *Meeting* o e leng gore ga gona Tona yo o tlang a kopa



ka kopo ya *Certificate of Urgency* gore Palamente e fetise molao ka bonako. Ke dumela gore gone moo Motsamaisa Dipuisanyo tsa Palamente go tsuolola Temana ya bo 86 ya *Constitution* ya gore Palamente e tlaa dira melao e e direla tshiamo, thokgamo, kagiso le thitibalo le go tsamaisa Goromente sentle ga lefatshe la Botswana. Ke dumela gore go tsuolola temana yone e. *What is the purpose ya publishing in the Government Gazette? To publish in the Government Gazette*, kana ke go fa Botswana tshono ya gore, itseng gore go tlaa nna le Molao-kakanyetso o o tlang kwa Palamenteng o e leng gore nngwe ya dilo tse di tlaabong di kopiwa ke gore go ye go reediwa *communication* ya lona, a e kana ya Short Message Service (SMS), WhatsApp kana ya *phone call*. Go kgonege gore go nne ka fa molaong gore go reediwe *phones* tsa lona, *e-mails be intercepted*. Botswana ba tshwanetse gore ba ipaakanye ba itse. Ba bolelele Mapalamente a bone kwa Dikgotleng ka gore go tlwaelesegile mo mafatsheng a mangwe gore ba bangwe ba kgone go ya makgotlatshekelo ba re, Molao-kakanyetso o re o bonang o gatisitswe mo *Gazette* *is potentially...*

MS SERAME: *Clarification. Thank you Mr Speaker, thank you Honourable Keorapetse. Ke ne ke re o e tlhwatswe foo Honourable Member ka gore o kare ga ke a go utlwa sentle. Kana o bua jaaka o kare molao o wa re Botswana o tlaabo a reediwa fela a le kwa a leng teng mme molao o o specific gore go ya go tsewa tetla kwa lekgotleng gore motho a reediwe fa go rileng. Go buiwa ka dikgang tse di tsamaelanang le eng, tse e leng dikgang tse di masisi tse re buisanang ka tsone.*

Jaanong ke ne ke re o e tlhatswe Botswana ba go tlhaloganye, gore akere ga o re e tlaare fela ke bua le wena re rekisana dikgomo re bo re reeditse?

MR KEORAPETSE: Ke a go utlwa *Honourable Serame*, mme kana o paletse ke go araba potso fela e khutshwane e *Honourable Ramogapi* a neng a e bua, gore go tulwe lotlololang ntlo ya ga Tautona wa pele Seretse Khama Ian Khama, go bua lekgotla. Jaanong ke eng se se re rayang se re e ka tla ya re lekgotla le laotse e bo e le gore le sala morago tumalano ya Lekgotla. DIS e kgoreletsa ditsamaiso tse di itseweng, tsa gore motho o filwe *tender*, ba tla ka lekwalongyana le le emisang *tender*, ke dilo tse o di itse. So jaanong ga re ka ke raya gone koo, ke raya gore *I do not want us to engage in that debate, because you will fail dismally if you try to reason in that line*. Jaanong se *Honourable Ramogapi* le *Honourable Saleshando* ba se buang ke gore, *the purpose ya gazetiting this Bill* ke gore, when

the Bill has been gazetted e fe batho *ample opportunity*. *It was deliberate, the framers* ba *Constitution*, bakwadi ba Molaomotho wa Botswana ba ne ba itse gore 30 *days* ke yone nako e e leng gore *is enough*. Gompieno jaana ba Civil Society Organisations ba ba ka bong ba ne ba ipaakantse ba phutha madi, ba batla Diagente gore gongwe ba *challenge* Palamente, ba *interdict* Palamente *from proceeding with attempting to pass a Bill that will result in a law that is unconstitutional*, tshono eo go raya gore e ba dule diatleng. Ga ke tseye gore go senya sepe ka lebaka le le latelang; o re reile wena *Honourable Serame* wa re, *assessment* ya melao e re e phuthaganetseng e ya go tla ka 2024, *but I understood you* o bua gore, *yes we need opportunity* ya gore re fetise melao e e fete *through all the processes*, e bo e boa e dumelwa ke *President*. *However*, fa go sena go nna jalo, e bo go nna le nakonyana ya *implementation*, *that I very much understand*. Se ke se buang ke gore, *it would not be a train smash* gore o Molao-kakanyetso a o digele 30 *days* fela jaaka Molao-kakanyetso e mengwe, gore o fe Botswana *ample opportunity*. E tlaabo e se a *train smash*, ka gore fa e le gore *assessment* e ya go tla ka 2024 kana e kare *somewhere during the budget* e bo gongwe re ipha malatsinyana fela a se kae, gongwe *Tuesday and a Thursday* maphakela ka 11:00 a.m. e bo e le gore fa *Bill* e ele *matured we can debate it*. *It is not a train smash. Let me tell you why* le kgarametsa gore molao o o tsene *under certificate of emergency*, *you know that you have the majority and that you have abused this majority. You know very well*. Le a itse gore e bile le fa *backbench* e ka seke e le eme nokeng, *the thirty of you including the President, you will still pass this Bill*. Le a itse gore Palamente e le e simile ya lona, le dira se le se batlang, le dirisa *tyranny of the majority*. Ke sone se o bonang le e tlisitse fa, le sa ntshe mabaka a a utlwalang, e bile le sa arabe dipotso fela tse di tlhamaletseng tse di bodiwang ke Mapalamente, gore *how will it be a train smash*, fa e le gore *assessment* ya gore *we are compliant with* Financial Action Task Force (FATF) and Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) *forty standards, Assessment* e e ya go tla ka 2024, *where will be the train smash? This is one of the fundamental questions that you must answer, satisfactorily*.

Jaanong lona ke gore le dirisa fa ke ne ke letlelesega ke ne ke tlaare, ke gore, ba dirisa dikgoka tse ba di tlwaetseng tsa gore, a re fetiseng! a re fetiseng *come on! come on!* Ke gone mo go dirang gore kgapetsakgapetsa re bo re tla mo Palamenteng re bidiwa ka diamaramara go tla go baakanya melao yone e. *Honourable Mmolotsi*



o ne a botsa sentle, le ntse le le kae melao e e sa conform le the international standards, where have you been? Re kile ra tswa masigo mo *Mr Speaker*, debating melao e le 25, re tswa maphakela ka bo six mo Palamenteng, e bo e e re nine re bo re boetse gape mo Palamenteng ka Palamente lesome le bongwe. Melao e e boile gape, jaanong the results of go dira melao e that is published ka bonako mo Government Gazette go bo gotwe Certificate of Urgency maduo a teng ke one a. Ke one a Palamente e e tlang ka emergency, ke Melao-kakanyetso e e nnang e tla kgapetsakgapetsa mo Palamenteng...

HONOURABLE MEMBER: Clarification.

MR SPEAKER: Honourable Mmusi, is that you Minister?

MR KEORAPETSE: Ke clarification kana ke eng?

HONOURABLE MEMBER: Ga se nna *Mr Speaker*, ga ke sure gore ke mang.

MR SPEAKER: Who asked for clarification?

HONOURABLE MEMBER: Ga se Reggie?

MR KEORAPETSE: Mma ke digele *Mr Speaker* ke bue jalo gore ba ya go gana ka swele fela ba dirisa dipalo, mme tota mabaka ba a utlwile. Mabaka ke one ao, a gore a molao o digele 30 days. 30 days o ke ikuela mo go *Honourable* Saleshando le Moeteledipele wa Umbrella for Democratic Change (UDC) Rre Boko, melao e e ntseng jaana e e fetisiwang ka tsela e ntseng jaana, the time has come gore lona boo babedi jaanong le simolole gore Makgotla one a, international organisations le ba bolelele dilo tse di diragalang mo lefatsheng la Botswana, mo democracy e tsuulolwang ka dikgoka fela mongwe le mongwe a bona go dirisiwa dipalo mo Palamenteng. Melao e gotweng it should conform to international standards, scrutinize it, e lebeleleng, le na le bagakolodi. E tseyeng le e iseng kwa makgotleng one a gore, e melao does not conform with the Constitution, e tsuulola ditshwanelo tsa batho. Ga go ka ke gatwe ...

HONOURABLE MEMBER: Clarification.

MR KEORAPETSE: ...with international standards, mme ka fa e le gore jaanong Botswana ba bewa ka fa mosing. These are some of the...

MR SPEAKER: Honourable Reatile is asking for clarification.

MR KEORAPETSE: Ke a mo amogela.

MR REATILE: Point of clarification. Thank you *Mr Speaker*, tla ke go leboge mokaulengwe. Ke re *Honourable* Keorapetse, a mme o itse gore kgang tse tsa ESAAMLG tse di tlang ka ditshekatsheko tsa ba FATF ga gona gope fa e leng gore tota letshwenyego la bone ke gore Goromente wa Botswana ga a kgone go reetsa megala. Letshwenyego la bone ba re, Botswana ke lefatshe le re dirisang cash mo go feteletseng, e bile ba tshwenyega ka dikoloi tsa Mogodistshane. Letshwenyego la bone ba dumela gore ke tsone tse di ka tlang madi a e leng gore ke a borukutlhi. Ga ba ise ba re Botswana ga ba reediwe, go tsweng fa ke tlaa go romelela assessments tsa bone tse ba di dirileng mo Botswana, gore e tle e re fa o tla to debate go ya pele o bo o setse o bone gore tota matshwenyego a bone a fa kae. Ga gona gope fa ba ngongoregang ka *Honourable* Mmusi teng, ba tshwenyega ka Finance le Trade fela. I thank you sir.

MR KEORAPETSE: Thank you very much for raising that point. As you all know, fa o bua ka FATF, ESAAMLG, o bua ka financial and economic crimes, gore mo mafatshefatsheng go tilwe kgang ya gore go nne le botseka kana borukutlhi jwa madi mo go amang itsholelo ya mafatshefatshe. Se se sa batlwiweng ke interference with the financial markets, that is all. Impurities in the financial market that is what we seek to prevent, gore we are vulnerable to money laundering, we are conduit, re le lefatshe la Botswana re sedirisiwa mo dikgannyeng tsa money laundering and other fiscal and revenue crimes. That is a concern ya FATF, e seng gore mathata ke gore ga re kgone go reetsa phones tsa Botswana, mathata ke gore ba law enforcement ga ba kgone go dira fake identities. That is not the issue, ke sone se ke reng a re bololeng re le ba kganetso re yeng kwa mafatsheng, re ba tlhalosetse ka puso ya batho ka batho e e mo lefatsheng la Botswana, le gore fa ke mathata fela, ke disorikisi. Le ditlhopho tsa teng di utswiwa motshegare letsatsi le penne. Ke a leboga *Mr Speaker*.

MR SPEAKER: Thank you.

MR BOKO (MAHALAPYE EAST): *Mr Speaker*, mma ke go leboge go bo o mphile motsotso o le nna go ka go leka go ka akgela mo go se re se beilweng pele. Ke eletsa go ka ikamanya le mafoko a a simolotsweng ke the Leader of Opposition *Honourable* Dumelang Saleshando le Mapalamente a mangwe a kganetso a a setseng a buile pele ga me, gore re le Palamente nako e gorogile gore jaanong, fa gongwe re itseye ka



tlhoafalo go gaisa jaaka re kile ra itsaya mo nakong e e fetileng, re le Palamente ya lefatshe la Botswana. Gongwe *the integrity* e e santseng e setse mo Pusong ya ga Domkrag...*(inaudible)*... ka bojotlhe go ka e sireletsa gore kokomane e e tlang e tle e re e lebelela kwa morago e re, mme go kile ga nna batho mo Palamenteng ya lesome le bobedi, e re leng mo go yone. E seng fela jalo *Mr Speaker*; gongwe le mafatshe a mangwe a re tseye tsia re le lefatshe la Botswana. Ke bua se ka gore *we have friends from other countries* tse gongwe baetedipele ba bone ba itsayang tsia go gaisa jaaka re bona go diragala mo lefatsheng la rona la Botswana. Fa gongwe o fitlhela...

HONOURABLE MEMBER: Point of procedure.

MR SPEAKER: Procedure VP.

LEADER OF THE HOUSE (MR TSOGWANE): *Point of procedure.* Ke ne ke kopa *Mr Speaker* gore, kana *you did not give us guidance* ya gore kgang fa e tshwana le e re e bua lebaka le le kae. Jaanong ga ke itse a go tswa fela mo mothong gore o batla go bua go fitlhelela leng?

Ke bua ka ba ba neng ba setse ba buile. Ga ke reye mo go yo o setseng a bua. Fela re tshwanetse re nne le *guidance*. Kana re biditse Palamente e ra bo ra dumelana kwa *General Assembly*. *This debate is timed, and re batla gore re bo re itse gore re feditse ka nako efe gore Batswana ba tle ba ye go bolokwa. Jaanong fa re tla ka makgwere a tsamaiso, re tshwanetse gore re beelwe nako ya go itse gore intervention e ka tsaya lebaka le le kae, motho o ka bua metsotso e le kae. Ke a leboga.*

MR SPEAKER: Thank you Your Honour. I think we have timed that. I am generally not inclined to try and inhibit a heated debate. Its needs to be allowed to air, what on the face of it seem to be a great area of disagreement. I will tell you why Vice President (VP), I have a disadvantage, I have not seen the recommendation Honourable Mmusi referred to, and the basis for bringing this Bill. In addition, I am getting an interpretation to say that in fact there is no such basis. Parliament has not been favoured with the original documents which are being used to put this proposed legislation to Parliament. I feel very sorry for myself if I should be party to a debate which turns out to be misguided. I agree with you VP; it cannot be an endless debate because we know what the Minister said was the basis. Really, that is what the focus should be when we debate his request. *Tse dingwe tse ke go shashola fale le fale*, but we should not lose focus

on what he said. Therefore, I thought somebody would challenge Honourable Reatile *gore naare wena o fa tsala ya gago fela, e e setseng e buile e bile*, Honourable Member for Selebi Phikwe West, *ditemana tse e leng gore o a di itse, ba bangwe ba ba tsholetsang matsogo bone, a ga o ba thuse*. That just for Honourable Reatile or anybody who knows the basis for what we are doing here in this Emergency Parliament.

MR BOKO: Thank you Mr Speaker. Mr Speaker, you have raised a very important point which I was just about to raise *ya gore* we are sitted here Mr Speaker, on account of what the Minister has just told us that there has been some recommendation, and we have not had sight of those recommendations as Members of Parliament (MPs) to inform ourselves, to read to ourselves. Fortunately, for Honourable Reatile he has sight of certain information that led us to be where we are. Therefore, like you are saying Mr Speaker, if we had sight of the original documents that gave that ... *(inaudible)*... I think we would have meaningful debate as MPs. Perhaps we might end up agreeing with the Bill that has been brought forward by the Honourable Minister, Mr Speaker. Therefore, we find ourselves in a very difficult position as MPs on that account. However, going forward...

MS SERAME: On a point of procedure Mr Speaker. Thank you Mr Speaker. Thank you Honourable Boko. *Fa e le gore ke utlwa sentle*, Honourable Boko is saying *ga ba ise ba ko ba tsamae ba bone* recommendations *tse* Financial Action Task Force (FATF), if I am not missing Mr Speaker. *Jaanong ke re ke botsa gore* maybe to assist Parliament, should we avail, because *kana melao e ga se lantlha e tla re ntse re tlhola re e* debate referring to these recommendations. This information was provided, so can we provide it again Mr Speaker, maybe it will help. Recommendation 31 is very clear, and very detailed, and *ga e bue se* Honourable Reatile *a se buang. Ke gore fa ke ka le e balela, ke ya go tsaya 5 minutes ke e bala*. Thank you Mr Speaker.

MR SPEAKER: Honourable Minister, it is always helpful to feed everybody, especially Honourable Members, with information which can help them understand in greater detail why they are being asked to debate. As you know, I do not debate, but I have never seen in my official capacity the document which gave rise to the bills before us. *Ke ka tswa ke setse kwa le*



kwa, but in my private capacity as a citizen. *Jaanong Mapalamente go nna molemo fa ba ka fiwa dilo tse. Le bone Honourable Serame fa e ka re dilo tse di tla, a bo a re kana mme dikae recommendations tsa bo FATF le bo ESAAMLG, that is very helpful.*

MR BOKO: Fa ke tsweledisa gone fa ke neng ke eme teng, ke santse ke ntse ke le gone mo kgannyeng yone eo, ya gore gongwe re ka bo re nnile le *sight of the document that gave birth to this debate or the Bill that is before us*. Gongwe Tona o ne a sa ithulaganya, kana o ne a bona go se bothokwa ka nako eo. Fa e le gore o na le boammaaruri jo bo feteletseng a ka eletsa gore dilo di tsamaisiwe ka fa di tshwanetseng gore di tsamaisiwe ka teng, gongwe a boele morago, a tle moragonyana a sena go re fa *documents* tsone tse re ntseng re bua ka tsone, re sena *to study them*, re sena go itse gore re *debate* ka ga eng kana re tlaa *debate* ka ga eng.

MPs *raised very important issues* tsa gore kana as MPs *we are not the repository of knowledge*. Ke gore ga re bo komangkanna ba sengwe le sengwe fela rona. Go na le fa e leng gore re tlhabela teng mo go nneng bo komangkanna. Re ka bo re filwe yone nako jaaka e le tlwaelo gore gongwe dilo tse re ye go di leba le ba e leng gore ba na le kitso, le ba ba re romileng, le ba e leng gore ba tlhaloganya botoka go gaisa rona *in this area*. Nakonyana e khutshwafaditswe gatwe re taboge, go dirisiwa lefoko le lengwe gatwe go shankodisa, gatwe re shankodise. Rona ga re batho le go shankodisa, re batho ba go tsaya dilo ka tlhoafalo, re di tlhotlha, re di sekaseka, re di lebelela, re lebisa le ba bangwe ba re dumelang gore gongwe ba na le kitso e e kwa godimo go gaisa rona. Ke se o bonang re le kgatlanong le lepotapota le e leng gore *Bill* e e tla ka lone.

MR KEORAPETSE: Ke kopa tlhaloso *Mr Speaker Honourable Member*, a o a lemoga gore ke gore ka fa lefatshe la rona le tsamayang ka teng, bona gore gompiano yone *Bill* e e leng gore ga e ise e nne *mature* e gotweng re e fetise ka lepotapota, a o lemogile gore e bile ba timile le Batswana tshono ya gore ba re reetse, ba utlwe mabaka a re a bayang mo tafoleng ka go kgaola *television*? Ke bua jaana e le gore *debate* yone e ya Palamente ga e yo mo *television*. A o lemoga gore ke ntse ke jone boloi jole fela jwa gore BDP *just get their way outside the glare* ya Batswana?

Se sengwe ke gone gore, a o a lemoga mokaulengwe gore mo *Recommendation 31* yone e neng *Honourable Serame* a re o bua ka yone ga go na gope fa e buang ka se a se buang teng. E bile ke tsere 30 *seconds* go e bala, jaanong ene one a are o ka tsaya 5 *minutes*. Ga ke itse gore o ne a raya jang. A o a lemoga mokaulengwe?

MR SPEAKER: Fa a sena nayo ga ke itse gore o tlaa lemoga jang a sena nayo. O botsa potso e e thata. *Honourable Boko* ke *lawyer*, ga se moropofiti.

MR KEORAPETSE: E teng mo *group* ya Mapalamente a kganetso.

MR BOKO: *Mr Speaker*, ke gone ke e tlhodumelang. Re na le matlhasedi a sepolotiki. Ke a e bona ke e, ke kgonne go feta ka yone *Mr Speaker*:

MR SPEAKER: *Honourable Boko, sorry. There is an allegation Honourable Boko, by Honourable Keorapetse, that Batswana ga ba a letlelelwa gore ba utlwe tse re di buang gone jaanong. Ga ke itse gore go tswa kae, mokwalo o ke o boneng o o tswang kwa, gatwe mang, the gentleman yo o okametseng Botswana Television (BTV), kwa go Rre Tsiang, o ne o rurifatsa gore bokopano jo bo a gasiwa. Ga ke itse gore yo o ileng a hetola ke mang. But that is not a point for debate.*

HONOURABLE MEMBER: Gatwe ke gone ba tshubang.

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

MR SPEAKER: Honourable Boko... (Inaudible)... the floor.

MR BOKO: Can I be allowed to speak, *Mapalamente ba ba tona mo go nna. Mr Speaker*, ke tsibogele ya ga Motlotlegi Keorapetse ke re, ke botsukonopi jo re bo tlwaetseng. Ga ke sa tlhole ke gagamala fa go diragala dilo tse *Mr Speaker, I think* ke setse ke tsere gore *it is business as usual, I have lost confidence, trust and everything* se se neng se setseng mo tsamaisong ya Puso e.

Ke ntse ke goroga *Mr Speaker*, ke lebile BTV, go tsene dipopae tsa Tom and Jerry, ga ke itse. Go tsene sengwenyana fela se o kareng ga se na mosola mo BTV, ke ntse ke e lebile kwa tlase. Batswana ba ba kileng ba nna le nako ba itheeletsa ba itebelela gore molao o o bothokwa jaaka o, o e leng gore gatwe... (Interruption)... megala ya rona e tlaabo e reediwa.

HONOURABLE MEMBER: Wena *face* ya gago e tletse mo BTV.

MR BOKO: Can you do me the ... (Interruption)... please.

HONOURABLE MEMBER: Ke gone ba tshubang *now-now!*



MR BOKO: *Can we respect each other: Thank you so much.* Ke sone se ke neng ke se bua *Mr Speaker*; e rile ke tsena ke fitlhetse go ntse go... gongwe ke gone ba ikgabetsang gompiano ba utlwa re ngongorega.

Provision e Honourable Keorapetse a buang ka yone, ke ntse ke e tlhodumetse ga e bue sepe se Tona a se buang. Ga ke dumele gore *recommendation* e re nnyaa lona le le Batswana, dirang molao o le tlaabong le reetsa megala ya batho ba lefatshe la lona kana ope yo o tlaabong a *transact* kana a dira sepe a le mo lefatsheng la lona, *I do not think the recommendations states that Mr Speaker*. Ke fela gore jaanong *I think* Puso e setse e le mo letshogong le le feteletseng, la go batla go itse gore Boko o bua le mang ka nako mang. *Of course they are doing that already, but* jaanong ba batla *to sanitise* ka molao o o ntseng jaana *Mr Speaker*; gore kgantele ba itse gore Boko o bua le mang, ba bua eng, e se sepe sa gore ba batla go bona gore a Boko o botlhabetsi go le kae mo Pusong *Mr Speaker*. Jaanong ke kopa Batlotlegi Mapalamente gore...

HONOURABLE MEMBER: Clarification.

MR BOKO: *No, I do not have time.* Rotlhe fela ka bongwefela jwa pelo, a re ganeng lepotlapotla le *Bill* e e batlang go tla ka lone. *Number two*, a re ganeng *the spirit and the content* e e teng mo molaong. Ke ikuela mo Mapalamenteng ba ba tsayang lefatshe le la bone ka tlhwaafalo, ba itsaya ka tlhwaafalo e bile ba tsaya ba ba ba romileng ka tlhwaafalo. Lona ba le itsayang ka tlhwaafalo le tsayang ba ba le romileng ka tlhwaafalo, le gane Tshutiso e. Lona ba le sa itseyeng ka tlhwaafalo le sa tseye ba ba le romileng ka tlhwaafalo, lona ga ke na mathata le ka dumalana ka yone. Ke a leboga *Mr Speaker*.

ASSISTANT MINISTER OF HEALTH AND WELLNESS (MR LELATISITSWE): *Thank you so much Mr Speaker. Mr Speaker*, kgang e re leng mo go yone letsatsi leno, ga se e batho ba ka buang o kare ke tlholontsha; fa go na le se re batlang go se dira kana molao o o batlang go fetisiwa, go lebeletswe mabaka a a neng Tona kana Puso e a baya, se ka dirwa. Maabane ke ne ke utlwa batlotlegi botlhe ba kganetso ba supa fa go le botlhokwa thata gore dikgang tse di amang madi kana bogodu kana tiriso ya madi, go tsenya madi mo lefatsheng le go a ntsha, ke tse gongwe e bile di diegetsweng, go batla melao e e fetisiwa.

Magodu le disinyi ke bone batho ba ba tsenyang madi mo lefatsheng ba tlile go a tlhatswa. Tona a re o tliša mo gotweng Criminal Procedure and Evidence

Amendment Bill, e e yang go neela *an investigating officer procedures* tsa bone ba kgone go ya *court*, ba re belaela motho yo gore o a bo a le mo dikgannyeng tsele tse di maswe tse re ntseng re bua ka tsone, jaanong re batla go reetsa dipuisanyo tsa gagwe, gore o ya go bua le mang. Fa e le gore o bua le Never mo lefatsheng la rona la Botswana, ba kgone go mo tshwara. Jaanong fa e le gore ra re nnyaa-nnyaa ba rotlhe, ke reeditse bo Rre Ramogapi le Rre Saleshando ka fa ba neng ba bua ka teng, bone legale... kana Saleshando fa a buile ga gona sepe se Ramogapi a ka se fetolang. Ramogapi ke gore nnyaa o buile morena, jaanong ke go sala morago.

Gape se nkgakgamatsang ke gore letsatsi leno ke utlwa gore ba tswetse kwa godimo, e bile ke bone ba ba ratang Tautona wa maloba Dr Ian Khama, ba mo rata go feta. Mme e ne e ntse e le bone ba ba neng ba le kgalhanong le ka fa a neng a tsamaisa ka teng, segolo jang ka dikgang tsa go reetsa magodu fa a tsena mo lefatsheng la rona. Letsatsi leno jaanong ba bua ka fa ba mo ratang ka teng, nnyaa bagaetsho a re lekeng go lebelela dilo, golo fa go buiwa ka go reetsa magodu. Fa e le gore ba a ipelaela, kana Motswana a re “fa o utlwa e bokolela e a bo tshipi e atametse,” ke raya rona baruakgomo.

Fela rraetsho kgang e e tlhamaletse, e tlhamaletse go buiwa ka *investigation* ya magodu. Golo mo ke *amendment* ya molao o o ntseng o le teng, ga go tewe molao o mosha. Jaanong ga ke itse gore ka gore molao o... le ba Ofisi ya ga *Speaker* ke tsaya gore molao o jaaka o tla fa, o setse o fetile ka bone. Jaanong fa e le gore bone ka koo ga ba a neela *Speaker*; ke matlhabisa ditlhong, go raya gore jaanong golo ka kwa Palamenteng ka kwa le gone go tlaa re re tlhodumele teng re bone gore, Rre Morwaeng o tlhole gore jaanong go diragala eng ka gore molao o o isitswe kwa Palamenteng gore Mapalamente ba o tsenye mo dipampiring. Ke dumela gore a re letleleleng...

HONOURABLE MEMBER: E le gore *why are you supervising* Palamente?

MR LELATISITSWE: Ka dinako tsa gompiano, Palamente e wela *under the* Office of the President (OP).

Rraetsho ke rialo ke re, golo mo go diragalang mo ke *amendment* ya molao o o thusang gore re tshware dirukutlhi tse di lekang go tlhatswa madi mo lefatsheng le ka melao e e neng e bewa pele ke Mme Mma Serame. Ka jalo a re tlogeleng go tshosetsa Batswana, Batswana ga gona sepe se se ba tshosetsang ka gore bone ga ba mo dikgannyeng tsa go tlhatswa madi tsa bogodu. Tse e leng



gore lefatshe la rona ga le ka se ke le baakanye melao e, le tlaa felela le tsena kwa seretseng, se magodu ba iterelelang fela, fa ba tsena ba a letsa ba leletsa mongwe le mongwe, ba kgobokana fa ba tsaya madi. Dilo tse di tlaa tla di thusa fela thata go leka gore lefatshe la rona le itshireletse go ya kwa pele.

Ke a leboga *Mr Speaker*, ke dumela jalo gore *that urgency* jaaka re biditswe ka potlako, re bileditswe tsone dikgang tse. Ke a leboga.

HIS HONOUR THE VICE PRESIDENT (MR TSOGWANE): Ke a leboga *Mr Speaker*. *Mr Speaker*, e tlaabo e le letsatsi le le tlaa phirimisang ditoro tsa Batswana tsa go tshela sentle ba gololesegile; e tlaabo e le letsatsi le seru se tlaabong se wetse lefatshe le, fa e le gore re ka dumalana le ba kganetso go gana molawana o, o e leng botlha bongwe jwa melao e e 16 e re bonang gore e tshwanetse ya feta, ka fa ba re dirisanang le bone ba makgotla a a ESAAMLG le FATF ba re laolang ka teng, ba laolang ditsamaiso tsa madi le borukutlhi ka teng. Re tlaabo re sena boikarabelo *Mr Speaker*, fa re ka gana ntlha e fela ka gore *it was not gazetted* ka nako, ga e a digela nako ya yone. Mongwe le mongwe ya melao e e fa pele ga rona e, o ne o ka nna wa nna le mo seemong sa molao one o, go ne go sa tsamaye ka gore go ne go ikgethetswe o fela. Molao o ka fa go ntseng ka teng, ga o a ka wa goroga ka nako jaaka e mengwe.

Ga se mo go ka nnang le bokete jo e leng gore ga re ka ke ra kgona gore ka ditsamaiso tse di leng teng tsa Palamente e, tsa gore molao o ka fetisiwa *under the Certificate of Urgency*, e bo e le gore ra re re tlaa ganana fela ka bomo.

Bakaulengwe ba bua dikgang tse e leng gore ke dingongorego tsa malatsi otlhe tse ba di belaelang. Molao o leka go tokafatsa ditsamaiso gore go tle go nne gone ka fa molaong, ka fa tsamaisong le ka fa lekgotla le tlaabong le laotse ka teng gore mo go tlhotlhomisiwe kana go tlhodumelwe. Re a itse gore le gompieno go ka nna ga bo go ka ikopelwa ka tsela e e ntseng jalo, mme kana re bua ka molao o o tshwereng matshelo a batho, botshelo ja rona le itsholelo ya rona fela jaana.

Jaanong re ne re le mo seelong maloba, go ne go se monate. Mongwe le mongwe o ne a kgala e bile go lebega e ka re Puso ga e na boikarabelo ga re le *on grey listing*. Jaanong gompieno ra re a re intsheng mo seretseng se re neng re le mo go sone. Banna e bile ka lesego ga gona basadi, basadi bone *they would have exonerated*, kamoso fa go kwalwa *history* go tlaa twe

banna ba ne ba gana molao o wa go sireletsa lefatshe. *Luckily*, ga gona basadi ka koo ba ba ka bewang molato gore banna le bomme. Basadi bomme ke batho ba ba nang le boikarabelo. Fa nne ba na le bomme, gongwe go ka bo go nnile le bogakolodi jo bo botoka, ba ka bo ba sa ngangatlele jaaka ba dira gompieno.

Bagaetsho, *a leader* o tshwanetse gore a tseye *bold decisions, assess as a leader*, o bone gore a mme seemo se ke se nka ganang fela ka lebaka fela la gore malatsi ga a wela, kana seemo se ke se nka ngongoregang mme ka letla gore a re bolokeng lefatshe. *That is what a leader has to do*. Jaanong fa o re *a leader*, o bo o simolola jaanong le mo o bonang gore golo mo go diphatsa, o bo o rialo. Ke utlwile Rre Keorapetse kgantele a bua ka bo 2024, ga a bue gore go ya go dirwa *assessment* ka *September*. *The first assessment was supposed to be in April, we are going to miss that one because* re tshwanetse gore go nne le *six months before* melao e ya *to assess*.

Jaanong *assessment* ya bobedi e re sa batleng go e *miss* ke ya *September*. Jaanong Rre Keorapetse ene o bua tse e leng gore di itumedisa ene, ga a batle go bolelela Batswana nnete e e tletseng. *Assessment will continue, the major one* ka 2024 mme o tlaabo o le *on grey list until 2024 if you miss this train*. So ga se sepe se re batlang go bona lefatshe la rona le ya go nna mo seemong se re se boneng maloba, se se sa itumediseng.

Jaanong rona re le ba *Party* ya ga Domkrag ka gore re na le boikarabelo jwa gore Batswana kamoso ba re botse gore ka gore re le neetse marapo a go tsamaisa lefatshe, *why* le ne le bona go ntse jaana, le bo le dumalana le batho ba e leng gore gongwe kamoso ga ba ka ke ba *account to the nation as a sitting Government*, gore dilo ga di a tsamaya sentle, le ne le le kwa kae. So re na le boikarabelo *Mr Speaker*, jo re tshwanetseng ra itse gore Batswana ba re rwesitse boikarabelo joo, ba re tsamayang le ye go tsamaisa merero ya lefatshe le.

Re mo Palamenteng mme ga re lekane ka boikarabelo. Go na le ba ba tsileng go tla go kgala, go na le ba e tlaa reng kamoso e bo e le gore ba potile gone ka kwa bathong e bile ba supa rona ka menwana, ba re botsa gore le ne le le kwa kae. *So we are not going to allow ourselves to be derailed to deliver what we have promised* Batswana; go tsamaisa itsholelo e ka tsela e e leng gore e tlaa sologela Batswana le lefatshe le molemo. Ga re ye go itetla gore e re seemo se ntse jaana re bo re tshosediwa fela gotwe *the tyranny of the majority*. *If the minority can have these tyranny as well, so* ga re ka ke gore re bo re tla



re tshosediwa fela, re bolelelwa gore *this is primitive democracy*. No, re tshwanetse ra leba gore re isa lefatshe le kwa kae, e re le kamoso re dule mo Pusong, re bo re dule re ntshetsa boikarabelo jo bo tletseng, jo bo bonwang ke mang le mang. Jaanong ke ne ke re *Mr Speaker*, molao o o siame, o kopa fela jaaka...

HONOURABLE MEMBER: Elucidation Mr Speaker.

MR TSOGWANE: Ga gona *elucidation*. Ke raya gore *elucidation* mo kgannyeng e e tshwanang le e, ke mang yo o sa e utlwiseng. *It is either you are on the right or left* mo kgannyeng e e ntseng jaana. Ga gona yo o fa gare wa *elucidation*. Ke mang wa *elucidation*?

HONOURABLE MEMBER: Boko o ne a batla *clarification*.

MR TSOGWANE: Go na le wa *elucidation*, e ne e le mang?

HONOURABLE MEMBER: Ke nna *Your Honour*.

HONOURABLE MEMBER: Ke kopa *clarification* Vice President (VP).

MR TSOGWANE: Ke mang? Ga ke go utlwe, Boko o a nkgoreletsa.

HONOURABLE MEMBER: Kwape.

MR TSOGWANE: Ehe! ke Rre Kwape, o ka *elucidate*. Kana ba *the heat of the moment* ga re sa tlhola re bona le gore mang ke mang, re lebile lefatshe gore le wela ka lemena, jaanong ga re sa tlhola re bona. Tanki

MINISTER OF INTERNATIONAL AFFAIRS AND COOPERATION (DR KWAPE): *Elucidation*.

Ke ne ke batla go iteela mafoko a gago kobo moroko *Leader of the House* ka gore mo gongwe ka e bile re bua le Batswana, mo gongwe ba tsiediwa fela ka go *quote* dilo tse e seng boammaaruri. Ene 31 e nne Mma Serame a bua ka yone, sekaba sa bobedi, ke batla go e *quote* gore Rre Keorapetse e re kamoso a bala, a bale sentle. “*Countries should ensure that competent authorities conducting investigations are able to use wide range of investigation techniques suitable for investigation of money laundering associated predicate offences and terrorism financing. These investigative techniques include undercover operation, intercepting communication, accessing computer system and controlled delivery.*” Ke e tsera ka boripana fela. Kana gape go tlatsa mafoko a gago *Leader of the House*, Mma Serame o re boleletse gore *we are only complying* mo

tsetlaneng tse supa, tse 22, *we are largely compliant*, tse *eight we are partially compliant*, tse pedi *we are non-compliant*. Jaanong ba batla go re bina phuphu jaaka ba ne ba re e bina gore *we are grey listed*. Ke iteela mafoko kobo moroko *Leader of the House*.

MR KEORAPETSE: O santse o *blacklisted*, wena o buang ka *greying*, European Union (EU) *has blacklisted you*.

MR TSOGWANE: Akere o a utlwa gore o itumetse jang Rre Keorapetse. O itumela thata e bile a re *blacklisting*. Ba ntse fela jalo. Ke go leboge rraetsho le fa o bua *and preaching to the converted*. Kana batho ba rutegile, ba tsene dikole, ga se gore ba palelwa ke go bala go tlhaloganya. Ga se gore maloba fa re tlhalosetswa kwa General Assembly ba ne ba sa reetsa. *They were trying to find other strategies of derailing this Government*. Re a itse gore bangwe ba bone ba kile ba bua fela gore re tlaa ba tlhoisa batho, re tlaa ba idisa batho. Ke bone ba gompieno ba di gogang kwa pele, ba mo moonong one oo. Jaanong ga se gore Batswana ga ba ba utlwe, ga ba ba reetse. Ba a itse gore batho ba ba tshwanetse gore ba tlhaloganye jaaka mongwe le mongwe fa ba tlhalosetswa. Dikgang tse o di buang tseo Rre Kwape ba a di itse, ba a itse fela sentle, le fa o ne o bona a tlola a re *assessment* ke 2024 a go nniwe fela, o a itse gore re boleletse gore ka *September* re ya *assessment*, ga se gore ga a itse. Jaanong ke raya gore ke dilo tse di tshwanetseng gore di hakgamatse mongwe le mongwe yo o di utlwang.

Molao o *is an enabler*, ke o e leng gore o ya go dira gore ditlhotlhomiso di wele ka gore batho ba ba senyang ba, ba na le boitseanape le bone. Ba batla ditsela tse ba ka fitlhang bosupi ka teng. Maabane ke ne ke bua ke re mme molao o o tshwanetseng gore o gatelelwe gape ke one wa gore e re motho a tshabetse kana dirukutlhi di tshabetse golo gongwe, di buswe ka bofefo, di boele mo lefatsheng go tla go sekela melato ya tsone. Ke dikgang tse e leng gore di teng le mo molaong one o. Jaanong bone ga se gore ga ba itse, e bile ga se gore ga ba tlhaloganye. Ba iphitlha ka temana ya gore lebaka le e leng gore molao o o ka bo o gatisitswe ka lone ga le ise le wele mme tsamaiso yone e letla ya Palamente gore fa go tlhokafala, go bonala gore go na le mabaka a a tlamang gore molao o tle fa ka diamaramara o sa digela lebaka la one, go dirwe jalo.

Ga ke tseye gore batho ba ba neng ba dira molao oo ba ne ba se botlhale. Ba ne ba itse gore diemo tse di tshwanang le tse di ka nna tsa nna teng. Jaanong Rre



Mmusi o tlhalositse sentle, ga gona yo o sa mo utlwang, ga gona yo o sa ka keng a tlhaloganya se a se buang sa gore molao o o tla ka one ka diamaramara ka lebaka le. Ga re batle gore re bo re ntse re salela kwa morago re nna gotwe nnyaa lona le botokanyana mme le tlaa nama le ntse le eme fela gone fa.

Lona ga le a digela melawana e mengwe, go raya gore le name le ntse le le mo *stage* sa gore. Re batla re tlhatswe gotlhelele lefatshe la rona. Re tswe mo *stages* tsothle tse di ka re bayang ka fa mosing. Ke sone se re se buang. Bakaulengwe fa e le gore re tlaa tshosediswa fela gotwe “le bantsi le tlaa o fetisa,” re tlaabo re o fetisa ka mabaka le boikarabelo. *That is why* re le bantsi ka gore re filwe boikarabelo gore re dire tiro e e ka sologelang lefatshe le molemo. Ga se mo re ka tshabang mafoko a a buiwang malatsi otlhe a gore “le bantsi le tlaa o fetisa fela.” Molao o, o siametse lefatshe le. Golo mo go ya go thusa batho gore ba ye go dira ditlhotlhomiso tse di tseneletseng. Ga go a twe go ya go reediwa mongwe le mongwe fela. Gompieno jaana ga e ka ke ya re ke ya kwa... e bo ba re ba ya go reetsa Rre Motsamai gore o bua le mang, kae. Fa ba sa fe mabaka a a popota, ga go na lekgotlatshekelo le le ka dumalanang.

Ke rona ba re ntseng re bua ka *independence of the Judiciary* gore e ikemele, e itirele dilo, e itshekatshokele dilo. *We have three branches of Government. So*, rona ra re, a molao o fete, o tle go kgontsha gore sepe se se fitlhegileng, ditiro tse di dirwang mo bofitlheng, dilo tse di sa tlhotlhomisiweng motlhofo, di tle di ye go kopelwa tetla kwa makgotlatshekelong, di tle go tlhotlhomisiwa. Ke santse ke gatelela ntlha ya gore dirukutlhi tse di tabogang di ya go iphitlha kwa mafatsheng, a mafatshe ao a itlhaganelele go di busetsa kwa di batliwang teng, kwa di tshwanetseng go arabela melato ya tsone teng.

Gape ntlha e nngwe fa o ka e lebelela, o tlaa bona gore letsatsi leno re tlaa tlhola re bua kgang e gore re die nako ya go fetisa melao e yotlhe. Re diege gore re se ka ra kgona go fetisa melao e yotlhe gore kamoso re bo re supuwa ka monwana gotwe ke foo lefatshe le wetse ka lemema mme gotwe go na le Puso. Re Puso e e nang le boikarabelo. Re ya go leka ka bojotlhe gore melao ya rona e e leng teng, e re thuse. Palamente ga e na le fa e le molato, re tshwanetse re e ntshe mo *debate* e. Ga re ka ke ra e tsenya re re e iteile ya re, kana ga e a kgona se, nnyaa. Palamente *is an institution*, e tshwanetse e eme fela foo, rona re bue dikgang tse, re bo re di supe ka botlalo.

Dipampiri di teng, re na le *social media* batho ba a akgela. Gompieno ba ntse ba a akgela mo melaong e e farologanyeng. Ga go na sepe se se paledisang gore

batho ba ka itse ka melao e. Jaanong ntlha e e ntseng jalo *Mr Speaker*. Ga ke batle go tsaya nako. Fa o bona *President* wa America a leka go tla ka molao wa gore go se ka ga nna le *filibustering*, o ne a raya gone mo. *We will filibuster* fela re batla go ja nako. Re tsaya nako yotlhe gore re se ka ra fetisa melao. *Next time* molao o, re tshwanetse ra tla ka one gore *filibustering* e tswe.

HONOURABLE MEMBER: Ke wena o diang nako.

HONOURABLE MEMBER: You are the one filibustering.

HONOURABLE MEMBER: Yes, you are filibustering.

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

MR TSOGWANE: Fa o bona o tswa go ikimetsa digalase jaana, ga ke itse gore mathata a gago ke eng. Digalase di le teng tse di lekaneng *frame* ya tlhogo ya gago, o bo o di ikimetsa. Ke feditse *Mr Speaker*.

HONOURABLE MEMBER: Ga o ise o re bolelele gore ke eng o sa letlelelwe kwa *mine* wa Orapa? Ke sale ke go boditse potso eo, o palelwa ke go nkaraba. *Why were you banned* kwa Orapa, wa ba wa fetola *surname*, ga o ise o mpolelele?

MR TSOGWANE: O ye go botsa makgotlatshekelo fa e le gore o na le kgang eo.

HONOURABLE MEMBER: O tlele go bua ka digalase tsa me.

MR SPEAKER: VP, are you done?

MR TSOGWANE: *I am done Mr Speaker for the sake of time.* Gongwe re ka e fetisa, modumo o wa fela.

DR TSHABANG (NKANGE): Thank you Mr Speaker ... (Interruptions) ...

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

DR TSHABANG: Tshutiso e ya gore re fetise molao o ka lepotlapotla, ke tsaya gore Goramente o nnile le nako, *recommendations* tseo *came well in time*. Ba di lebelela nako e le teng. Ba bona gore e e botlhokwa ke efe, e e tshwanetseng *to be gazetted* ka nako ke efe. Motswana mongwe le mongwe a ipalele, a bone se se tlhokafalang gore se ka dirwa mo melaong e. Jaanong yo ke ipotsa gore ke eng o ne o somolwa mo melaong e mengwe yotlhe e e 16 e, o tla ka lepotlapotla. Go supa gore o ne o na le bosawananyana bo go batliwang go



dirisiwa dipalo jaaka mongwe a setse a buile gore “re sutise ka bofefe, Batswana ba ise ba o bale, ba ise ba o tlhaloganye.”

HONOURABLE MEMBER: Le timilwe ke mang dipalo, ka ke Batswana?

DR TSHABANG: Nnyaa, wena o paletswe ke *promotion* ya bo *Minister*, didimala! O kile wa re o a lopela, didimala! Kgang e ya gore a re fetiseng ka lepotlapotla, ke yone e e re tsenyang lesokolela. Ke setse ke buile gore nako e ntse e le teng, molawana o ke eng o tlodisiwa mo go e mengwe? Ke sone se re se belaelang. Re belaela gore go na le sengwe se go sa batliweng Batswana *to interrogate*. *If it can be interrogated* ka lebaka, se ka dira Goromente *to feel guilty* gore a se ka a fetisa molao o.

Se se konokono mo teng, ke kgang ya gore *phones* tsa Batswana *are going to be tapped*. Le fa gotwe nnyaa *you cannot be tapped* fela, *tapping is not done* mo mongwe le mongwe. *In the past* megala were *tapped*. Mongwe gone mo Mapalamenteng, o kile a nna Permanent Secretary (PS), a ikgagapeletse megala ya batho. O kile a ikgagapelela a nna ka yone mme o bona gore o dira ka fa ntle ga molao. Fa e le gore mongwe mo Palamenteng e, e le *Minister* a kile a supa bogoma jwa go tsaya *machine* a o dirisa ka go rata le go kgona, DIS e re itseng gore *is rogue state, it is outside the law, it is beyond anybody's counsel, it is beyond anybody's advice* ga e reetse ope, e ka kganelwa ke mang mo nakong e? Tota dikgang tsa gore re bo re le mo *grey listing and blacklisting*, di tlile ka DIS ka gore *it was responsible for money laundering* le gompieno.

MR MANGWEGAPE-HEALY: *On a point of procedure. He is making an allegation that a certain Member of Parliament (MP) o ne a tsere machine o o reetsang batho, a o iphitlhela. That is imputing improper motive, unless a ka re bolelela gore o bua ka mang? Batho ba tloga ba akanya gore Mapalamente otlhe kana ba ikakanyetsa gore Mopalamente mongwe. Jaanong o ne a ka re thusa gore ...*

HONOURABLE MEMBER: Wena o sha ntshu o ogola eng?

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

MR SPEAKER: ... (Interruptions) ... *Honourable Dr Tshabang, tswa mo go tse di tshesane, o bue kgang ya gago.*

DR TSHABANG: *I am very much clear gore somebody when he was an officer in Government, o kile a tsaya machine wa Spanish a o baya mo ofising ya gagwe. That allegation e teng mo dipampiring le gongwe le gongwe. Re tlhola re nopola dipampiri, so, it is an allegation that is there. Fa e le gore mongwe o a babega, o kgona go bua ka gore o batla to defend bagolo ba gagwe. O batla go lopela ka gore o timilwe bo Minister. Moo ga se kgang ya rona. Healy, iketle re bue gore spying ya Botswana e setse e le so unprofessional, mo e leng gore ga re sa tlhole re tshepha gore a mo go buiwang mo molaong o gore phones tsa Batswana will be tapped, e tlaa nna a procedural issue because re setse re bone in the past gore DIS has been a rouge state and still a rogue state, nothing has changed.*

Gompieno jaana DIS *is not accounting to anyone as we speak. When we have a rogue organisation like that, re bo re e fa dithata gape tse di ntseng jaana gore they can tap the phones, they are going to go beyond what we think is a legitimate case to tap the phone. They have already demonstrated gore ba kgona go ya beyond.*

Gompieno *if re na le batho ba re itseng gore ba kgona go tloga molao, re bo re boa re ba fa powers tse di kana, re tloga molao ka lepotlapotla, kgang yone eo ga e wele sentle. Ke gone fa re nang le mathata le yone, unless and until re bona a clear guideline e e supang gore DIS ga e na go dira all these things. We have demonstrated in today's debate gore DIS has even gone to defy a court ruling. Fa e le gore it has gone to defy a court ruling Goromente le Minister ba sa bue sepe, gompieno what assurance do we have gore they are not going to defy the court ruling using this Clause...*

MR SPEAKER: Honourable Dr Tshabang, we once have heard the protest... (Inaudible)... from Honourable Serame *gore you may have those facts or allegations but that does not deal solely with the issue of urgency. It is rather the merits of the Bill more than the urgency issue. So be careful how long you take...*

DR TSHABANG: These merits are the ones that instill... (Interruptions)... *gore this Bill cannot pass on an emergency because there are unattended issues around it tse di re dirang uncomfortable to pass this Bill on a Certificate of Emergency. Re ne re kopa gore e tsene mo line fela jaaka Bills tse dingwe, Batswana ba tle ba fiwe tshono le rona re tle re bale, not being ambushed ka information. That is the import of our argument gore this Bill should not come ka Certificate of Urgency. Ke a leboga Mr Speaker.*



MR TSHERE: *Procedure. Thank you very much Honourable Speaker. O tlaa nkgakolola Honourable Speaker. Ke akanya maabane fa re buisana kgang e kwa General Assembly, re ne re ntse re sa dumalane fela jaaka o bona re sa dumalane ka gore le one molao o ne o bua gore batlhotlhomisi ba tlaabo ba na le tshiamelo ya gore ga ba ka ke ba sekisiwa mo dilong tse ba di dirang, re ntse re supa ngongorego. Re ne ra dumalana kwa General Assembly gore Tona o ya go boela morago ka molao a ya go o sekaseka sesha. Ga ke itse gore a Tona o lebetse mafoko a a neng re a bua maabane, mme o ka nkgakolola gore a golo moo e ne e se ... (Interruptions)...*

HONOURABLE MEMBER: Point of clarification Mr Speaker.

MR SPEAKER: Honourable Mmusi, I do not think you have to worry about the clarification. Indeed the point was made Honourable Tshere but the Minister said then that he was going to ask the House to allow him to proceed with the Bill under a Certificate of Urgency. That was the end of the debate, *jaaka a dirile gompieno a kopa*. Honourable Hikuama, *o morutabana, o e tseye ka boripana*.

MR HIKUAMA (NGAMI): Ke a leboga *Honourable Speaker*. Mma ke dumedisise Motlotlegi Tona yo o re beileng kopo pele. Pele ga ke ganana le kopo e a re e beileng pele, mma ke tshwaele mo mafokong a a ntshitsweng ke Mothusa Tautona wa lefatshe la Botswana a re, maikaelelo a bangwe ke go ba tlhoisa batho jaaka ba buile. Domkrag ga e tlhoke ope gore a e tlhoise ope, bone baeteledipele ba yone ba ba e tsamaisang, ba setse ba dirile gore ba tlhobogiwe ke mongwe le mongwe le yo o sa boneng tota. Ga go tlhoke maiteko ape go e tlhoisa ope ka gore bone ba setse ba itlhoisitse batho ka bobone ka fa ba dirang dilo ka teng. Ke ne ke re ke fete ka ntlha eo, Mothusa Tautona a itse gore bone ka fa ba dirang ka teng, ke gone ba itlhoisang batho.

Ga go na lebaka le le utlwalang le le supang gore molao o tshwanetse go buisanngwa ka diamaramara. Ga go tlhokafale gotlhelele, le mabaka a a bewang pele ga a supe yone *emergency* gore ke eng go tshwanetse go nna jalo. Se se tlhokafalang ke gore molao o, o sale morago ditsamaiso tsotlhe fela tse di letlelelang melao gore e dirwe mo Palamenteng ya Botswana, e seng ka tshoganetso. Ga ke a utlwa mabaka ape fa ke reeditse, ke lekile go reetsa ke sa bue ke didimetse, ke leka go reetsa ke re gongwe ke ka utlwa lebaka le le supang gore ke eng re tshwanetse go fetisa molao o ka diamaramara, mme ga ke le bone. Re sale re nna Puso, re ntse re le

teng, diemo tse re di bolelelwa go santse go na le nako. Ga go tlhokafale sepe fela gore gompieno re ka buisa molao o ra o fetisa ka diamaramara. Ga ke dumalane le seo.

Gape mma ke sutise gore ga go na ope le mo go rona yo o sa eletseng go nna le molao o, kana yo o sa eletseng molao o gore o buisiwe ke Palamente. Se re se buang ke gore ga go tlhokafale gore o fetisiwe ka lepotlapotla. Re tshwanetse go neelwa sebaka, setshaba sa neelwa sebaka. Re na le makgotla a a kwa ntle a ditshwanelo tsa setho, a tshwanetse gore le one a tlhodumele mo molaong one o. Le one a re gakolole jaaka Mopalamente mongwe a sa tswa go bua, ga re baitseanape ba sengwe le sengwe. Jaaka Tautona a sa tswa go bua gore bone ba tlaa tsamaisa ka Puso ya morero, Puso ya morero e raya go neela batho nako go nna le seabe mo go se se dirwang ke Puso. Fa o tlisa melao ka diamaramara, o buisa Tautona e kete ga a bua boammaaruri gore ene ga a batle go tsamaisa ka morero. Morero o batla nako, puisano le go tsenya makalana a a farologanyeng mo go se se dirwang. A re netefatseng gore jaaka Tautona a tlhola a bua, le maDomkrag a tlhola a bua, ke batho ba Puso ya morero. A re rerise setshaba, re neele makalana a a farologanyeng, a nne le seabe mo go buiseng molao o. E tle e re fa re o fetisa, re bo re setse re o tlharabolotse sentle e seng ka diamaramara. Moo ke gone mo ke reng ga re go tlhoke e bile ga se mo motho a ka o emang nokeng ka gore ga go na sepe se se supang lone lepotlapotla. Go supagetse mo mabakeng a a fetileng gore mongwe le mongwe yo o farologanang le VP le Tona, o batlelwa molato. Maloba re bone *Honourable Dr Unity Dow* a sa tswa go bua *against a rogue institution like DIS*, ke DIS jaanong e simolola e rutolola, gotwe nnyaa, o dirwa ke gore o na le dikgang, o setswe morago, go dirwa dilo tse dintsi. Ke mang yo o itseng gore gompieno jaana gongwe fela ka gore *Dr Matsheka* o sa tswa go tlogela *Cabinet*, tsala ya me *Honourable Mpho Balopi*, o sa tswa go tlogela, gongwe ke bone ba ba direlwang one molao o gore ba sekasekiwe gore ba bua le bomang, dilo tse ke tsone...

HONOURABLE MEMBER: Ke gore ga le nke le bua ka dilo tsa lona?

MR HIKUAMA: Ke sone se re reng dilo tse gongwe ke tsone tse di bakang gore ba o dire ka lepotlapotla gore ba tle ba ba tlhodumele ba ise ba dire sepe. Gongwe ke tsone dilo tse ba batlang go di dira ka gore re setse re ba itse jaaka *Rre Ramogapi* a bua gore fa o bona ba dira selo, ba na le sengwe se ba batlang go se dira ka yone



nako eo. Re bone maloba ba fetisa molao o mongwe ka diamaramara wa *floor-crossing*, go riana e le gore ba batla go tswalela batho ba ba sa itumelang mo phathing ya bone jaaka re bona gore ga go na boitumelo e bile ga go na...

MR KEORAPETSE: *Clarification.* Gatwe re tshephe *Honourable* Hikuama gore tetla e ya go tsewa kwa makgotleng a ditsheko gore ga go na *phone* ya motho, *e-mail* kana SMS *which will be intercepted* go sa iwa kwa makgotleng a ditsheko. Jaanong wena a selo seo o ka se tshepha? Re na le *affidavit* gompieno e e kwa mapodiseng *which was fabricated*, re na le *a forged search warrant*, e Mmakaseterata a buileng fela sentle gore ga ke ise ke ko ke ipone ke baya monwana (*signature*) mo *search warrant*? *Search warrant* e ne ya nna teng, motho a tshwarwa, a bo a phuruphutshwa ka *search warrant* eo. Jaanong a wa re wena o na le tshepho ka kgang e gotweng re tshephe ka gore go tlaa bewa mo go reng tetla e tlaa tsewa kwa makgotleng a ditsheko?

MR HIKUAMA: Ga go na ope *Honourable* Keorapetse yo o akanyang sentle, yo o nang le pelo ya setho yo o ka tshephang se se diragalang. O a itse gore le go pateletsa Bank of Botswana gore e latlhegetswe ke madi a bo P100 *Billion* ba ne ba e pateletsa, bone ba re ga ba ise ba nne le madi ao. Ke gore o bona maphata a Puso le Puso e *desperate* mo go pateletseng le *institutions* tsa yone go utswa, o bo o re o ka tshepha gore e ka direla dilo mo pontsheng le ka tsamaiso ya molao. Ga gona yo o ka tshephang. Ke sone se ke reng, a re neelweng sebaka re tle re o lebelele sentle, *consult* ba itseanape re tle re bone gore a mme fa molao o re o fetisa re ikgotsofaditse, re batlile dikarabo mo baitseanapeng. Rona jaana re na le baitseanape ba rona mo *constituencies* ba re tlhatlhelele, ba re gakolole gore re o tsamaisa ka tsela e ntseng jang. Mo ga gore re sianele gore batho ba reediwe, megala ya bone e reediwe ke mongwe le mongwe, le bo Rakgare tota ba kgone go reetsa megala ya rona, ga se seemo se re ka se letlelelang. Ga re ka ke ra itumelela seemo se se ntseng jalo, ka gore ga re itse gore dipuisanyo tsa rona ba tlaabo ba di isa kae. Ka a leboga Motsamaisa Dipuisanyo tsa Palamente, molao o ga o a tshwanela gore o tsene ka lepotlapotla.

MR SPEAKER: Thank you Honourable Hikuama.

MR MMOLOTSI (FRANCISTOWN SOUTH): Ke a leboga *Mr Speaker*. Gongwe ke supe *Mr Speaker* gore le nna jaaka bakaulengwe ba sa tswa go bua... (*inaudible*)... gore ke dumele gore molao o o tle ka *certificate of urgency*. O tlaa gakologelwa gore re tswa

kgakala re le lefatshe la Botswana bo Goromente ba tsena ba tswa, ke raya *administrations* ka go farologana. Se re itseng se ne se ntse se diragala ka nako tsotlhe e ne e le gore Botswana ba ne ba neelwa tshono ya gore pele ga molao o tla mo Palamenteng ba bo ba rerisantse le Mapalamente a bone ka one. Ke sone se e leng gore molao *was published even before* Palamente e tswalwa, gore Mapalamente fa ba tswa ba ye go rerisanya le setšhaba kwa dikgaolong tsa bone. Kwa diphuthegong tsa Kgotlela ka melao thatathata e go neng go dumelwa gore melao e Botswana ba tshwanelwa ke gore tota ba itse ka ga yone. Go a gakgamatsa gore re bona phetogo fela e e gakgamatsang, e e leng gore jaanong malatsing a Botswana ga ba sa tlhole ba rerisiwa ka melao. Kwa Dikgotleng re goroga fela ka melao e e setseng e fetile, e re a bong re sa kgona gore re rere le Botswana ka yone. Go dira molao mo go ntseng jaana mme re o direla batho ga go a re siamela *Mr Speaker*. Re tlhoka gore batho ba re bolelele gore ba akanya eng ka melao e e ya bong e tliwa kwa Palamenteng. Ka tsela e ntseng jalo, tota fela gore molao o ntseng jaana, o o nang le *far reaching implications* mo matshelong a batho, e bo e le gore gatwe ka bofebo *come on! come on!* a re o bueng e bile o fete. Tota nna gone mo ba kgaolo ya Francistown South ga ba ka ke ba intshwanela gore ke bo ke ka dumalana le gone. E bile ga ke dumalane le Mothusa Tautona fa a re re romilwe gore re tle go tsamaisa, *therefore* ga go tlhokafale gore batho ba ka rerisiwa sepe. Nnyaa, Botswana ba a bo ba re romile gore re tle Palamenteng, mme ba itse gore Puso ya lefatshe la Botswana e tshwanelwa ke gore e bo e le ya morero. Melao e ga se e re e itirelang, re e direla setšhaba. Fa e le gore re e direla setšhaba, setšhaba se tshwanelwa ke gore se itse ka yone.

Botswana ba tshwanelwa ke go itse gore go tsweng fano go ya pele jaanong go tlaabo go buletswe, e le bulela ditswe ya gore ba ka reediwa mo megaleng, go sena le fa ele mathata. Ga go sa tlhole go na le *privacy* mo dipuisanyong tsa bone. Ke gore dilo tse ba di bolelelwe, ba di itse, ba di dumele kana ba di gane. Mo e leng gore tota *Mr Speaker*, ke a tshwenyega, ke tshwenyega jaaka ba bangwe ba ba tshwenyegileng ka fa molao mo lefatsheng la Botswana o ntseng ka teng. Kana fa e ne e santse e le maloba kwa re neng re itse gore molao o a tlotliwa mo lefatsheng la Botswana, gongwe motho o ne a ka lekeletsa a tsenya tlhogo. Re setse re bona gore Botswana wa gompieno le fa ntswa gongwe batho ba ipoka ba re ke batho ba *the rule of law*, ga e sa tlhole e le teng *the rule of law*. Botswana *has turned into a banana republic*, mo Lekgotlatshekelo le kgonang gore



le ntshe *judgement*, le re tsamayang le ye go bula ntlo ya ga Tautona wa pele Khama, e bo DIS e gana fela ka bo bonta le bodipa. Go bo go iwa kwa *court* gape gotwe batho ba gana gore ba bue, Lekgotlatshekelo le bo le re DIS tsamaya o ye go bula ntlo, e bo e nna e gana fela ka bodipa. Le maloba mo diphutheng tsa Kgotla, ke ne ke bolelela Batswana ba Francistown South ke re, *is a banana republic* ka lebaka la gore Motswana mongwe le mongwe o ne a ntse a dumela mo nakong e yotlhe gore bogolo...*(inaudible)*... fa gongwe se ka pala mo Botswana ga sala molao o e leng gore...*(inaudible)*... gongwe go ka nna botoka.

Mo malatsing a gompiano le molao le fa lekgotla le ka re ntsha semangmang mo toronkong, fa go sa batliwe gore a ntshiwe mo toronkong yo o mo isitseng koo fa e le sebonta se se tshwanang le DIS, go raya gore motho o tlaa swela a bo a bolela kwa toronkong. Ka tsela e ntseng jalo *Mr Speaker*, re direla melao e ntseng jaana gore re tle re swelele bangwe ka yone. E bile ke a tshoga gore fa o bo o bona ba riana ba Domkrag, go a bo go na le sengwe. Ke utlwa Mothusa Tautona o nnetse go bua mafoko a gore go na le bangwe ba ba siileng, melao e e tshwanetse gore e dirwe gore ba ye go tsewa koo. Ke gore ene o palelwa ke go iphitlha...*(inaudible)*... melao o ga o direlelwe tshiamelo ya lefatshe, e direlwa bangwe ba ba ka tswang ba bo ba sa batliwe. Go busa mo go ntseng jaana ga bo Mothusa Tautona ke mo go tlhabisang ditlhong, e bile mo e leng gore motho wa teng o palelwa fela ke go iphitlha gore ga gagwe ga se go busa ke go swelela. Ga re ka ke ra kgona gore *Mr Speaker* re tswelele ka go dumalana le batho ba e leng gore fa ba dira melao ba e direla gore ba ye go lwantsa bangwe ka yone. Rre Hikuama *was saying*, bo Rre Balopi le Rre Matsheka, fa gongwe melao e... heela! batho ba Modimo re tshwanetse go ba bolelela ruri gore ba mo mathateng a a gagamatsang. Melao e ya go dirwa e direlwa bone fela, go tenegetswe gore motho o rile, nnyaa namang le intshwaretse ke emele fale, ka gore re a bona gore gompiano re mo Pusong ya batho ba ba swele ka tsela e nngwe e gagamatsang. Re mo Pusong ya batho ba e leng gore maikaelelo a bone ke gore go utlwiwe botlhoko. Ke golo gone moo...

HONOURABLE MEMBER: Kante ke eng le rata 'gatwe' le le bagolo?

MR MMOLOTSI: *...terrorising the nation*, Batswana ba setse ba kgaogane. Kagiso mo lefatsheng la rona e kgaogangwa ke molao. A reng Talita, ka re a bona gore o mo ofising ya *Local Government*, o raya gore re bone, go tlaa tswa eng mo teng?

ASSISTANT MINISTER OF LOCAL GOVERNMENT AND RURAL DEVELOPMENT (MS MONNAKGOTLA): Ke ne ke re ke eng fa o rata gatwe mme o le mogolo, o aketsa Batswana.

HONOURABLE MEMBER: O di tsaya mo 'Motswana Woman,' ke motho wa 'Motswana Woman.'

HONOURABLE MEMBER: O setse o le Tona Mma Monnakgotla itseye sentle, bo Tona ga ba itshware jalo. Bo Tona *do not behave like that*.

MR MMOLOTSI: Mme o dumela gore go tlaa tswa eng mo teng le fa o le teng? Ka mafoko a a ntseng jalo *Mr Speaker* ke re go tlele go mpalela gore ke dumalane le molao o ntseng jaana, thatathata ke lebile gore re mo Pusong e swele, go na le Makgotla a ga Goromente a e leng gore gotlhelele ga a sale melao morago, e bile ga a gakololwe, ga a tewe sepe. Batswana ba mo mathateng, bo Talita Monnakgotla ba neelwa bo *Assistant Minister*, tota o kgona go bona gore mathata a lefatshe le a matona go gaisa ka fa re neng re a akanya ka teng.

Ka mafoko a a kalo *Mr Speaker* ke ne ke re ga ke dumalane le gore molao o o fete ka *certificate of urgency*, because ga go tlhokafale gotlhelele. Batswana ba tshwanelwa ke gore ba ye go tsenya tlhogo ba buisanye le molao o. *Therefore, Honourable Mmusi* a a tsenye molao o, o nne *mature* re tle re ye go isa kwa Batswaneng, re ba rerise ka molao o, ka gore re tlhophilwe ke batho, batho ba rona ba rata morero.

MR SPEAKER: Thank you Morolong.

MR LESEDI (SEROWE SOUTH): Mma ke go leboge *Mr Speaker*, e bile ke go dumedise rraetsho mo ngwageng o mosh. Mma ke dumedise batlotlegi. Gongwe mma ke supe pele gore kana re ka nna le dipharologanyo tse re ka nnang natso, mongwe a bo a leba ka fa a ka lebang ka teng, mme o tshwanelwa ke gore rotlhe re itse gore re tlele fano gore re nne le sebaka sa gore sepe se se ka bewang fa pele ga Palamente e, le rona re nne le tshwanelo ya gore re di bue, go sa kgathalesege gore motho mongwe o ka bo a leba jang. Go gantsinyana gore fa re tswa ka mabaka a rona bangwe ba kwa *ruling party* ba bo ba leba jaaka e kete re tletse go ba kgoreletsa tse ba di beileng Batswana pele, mme gongwe e le tshwanelo, e bile go lebega gore le rona re bue mabaka a rona mo Ditshutisong tse di a bong di beilwe fa pele.

Ke ka bo ke utlwa mabaka fa e ne e le gore gongwe ba ka bo ba a tlhalosa ba wela ka one. Jaanong mabaka a ba a re bayang pele mo Ntlong e o kare a *crooks*. A a tlhabela



ka gore fa go buiwa ka *six months* go bo go buiwa ka *September*, o ipotsa gore *urgency* e fa kae ka gore fa e ne e le gore go ne go na le *urgency*, ke yone e e neng gongwe Mothusa Tautona a feta ka yone a supa gore *April* o padile. Jaanong a *30 days* a wele *Mr Speaker*, mme fa a sena go nna a wela, go buisanngwe *Bill* e ka fa e ka buisanngwang ka teng.

HONOURABLE MEMBER: Clarification.

MR LESEDI: Ke a go utlwa ema pele. Wena ke wena o senkeng o dumela go fa ope *clarification*. Ga ke itse gore o solofela gore...

HONOURABLE MEMBER: Ke *clarify* mo go se o neng o se bua o re *six months*...

MR LESEDI: Ga ke ise ke go fe *clarification Vice President*, a ko o eme pele. Jaanong gongwe sengwe sa dilo tse re dumelang gore re tshwanetse ra di leba fa re bua ka *urgency*, le farologanye gore ga re re ga go na mabaka ape a le ka a bayang. Ke dumela gore tlang le beye mabaka go se *urgent*, le beye mabaka fela *30 days* a wetse. Le fe Batswana sebaka le tshwanelo ya gore ba ye go itshekatshekela molao ba bo ba bone gore a go na le dipe tse ba akanyang gore ba ka di dira ba di dire. Jaanong ga ke itse gore fa re *publish* go tswa fa e le bo e le gore jaanong o kare re batla go tshaba sengwe re bua ka *urgency* mme re palelwa ke *to justify urgency* eo. Kana tota ga ke dumele gore fa o bua ka *September* o bo o bua ka *urgency* ya letsatsi leno o kgoreletsatsa Batswana gore kwa phelelong ya letsatsi ba nne le seabe mo molaong, a o a bo o ba direla sentle? Go ka bewa mabaka otlhe a gore molao o o batla go kganela borukutlhi ka ditsela tsotlhe tse le ka di bayang, mme gompiano ga se yone kgang. Letsatsi leno kgang ke gore *urgency* ke ya eng? A *30 days* a wele *Mr Speaker*.

Tota fela ke mokhutshwanyane ke kalo. Mo gotweng batho ba tshabile melato ya bone, ke dikgang tse di tshesanyane *Mr Speaker*. Ke a leboga.

MR MANGWEGAPE-HEALY (GABORONE CENTRAL): Thank you Mr Speaker and good afternoon. Mr Speaker, in this Parliament, there are two groups of people. *Go na le ba e leng gore* they have a responsibility to account, being the ruling party. *Go na le ba e leng gore bone ba ka ragaragetsa fela* because they have not been given a mandate to run the country.

HONOURABLE MEMBER: Point of order.

HIS HONOUR THE VICE PRESIDENT (MR TSOGWANE): *On a point of elucidation Mr Speaker.* O nthusitse rra ke tle ke tlhalosetse Lesedi. Kana ke

gore batho ba bangwe ga ke tlhaloganye gore a ba batla go utlwisisa kana ga ba batle go utlwisisa. Fa re bua ka *urgency* ka *September* ra re molao o o tshwanetse gore o bo o dirilwe *six months before September*, Rre Lesedi, *six months before September. That is the urgency.* Re ye kae, re ye go ruta bana jang gore ba tle ba tlhaloganye? *Six months before September is the urgency. Thank you.*

MR BOKO: *On a point of order Mr Speaker. Thank you Mr Speaker. Mr Speaker, ke ema jaana ka point of order ke hutsafetse gore kana re romilwe ke batho ba batona mo go Honourable Healy, le rona bangwe ba rona ba batona mo go ene ka dingwaga. Jaanong fa a re Mapalamente Mr Speaker, ba tletse go ragaragetsa, go raya gore go a nyenyafatsa, go gogobisa serite sa rona re le Mapalamente. Ke re gongwe a batle lefoko lengwe la Sekgoa ka e bile o tsene English Medium le fa a ne a tlogela sekole mo tseleng. Lefoko lengwe fela mme le le...*

MR SALESHANDO: *On a further point of order Mr Speaker. Mr Speaker, ke kopa gore o busetse the Leader of the House mo tseleng as the most experienced Member of the House. Honourable Lesedi o ganne to yield to his point of elucidation. Fa go bua Honourable Healy o kopa elucidation a bo a re o fetola Honourable Lesedi. Indeed, he said nothing about se Honourable Healy a se buileng ka gore Honourable Healy o buile fela ka go...*

MR TSOGWANE: What is wrong with that? Where is the procedure?

MR SALESHANDO: *You know Mr Speaker, that is not allowed. You see this bullish elephant in the room type of leadership ya ga Honourable His Honour the Vice President Slumber, e re tsenya mo mathateng. Gatwe e e anyang e leletse e ruta e e mo maleng. Fa a re what is wrong with that, a go raya gore le nna fa a sena go fetsa go bua mongwe o sele ke bo ke kopa point of elucidation ke bo ke fetola o sele? O a itse gore ga go letlelelwe. Jaanong o go tshwarisa molato o o sa tlhokafaleng ka gore re a mo tlotla, re tsaya gore ke ene Moeteledipele wa Ntlo, mme ga a dire sentle go tsoulola tsamaiso ya Ntlo e. Ke a leboga.*

MR TSOGWANE: *On a point of procedure Mr Speaker. Ke batla gore Leader of the Opposition a eme a re supegetse Standing Order se se itsang. Fa e le gore o a lebala a itse gore they are the culprits ya go dira jalo most of the time. Therefore, ga ke itse gore a re go tlo dilwe Standing Order mang? Golo fa Ntlo e e tsamaisiwa ka*



Standing Orders, ka melao. Ga go ntshitswe fela mo tlhogong motho a bo a re *it is unprocedural. Which Standing Order?*

HONOURABLE MEMBER: Point of order.

MR SPEAKER: Honourable Members, I do not want to engage in debates which do not lead me to anything, which is just frustrating. So, I refuse any more of those. Honourable Boko... (Interruptions)... you Honourable Healy *gore ka o itse sekgoanyana, a ga go na lefoko le o ka le dirisang boemong jwa 'go ragaragetsa?'*

MR MANGWEGAPE-HEALY: O batla ke araba *Mr Speaker?*

MR SPEAKER: Ee rra.

MR MANGWEGAPE-HEALY: Ehee, ke tlaa dirisa lefoko la Sekgoa *Mr Speaker* le le reng *filibustering*. Ke gore go intsha mo setlhogong o ralala sekgwa, o tshuba naga fela o ntse o bona setlhogo o se utlwa o bo o nna letshubanaga fela o tswa mo setlhogong. Ke sone selo se ke neng ke se bua *Mr Speaker. Thank you Mr Speaker.* A ke ka tswelela?

MR SPEAKER: Ee rra.

MR MANGWEGAPE-HEALY. *Thank you Mr Speaker.* Jaaka ke ne ke bua kana Botswana Democratic Party (BDP) e filwe *mandate* kwa ditlhophong wa go tsamaisa lefatshe. E tlaa re ka 2024, Batswana a bo ba botsa gore, 'ka re ne re le file *responsibility* ya go tsamaisa lefatshe, go tsile jang gore lefatshe le bo le le *blacklisted* kana being *greylisted*, le dirileng go le ntsha mo mathateng a go nna jalo?' Jaanong ba bangwe ba re nang le bone fa ga ba na mokgweleo oo. Ga ba tlhoke go tlhalosa sepe ka go tsamaisa Puso. Ke sone seo ba kgonang go tlhola ba dia nako, ba re dikolosa, ba tshuba naga ba sa itebaganye le kgang e re e tletseng fa.

Mr Speaker, if you let me quote the said amendment ya re, "Section 2 of the Criminal Procedure and Evidence Act herein referred to as the Act, is amended by inserting the following new subsection, an Investigating Authority shall expeditiously identify, trace, initiate the freezing and seizing of proceeds and instruments of crime." Jaanong se e se buang ke gore go ntse go na le molao o, mme molao o o tokafatswa ka go tsenya gone mo go fang dithata *an Investigating Authority*, gongwe ba Botswana Police, Directorate on Corruption and Economic Crime (DCEC), DIS. Jaanong ga ke tlhaloganye gore bakaulengwe ka le bone ba ntse ba bua

gore dilo tse di ntse di dirwa, pharologanyo e nna fa kae ka gore *by their own admission, this is something that has been in practice.* Jaanong fa o utlwa ke bua ka go tshuba naga, ke bua ka tsone dilo tse gore *these are the things that they acknowledge that they have been in practice but they want to waste Parliament's time and go dikologa.* Gape ba batla go leka ka bojotlhe ba ntse ba utlwile gotwe re filwe *a time frame.* Ba batla gore *time frame* eo e fete dilo di ise di diriwe, kamoso ba bo ba re Mma Serame o dirile eng go ntsha lefatshe la Botswana mo *greylisting.*

MINISTER OF YOUTH EMPOWERMENT, SPORT AND CULTURE DEVELOPMENT (MR RAKGARE): *On a point of clarification Mr Speaker. Ke a leboga Mr Speaker. Ke a leboga Honourable Member.*

Honourable Healy, a mme wena tse ba di buang tse di a go gagamatsa bone ba Kganetso, ka gore kana go lebega jaaka ba dira jaana gore rona fa re batla go lwantsha go dirisa madi botlhaswa le tshenyho mo lefatsheng, bone ba re dirukutlhi di sirelediwe. Go tlhamaletse, o ntse o nopola mo section e o ntseng o nopola mo go yone. A o a gagamala fa ba batla gore ba sireletse dirukutlhi, e bile gape ba eletsa gore lefatshe la Botswana le tswelele le senyegela pele ka fa re neng re itse gore le ne le senyega ka teng? Le ka 2019, re ne re bona gore batho ba ba neng ba tsamaya le bone ba bangwe ba ba neng ba tswa kwa mafatsheng a sele, go ne go supega gore batho bao ba madi matsogong ke dirukutlhi. A o a gagamala Honourable Healy gore batho ba ke batho ba le gaufi thata le dirukutlhi, a golo mo go a go gagamatsa?

MR MANGWEGAPE-HEALY: Nnyaa rra, golo mo ga go nkgagamatsa gotlhelele, ka gore selo se se ba tshositseng thatathata ke gore batho ba ba ba thusang ka madi a ditlhopho, ba o setseng o bua ka bone ba dirukutlhi, go ya go nna thata gore ba ka tlisa melao ya borukutlhi go tla go ba thusa *to fund* ditlhopho. Mokaulengwe kana gape tota bone ga ba gagamatsa ka dilo tse di ntsi ka gore ke ...

MR SPEAKER: Honourable Keorapetse, before you take the floor, I want to bring it to the attention of the House that I am going to truncate the debate at 4:00 p.m. and everything that can be said, has been said.

MR KEORAPETSE: *Yes Sir. On a point of clarification. Mr Speaker, I find it unparliamentarily, in fact very insulting* gore Honourable Healy a bo a re re ne re thusiwa ke dirukutlhi mo ditlhophong. Jaanong



ka a re dirukutlhi, bogolo a ntshe di le tharo fela a re bolelele dirukutlhi tse di neng di re eme nokeng ka madi ka fa a buang ka teng.

HONOURABLE MEMBER: Ke nako ya o ja makakauwe mo *plane*.

MR KEORAPETSE: *Honourable* Lelatisitswe, fa o bona o sa tsholetswe maemo jaana, go tsholediwa bo Chillyboy ba Kganetso, ke one mokgwa one o. Ikatle fela *Speaker* a dire *ruling*.

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

MR KEORAPETSE: Batho ba Kganetso ba tla tla ba le feta ka maemo, le tlile go tlhola le tlhodia gone fa. Le tlaa sala gone fa.

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

MR KEORAPETSE: *Mr Speaker*, ke kopa dirukutlhi tse di neng di *sponsor* Umbrella for Democratic Change (UDC), a di buiwe.

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

MR SPEAKER: Gakere le utlwa *Honourable* Healy?

MR KEORAPETSE: Ee rra, ke botsa *Honourable* Healy, a bue dirukutlhi tseo.

MR MANGWEGAPE-HEALY: *Mr Speaker*, golo gongwe fale ka bo 2018 *a certain* Zunaid Moti o ne a tshwarwa mo lefatsheng lengwe kwa *eastern* Europe gotwe o utswile teemane ya mohumi mongwe wa kwa Russia. Jaanong *this* Zunaid Moti yo go neng go buiwa ka ene ke ene yo nneng *Honourable* Keorapetse a a ja makakauwe mo sefofaneng sa gagwe sa thootomo, a tima *Honourable* Saleshando, ba tsamaisa *Honourable* Saleshando ka tsela bone ba le mo difofaneng tsa tlhootomo tsa ga Zunaid Moti, ke ene yo ke buang ka ene *Honourable* Keorapetse, ke tsaya gore o mo itse thata. Jaanong ke kopa go tswelela ka *debate* ya me.

Mr Speaker even members from the Opposition almost all of them ba ntse ba bua ba nankola ka fa e leng gore lekgotla la DIS le ne le na le mokgwa wa *to tap phones* tsa bone le tsa batho e se ka fa tsamaisong. Ba bua ka Puso e e fetileng, yone e ba ntseng ba ngongorega gore mong wa yone o lotleletswe kwa ntle kwa ntlong ya gagwe, wa Puso e e fetileng. Jaanong ke a gakgamala fa gotwe go batlwa go dirwa gore molao o letle gore go ye go kopiwa tetla kwa lekgotlatshekelo gore fa go na le mmelaelwa; *a competent Judge of the High Court* e nne ene go beiwang mabaka fa pele ga gagwe a tewa gotwe

re batla go reetsa semangmang le semangmang ka gore re ba belaela ka se le sele, *and then a court of the High Court, a competent authority* e bo e le ene a lebileng mabaka, gakere ke batho ba e leng gore ba tshwanetse *to deal with evidence*, a filwe *evidence*. *On the weight of that evidence* a bo a ka dumela gore go ka ya go lebiwa agente Motlotlegi Rre Keorapetse, kana nnyaa Motlotlegi Keorapetse bosupi jo le bo mphileng ga ke dumele gore bo botlhabetsi ... (*interruption*)... Fa e le gore *the High Court Judge, a competent authority* e le ene, molao o ga o ise o re o tshwaya badiri ba Botswana Police, DIS, DCEC re ... (*inaudible*)... but wa re o fa *a High Court judge* gore e nne ene ... (*interruption*)... a bo a leba mabaka. Fa a sena go leba mabaka, e bo e le ene a ka dumelang gore motho o ka ya go reediwa, kana nnyaa ga le na mabaka a gore re ka le fa tetla ya go reetsa motho yoo. Ke ipotsa gore ka gore batho ba ba neng ba re ba a reediwa e se ka fa molaong, a ke bone jaanong fa gotwe re batla gore dilo di tsamaisiwe sentle, e ka nna bone gape *who complain*. Ke gore golo mo go bowa go re busetsa dikgang tse ke tlholang ke di bua fa *Mr Speaker* ka gore batho ba *they are disingenuous*. *It is a political mileage*, ba bua se gompieno, ka moso ba a re fetogela. Bone batho ba ba neng ba re Puso e e fetileng, e ba e bulelang gompieno, e a ba reetsa. Jaanong tota *Mr Speaker*; ke boela kwa kgannyeng e ke reng *there are two groups of people in this House- those who have to account* le ba e leng gore ba tshuba naga.

Mr Speaker, if you let me quote the Botswana Guardian ka Serowe North Development Trust ka fa e neng e dirisiwa ka teng ke Lekgotla la DIS mo nakong e e fetileng. *If you let me quote Mr Speaker?*

MR SPEAKER: Ke ya leng batho ba ipalele le bone?

MR MANGWEGAPE-HEALY: Ke Guardian ya 27th February 2015.

MR SPEAKER: Hei ke ya bogologolo. Ee rra.

MR MANGWEGAPE-HEALY: *Ya re*, 'Khama's hand in Directorate of Intelligence and Security (DIS) mess.' "The Serowe North Development Trust, an organisation set up by President Ian Khama, has been used by the Directorate of Intelligence and Security as a conduit for money laundering and secret operations, the Botswana Guardian can confirm." This is revealed in a transcript contained in a docket referred to as DOC IF 201100116627, that the DCEC opened on DIS Director General, Isaac Kgosi. The interview on Kgosi was conducted by DCEC Director's Rose Seretse and Don



Mackenzie, lays bare Kgosi's absolute control on secret account that was initially used by President Khama for activities of the Serowe North Development Trust.”

Jaanong le fa o tsamaya le yone *Mr Speaker*, e supa gore melao ya go nna jaana e a tlhokafala ka gore makgotla fa a sa dirisiwe sentle, madi jaaka *Honourable* Boko a ntse a bua o na le lefoko a re botsokonopi, molao o o tlile go kganela bone botsokonopi jo ba tlholang ba bua ka jone. Molao o *is in line with President Dr Masisi and the Botswana Democratic Party's (BDP) pledge in the manifest to increase transparency* ka fa dilo di dirwang ka teng. Jaanong o ipotsa gore fa gotwe a re direleng dilo mo pontsheng batho ba bo ba gana, *what is their interest in wanting things to be the way that they have been*, tsone tse ba neng ba *complain* ka tsone? Go re isa fela kwa kgannyeng e ke tlholang ke e bua gore batho ba ke dumela gore ba dira dilo *disingenuously. They are highly disingenuous.*

Ga ke itse gore a *Honourable* Caterpillar Hikuama o santse a batla go botsa, o ne o sa re o batla go botsa sengwe?

MR HIKUAMA: *Honourable* Healy *Clarification*. Tlhaloso ya me e ke e kopang ke gore, o ne o tlhalosa fa gore le filwe boikarabelo jwa go busa, *to account* kwa Batswaneng. A mme Puso ya lona e itsa kgang ya go dira dilo ka *due process*, ke gore a go tlilwe tsamayang le ye go dira dilo ka diamaramara? Ke yone thomo e le e rumilweng, le time le Batswana tshono epe ya go nna le seabe mo Pusong e le tlaa bong le e tsamaisa? A le filwe boikarabelo jwa gore le tsamaye le reetsa diphiri tsa bone?

MR MANGWEGAPE-HEALY: Ke go utlwile. Nnyaa rra, mo Palamenteng go na le tsamaiso, go na le mo gotweng *Certificate of Urgency. Certificate of Urgency* go tewa gore fa go na le mabaka a a patikang jaaka Motlotlegi Mofusa Tautona le *Honourable* Serame ba ntse ba supa gore re patikilwe ke nako ka fa The Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) le ba Financial Action Task Force (FATF) *recommendations* di supang ka teng. Jaanong fa re patikilwe ke nako, *we look at the instruments that are available legally, like a Certificate of Urgency* mo Palamenteng.

Jaanong golo moo, ke gone mo go supang *rule of law* e e leng teng *in the BDP manifesto...*

HONOURABLE MEMBER: Procedure Mr Speaker.

MR MANGWEGAPE-HEALY: ...e e buang ka *rule of law*. Re tsamaisa dilo ka fa molaong. Ga nne go sa letlelesege, Motlotlegi Rre Skelemani o ka bo a sa letlelela gore re ka bo re *debate* golo mo. Jaanong ka melao ya Ntlo e e a letla, *that is why they are here*. Go na le kgang e nngwe *Mr Speaker...*

MR SPEAKER: Thank you very much Honourable Healy. Sorry to interrupt you, as I indicated I am truncating this debate at four. I take a view ...(Interruptions)...

HONOURABLE MEMBER: Ke ne ke batile go ikarabela mo go Healy waitse.

HONOURABLE MEMBER: Ke buile ka wena fa kae?

MR SPEAKER: ...(Inaudible)... debated the issues, I have been listening intently and I can see clear divisions, and so the question must be really be put.

Honourable Members, the question is that the Criminal Procedure and Evidence (Controlled Investigations) Bill, 2022 (No. 1 of 2022), be proceeded with under a Certificate of Urgency.

HONOURABLE MEMBER: Re a gana.

MR SPEAKER: To avoid wasting time, we are going to do a roll call to finish the matter once and for all. So be ready Honourable Members, when your name is called, those who agree with the request by the Honourable Minister Mmusi will say “Aye”, those who do not like to proceed under the Certificate of Urgency we say “No” or “Nay.” Be ready. When your names are being called Honourable Members, if you have any difficulty, do whatever you can to indicate to us over here, the Clerks, so that we can help each other to re-call your votes.

CLERK:



MEMBER'S NAME	AYE	NO	ABSTAIN	ABSENT
His Excellency Dr Masisi				
Honourable Autlwtetse	√			
Honourable Balopi	√			
Honourable Boko		√		
Honourable Brooks	√			
Honourable Billy	√			
Honourable Dr Dikoloti	√			
Honourable Dr Dow				
Honourable Gare	√			
Honourable Dr Gobotswang		√		
Honourable Greeff				
Honourable Hikuama		√		
Honourable Kablay	√			
Honourable Kapinga		√		
Honourable Kekgonegile		√		
Honourable Keorapetse		√		
Honourable Kereng				
Honourable Kgafela				
Honourable Khama		√		
Honourable Dr Kwape	√			
Honourable Lesedi		√		
Honourable Lelatisitswe	√			
Honourable Lesaso	√			
Honourable Dr Letsholathebe	√			
Honourable Letsholo	√			
Honourable Leuwe	√			
Honourable Lucas		√		
Honourable Makwinja				
Honourable Majaga				
Honourable Manake	√			
Honourable Mangwegape-Healy	√			
Honourable Mathoothe		√		
Honourable Dr Matsheka	√			
Honourable Mmolotsi		√		
Honourable Mmusi	√			
Honourable Moabi	√			
Honourable Moagi	√			
Honourable Moatlhodi	√			
Honourable Modukanele	√			
Honourable Mokgethi				
Honourable Molale	√			
Honourable Molao	√			



Honourable Molebatsi				
Honourable Monnakgotla	√			
Honourable Morwaeng	√			
Honourable Moswaane		√		
Honourable Motaosane				
Honourable Motsamai				
Honourable Mthimkhulu	√			
Honourable Mzwini	√			
Honourable Nkawana		√		
Honourable Pule	√			
Honourable Rakgare	√			
Honourable Ramogapi		√		
Honourable Reatile		√		
Honourable Regoeng				
Honourable Saleshando		√		
Honourable Segokgo	√			
Honourable Serame	√			
Honourable Shamukuni	√			
Honourable Thiite	√			
Honourable Dr Tshabang		√		
Honourable Tshere		√		
His Honour Tsogwane	√			
Honourable Dr Dow	√			

MR SPEAKER: The 'Ayes' 35, the 'Noes' 18, Absent 11. So the 'Ayes' have it.

Question put and **agreed to.**

Second Reading - **Later Date.**

FINANCIAL INTELLIGENCE BILL, 2021 (NO. 34 OF 2021)

Second Reading

(Resumed Debate)

MR SPEAKER: Order! Order! Honourable Members. The debate on this Bill is resuming. When the House adjourned yesterday, the Honourable Minister of Finance and Economic Development was on the floor responding to the debate and she was left with 15 minutes 51 seconds.

LEADER OF THE OPPOSITION (MR SALESHANDO): *On a point of procedure.* Mr Speaker, kana go ne go na le ditumalano tsa gore go ya go tsamaisiwa jang *debates* tse, tse di tserweng ke *Committee ya Business Advisory*, tsa ba tsa rurifadiwa ke General Assembly. Maabane e rile batho ba santse ba batla go akgela, *to debate Bill* e e leng gore ke yone mangmang, tse dingwe tsothle ke megatlana ya tsone, mothusi wa gago a tsaya tshwetso ya go emisa *debate* a rotloediswa kana a setswe morago ke Mothusa Tautona gore nako e tshaiile go fetisiwe. Ke ne ke re gongwe o re beye mo tseleng gore a tumalamo e e neng e dumalanwe gore re tlaa oketsa malatsi a go buisanya jaaka gompiano re ya go tswa ka 7, ka Labone re ya go tsena le mo mosong go letlelela gore batho ba ba batlang go bua palo ya bone e oketsegile, e fetotswe leng mo e neng Mothusa Tautona a patelesega go tla Palamenteng a bolelela mothusi wa gago gore emisa kgang *for Minister to respond* le fa go na le ba ba batlang go bua? Go botlhokwa ka gore tse dingwe di etla *Bills*, ga re itse, e tlaa re o seo gape ka gore ke wena o neng o le teng kwa Business Advisory,



Mothusa Tautona a bo a boa gape a tsenya mothusi wa gago ka fa tlase ga kgatelelo gore emisa *debate* nako e tšhaile. Ke ne ke re gongwe o re beye mo leseding.

MR SPEAKER: Order! Order! Honourable Members. I think what should have happened is that at the beginning we were given, especially by the Chief Whip Honourable Kablay, a list of names of those who were going to participate in the debate. That list was less than the number which is otherwise been allowed on the agreed time. Then, as the debate went on, the number increased, part of the increment which was added by myself was the name of His Honour the Vice President who had not been on the original list.

As I understand it, as the debate went on, more Members then got interested in debating. The addition of these names gave the impression that there was no limit to the numbers, which should not have been the case. We should have stuck to the maximums which had been allowed. I think the mistake was that, where the number of those from the ruling party kept on increasing, the Members of opposition thought they could also add their names which was okay, but they should never had been allowed to exceed the original numbers which have been permissible, of 1:2, 1:2. We should have kept that ratio to the maximum which is 9:3 or 7:5. That should have been kept. The confusion started because we started adding on the floor and people did not know whether in fact the time which appears to be available for debating the Bill, could have been truncated even though some Members do not want to take the floor.

Truly speaking, I do not think we should have done that if the time allows for the Second Reading. If Members did not want to debate, it is better to discuss at least, so that it is clear to everybody. This is another thing that caused confusion. As I said, I had the names, and the Clerks told me that Honourable Kablay had wanted His Honour the VP added to the original list. I added the VP in my own hand. I told the Deputy Speaker when he came to chair, that I had added the VP because Honourable Kablay has indicated.

MR TSOGWANE: Elucidation. Let me clear my name because people are fond of accusing me. If they do not accuse me, they do not find comfort in their lives, so, let me clear my name there. Mr Speaker, we did not stop the debate because we said the list should be followed. *Rona e rile fa* Mr Speaker *a re*, okay, let us continue, then we said because those three slots belong to us, we will add the three names and then the debate could

continue. We could not and we will never give our slots to the opposition, so, we will stick to our nine, they will stick to their five, that is the case. If people do not want us to save time, then we will revert to get all our slots exhausted, that is the position. Those people were never stopped from debating, they were not legitimate to debate as per the agreed list. They had exhausted their list. Those three names were supposed to be from the BDP. We said, okay, let us continue and our Members raised their hands to say, if that is the case, we will exhaust our list. We thought the interest here is to save time, that was the principle.

HONOURABLE MEMBER: Procedure Mr Speaker.

MR SPEAKER: It is not an issue of procedure at all, it is an issue of understanding what happened and where could there have been a misunderstanding. I say, if you look at the issue of the list, the list given this side, was fewer than what I had expected. So, when there was an addition, I just added with my hand. From the opposition I did not get any list but I took the names from the TV thing here, and kept the 1:2, 1:2, that is how I kept the ratio. When I left, apparently something happened and when we go through Honourable Saleshando, we report as if the VP engineered the stoppage. He said no, he did not, it is just running through the list of the speakers from this side of the House, so that others could also add up to the maximum of the opposition. There should not be confusion, really.

DR TSHABANG: Procedure. Thank you Mr Speaker. There was an issue *ya gore* the BDP list, instead of nine, they brought six. Then *go ne go na le* expectation *ya gore* we still have time, five hours to debate the Bill. Members of the opposition *ka gore* there was time, felt *gore nako ke* five hours, so we can go on and debate. We had legitimate expectation *ya gore* because of time, we can raise our hands in the chat, that is where *gongwe* BDP got irritated, *ba bo ba re*, we cannot have opposition debating on and on. *Bone ba emisitse ba re ba leka go boloka nako*. The question is *fa* BDP *e boloka nako ka go kgaola* the number of speakers, does that force us to have legitimate expectation, does that force us from debating? *E kare* next time *ba bo ba tlisa batho ba le two fela* to debate *ba bo ba re*, *rona re bolokile nako*, opposition *e se ka ya tlhola e* debate any further *mme go ntse go na le nako*, *re bona gore tota le rona* we can contribute. The issue was there, *gore kang ya nako ra reng ka yone* because the debate was allocated five hours? Thank you.



MR SPEAKER: His Honour has just answered you in advance, that they took the decision to say, they are not going to allow a situation where it is not the opposition which is debating alone. They are going to use their slots to the full, so *ga go nke go nna le* that issue anymore, unless we sit down again and agree *gore fa go ka nna le* a shortage of speakers for whatever reason, *nako e tlaabong e bolokilwe re reng ka yone*, that would be a different debate. Now you have been answered by His Honour *gore bone* they are going to use their slots.

MR TSOGWANE: To add to that Mr Speaker, if they do not use their slots *ba dirisa slot se le one*, we will not be greedy and take their slot, we will stick to our nine. *Le fa gone go ka bua motho a le mongwefela, tseo di tlaa sala*, the debate will end, we are not going to steal their time.

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *Thank you Mr Speaker. Good afternoon once again.* Ke dumedise gape batlotlegi. *Mr Speaker*, maabane ke ne ke simolotse go araba. Ke ne ke setse ke lebogile batlotlegi botlhe ba ba kgonneng go akgela. Ke supe gore bontsi jwa bone ba ne ba supa gore ba lemoga botlhokwa jwa molao le gore re tshwanetse go nna le one. Ga go na ope yo eletsang gore re iphitlhele re boetse kwa seretseng se se neng se le teng *Mr Speaker*. Gape ke tlhalose gore go na le ba le mmalwa ba ba neng ba supile dintlha dingwe mo teng e le matshwenyego. Ke tlaa feta ka dintlha di se kae tse ke dumelang gore di tlhoka gore ke di akgele.

Nngwe e batlotlegi ba neng ba e supa mme ke ba utlwa *Mr Speaker* ke ya gore, tota melao re a e dira mo Palamenteng.

Nako e nngwe fa go goroga kwa goreng molao o diragadiwe jaanong, (*implementation*), ke gone fa e ka reng mo gongwe go a tle go fapoge kana go se ke go tsamaye ka fa re solofetseng ka teng. Ke gakologelwa *Honourable* Tshere a bua gore tota mme melao e teng, mme batho ga re ntse re bona, le sekile ditsheko di bo di nna le maduo. Ke dingwe tse di re tlhobaetsang re le Mapalamente gore a ko e ne e re re dirile melao, fa o na le batho ba dirile melato, ba e sekele fela re bo re bona maduo a gore motho o dirile molato o sekile. Ke dumela gore ke mafoko a go senang ope yo o ka a ganetsang. Ke mafoko a a siameng a gore a melao e re fa e setse e fetisitswe ke Palamente, ba ba diragatsang melao, ba e sale morago jaaka e le tsholofelo ya rona.

Se sengwe se ke sa tseyeng gore go na le ope yo o ka se ganetsang ke gore fa nako e nngwe batho ba na le go ipelaetsa gore e kare dilo ga di tsamaye sentle, ga ke itse

gore go molato. Mongwe le mongwe o na le tshwanelo ya go ipelaetsa fa a bona sengwe se mo fatlha, mme se se leng teng ke gore rona re le *public institutions*, re tshwanetse re ikiteye ka thupana gore fa batho ba na le go ngongorega, re ye go itshekatsheka. Ke atle ke re kana le yone *perception* e raya sengwe, mo gongwe ya bo e le *perception*, fa go na le *perception* nngwe, o tshwanetse gore le wena o le lekgotla le le buiwang, o eme ka dinao o dire sengwe gore *perception* e batho ba ka tswang ba na le yone ka wena, o tlhatswe dintlha dingwe tse go ka tswang e le tsone tse e leng gore batho kgotsa ga ba di tlhaloganye.

Ga ke bone e le sepe se se molato *Mr Speaker*, mme ke dumalane le bone gore re tshwanetse re rotloetse makalana a rona otlhe kana diofisi tsa rona tsotlhe gore epe fela e romilweng epe fela thomo, a ba e dire ka manontlhotlho le ka boammaaruri. Fa go na le batho ba ba ipelaetsang, go ipelaetsa ga go molato, e bile fa batho ba ipelaetsa, ba a bo ba sa go atholela lesa, mme go botlhokwa gore fa batho ba na le go ipelaetsa kana ba na le ditlhabaelo, le wena o go tseye *upon yourself* gore o bone gore o bua ka dikgang tsone tse di tshwenyang batho tseo gore le wena o ditlhatswe mo setshabeng gore re tle re ye kwa pele re le mmogo, re utlwisisana ka gore fa re ka utlwisisana, go ngongorega le go belaelana mo go ntsi mo, go ya kwa tlase. Ke ne ke re ntlha e ke ne ke bona gore go botlhokwa gore ke fete ka yone.

Ntlha e nngwe e ke batlang go feta ka yone ka bofefo *Mr Speaker*, ke ya gore *the recommendations* tsa FATF tse 40, ga di a direlwa lefatshe la Botswana le le nosi. Ka jalo he, batlotlegi ka boikokobetso, mme ke dumela gore le a itse. Melao e re tlang ka yone e, ga se gore re e direla fela ka gore re batla go gagamatsa fela re le nosi kana re batla go tshwenya bangwe. Nnyaa, melao e re e dira ka gore ke ditumalano tsa mafatshefatshe, *they are global standards* tse lefatshe lengwe le lengwe le le nang le keletso ya gore le lone le dirisanye sentle mmogo, go itsewe gore *their financial systems are in order*, ba tlamega gore melao e le bone ba bo ba na le yone. Ke se ke tsayang gore ke ne ke batla go se gatelela gore, ga se gore FATF e kgona go dira *recommendation* e e direla Botswana e le nosi. *There are global standards* tse mafatshe otlhe a tshwanetseng a di obamela.

E nngwe e tsamaelang le yone eo *Mr Speaker*, ke e neng go buiwa ka *the independence* ya the Financial Intelligence Agency (FIA), ke tlhalose gore *recommendation 29.7* ya FATF e na le ditshetlana tse di tlamang gore mo mafatsheng ape fela. Seo se raya gore



ga ke ka ke ka emelela *Honourable* Mmolotsi, ka bo nosi fela, ke ba raya ke re nnyaa, ntirelang jaana, tsamayang le ye go tlhlotlhomisa Mmolotsi le bo le dira jaana le jaana, nnyaa, *they have operational independence*. Ba tshwanetse go sala morago melao le ditsamaiso tse di beilweng teng. E nngwe e e tsamaelanang le e jaanong ke raya gore ke le solofetsa gore *the* Financial Intelligence Agency e na le *operational independence* fela jaaka go solofelwa, mme e bile ke dingwe ditsetlana tse ba ba re sekasekang, fa ba tla kwano, ba tla ba di lebelela gore amme ka boammaaruri, se ba eletsang go se bona se se supang *operational independence* se teng *Mr Speaker*. Ntlha e nngwe e tsamaelanang le yone ke gore e kile ya re *last year*, mo Palamenteng ka tlhalosa gore ka one matsapa a re neng re na le one le ditlhaelo tsa rona tse di neng di dirile gore re felele re le mo *grey list*, FIA e ne e ...

HONOURABLE MEMBER: Clarification.

MS SERAME: Iketle pele Morolong, ke a go utlwa, ke tlaa go neela. FIA e ne e sa kgone go nna mo lekgotleng le lengwe la Financial Intelligence Agency, mme re ne re ntse re tsamaya re baakanya melawana, re iteka fale le fale, go bo go diragala gore e rile ka *July last year*, le bone ba bo ba kgona go tsena mo Lekgotleng la *the* Financial Intelligence Agency. Se se re thusa *Mr Speaker*, gore re kgone go nna re thusanya le bone fa re ka tswang re na le *challenges* teng, a e ka tswa e le tsa *capacity* gore re kgone go thusanya le bone.

Se sengwe sa bobedi ke gore re kgona *to exchange information* le ba bangwe ba ba leng teng gore dikgang tse fa di diragala, re kgone go bona gore ka kwano Botswana, re tlhobaela se, re thuse ka foo, wena o bona eng, kana ka kwano re na le kgang ya mofuta o, mme e kare ga re na boitseanape, a ko le re thuse ka foo gore re tle re kgone gore kgang e re e tseye ka matssetseleko a a e tshwanetseng.

Kgang e e neng e le teng *Mr Speaker*, ke ya komiti e bangwe batlotlegi ba neng ba botsa gore ke eng Modulasetilo (*chair*) e le Permanent Secretary to the President (PSP) e sa tsamaisiwe ke ba ba neng ba ba bua. Jaanong ke re nako e nngwe go nna thata *Mr Speaker*, go araba batlotlegi ka gore nako e nngwe fa re bua dikgang tsa rona, ke gore ga re bue *principle*, jaanong re kwa *individual*. Fa o le kwa *individual*, nako e nngwe, go nna bokete gore motho a go arabe ka gore kana jaanong *you are not addressing the principle*, mme fela *in a nutshell*, ke tlhalose gore mo tshetlaneng yone e ya komiti, re ne re le ka fa mosing, ba ipelaetsa gore komiti ya rona

selo santlha, batho ba ba leng mo komiting eo, ga se ba maemo le boikarabelo jo ba bo solofelang. Ka jalo hê, ke sone se o bonang re ne re supa gore mo komiting e, go tsena batho *at* Permanent Secretary (PS) *level*.

Sengwe se re neng re se lebeletse go bona gore re tsamaisanya le tse di elediwang ke bone ba FATF, ke yone kgang ya gore kana komiti e, ga e a lebelela *only the financial sector* a bo e ema gone foo *because* dilo tsa *financial intelligence, anti-money laundering* le *terrorism* di tsenya dintlha tse dingwe *which go beyond the financial sector* ka fa re tshwanetseng go lebelela dilo tse tsotlhe ka teng. Ke sone se re neng re bona gore, ka gore *there are issues* tsa *strategy* le tse dingwe mo teng, go kaone gore PSP e nne ene yo o eteletseng komiti e kwa pele. Nte ke eme fa pele *Mr Speaker*, *before* ke tswelela ke neele *Honourable* Reatile o ne a kopile *clarification*.

MR SPEAKER: Honourable Reatile.

MR REATILE: *Point of clarification. Thank you Mr Speaker.* Tla ke go leboge Tona gore o bo o mphile sebaka. Ke ne ke re fa o santse o le foo Tona, mo kgannyeng ya gore *the observations* tsa batho ba FATF, ba leba Botswana gore *is a cash based society*. Ke batla go itse gore yone kgang e ka gore ke selelo sa Mapalamente, gantsi ba go bolelela gore kana fa o re o tsena kwa dishopong tse dingwe, o idiwa go reka o *swipe*, nako le nako go batliwa *cash* mo go wena. Yone o e rarabolola jang ka gore ga e yo gope mo melaong e gompieno e leng fa pele ga rona? O ntse o itse gape gore kana kgang e nngwe motlotlegi gongwe o tle o nne o e re thuse gore mo dilong tse dingwe tse e leng gore ga re ka ke ra di direla molao ka mabaka a gore o a itse gore e ne ya re fa ba ntse ba sekaseka bone lekoko la batho ba ba *four* ba ba neng ba tsile, ba ne ba lemoga gore Botswana e na le mowa wa *nepotism and patronage hidden in a Government sector*. Jaanong ke batla go itse gore tsone dilo tse, o ya go di rarabolola jang ka gore ga o ka ke wa re *section so and so*, o rarabolola *issue* ya *patronage* kana *nepotism*? O ya go di rarabolola jang motlotlegi ka gore ke dilo dingwe tse di tshwenyang? Fa e le gore re tsetswe re le bana ba ga Reatile fela jaana mo *system*, madi a ya go felela a ntse a tswa ka diphatlha tsa menwana, Botswana e tlaa palelwa ke go baya mo seemong se se rileng. Ke a leboga motlotlegi.

MS SERAME: Ke tswelela *Mr Speaker*?

MR SPEAKER: Ee mma.



MS SERAME: *Thank you very much.* Ke a leboga *Honourable* Reatile. Ke ne ke re eo ya bofelo tota ke ntlha e fa go na le dilo dingwe tse di tshwenyang gore re le lefatshe la Botswana, go na le dipelaelo tsa gore ga re di dire sentle, *it will take all of us* gore bogolo jang jaaka o bua e le boammaaruri jwa gore ga se molao, *it will take all of us* gore re ye go lebelela dintlha tseo, re bo re bone gore ka gore tseo ga re ka ke ra di direla molao, re tshwanetse re buisanye re le Botswana, re bo re tle ka maano afe a a tlaa re thusang gore re felele re tswa mo dikgannyeng tseo, fa e le gore le gone mo gongwe ba ka tswa ba re belaela ka gore jaaka ke ntse ke bua gore nako e nngwe go kgona go nna le *perceptions*, le tsone le fa e le gore di teng, re di baakanye. Ntlha e nngwe e o neng o e bua *honourable* fa e le gore ke gakologelwa sentle, ke boela kwa go yone, ke e o neng o re ...nkgakolole gape foo.

MR REATILE: Botswana is a cash...

MS SERAME: Oh! *Sorry*, ee nnyaa ke a gakologelwa ka gore ga se ya FATF. Ee, ke boammaaruri, mme e bile kgang e re e buileng mo Palamenteng. Fa o ka gakologelwa *Honourable* Reatile, e rile *last year*, ra bua re le *Ministry of Finance* gore ke sengwe se se ntseng se tshwenya, mme e bile *we are putting in place* sengwe se re tlaabong re se dirisa kwa Botswana Unified Revenue Service (BURS) se e leng gore (i), re tlaabo re tlama bagwebi gore le bone ba nne le mo go ka nnang le motlhala; tlaya ke e beye jalo ka Setswana.

Sa bobedi ra bo ra supa gore fa o ka lebelela mo mafatsheng a mangwe, go na le tsamaiso eo ya gore e re fa *Honourable* Reatile a tsena kwa shopong ya ga *Honourable* Lucas fale a *swipe* go bo go *report* kwa BURS gore Motlotlegi Reatile o rekile ka bokana kwa go Motlotlegi Lucas mme bokana mo teng ke *tax*. *That is what we are putting in place*. Re ne ra tlhalosa re le *Ministry of Finance* gore re setse re simolotse, re mo thulaganyong eo. Re dumela gore jaaka o bua, re tshwanetse gore re fokotse go dirisa *cash* mo re go dirang re le Botswana.

Honourable Reatile le *other Honourable Members* le ka gakologelwa gore ka nako e nneng COVID e re pitlagantse re ne ra bona go nna le maiteko le phetogo e tona ya go dirisa maranyane gona le go dirisa madi jaaka re ntse re tlwaetse.

Mr Speaker, ntlha e nngwe e ke kopang go fetela kwa go yone ke gore *Honourable* Keorapetse o ne a botsa potso maabane gore kana e ne e se *greylisting* fela, ee ke

boammaaruri *Honourable* Keorapetse, European Union (EU) *blacklisted us*. Ke tlhalose gore tsamaiso ya teng ke gore fa o sena go nna o tswa kwa FATF, EU le bone ba ya go sekaseka ba bo ba bona gore ba go ntshe. Mme ba na le *process* ya bone gore ba go ntshe mo *blacklisting*. Ba setse ba supile gore ba ya go ntsha Botswana le mafatshe a mangwe ka gore ga se Botswana fela; ba ya go a ntsha *from blacklisting* ba bo ba dira *regulation* e e setseng e isitswe kwa Palamenteng ya EU ka di 10th *January*.

Jaanong tsamaiso ya bone ke gore e ya go nna jalo *for 30 days*, go tswa foo fa e le gore e fetile, *it will be then published* mme e bo e le gore ke gone go ka diragalang. Fa gongwe go a tle go nne le madiadia. *Even though* go na le malatsi a a beilweng ao, go a tle go nne la madiadia, go nne bonyanyana gore malatsi a wele fela jaaka motho a ne a akantse. *For example*, kana ga ba a lebelela Botswana a le nosi, ba lebelela le mafatshe a mangwe. Mo Southern Africa ke itse gore re na le Mauritius mme go na le a mangwe. *At the same time* e re ntshiwang, go na le a mangwe a a tsenngwang *in their blacklisting*. Jaanong fa mongwe wa bone a ka nama a ya kwa go bone a ya go ngongorega, go kgona gore go bo go *delay process* ka malatsi a a tlaabong a le teng.

Ke a le tlhomamisetsa batlotlegi gore kwa EU ba setse ba simolotse thulaganyo ya gore ba re ntshe *from their blacklisting*.

MR LUCAS: *Clarification.* Tanki Tona. Sa ntlha fela ga ke na bentlele, motho wetshe, ke ne ke utlwa o bua ...

MS SERAME: Go a tse "I receive."

MR LUCAS: ...*(Laughter!)*... Sa ntlha fela ke re Tona kana golo fa go na le kgang e e builweng ya *appointment* ya *Director of Financial Intelligence*. Kana fa gongwe fa re dirisa Tautona *to appoint Director* wa *Financial Intelligence*, go tlile gore fa e leng gore Tautona o a amega teng jaaka re itse bo Tautona ba Africa ba amega mo dikgannyeng tsa tshenyetso-setšhaba, go raya gore ene yo ka gore *he or she has been appointed* ke Tautona, go tlile go nna thata gore a tseye dikgato tse di lebanyeng. Gone foo ga ke go utlwe sentle o tswa sentle o araba kgang eo.

Ya bobedi ke ya *composition* ya Komite eo ya *Financial Intelligence*. Ke ne ke utlwa go le bothale kgang e e neng e buiwa ke Rraetsho Kapinga e e reng gongwe kwa bodulasetilong re tsenye motho wa madi, e leng *Governor* wa Bank of Botswana. Maemo le one jaaka o



ne o a bua a fa godimo, o mo *level* tsa bo PS. Ga se gore re tsenye ene motho wa madi? Bo Permanent Secretary to the President (PSP) ba ka nna mo komiting mme wa madi e le ene yo o eteletseng pele ka e bile kgang e e bua ka *financial intelligence*. Le yone o fete ka yone re tle re se ka ra patelesega go tloga re tsenya *amendments* gongwe re tlhalogantse kgang ya gago ka botlalo. Ke a leboga motho wetsho.

MS SERAME: *Mr Speaker*, ao! tsala ya me *Honourable* Lucas, kana ke sa tswa go bua ka yone komiti, jaanong re ne re dirile jang? Ya komiti *Honourable* Lucas ke ne ke tlhalosa gore kwa ntle ga *levels*, *this committee goes beyond just the financial sector* jaaka o e bua. Ke sone se re neng re lebeletse gore *even though* re bua ka *financial intelligence*, re bua ka *anti-money laundering, terrorism* le dilo tse dingwe tse di amiwang ke dikgang tse tsotlhe tsa *recommendations* tse 40. Ke sone se re neng re bona gore mme e bile re lebelela bo *policy*, *we go beyond policy, we look at strategy and other things*. Ke sone se rona re neng re bona go le kaone gore e nne PSP *rather than* gore e ye go nna ...

MR LUCAS: *Honourable Member*, ke kopa o tlhalose sengwenyana foo fela ka bofelo. Ke gore ke ne ke re kana ke gore bo PSP fa go ne go itsenyetswa motho fela yo o rutegileng mme ga a a rutegela madi, jaanong gone moo ke re o go ele tlhoko. O rutegile mme ga a a rutegela madi, mme fa o tsentse yo o rutegetseng madi e le *Governor* wa Bank of Botswana yo e leng gore ga a ka ke a dirwa *governor* a sa itse sepe ka dikgang tsa madi, a ga go nne botoka gore a kgone go tsamaisa komiti ya gago?

MS SERAME: *Thank you. Mr Speaker*, kgotsa go na le nako e ke a tleng ke re go kaone gore re dumalane gore ga re dumalane ka gore ke ya go boa ke *explain* ke bo ke boelela se ke neng ke se bua le ene a bo a tswela a *explain* se a neng a se bua.

Gape ke supe gore ke dumela gore fa re goroga *at the Clauses* tseo, ke dingwe tse re tlaa boang re feta ka tsone mme jaaka ke ne ke tlhalosa, tota fa re ne re e lebeletse re tswa teng.

That said Mr Speaker, I must also add gore le fa ke e araba jaana gompiano re tsweletse. Mme gape gone ka gore *Honourable* Kapinga o setse a ntshebeditse gore o batla go sutisa eng, re tsweletse re sekaseka Ditshutiso tse a di akanyang. Jaaka ke ne ke tlhalosa *Mr Speaker*,

kana Ditshutiso tse di na le *implications for* melao le ditsamaiso tse dingwe. Jalo he, fa le tliša Ditshutiso, re a di tsaya re bo re ya go di sekaseka re gakololwa ke ba ba re gakololang; baitseanape pele ga re tla go di feleletsa mo Palamenteng. Eo ke e tsere.

Ya FIA *Director* le yone ke re ke nngwe e e fa e re sekeng re dumalana, mme kana rona re a bo re dumela gore tota fa go na le tsamaiso fela e e tlhamaletseng gore go tshwanetse gore dirwe jang gore go hirwe *the Director* le gore go tshwanetse go nna le *a recommendation*, batho bao ba e dira, rona re a bo re dumela gore le yone puisano eo e tlhalositswe gore go tshwanetse go nne le puisanyo, re a bo re dumela gore re mo tsamaisong e e lebaneng.

E nngwe ya bofelo e ke batlang go feta ka yone, ga ke *sure* gore nako ya me e setse e le kae, ke belaela e tšhaile, ke ya gore *Regulation* 61 e ne e supa gore kana dintlha tse dingwe, go na le tse di kwa molaong mme go na le tse dingwe tse di tlaa nnang kwa melawaneng. Ka jalo, le tsone *regulations* re tlaa di tlhabolola gore di tsamaelane le *what is required* le molao jaaka le one re tlaabo re o tlhabolotse.

Kwa bofelong ke tlhalose gore batlotlegi, tota rotlhe re a dumalana, go re siametse re le lefatshe la Botswana gore melao fa e fetoga kana tse re tlamegang go di dira re le lefatshe, re tsamaye le rona re tsamaelana le dinako tseo ka go tlhabolola melao ya rona; go e ntšhafatsa le go tsenya e mešha mo tirisong. Ke dumela gore molao o ke mongwe o e leng gore ke one wa mmammang wa dilo tsa *anti-money laundering* o re o dirisang re le lefatshe la Botswana. Go ne go le maleba gore re o buisane re bo re o tlhabolole o tsene mo seemong se re ka se bayang mo maemong a a siameng a gore re seka ra tlhola re boela mo *greylisting* kana *blacklisting*.

Ke le leboge thata batlotlegi ka kutlwisiso ya lona le kemonokeng e e leng teng.

Ka mafoko a a kalo *Mr Speaker*, ke a leboga. *Mr Speaker, I beg to move that the Financial Intelligence Bill, 2021 (No. 34 of 2021) be read a second time. Thank you Mr Speaker.*

Question put and **agreed to.**

Committee - **Later Date.**



BILL

VIRTUAL ASSETS BILL, 2021 (NO. 35
OF 2021)

Second Reading

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Thank you Mr Speaker. Mr Speaker, I have the honour to present to this Honourable House, for Second Reading, the Virtual Assets Bill, 2021(No. 35 of 2021).

As Honourable Members are aware, the FATF sets global standards and policies to address emerging trends and risks posed by the ever-changing landscape regarding anti-money laundering and the combating of the financing of terrorism and proliferation (AML/CFT/CFP). These standards and policies are regularly reviewed and updated.

Mr Speaker, Virtual Assets and Virtual Assets Service Providers (VASPs) are a new sector in most jurisdictions and face significant money laundering and terrorist financing risks. As such, in October 2019, FATF took action through revisions to its standards relating to Virtual Assets and VASPs, to respond to the very real risk that legitimate services offered by these VASPs may be abused by criminals and terrorists to launder money and finance terrorist acts.

The revisions in standards include introducing requirements for Regulatory Authorities to:

- (i) identify and assess the money laundering and terrorist financing risks emerging from virtual assets activities and the activities or operations of the VASPs;
- (ii) licence and register VASPs to ensure that VASPs are subjected to adequate regulation and risk based supervision or monitoring by a competent authority;
- (iii) to ensure that there is a range of proportionate and dissuasive sanctions available to deal with VASPs that fail to comply with AML/CFT requirements; and
- (iv) to ensure that the communication mechanisms, reporting obligations and monitoring with respect to targeted financial sanctions apply to VASPs, among other things.

Mr Speaker, based on the foregoing, Botswana is introducing new legislation which has been rendered necessary with a view to meeting international standards of the FATF by making provisions for managing, mitigating and preventing money laundering and financing of terrorism and proliferation risks associated with those emerging business practices.

Mr Speaker, the Virtual; Assets Bill has six parts, with 36 Clauses. The objective of the Virtual Assets Bill is to provide a comprehensive legislative framework to regulate the new and developing business activities of virtual asset service providers and the issuance and trading of virtual assets. The Bill designates the Non-Bank Financial Institutions Regulatory Authority (NBFIRA) as the Regulator of Virtual Assets Service Providers.

- Part I of the Bill covers preliminary matters, among which are definitions such as that of a virtual asset. A virtual asset is a digital representation of value that can be digitally traded or transferred, and can be used for payment or investment purposes. In day to day usage, it includes crypto-currencies such as bitcoins.

Mr Speaker, it should be noted however that, virtual assets do not include digital representation of currencies issued by central banks as legal tender, which in Botswana is the Pula and Thebe, nor do they include securities such as shares, bonds or financial assets regulated under other legislation.

- Part II of the Bill provides for the functions and powers of the Regulatory Authority.
- Part III provides for the licensing of the Virtual Assets Service Providers and issuers of initial token offerings;
- Part IV of the Bill provides for the obligations of license holders which are to protect the assets of the clients, prevent market abuse and provide measures for the acquisition of beneficial interest in their businesses;
- Mr Speaker, Part V of the Bill provides for the professional conduct of licence holders and compliance with measures for the protection of client information.
- Part VI of the Bill is general provisions such as appeals from the decisions of the Regulatory Authority, offences and penalties and regulation making provisions. Mr Speaker, this concludes my presentation.



Mr Speaker, I beg to move that the Virtual Assets Bill, 2021 (No. 35 of 2021) be read a second time. I thank you Mr Speaker.

MINISTER OF TRANSPORT AND COMMUNICATIONS (MR SEGOKGO): Ke a leboga *Mr Speaker*. Mma ke simolole fela ka go supa fa ke eme Tona Serame nokeng mo go tliseng Molao-kakanyetso o. Ke eletsa gore ke simolole ka gore ke itebaganye gongwe le dipotso di ka nna tharo jaana, gore gongwe mongwe Motswana fa a reeditse kwa o ka ipotsa dipotso gore, tota sa ntlha fa re re *virtual assets* re a bo re raya eng? Ke dumela gore Tona gone o tlhalositse, o ne a bua sengwe, gongwe bangwe ba ne ba sa kgone go mo utlwa sentle. Ke tsaya gore ba tlhalogantse dingwe, e bile o ne a ba a tlhaola gore re a bo re bua ka dilo tse di tshwanang le ledi, mme e se ledi le ba le tlwaetseng la Pula le thebe, le e leng gore ke ledi le le bopilweng fela go dirisiwa maranyane a dibalamakgolokgolo. Jaaka a tlhalositse gongwe leina le la bitcoin ke le le tlwaelesegileng thata le ba le bantsi ba a le tlhaloganya. Kana ledi jaaka Tona a bua ke selo se se nang le tlhwatlhwa, ka gore tlhwatlhwa eo ke yone o e dirisang go reka dithoto.

Tota fela se ke batlang go se supa ke gore, boammaaruri ke gore go atologile, ga se fela gore *virtual assets* di tlaa ikganelela mo go reng ke dife. Boranyane jo bo dirang ledi le mo maranyaneng bo bo bidiwang *block chain technology* bo dirisetswa gape gore, ke gore o ka dira mo gotweng...ke palelwa ke go batla lefoko la Setswana, 'tokenisation' ya dilo di tshwana le lefatshe, *property*, ditshwanelo tse o nang natso mo lefatsheng. Fa o sena go dira jalo le gone o kgona gore selo seo kana lefatshe le na le tlhwatlhwa, mme o le fetisetse, ditshwanelo tseo kwa go yo mongwe jalo-jalo. Ke batla go supa gore gone *definition* e Tona a e tsentseng e maleba, e tlhamaletse *in respect of value*. E bile se e leng gore se boammaaruri ke gore, *virtual assets* tse a buang ka tsone di bophara go na le fela gore fa gongwe re ka bo re akantse kana re lebile kwa leding. Ke gone fa ke neng ke eletsa gore ke simolole teng gongwe ka go leka go araba potso le go tlhalosa golo moo. Jaaka ke buile, Tona o tlhalositse gore fa o ka tsaya ledi la Pula, ke e fa sekai, o tsere setshwantsho sa teng, nnyaa ga se mo go ntseng jalo, kana *that is a form of digital representation* e a buang ka yone gore, ga re reye dilo tse di ntseng jalo.

Se sengwe *Mr Speaker* ke gore, jaanong re bo re ipotsa gore di tsena jang, di amana jang le metselsetsele ya melao, bogolo o re tswang kwa go one wa Financial

Intelligence Act, *Bill* e e ntseng e tsennngwa e re baakanyang molao o gape. Botlhofo jwa gore ke leke gore gongwe ke fe tlhaloso ya se, ke gore ke fe sengwe sekai se se diragetseng ka 2017. Go ne go na le ka fa tlwaelong, ke tsaya gore Batswana ba setse ba itse ka *viruses* tsa *computers* jalo, mme ke e tlhalose e e reng, fa e bidiwa go bo go gotwe *Ransomware*, e ne e bidiwa gotwe WannaCry.

Ke gore *virus* e ke e e neng e le gore e tsaya taolo ya *computer* ya modirisi. Fa o na le *computer*, *virus* e e ne e tsena mo go yone, e bo e tsaya taolo ya sebala makgolo sa gago.

Ba ba neng ba e dirile, ba ne e re fa ba fetsa go dira jalo, o bo o nna le molaetsa. Molaetsa o o go tlhalosetsa gore re tsere taolo e ya *machine* o wa gago wa *computer*; mme re lopa mo go wena gore o re duele gore jaanong re go o busetse, mme tuelo e re e kopang mo go wena ke gore o tlaa re duela ka ledi le re ntseng re bua ka lone re re ke *bitcoin*. Ke gore tuelo e ba neng ba e batla ka yone ledi le la *bitcoin*, mme a e nne gore jaanong ke eng ba e batla ka yone *bitcoin* yone e. Ke gore kana ba kgona gore fa jaanong o ba file tuelo ya *bitcoin*, santlha jaanong ba kgona gore ba e *transfer*; kana ba amane e le bone ka yone. Ke gore ba e tseye ba e ise kwa go yo mongwe le yo mongwe jalo. Selo se e le gore motlhale jaanong wa go timetsa motlhala o tuelo e simologileng teng. Mo gantsi e reng fa go dirwa *money laundering* go bo gotwe ke yone *layering*.

Morago ba ya kwa go bone ba Tona a ntseng a ba supa ka bone a re ke *service providers*. Ba re molao o o batlang gore o ba laole, *service providers*, *wallet providers*, jaanong ba ya kwa go bone ba re nnyaa re beele madi a rona ke a, fa ba sena go a baya jalo, mo nakong e e tlang ba tlaabo jaanong ba a fetola ba a ntsha kwa mading a e leng gore jaanong ke one a boranyane, ba a isa kwa mading tota a ledi la Pula le Thebe. Ke sone se ke batlang gore ke supe jalo gore melao e mebedi e, e amana thata jalo. Ka gore santlha o molao o dira gore o laole bape ba e leng gore ba tlaabo ba a fa ditirelo tse di amanang le ledi le le ntseng jaana, kana tsone *these virtual assets*. E re fa o sena go ba laola jalo, o ya go ba fitlhela kwa FIA ba supiwa gore ba tlamiwa ke ditsamaiso tse di gone ka koo. Ke tlhomamise gore fa go tlhoka gore ba sedimose sepe se se botlhabeti, ba dira jang. Ke sone se ke neng ke eletsa gore gape gongwe se tlhaloganyesege ka fa melao e e lomaganang ka teng.

MR LUCAS: Clarification. Tota ke ne ke re o lebega o le motlhalefi wa dikgang tse, jaanong ke ne ke re, go batho bone ba bo bitcoin le *coins* tse dingwe, mme batho ba



teng o fitlhela gantsi ba sa *operate in local jurisdiction*, gongwe re sena bone mo Botswana. Batswana ba kopana le bone fela mo lefaufaug. Jaanong fa re bua ka go ba *licence* bone batho ba, a re ya go ba *licence* ba le kwa go one mafatshe one ao?

MR SEGOKGO: Nnyaa ke a leboga. Kana re karolo ya mafatshefatshe. Rona re le Botswana, re tsaya kgato ya gore re tle re *licence* ba e leng gore re kgona go ba *licence* ba le mo lefatsheng la rona. Mafatshe a mangwe le one ka tsela e e ntseng jaana, ba e leng gore ba kopanela le rona mo go bo FATF, bo ESAAMLG, le bone kana ba mo mosepeleng one o. Ga ke maitseanape wa molao, mme ga ke dumele gore molao o ka re letla gore re re re *licence* motho mme ene a dira kgwebo ya gagwe a le kwas America jalo. Ke tsaya gore e ka tlhalosiwa sentle e bile botoka ke ba molao.

Tota se ke batlang gore jaanong ke leke gore ke sutelele gape mo go sone, ke go supa gore molao o, ke a o itumelela ka fa o ntseng ka teng, mme se ke se bonang ke gore ke mongwe wa melao e e tlaa tshwanelang gore mo isagong e tlhabololwe thata, ke gore go ya go nna le patikego e ntsi ya gore one o tle o tlhabolose. Ka gore gompiano jaana, o re kgontsha gore re heme sone seemo se re batlang gore se hema se sa gore e re bo 2024, re se ka ra ba ra boela kwa *grey listing*.

Ke batla go supa jaana ka gore maranyane a a tshegeditseng yone *this virtual assets*, ke maranyane a e leng gore mo tsamaong ya nako, tota fela le go tswa fela kwa mebusong, dikompone jalo, ba ka tsaya dithoto tsa bone, *tokenisation*, ba bo ba dira gore e nne dithoto tse ba kgonang gore ditshwanelo tsa bone le jalo, kana itsholelo ya lefatshe e supafale ka tsone *these tokens* gongwe ke fe sekai se se ntseng jalo. Gore re na le ditswammung tse di ntseng jang, *mines* tse di ntseng jang, ditsela, fa o lebile fela mo tsamaong ya nako, ke dilo tse e tlaa bong e le gore re kgona gore di nne *tokenised*. E bile fa o sala morago ba *World Economic Forum*, o kgona go bona gore ke mosepele o e leng gore mafatshefatse a setse a tsena mo go one.

Se sengwe ke maranyane a a tlaa bong e le gore one a kgontsha gore dikadimano tse di amanang, bogolo jang e le dikgwebo potlana, *Small Medium Enterprises*, di nna motlhofo, e bile dikadimano gareng ga batho fela bobeding kana jalo le tsone di a tlhofofalo, tota go ya go tlisa diphetogo tse di ntsi thata mo itsholelong le tsamaiso tsa itsholelo fa o lebelo ko pele.

Fa ke bua gape ka gone gore re tlaa tlhoka gore re o sekaseka re o tlhabolole, jaaka re itse fela gore ledi la Pula o kgona go le tsenya tota mo sepatsheng sa gago, e

bile re santse re bua jalo, mme kana go na le gone jaaka mo molang o supa *wallets*, go na le mo gotweng ke *vault services*. Tse e leng gore gongwe gore o ntshe madi mo go one, go tlhoka gore e le nna ke *authorise* ka *keys* tse ke di tshotseng, *my cryptographic keys*, ke bo ke kopana le *Honourable Lucas*, le ene a *authorise*; *there is a processes* ya gore le ntsha jang madi *in the vault*.

Re tshwanetse re lemoge jaana gore kana *these assets* fa o gweba ka tsone kana *when you trade* ka tsone, selo se se botlhokwa se se go letlang gore o kgone gore o dire jalo, ke tsone mo re reng ke *cryptographic keys*, kana dilotlele tse e leng gore o di tshotse. Borai jwa tsone ke gore fa o di tshotse jalo, motlhang o hularang, go kgonagala gore jaanong ga go na ope yo o nang le tsone, mme dithoto tse di tlaabo jaanong di kgona go fetisiwa jaanong e le boswa. Re tshwanetse gore mo tsamaong ya nako re lebelele gore molao o o tlaabo o ntse jang mo dilong tsa go nna jalo.

MR REATILE: *Clarification.* Tlaa ke leboge *Mr Speaker*, ke bo ke leboge Tona ka fa a tlhalosang ka teng. O e atolosa thata gore Motswana kwa gae tota a utlwisise gore gatwe golo fa go buiwa ka eng. Ke ne ke re a golo fa *Honourable Minister*, ga o bone gore mme fa re baakanya molao o, go patelesega gore le *Act* ya Bank of Botswana le *banking impact* tse tsotlhe re di tshware ka gore nako ya fa jaanong o *release forms* tse tsa gago tse e leng gore ke tsa maranyane, o batla gore jaanong o *trade* ka currency e e mo Botswana, gore o tshwanetse jaanong go kgone fa di *communicate* teng, gongwe fa o ka boa wa atolosa gone foo wa re ruta go ya pele motlotlegi, tota re ka go leletsa mogolokwane. *Thank you, sir.*

MR SEGOKGO: Ke a leboga *Honourable Reatile*. Nnyaa, le fa ke eleletsa mogolokwane, ga ke ne ke tsena mo tomaganong ya madi a le golo mo.

Ke ka a fa sekai fela gore, fa nna ke di tshotse wena o di batla, ke ka go raya ka re nnyaa ke di tshotse ke di rekisa ka tlhatlha ya bonnanne. Ga ke batle go ya kwa *the actual Act* ya banka. Se re leng mo go sone mo letsatsing la gompiano, ke kgang fela e e supang gore ba ba fang ditirelo tse o kgonang gore o bone madi a, o gwebe ka madi a, go nne le melao e e ba laolang. E bile molao o o lomagana le molao e re ntseng re bua ka wa Financial Intelligence gore go tletse kwa ntle.

Ke eletsa gore ke tloge ke wele, ka go supa gore tota fela *virtual assets* ke *assets* tse re tshwanetseng re nne le go di lebelela, re lebelela isago ya tsone, ka gore



le boranyane jo bo dirwang mo malatsing a ke jo bo lebileng gore re tshwanetse gore Motswana gongwe a le kwa Shadishadi, Motswana a sena pono, Motswana a sena kutlo e le Motswana a seng mo seemong sa gore o ka nna le *passwords* kana a tshwara *cryptographic keys*, le ene a kgone gore a akarediwe. Re le Puso bogolo jang ya ga Domkrag e bile re ntshitse ka maitlamo a rona gore re aga itsholelo e e akaretsang, ke sengwe se re tlaabong re tshwanelwa ke gore fa re ya go leba kwa pele re tlhabolola molao o, e bo re lebile gore boranyane jo ga bo kgaphela ope Motswana kwa ntle.

MR TSHERE: *Clarification. Thank you very much Honourable Speaker, and thank you very much Honourable Segokgo for that breakdown.* Fa o ntse o bua jaana ke leka go di lomaganya, kana Batswana ba dirisa Forex *tradings* mo re tlholang re go bona mo *computers*, jaaka o bua le ka Bitcoin. Tautona o ne a tswa mo maranyaneng a bua gore Bitcoin e mo tliseditse dikhumo tse dintsi, ke yone tsela ya go huma ya malatsi a. Jaanong ke a ipotsa gore, a fa re tla ka melao e Tona, wena ga o bone o kare go raya gore fa re palama leri re ya kwa khumong, re raga leri jaanong ka gore ga re batle gore ba bangwe ba palame. Gongwe o e tlhatswe gone foo gore go gwetlhiwa ke eng, Tautona a sena go nna a re gwetlha rotlhe gore re tsene mo Bitcoin ke yone tsela ya go dira madi.

Then ke batla gore a e lomaganye le *money laundering*, gore e amana fa kae le *money laundering* le kgang e re buang ka yone ya Financial Intelligence Regulation ya gore madi a a tswa mo lefatsheng, madi a a tsena a tlhatswiwa mo lefatsheng. Ke a leboga.

“EXCHANGE OF SPEAKERSHIP”

MR SPEAKER (MR MOATLHODI): Before you respond Honourable Minister, Honourable Member for Gaborone Central also pleaded for clarification. I thought you could respond to them both.

MR SEGOKGO: *Mr Speaker*, ke ne ke kopa gore ke di tseye ka bongwe ka bongwe.

MR SPEAKER: Okay.

MR SEGOKGO: Ke tloga ke lebala jaanong ke bo ke sa kgone gore ke di arabe sentle. Ya ntlha ya ga *Honourable* Tshere a bua ka go raga leri, nnyaa ga gona leri e e ragiwang e bile fa e le sengwe molao o o ya go thusa gore o sireletse Batswana ba ba ka eletsang gore ba reke ledi le le ntseng jaana. O laola batho ba ba fang *these services*, e bile bangwe ke setse ke dumela gore

ba jelwe ntsoma mo makgethong mangwe, fela jaaka re itse gore go na le batho ba ba ka bapatsang selo ba sena le sone. Molao o ga gona fa o thibelang ope, o tokafatsa tsamaiso e bile o tlhomamisa gore go nna le tshireletse go mo tsamaisong ya ledi le le ntseng jaana.

E nngwe ya gore o amana jang le *money laundering*, ke ka go raya ka re ke dumela gore o ne o sa reetsa sekai se ke neng ke go se fa sa *WannaCry* sa 2017, gore go ne go diragala jone borukutlhi jo, batho ba tsaya taolo ya *machine* ya batho. Fa ba sena go e tsaya ba re nnyaa re duele, mme o re duela ka eng, o re duela ka Bitcoin. Go tswa foo ba tsaya dikgato dife gore ba felele Bitcoin e nnile madi a a tsenang mo dipateng tsa bone. Ke yone *money laundering* sir eo. E amana le one molao wa FIA. Ke tsaya gore ke sone se ke ntseng ke leka gore ke se tlhalose ka botlalo.

MR MANGWEGAPE-HEALY: *Clarification.* Ke ne ke utlwa o re tlhalosetsa o re ruta thata ka dikgang tsa *crypto keys and block chain technology*. O ne o bua gore mathata a mangwe o fitlhela gongwe o re tlogela jaana o na le *keys* tsa teng, bajaboswa ba gago ba bo ba sa kgone *to access*. A sekai se se tshwana le se se diragaletseng monna mongwe wa Mojeremame wa *developer* ya dilo tse kwa lefatsheng la America, yo gotweng o ne a palelwa ke go bona *password* e e neng e ka lotlolola madi a a kanang ka 220 million US Dollars in about 7 000 coins. Ke ne ke re gongwe... *(Interruption)*... Thank you.

MR SPEAKER: Your time is up.

MR SEGOKGO: Nnyaa, ke badile jalo le nna. Ke a leboga *Mr Speaker*.

DR MATSHEKA (LOBATSE): Mma ke leboge Motsamaisa Dipuisanyo tsa Palamente, e bile ke dumedise Batswana ka bophara lefatshe lotlhe la Botswana. Ke dumedise baagi ba toropo ya Lobatse, batlhophi ba ba mpeileng fa mo Palamenteng. Nnyaa mme ke tsogile, ga gona molato.

Ke tsene mo setlhogong sa gompieno Motsamaisa Dipuisanyo tsa Palamente, ke supe ka bongwefela jwa pelo gore ke ema Tshutiso e nokeng e bile ke sapota Tona wa tsa Madi le Ditlhabololo tsa Itsholelo.

Ke simolole ka gore kana kgang e fa re ne bereka ka tsela e sele, re ka bo re dumalana gotlhe le sengwe le sengwe re itse gore re tlhalogantse. Ke tlhaloganyana tsamaiso ya gore re tshwanetse re e tseye ka bongwefela go supa jalo.



Ke batla go simolola Motsamaisa Dipuisanyo tsa Palamente ke re, kana se se diragalang ke thulaganyo e ntšha ya tsamaiso ya itsholelo ya lefatshe. Tota e bile ga e ntšha, ke tswelediso ya se rona re sa se dirang mo nakong e e fetileng go ka goroga ka tlhalelo ya kitso ya rona go ka itse gore kwa bofelelong e tlaabo e le *terrorism* le borukutlhi e e atlholang gore tsamaiso ya lefatshe e ya go tsamaya jang *in the global economy... (Inaudible)...*

HONOURABLE MEMBER: *Mr Speaker, Honourable Matsheka* o wetse kwa tlase ga re mo utlwe. *Volume* e ile kwa tlase.

MR SPEAKER: I was just about to... (Inaudible)... to adjust his gadget. Honourable Matsheka.

DR MATSHEKA: A ke a utlwala jaanong Motsamaisa Dipuisanyo tsa Palamente?

MR SPEAKER: O a utlwala Morolong.

DR MATSHEKA: Tanki Thamaga. Ke tlhalose gore e rile fa re dira thulaganyo ya rona ya Economic Recovery and Transformation Plan (ERTP) le ya Mid-Term Review ya National Development Plan (NDP) 11, re ne re bua ka *export-led growth* re bua ka dintlha tse di farologanyeng. Ke batla re lebelele melao e mo *context* ya itsholelo ya lefatshe le gore tota re ikaelela go dira eng. Ke batla gore re tlhaloganye gore *international trade* kana neelano ya fagare ga mafatshe ya dithoto le *services*, e tlile go batla melawana e e rileng mo lefatsheng gore re kgone go tsamaisa itsholelo ya rona, re golele mo mafatsheng a mangwe, le bone ba golele mo mafatsheng a rona. Gore ba golele mo mafatsheng a rona le rona re golele kwa go bone, ke gore re kgone gore dibanka le botlhe ba ba nang le madi, ba kgone go neelana ba tshepha gore madi ao a phepha go ka tsenngwa mo tirisong.

Ke batla go tlhalosa ntlha e le nngwefela ke re, ka tsela e e ntseng jalo, *the International Financial System* e tlile mo seemong sa gore e ya *to prescribe* jaaka gompiano diphetogo tse re di tlisang tse, di tlisiwa ke ba FATF le ESAAMLG.

Ba tlhalosa gore, gore le kgone go letlelela go nna batsayakarolo mo itsholelong ya lefatshe le go tsamaisa madi mo lefatsheng. Ke gore le dire melawana e e ntseng jang gore le kgone go bona gore le rona re ka amogela dithoto le madi a a tswang kwa go lona. Go kganela madi Motsamaisa Dipuisanyo tsa Palamente, ke go kganela tsamaiso ya dithoto ka gore madi ke one *oil* e e dirisiwang go kgona gore a rebole dithoto go tsamaya lefatshe ka bophara.

Ntlha e ke batlang go e tlhalosa gape ke ya gore ka tsela e e ntseng jalo, mo gotweng dibuka tsa itsholelo ya lefatshe, tsotlhe fa di kopane di supa gore di kopana kwa tlhakeng ya nnoto, *as in the balance of payments of the global economy is equals to zero*. Go raya gore mafatshe a a romelang dilwana kwa mafatsheng a mangwe a lekana le a a di amogelang kwa mafatsheng a mangwe. Ka tsela e e ntseng jalo pharologanyo gare ga mafatshe mo go itlhabololeng, pele e ne e farologangwa ke gore ke mang yo o nang le *innovation* e e kwa pele go na le yo mongwe gore a supe gore o ka romela dithoto e bile a dirise maranyane go gaisa yo mongwe. Mo nakong ya gompiano pharologanyo e tona e tlaelelsa mo go tse di leng teng tse re di itseng, e tlile go nna mo go reng ke mang yo o nang le *a governance and a compliant structure* e e supang a tlhaloganya yo mo lefatsheng la gagwe a gwebang ka tsela e e ntseng jalo. Ga gona kwa re ka tshabelang teng go ka diragatsa melao e ka gore ke yone e tlileng go farologanya gore a le lefatshe le lejwa jaaka bo *grey*, a le lebelelwa ka *list* e nngwe ya mebala e e farologanyeng kana a le na le melawana e e siametseng go ka *join* le a mangwe. Re tshwanetse re itse gore melao e yotlhe e dira gore kwa bofelelong, go bereka ga mafatshe go bo go lekana mo ke go bitsang *equalisation of trade and practices*. Go supa gore jaanong tota re tlile go farologana fela ka botlhale jo bo seyong mme melao yotlhe e tlhokafala gore e nne teng.

Se sengwe Motsamaisa Dipuisanyo tsa Palamente, ke gore ke raya gore melao e yotlhe jaaka *Minister* a ne a tlhalosa maabane, gore go patelesega gore melao e mengwe yotlhe e e amanang e fetolwe gore e kgone go tsamaisana le o a neng a o bala maabane mo Palamenteng gore re kgone go itse gore go diragala jang. Keletso e tona ke gore go nne o kare re ka lebelela melao e, ga go molato gore go bo go na le ba ba re lebeletseng gore re dira dilo jang. Ke tsaya gore mo nakong e re leng mo go yone gompiano re tlhaloganya gore sekale se se ya kae, tota lefatshe le ya kae ka go itse gore re tshwanetse gore re itshware jang. Ke batla go gakolola gore ga go tlhokafale gore re emele gore mo melaong e e latelang re bolelelwe gore re fetole ofe ka gore re setse re na le *template* e e supang gore tota golo fa go batliwa gore re kgone go senola *curtain* ya go supa gore ke bafe beng ba dithoto e bile ba di tsere ka tsela e e ntseng jang. Melao e re tshwanetse go e lebelela yotlhe fela ka boyone gore re dira ka tsela e e ntseng jang.

Ke batla go bua gape Motsamaisa Dipuisanyo, gore fa o lebelela kgolo ya itsholelo mo lefatsheng, o fitlhela e le gore mafatshe a a tlhabologang a gola ka bofefo.



Fa o lebelele ka fa China a gorogang mo Africa ka teng, ka fa merafe ya mafatshe a mangwe e gorogang mo Africa le mafatshe a a tlhabologang ka teng, go raya gore re tshwanetse re tlhomamisa gore melao e jaaka ke ne ke tlhalosa gore ke yone kwa bofelong e tlileng go farologanya gore mafatshe a a golang e bile a tlhabolola batho ke a a dirang eng. Re tshwanetse re lebelele selo seo gore re dire melao ya rona re e beele kwa pele go itsa gore kgantele e re itse go amogela *Foreign Direct Investment* (FDI). Re itse gore e ya go tlhabolola matshelo a Batswana mme melao ya ba ba godileng pele ga rona e le mafatshe a a tlhabogileng ba setse ba dirile. Jaaka o itse dilo tse di neng di diragala pele, *terrorism being financed* mo Africa, ke mafatshe a gompiano a laolang thulaganyo ya gore bo FATF ba dire eng mo mafatsheng a a tlhabologang. Re batla *to attract the investments that we need in order to develop our economies*. Kgang e o e bonang ka fa Mozambique gompiano ke ya *resources and you can see gore the role of terrorism is there and indeed the acquisition of assets in Africa and developing countries is going to be a key driver of our policies* gore re kgone go itse gore tota re ka dira ka tsela e e ntseng jang.

Se ke batlang go se tlhalosa gape ke gore o tlaa ela tlhoko Motsamaisa Dipuisanyo tsa Palamente, gore golo fa ke leka go tlhalosa gore molao o o *relevant without going to the details and the attaches of the details for the Minister to go and reflect on* fa re ntse re tswelotse gore re ka dira jang. Go boammaaruri gore melao e yotlhe fa e kopana e tlhomamisa gore itsholelo ya lefatshe la rona e golagana le mafatshe a mangwe gore re kgone go tswelotse maitlamo a rona mo Economic Recovery and Transformation Plan (ERTP) le mo *the* Mid-Term Review ya National Development Plan (NDP) 11. Re batla go ngoka bagwebi mo lefatsheng la rona, ba tle kwa kgaolong ya Lobatse ba itse gore *it is a strategic location* tse dilo tseo di tshwanetseng go tla teng. Fa e le gore ga re na melao e e lolameng jaaka le ne la bona fela ka *tourism*, e rile fela gotwe re mo *list* kwa Europe, Makgowa ba bo ba *cancel*, ba re bone ga ba ye koo ba *cancel bookings* tsa bone. O kgona go bona *the profound implications* tsa gore re bo re sa kgone go dira jaaka re tshwanetse re itlamile re le *party* ya Domkrag mo dikgannyeng tse di ntseng jalo. Re tshwanetse re tswelotse *because* molao o o batlsa gore *the spirit of it* otlhe fela, *is to look for the real investors* ba e leng tota batsayakarolo mo itsholelong. O a ne o bona batho ba huma fela o sa itse gore gatwe ba dirile jang kante ke boammaaruri gore ga re na melao e e lolameng go ka tlhomamisa gore re ka *perform* mo ke go bitsang ke re

lifestyle audits. Re kgone go bona gore tota motho yo ka re ntse re le mmogo fela, fa o kare khumo ya gagwe e feta e re neng re e solofetse gore e ka nna teng. *We must do all those things in advance in order for us to be able to do so*.

Ke bue ntlha e nngwe Motsamaisa Dipuisanyo, ke re *a role of institutions* jaaka Tona a ne a tlhalosa a araba bakaulengwe ba ba kgonneng go bua, ke gore *the credibility and effective implementation of these laws...*

...Silence...

MR SPEAKER: Honourable Member, please unmute yourself.

DR MATSHEKA: ...is most important ... (Inaudible)... *ke gore* the operational independence is actually enshrined but we also have to say *gore* people have got to believe and therefore how we posture... I am not muted Mr Speaker.

MR SPEAKER: You had disappeared a little while, I was worried about your presence.

DR MATSHEKA: *Okay sir*, ke a leboga. Jaanong kangang e *Mr Speaker*, ya *virtual assets*, tota ke batla *to argue* fela gore *it is actually in addition to avoiding any forms of money laundering*. Unfortunately as we ... (Inaudible)... *these are prescriptions* tsa mafatshe a a tlhabogileng, *the averaging* Botswana may not relate immediately. I think re tlhaloganya le ba bangwe ba ba tlhaloganyang gore go botlhokwa gore re tlhagolele kwa pele gore melao e e nne teng ka gore fa ke tsena kwa Lobatse ba nthaya ba re, “Rre Matsheka, tota wa re *virtual assets* ke eng? Wa re dilo tse re ka di bona kae re tle re kgone go bona go re ka thusa batho jang?” A bo ke ba raya ke re ke dilo tse di kwa Makgoweng ... (Inaudible)... Motsamaisa Dipuisanyo, gore *it is a very important piece of legislation* ... (Inaudible)... tota ga e a tshwanela gore e kgopakgopediwe ke ope. E bile fa e le gore o ka supa *tendencies* tsa gore ga o letlelele gore *entry* e kgone go nna teng, ke ne ke batla go tlhalosa gore ke ne ke e bala ka leitlho la Serolong e le nosi fela. Ke bona o kare e *focused* thata mo a *physically entry* kwa...

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *Sorry* Morolong, o tsamaya o wela kwa teng ke sa go utlwe, o ne o re *Clause 7?*



DR MATSHEKA: Ee mma ke ne ke rialo. Gongwe o e lebe gore ...*(Inaudible)*... Clause 8. O ya go fitlhela Clause 8 le Clause 7 di batla gore di nyalane ka gore Clause 7 o kare e *focused* mo... *I stand to be corrected by the way, e focused thata mo physical and yet on the licensing, it is a ... (Inaudible) ... location.*

Therefore, we need to be clear *gore* it is a virtual entry to the virtual asset *kana* into the location of the operator. I think that clarity is going to be very important to make sure *gore* we are clear about entry, that it is virtual or physical entry in order to be able to kill any ambiguity *gone moo*.

Jaanong kwa bokhutlong, ke ne ke bona mo Newspaper ya Telegraph ba bua ka fa mapodise ba theogetseng ka teng Motsamaisa Dipuisanyo tsa Palamente. Re buile le online pyramid schemes, ke ne ke raya mongwe ke re, a virtual asset e kgona gore e fete le one madi a eWallet. E nne madi a mantsi a o a tsamaisang across the world o dirisa eWallet platform. That is a virtual asset because it is available and convertible in hard currency, that we deal with as a central bank or as a bank. Therefore, we need to be very clear fa gongwe to simplify the language. Fa re dirisa blockchain, re fitlhela motho yo mongwe a tsere 1 million a mo tsentse mo teng ga airtime. I know Bank of Botswana has limits around how much can be transacted on those. I think the law can be much broader and more encompassing around what we need.

Mr Speaker, *ka mafoko a a kalo, ke eme nokeng Tshutiso ya ga Minister of Finance. Ke dumela gore molao o, le melao yoilhe e e tlang, e tlaa re thusa gore re emoge mo seemong se e leng gore matshelo a Batswana a tlaa tokafala. Re tlhomamise gore re kganela borukutlhi jo bo ka dirang gore mafatshe a se ka a dira dikgwebo le rona. Ke a leboga Motsamaisa Dipuisanyo tsa Palamente.*

MR SPEAKER: Re a leboga Morolong. Tanki ngwana wa ga nkgonne. Jaanong go tlaabo go bua Motlotlegi Mopalamente wa Selebi Phikwe Bophirima, *Honourable* Keorapetse.

MR KEORAPETSE (SELEBI PHIKWE WEST): Thank you Mr Speaker for giving me this opportunity. Mr Speaker, I think the Minister has started well by defining the virtual assets that they are digital, they have value, they can be digitally traded or transferred or used as payments. It is a quite a complex subject, which is new to many Batswana.

Mr Speaker, virtual assets; we are talking about as others have stated, blockchains, or Bitcoins, Crypto assets and virtual currencies. I think the most common one is the Bitcoin which was founded I think around 2009 by a Satoshi Nakamoto, a Japanese national. It is estimated to be worth 1 trillion currently. So, you can imagine if this asset can be converted into hard currency, how much those who have invested in the Bitcoin will have. I agree with both Honourable Matsheka and the Minister, that there is a need to deal with this issue by way of legislating and regulating it.

Mr Speaker, there are some countries which have absolute bans on Bitcoin and other virtual assets. If you take China for instance, it is very clear about such. You take countries such as Egypt, they are very clear in terms of their bans. Others have chosen to be implicit in banning Bitcoin and other Cryptocurrencies. Of course there are some in Africa like Algeria, Morocco, Tunisia and others, Qatar, Nepal and Iraq have decided that they do not want to hear anything about these. Just to correct, there are some who have implicitly banned the Cryptocurrencies and as I have indicated, some are in Africa including Burundi, Cameroon, Central African Republic (CAR), Gabon and others, including in Southern Africa, Lesotho. They have just decided to be on the fence to implicitly ban some of these Cryptocurrencies. What are the advantages of these Cryptocurrencies, like the definition by the Minister suggests, payment is made easier because it is virtual, faster, and at times cheaper. The other advantage could also be that they provide an alternative method to those with no access to your regular financials platforms. So, that is the big advantage. You see Mr Speaker, advantages of these virtual assets or Cryptocurrencies are that, we have witnessed as a country over the years, not just here but even worldwide, that it has sectors largely unknown. There is a lot of misinformation surrounding the Cryptocurrencies. Some project Cryptocurrencies as just big fraud and that is not the case. In many instances, it has been largely unregulated. Now, when it becomes largely unregulated, it makes many Batswana susceptible to be swindled and indeed, they have been swindled or cheated or deceived out of their hard earned money so that they can convert their hard currency into virtual assets. Investing in Bitcoin and other virtual assets or Cryptocurrencies has been found to be highly risky and speculative. To dovetail my point to what Honourable Matsheka has indicated, discussion of this Bill is relevant to what we are trying to do in prevention of financial and economic



crimes, that is fiscal and revenue crimes. If virtual assets have value and can be digitally traded, it means that fiscal and revenue crimes can also be committed using Cryptocurrencies, bribes, illicit financial flows can be done through these Cryptocurrencies. In fact, the Cryptocurrency and Bitcoin has raised financial concerns for many Governments especially on the issue of international laws that regulate a financial transaction. So, whilst many countries allow it, especially those who are leading in the financial sectors, United States or United Kingdom ...

HONOURABLE MEMBER: Clarification.

MR SPEAKER: Clarification sought.

MR KEORAPETSE: Granted.

MR MANGWEGAPE-HEALY: Point of clarification.

Thank you Mr Speaker. Thank you Honourable Keorapetse. *Ke batla o tlhatswa part e o reng* China does not allow Cryptocurrency. Do they not allow Cryptocurrency *kana* Bitcoin in particular? *Ke botsa jaana ka gore ke ithaya ke re ba na le mo gotweng* Digital Yuan, *yone* currency *ya* China. So, *ke batla* clarification *gore* do they not allow a particular brand so to speak like Bitcoin, *kana* they do not allow Cryptocurrency? *Ke a leboga.*

MR KEORAPETSE: *Ee*, to my knowledge China explicitly disallows Bitcoin. China and Egypt, I think they are very clear that they do not allow Bitcoin. I hope that has answered your question.

Mr Speaker, the ESAAMLG and FATF are very clear that money laundering and terrorism financing risk exists within the purview of the virtual assets. That is why we here today to try and make laws to deal with that.

I am of the view that these service providers or traders need to be licenced or registered so as to supervise the sector in the same way that we supervise other financial institutions. Now, what needs to be done Mr Speaker is that, we need to first of all start with public education surrounding virtual asset, especially common ones like your Bitcoins which I have indicated of the first and is currently the largest worth One Trillion US Dollars. It is important that we disseminate information through platforms such as radio, television so that Batswana fully understand what virtual assets are and the risks that come with virtual assets.

We need to also hasten to infuse virtual assets in the curriculum. We know we have Business Studies at some primary schools especially private ones, secondary schools and senior secondary schools. We need to infuse these in the curriculum so that we have future billionaires and millionaires trading in crypto currencies such as *bone bo* Bitcoin. I have illustrated that Bitcoin has started, I think around 2009, many years ago. This says to us that we ought to have developed laws, regulations and even engaged in some sort of benchmarks to a large extent. I am not saying we have not. Currently, we have this law before us and we will have regulations under the law and so forth but we ought to be at a point where now we are seeking to compete and to be counted in the industry. That can only happen if we have a fully developed laws, regulations, rules and having done important benchmarks.

Research ought to have already been done by our economists and those in the financial sector; our research institutions on the impact of virtual assets trading. The impact of Bitcoin and these crypto assets on the economy of individuals and on the economy of the country, susceptibility to financing of proliferation of weapons of mass destruction, financing of terrorism, illicit financial flows, money-laundering and other criminal activities such as racketeering and fraud. Most importantly, we ought to have adequately empowered our law enforcement agencies; the police, including their crime intelligence, the Financial Intelligence, and the DCEC. They are struggling and at the moment we see no conviction rate in high profile cases primarily because there is a mass exodus of investigators from DCEC, well developed investigators who have been trained over time have left the DCEC. Attorneys and prosecutors have left the Directorate of Public Prosecutions (DPP). It is used as a training ground and then people decide to go for greener pastures in the private sector as litigation consultants and other fields.

Now, what more of law enforcement involvement in crypto currencies or in virtual assets? As I have indicated in the beginning, it is a very complex area and we ought to have adequately empowered our law enforcement agencies. *Ka bokhutshwane, ke gone fela* Mr Speaker, *gore* these virtual assets *tse re buang ka tsone tse, Batswana ga ba di itse e bile ga ba di tlhaloganye. A re nneng le thuto e e tseneletseng e Batswana ba tlaa rutiwang gore fa go buiwa ka virtual assets kana dikhumo tse o ka se keng gongwe o kgone go di tshwara fela ka diatla, e le gore di mo maranyaneng go buiwa*



ka ga eng. A bana ba rona ba rutiwe mo dikoleng. A re nng le melao le melawana le go tsaya malebela mo go ba ba setseng ba gatetse kwa pele mo dikgannyeng tse. A re direng ditshekatsheko tse di tseeneletseng, re di rotloetse ka madi gore re felele re bone gore di ka ama jang itsholelo, batho le borukutlhi jwa madi jwa go gopela itsholelo le tshenyetso-setšhaba.

Se sengwe ke sone se ke neng ke se bua gore a ba sepodise, DCEC, FIA, Bank of Botswana (BoB), law enforcement agencies kana badiragatsi ba melao ba tlhabololwe gore ba nne le kitso ka gore re a itse gore Batswana bangwe ba tseetswe madi. Re a itse gore mhama o o ne o sa tsamaisiwe ka fa melaong or was largely unregulated as I have indicated. Ke mhama o o borai as I have said le gore a re o emeleng ka dinao go bona gore we conform to the FATF, ESAAMLG and other international standards which have put in place to make sure that Botswana does not become a haven for criminals. I would like to agree with those who have pointed out that without established regulation and oversight; I will emphasise oversight; that without a fully functional or established regulation and oversight, the virtual asset space, the crypto currencies will become the wild worst of the financial industry. Jaanong it will become laissez-faire. It will become Sodom and Gomorrah which is why we are here to enact this legislation with the hope that there will be strong regulatory mechanism to make sure that we not only benefit but we prevent financial and economic crime when it comes to virtual assets.

I am of the view that as ba FATF and ESAAMLG have said that there is a need to implement the same preventative measures as financial institutions, including customer due diligence, record keeping, reporting of suspicious transaction that I talked about when I debated FIA gore the obligations on reporting of suspicious transaction under normal circumstances, should also apply when it comes to virtual assets. Fa ke buile jalo Mr Speaker, ke tsaya gore ga ke ganane le se Tona a se beileng pele. Ke dumalana le sone, mme ka dikgakololo tseo tse ke di mo fileng. Ke a leboga Motsamaisa Dipuisanyo tsa Palamente.

MR SPEAKER: Thank you Honourable Member for Selebi Phikwe West, Rraagwe Atlega. We now have Honourable Assistant Minister of Local Government and Rural Development, brand new from the box; Member of Parliament representing Kgalagadi North, Honourable Monnakgotla.

ASSISTANT MINISTER OF LOCAL GOVERNMENT AND RURAL DEVELOPMENT (MS MONNAKGOTLA): Ke a leboga Mr Speaker. Ke le leboge batlotlegi, mme tla ke dumedise le ba Kgalagadi North ka gore ba santse ba le mo boitumelong. Ba a nteboga thata Mr Speaker. Ba a bona gore mme gone ke dira tiro, ke ba emetse ka dinao. Mr Speaker, ke simolole ka gore molao o ke o ema nokeng jaana, ke re Batswana ba jetswe madi...

HONOURABLE MEMBER: Point of procedure.

MS MONNAKGOTLA: ...mme ke re ke sesupo gore molao wa seemo sa go nna jaana...

MR SPEAKER: Sorry Honourable Monnakgotla, sorry Honourable Minister. There is another point that I did not understand but I think *lentswe ke la ga Motlotlegi Mopalamente wa Letlhakeng- Lephephe; Honourable Kablay.*

MR KABLAY: Nnyaa, ke ne ke re gongwe Tona a baakanye Mr Speaker; gore kana batho ba tloga ba tsaya gore, gore o tlhophiwe Tona, o a bo o dira thata go gaisa ba bangwe kwa Palamenteng. Jaanong gongwe ba dikgaolo tsa rona ba tloga ba tsaya gore jaaka re sa tlhophiwe bo Tona jaana, *we are useless.*

HONOURABLE MEMBERS: ... (Laughter!)

MS MONNAKGOTLA: Ke a leboga Motlotlegi Kablay. O bua nnete fela jalo, ba tloga ba tseela jalo, mme ke tsaya gore rotlhe re a bereka motlotlegi jaaka o le *Chief Whip.*

Mma ke simolole ka gore tota Tshutiso e ke e ema nokeng ka gore Batswana ba jetswe madi. Molao o ke o o tsenang ka nako e e siameng ka gore re mo dinakong tsa segompieno tse go dirisiwang maranyane a mantsi, bogolo jang mo go tsa madi.

Mr Speaker, dinako tsa gompieno tsa go dirisa madi tsa maranyane di fetogile. Go na le maranyane a *blockchain* a a dirisiwang *to store information*, bogolo jang mo mohameng wa *financial services*. Jaanong dilo tse re le Batswana, ga re ise re di itse. Ke bue gore *technology* e e dirisiwa thata gape mo *cryptocurrency system* jaaka *bitcoin*. Re le lefatshe la Botswana, ga re ise re tlhologanye dilo tse. A a *Central Bank* ya rona, Bank of Botswana, e lebelele melao e mme e bile e bo e bona gore go ka sekasekwa jang *cryptocurrencies*, go ka tsennngwa melao e e leng gore e ka di lebelela jang.



Mr Speaker; money laundering and financing of terrorism, ke dingwe dilo tse di tshwenyang lefatshe ka bophara. Ke sone se o bonang ba FATF ba eme ka dinao ba batla gore ba baakanye dilo, ba baakanye melao ya madi mo mafatsheng ka bophara go lwantsha *illicit financial flows* go tlhatswa madi. Dilo tse di a tshwenya tsa go tlhatswa madi mme e bile di diga itsholelo ya lefatshe.

Bontsi jwa Batswana re mo dinakong tsa gore tota re tlhaloganya *technology* mme e bile go na le *agents* tsa *cryptocurrency* tse re tshwanetseng gore le tsone re di lebelele fela jaaka re bona gore *e-commerce* e godile fela thata. Dilo tse di batla go tsenngwa leitlho ka gore kana ka dinako tsa gompieno o le mo Botswana o kgona go reka dilwana kwa China, Amerika kana kwa mafatsheng a sele o dirisa *your credit card or debit card*. Go na le mafatshe a gompieno ba letlelelang gore o ka dirisa *cryptocurrency* go dira dituelo tse. Batlotlegi ba ntse ba bua gore a China e letlelela *cryptocurrency*. Jaanong dilo tse re le lefatshe fa re sa di tsenye leitlho, itsholelo ya rona e ya kwa tlase mme e bile le yone *greylisting*, re tlaabo re felela re le mo mathateng jaaka bo letlhoko la ditiro fa re sa lebelele melao e.

Maabane ke ne ke bua gore fa go fetang madi teng go tshwanetse go tsenngwa leitlho e bile le Bank of Botswana e tshwanetse gore e bo e lebelele melao eo ka dinako tsa segompieno ka gore mo dinakong tsa segompieno go dirisiwa maranyane mo mading. Jaanong ka jalo, ke dumela gore *transactions* tsa gompieno, a go tsenngwe *regulators*, go lebelelwe gore madi a tswa kae a ya kae gore re fokotse madi a a dirisitsweng mo lefatsheng la rona la Botswana. Ke sone se o bonang re ne ra felela re tsenngwa mo *greylisting*.

Mr Speaker, virtual asset service providers le bone ba tlhokana le *to be lincenced* gore ba kgone *to comply* le mengwe melawana e e lekanang go lwantsha *illicit financial flows*. Se se tlaa thusa maphata a Puso a bo FIA le ba sepodise fela jalo go fokotsa *money laundering*. Fa re sa emele dilo tse ka dinao madi a a tlhatswitsweng thata a ya go felela mo lefatsheng la rona, bogodu bo bo bo nna bontsi.

HONOURABLE MEMBER: *Clarification* Tona.

MS MONNAKGOTLA: Mma ke tswelile pele ke e tlhatswe pele. Batswana ba le bantsi ba jetswe madi ka *ponzi schemes* tsa *Bitcoin* fa e simolola. Ke iponetse thata mo lefatsheng le la rona. Bontsi jwa Batswana ba ne ba *invest even their last pensions* mo *cryptocurrencies*

e le gore nnyaa e le gore ke maranyane fela mme *at long last* maranyane ao *then crushed*. O bona Motswana a tswa go tsaya *pension* ya gagwe ya bofelo a tsenya a re o leka gore a godise madi, ga go na dilo tse di ntseng jalo *Mr Speaker*. Batswana ba jetswe madi. Ke sone se o bonang ke batla gore tota re le Palamente e ya bo 12 re lebelele molao o sentle rotlhe. Ke solofela gore rotlhe re le Mapalamente re ya go dumalana le Tona Serame ka gore tota ka fa Batswana ba jetsweng madi ka teng, go utlwise botlhoko, e le gore o tshwanetse gore o tseye *pension* ya gago ya bofelo kana o ye go agela bana ntlo e bo e le gore o ya go godisa madi mme tota e se dilo tse di berekang. Ke bona *Bill* e ka fa e kwadilweng ka teng e tshwanetse gore re e lebelele, bogolo jang ka gore tota re amilwe ke bolwetse jwa COVID-19 ka bo tsere madi mo lefatsheng.

MRTSHERE: *Clarification through the Speaker. Thank you very much Honourable Speaker and thank you very much Honourable Mma Monnagotla. Congratulations on your new appointment.*

Ke dumalana le wena mo go se o se buang ka fa e bileng se amang Batswana ka teng. Jaanong ke tshwenngwa ke gore *Honourable Dr Matsheka* le ba bangwe ba ntse ba bua gore kana *these kind of currencies, virtual assets, virtual accounts and all those*, o fitlhela e le gore ga di na *next of kin*. *Next of kin* kana ke yo e leng gore fa o tlhokafetse, banka kana sengwe jaanong *can reach out to* ba masika a gago gore ba tle go go neela gongwe madi a o ka tswang o a phuthile foo *virtually*. Jaanong golo mo go tshwanang le Orange Money le My Zaka le ba BeMobile gore fa gongwe o fitlhela e le *the form of virtual accounts* o fitlhela go sena *next of kin and* madi fa batho ba tlhokafala, ke bone fela ba itseng *passwords*, go raya gore go tsamaile fela jalo. Jaanong fa o lebeletse molao o o o bapisa le kgang e ya *next of kin*, re ya go e bereka jang? *How are people going to recover* madi a bone ka fa molao o o ntseng ka teng? *How will* ba masika a bone *recover* madi a bone fa ba tlhokafatse? Potso e ke santse ke tlaa e latedisa kwa pele le Tona yo o lebaneng. Ke a leboga Mothusa Tona.

MS MONNAKGOTLA: Ke a go leboga Motlotlegi Tshere ka fa o buang ka teng le ka fa o lebelelang dilo ka teng. Ke gore fa o lebelele dilo tsa madi, kana o tshwanetse gore o nne le matlho a le mantsi mme e bile o ya go nna le dikarabo tse di farologaneng. Karabo e ke ka go e fang ke ka re fela ka re Tona Serame ke ene a ka go fang e e siameng ka gore dikarabo tsa madi di dingalo.



Fa ke lebelela molao o gape, tota fa re o lebelela sentle, ke molao o re tshwanetseng gore re lebelele gore re tlhokana le *investors* gore di tle mo lefatsheng la rona. Jaaka ke letse ke bua gore kwa Zutshwa ke na le letswai le e leng gore ba kgaolo ya rona ba tlhokana le *investors*.

MR TSOGWANE: Elucidation Minister. Ke ne ke re o e tshwere sentle kgang e Motlotlegi Mma Monnakgotla mme gongwe le ba ba neng ba e tshwere pele. Kgankgolo e re tshwanetseng gore re wele ka yone fa re bua ka go itsa madi a go nna jalo a *virtual asset*, bo *cryptocurrencies* le *Bitcoin*, ga se kgang gore tsamaiso eo ya madi e bosula, kgang e tona ke yone e re e nnetseng ya gore ba dira jalo ka gore *the market is unregulated*. Molao o re o dirang o, ke one o o tlaa dirang gore dilo tse tsotlhe tse e bo e le gore ga re tshwane le ba ba e leng gore jaanong ba tlaabo ba re nnyaa mo jaanong bogolo re go emise le fa go ka bo go le mosola go ka thusa, go ka dira ka bofefo, go ka tlisa dithoto.

Fela ka gore *the market is unregulated*, so kgang e tona e mo *regulation* jaaka re dira jaana, go laola go tla ka melao e batho ba ka nnang le tshepho ya gore, mme gone fa o dirisanya kana o dirisa madi a go nna jaana mo lefatsheng la gore, go na le melao e e gagametseng. O ka bona botlhokwa jwa melao e re tlang ka yone gore e ka bereka gole kae. Ba bangwe ba tshabetse fela mo go emiseng, ka gore *they are unable to come up with regulations*. *I thank you.*

MS MONNAKGOTLA: Thank you Mr Speaker. Tota e bile e ne e le gore ke tswala ka yone VP, gore le bone ba ba gwebang ka tsone *the virtual assets* ba lebelele molao, ka ke dilo dingwe tse di botlhokwa, ka gore molao o o botlhokwa, ke gore ba ya go felela ba nna le yone poifo, mme le fela jalo go nne le dikotlhao tse tota di nametsang. Go tshwanetse gore go lebelelwe, ka gore fa go fetang madi teng go nna borai. Fela jaaka ke bua gore, Batswana ba jetswe madi, Motswana fa o mo raya o re o na le P100, mme fa ke dira jaana go ya go nna P5000, e bile ga a lebe gore mme totatota gone P5000 ke ka mo neelwa ke motho tsaya tanki. Dilo tse fa re ka ruta Batswana bogolo jang ka madi, jaaka Motlotlegi Keorapetse a ne a bua, go botlhokwa gore re simolole go ruta Batswana. Thuto ya madi e botlhokwa thata Tona Serame, gore Batswana ba itse, ka gore Batswana ba a tsiediwa. Ke re ke eme ka a le kalo ke re ke go ema nokeng Tona ka Tshutiso e. Ke a leboga *Mr Speaker*.

ASSISTANT MINISTER OF YOUTH EMPOWERMENT, SPORT AND CULTURE DEVELOPMENT (MR BILLY): Ke a leboga

Motsamaisa Dipuisanyo tsa Palamente. Ke ema nokeng mokaulengwe Mme Mma Serame ka Molao-kakanyetso o a o tsisiseng fa pele ga rona wa Virtual Assets Bill, 2021(No. 35 of 2021). Lebaka la me la gore ke o eme nokeng ke gore, ke lebeletse ka fa mafatshe a tsamaisang dilo ka teng tse di amanang le go godisa itsholelo. Fa o ka lebelela re bua thata ka *transformation agenda* mme *for us to achieve transformation agenda* re tshwanetse re bue ka go dirisa maranyane, *digitisation*. Mo go yone *digitisation exactly* e bua ka Virtual Assets Bill, e mo go yone kana re batlang go e dirisa go tswakatswakanya itsholelo. Mo go tshwakatswakanyeng itsholelo ka re dumela gore *the Virtual Assets Bill* e ya go thusa *to create wealth* mo bathong ba rona, le yone gape *financial freedom* e ya go neela batho ba rona *financial freedom, self-employment*, ka gore batho ba ka ikhira, mme ba le dipalo tse di seng kanaka sepe. *It guarantees* gape gore ditiro di ka nna teng ka gore motho o tlaabo a itirela tiro ka go dirisa *the visual assets*.

Sone seo, re tshwanetse re lebelele gore le fa re itumela gore Molao-kakanyetso o o tlaa dira gore go nne le mebereko, batho ba kgone go ipereka, segolo jang ka gore fa batho ba ka rutiwa ka tsamaiso ya gore *the virtual assets* di bereka ka tsela e e ntseng jang, letlhoko la ditiro e ka nna kgang ya maloba. Re tshwanetse re sekaseke gape gore, kana re lebelele bodiphatsa jwa gore fa re dirisa *these virtual assets* go diphatsa gole kae.

Assistant Minister Mma Monnakgotla o ne a tthalosa gore batho ba jetswe madi. Ke boammaaruri, batho ba latlhegetswe ke madi a a seng kanaka sepe fa re simolola go utlwa ka Bitcoin, batho ba ne ba latlhegelwa ke madi a a seng kanaka sepe, *because they are not professionals*, ba ne ba sa itse gore Bitcoin e dirisiwa ka tsela e e ntseng jang. *So these challenges* fa melao re ka se ke re e gagamatse, *money laundering* ga re ka ke ra e kgona, ka gore go tlaa nna le *the abuse of the schemes* tse di tshwanang le *pyramid schemes* tse e leng gore *we have to guard against*, ka gore batho ba tlaa iphitlhela ba le *involved in the schemes* tse gotweng ntlhatlose ke tlhatlose yo mongwe. *So schemes* tse dintsi di jetse batho madi mo go gagamatsang, gape ga re itse gore madi a *what does it finance* go tswa gone foo? *Who is the direct beneficiary*, mo mading a gotweng ntlhatlose ke tlhalose yo mongwe le ene a tlhatlosiwe ke yo mongwe? Re tshwanetse re ele tlhoko gore le fa *the virtual assets* e le tsamaiso e ntle thata, mme re tshwanetse re lebelele *the risks* tse di tlang ka yone. Fa o ka lebelela mafatshe a a setseng a tseletse sentle ka yone, ba ba buang



dikhumokhumo tsa one, mafatshe a a tshwanang le bo Russia, America, Kazakhstan, ke mafatshe a e leng gore *they are the biggest crypto traders* mo e leng gore fa o ya kwa go bone *they are ahead of us* ka gore ke dikitso tse di sa bolong go nna mo go bone tsa tiriso ya maranyane.

The other risks tse di ka n nang teng ke gore *in countries like* bo Botswana, *developing countries in terms of economy*, ke gore *they can undermine the monetary policy* ya rona fa re ka se ke re ele tlhoko gore *they are being regulated* ka fa go tshwanetseng ka teng. Jaanong seo re tshwanetse gore re se ele tlhoko ka gore re tshwanetse re itse gore, *okay we are happy with the benefits*, mme *the benefits also they come* ka risks tsa tsone. *Risks* le tsone re tshwanetse re di lebelele gore, *when we draft* molao, re di akaretse gore *we should protect* batho ba rona, batho ba Francistown East ke bangwe ba batho ba ba dirisang Bitcoin, ba dirisa *Virtual assets* mo ba tlhokanang le gore *they should be protected so that* itsholelo ya bone e se ka ya phuthlhamana, ba bo ba felela e nna *the beneficiaries* tse di tlhokomelwang ke Goromente. *Other benefits* tse re ka di bonang mo go *virtual assets* ke tsa gore, e na le mosola thata ka gore *payments* fa o di dira, o di dira ka monwana gone foo, *within a second payments* o di dirile. *There is no need to queue*, like *gompiano payments* fa o di dira *physically*, you must *queue*, spend nako e e seng kanaka sepe o le mo *queue*. *That is a loss of business*. Fa o tlhola o le mo *queue* o emetse go dira *payments*, you *lose business*. Mo bathong ba e leng gore *they are investors*, they will not like to find themselves ba eme mo *queues* lebaka le le lee ba re ba dira *payments*. Se sengwe gape ke gore, kwa ntle ga gore *payments* di nna *fast it is cheaper* go dirisa *virtual assets*, *it is cheaper*; *unlike* o dirisa *the so normal ones* tse re di tlwaetseng. *It is also reliable and also it is a good service*. Ke sengwe se re se tlhokang gore fa re bua ka *virtual assets* re bo re re ee, re dumalana le yone, mme se re se tlhokang ke gore re ele tlhoko *money laundering*, ka gore batho ba bangwe ba setse ba dirisa *that gap* go senyetsa setšhaba. Mafatshe a a tshwanang le bo China jaaka bangwe ba setse ba buile, a tsaya gore *bitcoins they are labeling* gore *it is an illicit financial activity*. Ga e ka ke ya re re lebeletse lefatshe le le tshwanang le la China, re bo re re ka gore bone ba bona jang, le rona *we should create that environment*, e ka yone re ka dirisang *virtual assets* go godisa itsholelo ya batho ba rona mo go leng motlhofo thata. Khumo tse di seng kanaka sepe jaaka ke sa tswa go tlhalosa fa ke simolola, re ka di bona fa e le gore molao o batho ba sirelediwa ka go dirisa *the virtual assets*, ba sirelediwa mo go one. Khumo e e sa sokolelweng re ya go e bona,

e e sa fufulelweng re ya go e bona go le motlhofo.

Motsamaisa Dipuisanyo tsa Palamente ke ne ke ema nokeng Tshutiso e, ke tsaya gore tse dintsi bakaulengwe ba di buile. Ke tlaabo ke bua dilo tse di setseng di builwe ke di boeela. Fela boammaaruri ke gore, molao o o tla ka nako e e siameng, o na le *financial intelligence* mo go one, ka gore o leka *to protect* itsholelo, le ba ba tlhatswang madi go itsa gore mafatshe a se ka a humanega kana khumanego e se ka ya nna teng e e tsetsweng ke tiriso botlhaswa ya batho ba ba tlhatswang madi. Ke a leboga Motsamaisa Dipuisanyo tsa Palamente.

DR TSHABANG (NKANGE): *Thank you Mr Speaker.* Ke tsaya gore kgang e e tlhamaletse ya gore *these virtual assets* le tsone di tshwanetse gore di laolwe sentle ka semolao. E bile di kgone *to be licensed* sentle fela gore mongwe le mongwe *who trades, both the traders and the clients (customers)*, go nne *clear* gore *they trade in a system or organisation* e e leng gore *is regulated, it is organised*, ba kgona *to trace their own assets* go se na bohithla bope *because many at times people invest mo these virtual currencies then* ga ba kgone go *trace* kgolo ya madi a bone sentle. *They depend* fela mo go ba e leng gore *they are the custodians* tsa *these currencies*. *So, there is usually lack of information* mo bathong ba e leng gore *they have invested in these crypto currencies*. *So* ke kgang ya gore tsenya madi *and have faith*, se re se dirileng ke gore wena o tlaa tsenya madi o bo o re emela re a *multiply*, kana batho ba bangwe ba tsena fa tlase ga gago, o bo o kgona go bona madi fela a a mantisi. O fitlhela e le gore *dividends* tsa teng ka fa di tlang ka teng, di tla di le bonya gape go se na *clear-cut information*. *So this has been a worrisome grey area* e e leng gore e ne e tlhokana le gore re e lebelele. Ke tsaya gore FATF *did very well to pick* gore *this is an area* e e leng gore e kgona *to expose us to money laundering* le go nna le madi a a kgonang *to sponsor* botlhabetsi.

Go botlhokwa gape *Mr Speaker*, gore *clients that invests mo crypto currency, their assets* di nne *protected*. *Like somebody was saying*, gore kana fa o na le *assets*, di tshwanetse gore di nne *traceable* o kgone *to measure them*, o bo o kgona gore le fa o sule, bana ba gago kana bajaboswa ba gago ba kgone go amogela sengwe *from there*. Jaanong ka fa go ntseng ka teng, e ntse e le yone *virtual* jaaka go buiwa go se *so tangible* gore madi a gago a kgone go nna *transferable to other people* ka gore these are *assets*. *So this will go a long way to prevent market abuse by service providers* tsone tsa *crypto currency*.



We have heard in the past where batho ba ba tona ba kgona go tla ba re nnyaa; ba ba tona ke raya top ranking managers in these crypto currencies. Ba kgona go tla ba kgobokanya madi, ba a tsaya mo bathong, the following day madi a tsamaile, there is no trace, ga ba itse kwa ba e leng teng. People have lost and they have lost big in this industry. So ke tsaya gore molao o o tlaa thusa thata to protect bone ba ba invest mo these crypto currencies and will also go a long way gore le bone ba e leng gore they bring in businesses, ba nne re credibility. Ba kgone to build their own assets, business acumen gore le bone ba kgone go gola ka gore gantsi e ne e ka re ke botsotsinyana fela. Ke sa reye gore bane ba utswa madi, but ene e ka re ke botsotsinyana, motho a sena go nna a dira some hundred thousand or few millions, o a disappear, but at least le bone ba tlaa nna le opportunity ya to build their assets or their companies gore di nne le boleng.

The Regulatory Authority that is being proposed will go a long way to help balance between investors le the clients the customers. So ke tsaya gore le yone e tlaa dira tiro e ntle thata jaaka Non-Bank Financial Institutions Regulatory Authority (NBFIRA). We used to see batho ba these unsecured loans ba a ja batho ntsoma ba e leng gore tota ba ne ba tlhoka madi, ba capitalise mo letšhonong la batho. Jaanong NBFIRA came at the right time, e bo e nna a regulatory authority e e leng gore fa o adima madi these days, go na le a clear pattern kana a clear procedure ya gore o ya go duela jang, o bona madi ao jang. You are assessed fela jaaka mongwe a mongwe a kgona to be assessed yo o berekang, o bo o kgona go bona madi. So these Regulatory Authority ke tsaya gore e tlaa tlisa the necessary breakthrough e bo e nna transparent to the extent that things would be done above board. Tota le tsone these crypto currency organisations, they have suffered reputational damage gore e ka re they operate e le underhand organisations. So having a regulator will also bring these organisations di nna above board, le reputation e e rileng even the customers not feeling any sense of guilt kana any sense of high risk gore gongwe ke latlha madi.

There are times where there was no clear information. So batho fa ba invest in this, o kare ba latlha madi, o kare ke go budulala fela o bo o latlha o bo o re I hope something big to come out.

Where I have a problem in this Bill o ka re ga e clear sentle gore kana fa o le Motswana o le mo Botswana o bo o trade over the internet with a company tsone tsa di

virtual assets with a company e e kwa ntle ga Botswana, where wena willingly o le Motswana o isa madi kwa e leng gore some of the countries ga di mo radar ya FATF, Botswana e ya go dira jang to protect ene Motswana yo o tsayang risk ya go isa madi gone koo. I think we need to have guidelines gore with this law are we prohibiting Motswana to invest blindly kana a invest in those organisations. Re a itse gore gongwe people who trade over the internet ba na le tshepho mo internet kana ba na le tshepho mo organisations tsone tse ka tsela nngwe. In the end, tshepho eo e a ba latlhegela fa ba setse ba bona go le borai. So gongwe this Regulatory Authority le yone fa e tsena, e kgone go lebelela this aspect, gore it is not a good aspect.

Of recent, there has been a case, it is a story that is going around mme e na le credibility gore this IT wizards ba kgona gore motho a le mo Botswana a bo a create company e e kwa China claiming gore e dira supplies, a bo a dira e nngwe company mo Botswana e e leng gore yone claims gore e na e link with that one e e kwa China. Kana we are talking about trading over the internet, people ba tsenya madi mo company e e kwa China ba tsaya gore it is a credible company. Then they end up ba sa bone products tse di tswang kwa China mme the person yo o mo Botswana accounts tsele they are linked to the account tsa that fraudster yo o mo Botswana. So I think gongwe those are the kind of worries that come with internet trading. They may not be clearly virtual assets per se or virtual trading per se, but it is a worry e e leng gore re tsaya gore this coming Regulatory Authority e tlaa dira gore e nne le seabe to look into those things. So it is a question of financial intelligence through this Regulatory Authority gore e bone gore it controls some of these things jang.

Issue e nngwe ka this crypto currency is the information and notification.

I think simply put, Batswana ka bontsi just rush into these things ba sena full information and appreciation of how these companies operate. O tlaabo o bona batho ba tla ka pamphlets tse di decorated nicely, ba leka to lure Batswana, le wena o bona gore fa ke ka tsenya P100 000 gongwe ke ka bona P200 000 in a month, ba go tlhalosetsa gore the way we are trading fa o tsena fela go na le batho ba le 50 ka fa tlase ga gago. I think kgang ya public notification has been in short supply, gape re re a itse gore information is power, so o fitlhela go na le information e e hidden e Batswana ba sa e boneng sentle gore ba ya go wela mo lemeneng. Re sa reye gore all of them have been bad, but re tsaya issues fela gore there



has not been regulation which mandates or force these crypto currency traders to provide detailed and clear information. Information must be clear, e sa nne le mo gotweng go na le mogatlana kwa tlase, gatwe go na le *small print*, Terms and Conditions Ts & Cs apply, tota Batswana ka bontsi *not only the crypto currencies, even in trading* fela le go tsaya loans kana *to trade supplies and stuff like that* o fitlhela go na le mokwalonyana o o kwa tlase gotwe Ts & Cs applies le one *I think* o tshwanetse gore o tswe fela o nne mokwalo o mongwe le mongwe a ka o tlhalosetswang a o bala, go se ka ga nna e kete batho ba tlaa fela pelo go bala melawana e. *I think we are getting into an area where we are saying everything should be above board, this authority that is coming should regulate everything, information e nne above board, mongwe le mongwe a kgone go ipalela, mongwe a kgone go nna le knowledge ya gore ba baya madi mo go eng.*

Again it will build confidence like I have said, gore these crypto currencies di kgone to bank mo dibankeng sentle go na le traceable information e mongwe le mongwe a kgonang gore without this so called boards ba ba laolang this pyramid scheme, o kgone go itsenela mo bankeng and trace your assets, ka gore you have traded into this. Go nne le link to the banks gore it is a clear trading, you can get your money at any time, ga a controlled gotwe ga a ise a mature kana a dire se le se. Go nne le Ts & Cs tse di equivalent le tsa dibanka, to an extent gore you can transfer your money to a bank.

Mr Speaker a me a ne a le kalo fela, I support this Bill because there has been a gap e e leng gore it can be exploited by money launderers, and people who can use this money to sponsor some illicit issues and proliferations and all the stuff. Ke tsaya gore it is in order that this Bill comes into effect. Thank you Mr Speaker.

MR SPEAKER: *Honourable Member for Nkange thank you very much for leaving us a substantial amount of time.*

Ke go itse ke go tlotla ke go tshepa mmaarona, Motlotlegi Tona wa ntlha yo o mo tafoleng gompiano, o le motho yo ka gale o buang ka bokhutshwane, gore fa o ka dira jalo kgotsa re ka tshwara Molao-kakanyetso o mongwe, pele ga nako e re tlogela. *Honourable Minister please respond to the Bill.*

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): *Thank you Mr Speaker, and I intend to do exactly that. Ke a leboga*

batlotlegi ba le setseng le akgetse. Tlaa ke le leboge thata ka gore Molao-kakanyetso o ke o o buang dilo tse re sa di tlwaelang thata mo gae, e bile re bua ka leleme la Sekgoa. Ke le leboge thata gore le e atolotse le e bua ka Setswana, gore le Batswana kwa gae ba e tlhaloganye.

Nngwe ya ntlha e le neng le e bua e ke dumalanang le lona thata ke ya gore, re tlhoka gore re dire thuto e e tseneletseng. Go raya gore re le *ministry* le ba Non-Bank Financial Institutions Regulatory Authority (NBFIRA) le ba bangwe batsayakarolo, re ikiteye ka thupana go ruta Batswana tota mo go tseneletseng gore ba tlhaloganye gore dilo tse di ya kwa kae.

Ke boammaaruri batlotlegi ba setse ba supile matshwenyego a gore go ntse go na le *gaps*, tse di neng di dira gore mo gongwe Batswana ba iphitlhele ba le ka fa mosing kana ba jelwe ntsoma, ka gore re ne re tsena mo dilong tse e leng gore sa ntlha ke tse re sa ntseng re di ithuta, re lefatshe le le tlhabologang, sa bobedi go sena ope yo o etseng tlhoko gore mme batho ba tse ba di dirang e ka re fa ba sa gata sentle ba tselwa dikgato. Jaanong molao o o re fa tshono ya gore le rona re tsene mo *space* se, jaaka e bile re le lefatshe le le rona re eletsang gore ka bo 2036 re bo re le *high-income country*, e bile re gweba ka dikitso. Kana dilo tse tsa *virtual assets* di dirisa maranyane le dikitso tse di tseneletseng, *algorithms* le tse di ntseng jalo tse dikitsokitso ba di dirisang. Go raya gore fa re ka felela re di itse tse, go ka re tswela mosola re le lefatshe. Jaanong ke se ke lebogelang batlotlegi gore ba ne ba di gatelela. Eo ya *public education* ke dumalana thata.

E nngwe ntlha e ke batlang go feta ka yone ke ya gore, NBFIRA le fa e le *the regulatory authority for this particular one*, jaaka le ne le supa batlotlegi, ga gona gore ba ka dira tiro ya bone ba sa tle ba ne ba dirisana le Bank of Botswana. Go tlaa nna le fa ba tlamegang gore ba nne ba thulanya ditlhogo ba bona gore a se o se bonang ka foo a go a tsamaelana le wena ka foo. Jaanong ke ne ke batla go supa fela gore, *even though* re sa re Bank of Botswana, gone *there was a time* e re neng re *consider* gore *is it better placed* kwa Bank of Botswana kana kwa NBFIRA, re bo re felela re bona gore nnyaa mme e ye kwa NBFIRA. Fa go ya kwa pele ba tlaabo go sa reye gore Bank of Botswana ga go fa ba tsenang teng, ka gore go na le fa e tshwanetseng gore ba tsamaye ba tholana gore dilo tse di tsamaya sentle.

Kgang e ya gore batho go ntse go na le *secrecy* e ntsi le yone e tlaa siama. Fa le lebelela mo Molaong-kakanyetso o, kwa bofelong re supa gore go tlaa nna le



regulations. Re setse re supile gore go tlaa nna le *forms* tsa ba e leng gore bone ba tlaabo ba batla go tseba mo kgwebong. Fa e le gore o dira kgwebo eo o le *based* mo Botswana, o na le *forms* tseo tse o tlaabong o di tlatsa, go na le tse o tlaabong o di tlhokiwa ke ba NBFIRA. Dingwe tsa tsone e tlaabo e le go go tlama gore ba bone gore kgwebo e o e dirang, *customers* kana *investors* tsa gago ba sireletsegile.

Se sengwe *Mr Speaker* ke tlhalose gore, ee ke sengwe se re se simololang, jalo re ikantse gape le gone gore re berekisana *in this space* le mafatshe a mangwe a a tlhabologileng a kwa pele ga rona. Go raya gore le fa re simolola re le NBFIRA, re tlaabo re tsamaya mo gongwe re kopa thuso kwa go ba bangwe ba ba ka tswang ba na le boranyane le botsipa jo bo fetang jwa rona.

The Point which was raised by...

MINISTER OF TRANSPORT AND COMMUNICATIONS (MR SEGOKGO):

Elucidation. Nte ke leboga, tota e bile ke itse gore o ne o setse e kete o fetile ntlha e Tona ya gore go tlaabo go na le tirisano le banka. Ke ne ka bodiwa potso le nna, mme yone e ne e sekametse kwa molaong wa banka. Mo *Part Two* mo Clause 4(b), o kwadile fela mo mokwalong wa re “*the regulatory authority shall in collaboration with the Central Bank ensure the financial soundness and stability of the financial system in Botswana, in respect of matters falling under the purview of this Act.*” Ke gore le mo go one molao tota, tirisano mmogo e e mo go yone. Ke a leboga.

MS SERAME: *Thank you Mr Speaker. Thank you very much Honourable Segokgo. Ke ne ke fetela kwa ntlheng e e neng e buiwa ke Honourable Dr Matsheka ya Clauses 7 and 8, ke re se se diragalang honourable re e lebeletse re tlaa lebelela gape. Ka motsotso ke tlhalose gore, se se diragalang ke gore kana when you are involved in this business o le mo Botswana for you to apply for a licence there has to be a place kwa o bonwang teng, ka gore re tshwanetse gore re ye go sekaseka records tsa gago le gore ba o ba tselang Bitcoin or whatever asset ba invest mo go wena, re tshwanetse gore e re fa go na le sengwe se se sa tsamayang sentle go bo go na le kwa re ka go latelang teng to do those investigations and assessment of all the records that are required. E raya jalo, mme legale re tlaa ya go e lebelela further gore if need be fa e le gore go na le sengwe which can be amended it should be amended. I thank you very much for that.*

E nngwe e ke neng ke batla go feta ka yone ke gore, molao ope fela jaaka ke ne ke gatelela maabane fa jaaka ke ne ke alela Melao-kakanyetso e mesha, ga gona ope

molao o o atlang o re o le nosi fela o bo o feletse. O tlaa fitlhela e le gore gantsi, bogolo jang ya rona e re buang ka ya *anti-money laundering* e tlhoka melao e mengwe gore e e sapote. *For example*, mo gongwe re ntse re bua fela ka *ecommerce in general*, and o tlaa lemoga gore o tlhoka gore o bo o na le molao o o siameng wa *electronic transaction to generally back* fa o bua ka *ecommerce*. Molao o re o buang *specifically* o wa *virtual assets*, the other thing that you need that is critical o tlhoka gore o kgone go nna le boitsaanape jwa maranyane le dikitso tsa gore fa mongwe wa dilo tse, ka gore ke maranyane a a tseletseng le botsipa jo bo ntseng jang, o tlhoka gore o nne le molao that can back you gore o kgone go a go dira *intelligence* mo go bone batho ba e leng gore o tlaabo a tseetse batho bitcoin.

Motho a tswa go rekisa dikgomo tsa gagwe tsa bofelo gore a reke bitcoins kana *any other virtual assets*. Ke batho ba maranyane a a kwa godimo a gore o ya go tlhoka molao o o ka go kgontshang gore o kgone go ba sala morago, o bo o batle bosupi ka tsela e e faphegileng. Ke sone se o bonang gore molao o gore o bereke o nne *effective*, o tlhoka gore molao o Honourable Mmusi a yang go tla ka one, o bo o le teng mo tirisong. E seng jalo ba *virtual assets*, *algorithm* le eng le eng ba ya go go tswa ka diphatlha tsa menwana. Ke ne ke re ke tlhalose dilo tse *Mr Speaker*, ka gore that is why re ne re tlhalosa gore melao e yotlhe e a tsamaelana mme ga gona ope molao fela mo Botswana kana kwa lefatsheng lepe o o ka o dirang o le nosi, e bo e le gore one fela ka bonosi o feletse ga o tlhoke o mongwe o o tlang o o ema nokeng.

Ka mafoko a a kalo *Mr Speaker*, ke ne ke re ke leboga batlotlegi thata mme ke dumela gore rotlhe re bona botlhokwa jwa molao o. Re ne re saletse kwa morago mme...

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

MS SERAME: Mongwe o ne a bua *Mr Speaker*.

HONOURABLE MEMBER: Clarification Honourable Speaker.

MR SPEAKER: O a re dia Motlotlegi Tshere. *Please go ahead Honourable Tshere.*

MR TSHERE: *Clarification. Thank you very much Honourable Speaker. Ke ne ke re gongwe Tona o ka akgela mo kgannyeng e ke neng ke e bua, ke e botsa Honourable Mma Monnakgotla ka gore kana this virtual asset, virtual trading and stuff di akaretse la bo My Zaka, Orange Money le bo BeMobile, ga di na*



next of kin, in such that fa o tlhokafala o le modirisi wa dilo tseo, madi a gago a a jewa. Ga gona ope yo o ka latedisiwang jaaka re bona mo dibankeng ba kgona go ntsha mo dipampiring gore mme re tshwere madi a ga semangmang, yo o mo itseng a tle go a tsaya. Molao o o tla netefatsa jang gore Batswana ga ba jewe ntsoma ka tsela eo, e e tshwanang le e re e bonang gompieno? Ke a leboga Mr Speaker.

MS SERAME: *Thank you Mr Speaker, thank you Honourable Tshere. Ke ne ke re ka gore gone re santse re dira regulations, ke ne ke tlhalosa le gore go na le forms tse e leng gore ba ba tlaabong ba ya go ikopela licences kwa NBFIRA, ba tshwanetse gore ba di tlatse. Go tlaabo go na le information e nngwe e re tlaabong re kopa gore ba nne le yone. Ke dingwe tse re tlaa di lebelelang ka gore tota what is important ke protection of the consumer. Ke e utlule, re e tsere ka kwano to ensure gore se re setseng re se dira re se ka ra iphitlhela le gore sengwe se saletse kwa morago.*

Ka mafoko a a kalo, ke a leboga Mr Speaker, ke leboge batlotlegi. Mr Speaker, I beg to move that the Virtual Assets Bill, 2021 (No. 35 of 2021) be read a second time. I thank you Mr Speaker.

MR SPEAKER: Order! Order! What a wonderful Minister with a wonderful presentation, to wonderful Parliamentarians.

Question put and **agreed to.**

Committee– **Later Date.**

MOVABLE PROPERTY (SECURITY INTEREST) BILL, 2021 (NO. 49 OF 2021)

Second Reading

MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME): Thank you very much Mr Speaker. Mr Speaker, I have the honour to present to this Honourable House for second reading the Movable Property (Security Interest) Bill, 2021 (No. 49 of 2021). Mr Speaker, the strength of a credit market and the availability and affordability of credit depends to a large extent on the confidence that creditors have on the debtor's ability to repay the debt on time and in full. One way in which creditors gain this confidence is to take security for a loan in the form of a claim over an asset that can be sold if necessary to provide the resources to repay the loan. At present, lenders can take security over fixed assets such as movable property as collateral for loan; *bo matlo jaana.*

However, Mr Speaker, banks and other creditors are reluctant to lend against movable property when the legal framework governing collateral is unclear and unpredictable, or otherwise does not support creditor rights when it comes to priority rules and enforcements. This is a barrier to financial inclusion especially regarding access to credit by small and micro enterprises who often do not have fixed property that can be used as collateral. In this regard, we have identified improving access to credit through facilitating the use of movable property as collateral, as a key part of the financial inclusion roadmap. We engaged the World Bank to undertake a diagnostic study of Botswana's current legal framework governing secure transactions and make recommendations regarding the necessary reforms to improve access to credit. The study found out that Botswana's legal framework governing secure transactions is fragmented and ineffective in supporting lending on the security of movable property. Among the key deficiencies identified were one; the lack of a unified legal framework and electronic register. Two; the absence of a notice-based collateral registry. Three; concerns regarding priority of secured creditors outside of bankruptcy, and four; limitations on the freedom of the parties to agree on out of court enforcement. In order to address these deficiencies and harmonise the existing fragmented pieces of secure transactions legislation, some pieces of legislation will be amended accordingly while others will be repealed by the enactment of the Movable Property (Security Interest) Bill. This is intended to achieve comprehensive broad-based legislation aligned to international best practice.

Mr Speaker, the Movable Property (Security Interest) Bill provides for the creation of security interest in movable property so as to contribute to economic development, harmonise secure transaction laws and to eliminate the existing conflict of laws in order to promote the financing of trade and make security interest in movable property effective against third parties. This will further Mr Speaker, contribute to efforts in that achieving a knowledge-based economy.

Mr Speaker, the Bill is divided into seven parts with a total of 90 Clauses. Part I of the Bill provides for preliminary matters among which are definitions. Movable property is any tangible or intangible asset other than an immovable asset. Examples here Mr Speaker, include but are not limited to intellectual property rights, work in progress, vehicles, machinery, stock, receivables...



Honourable Mabuse Pule, *a* microphone (mic) *wa gago* is on? ...drops, negotiable documents and negotiable instruments.

Mr Speaker, Part II provides for the Minister to designate a public body as a collateral registry office in order to provide for a single comprehensive registration regime for secure transactions in movable property. Part II also provides for the appointment of a Registrar and other officers in order to manage and facilitate the operations of the collateral registry amongst other functions.

In addition, Part II details the procedure for registration of security interest in movable property in the Collateral Registry, including the duration of the registration notice and access by the public to the registry records. Part III further provides for streamlined procedures and minimal formalities in the creation of security interests.

In addition, Part III ensures the effectiveness and enforceability of security agreements when creating the security interests. Part III also provides for the types of movable property in respect of each security interest maybe created.

Part III includes Clauses 31 and 32, which provide for the continuation of a security interest in a collateral after the transfer of the collateral, and in proceeds, respectively. Clauses 34, 35 and 36 make provision for an array of tangible assets, including those that are commingled in mass or made into product; covered by negotiable documents or are intellectual property, respectively.

- (a) Part IV provides for the perfection of security interests. It also provides for the methods of perfecting a security interest in proceeds, mass or product, negotiable instruments and related tangible assets and consumer goods, amongst other things.

Within Part IV Clause 45 establishes a procedure for the transfer of a security interest, either in part or in whole, by a secured creditor.

Lastly, Part IV provides, in Clause 47, for the change in method used by secured creditor to perfect a security interest.

- (b) Part V, provides for the establishment of priority of security interests and third-party interests. Clause 48 determines the priority of perfected and unperfected security interests, including the priority of two or more perfected security interests

in the same collateral, while Clause 49 determines the priority of a security interest transferred by a debtor. Part V also provides for the priority of competing acquisition security interests, including the priority of future advances and future collaterals against existing security interests.

- (c) Mr Speaker, Part VI provides for the enforcement of security interests. It also provides for a secured creditor to propose to acquire a collateral in the event that a debtor defaults in payment, subject to the provisions of Clauses 73 and 44 which cover the right of the higher ranking security creditor on the enforcement process to obtain possession of collateral.

Clause 81 entitles the debtor to object to the proposal to acquire the collateral, and a secured creditor may appeal against such objection to a court of competent jurisdiction. Clause 82 allows a secured creditor with a security interest in an account receivable, negotiable instrument or rights to funds credited to a deposit account; to directly collect payment from the account debtor.

- (d) Mr Speaker, Part VII provides for general provisions; including classification of assets, provision of information by a secured creditor to a debtor upon request, exemption from liability for actions and omissions done in good faith, as well as general penalties and regulation-making powers.

Mr Speaker, this concludes my presentation. I therefore beg to move that the Movable Property (Security Interests) Bill, 2021(No. 49 of 2021), be read a second time. I thank you Mr Speaker.

MR SPEAKER: Order! Order! Honourable Members. The matter is open for debate. Honourable Member for Molepolole North.

...Silence...

MR SPEAKER: Honourable Regoeng, please unmute yourself Honourable Member. I hardly can ever hear you.

...Silence...

MR SPEAKER: Keep trying to unmute yourself Honourable Member for Molepolole North.

HONOURABLE MEMBER: Go rileng?



MR SPEAKER: You appear to be too far away from your microphone.

HONOURABLE MEMBER: Ga ke utlwe sepe.

MR SPEAKER: Mabapi wa gagwe ke mang a mo thuse?

HONOURABLE MEMBER: Mo tlole, o a re dia.

MR SPEAKER: Nnyaa, ga ke ka ke ka mo tlola ke *slot* sa gagwe, mme gone o a bua. Mma re name re go tlofile mokaulengwe.

ASSISTANT MINISTER OF YOUTH EMPOWERMENT, SPORT AND CULTURE DEVELOPMENT (MR BILLY): Ke a leboga Motsamaisa Dipuisanyo tsa Palamente gore leitlho la gago le bo le mpone gape. Go lebega ke tshapile ka sunlight, ke go nkgela monate.

Honourable Speaker, ke ema nokeng mokaulengwe Mma Serame ka Tshutiso ya gagwe e e buang ka Movable Property (Security Interest) Bill, 2021 (No.49 of 2021.) Lebaka la me la gore ke e eme nokeng ke gore Molao-kakanyetso o, o bua ka *exactly* se re neng re bua ka sone fa re ipapatsa re batla ditlhopo mo Batswaneng. Re ne re bua ka *inclusive economy*. Re re re batla gore itsholelo ya Batswana e gole, ba botlhe. Fa o lebelela itsholelo ya Batswana, segolo jang motho a lebeletse kgaolo e e tshwanang le ya me ya Francistown East e e nang le dikgaolwana di le *six* mo go yone, batho ba na le *assets* tse e leng gore ...

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

MR SPEAKER: Ke tlaa boela kwa go wena Mokwena.

MR BILLY: *No, but I can allow him in*, ke tlaa tsena kamoso fa e le gore o batla go bua.

MR SPEAKER: O setse o tsene rraetsho.

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

MR BILLY: *Okay*, e ne e le tlotla fela ke lebeletse gore ke ene a neng a tshwanetse go tsena. Ke ne ke re fa ke e fa sekai ka kgaolo e e tshwanang le ya me, e e leng gore bontsi jwa batho ba kgaolo eo *assets* tse ba nang le tsone ke *movable assets*. Ke tsone tse ba nang le tsone tse e leng gore *they can easily be moved from one place to another* mme le tsone gape *they are not recognised by* dibanka. Fa o ka lebelela ditsamaiso tse di leng teng tsa *financial institutions*, o tsena kwa go tsone o na le

movable property e e leng gore *is worth* P2 million, o ntse o tshwana fela le motho yo o sa tshwarang sepe. Lebaka le le tona ke gore, *movable assets are not recognised by* financial institutions. Batho ba re ba emetseng, ba itsholelo e re batlang e fetoge, ke bone ba ba nngang mo dikgaolong tse di tshwanang le Selepa, Satellite South e e leng Newstance, Coloured e e leng Donga, Area W, Pelotelele, Area S and Central. Ke batho ba ba nang le *movable properties*. Ke le moemedi wa bone, ke dumela gore molao o o lebane ka gore o tlaa godisa itsholelo ya bone. Itsholelo ya motho e ka gola motlhofo e le gore tse a nang le tsone di mo thusa gore a adime sengwe mo *financial institutions*. Selo se se tona ke gore, ga se gore go laolwa ke gore o bo na le *fixed assets* tse di kana ka eng tse di ka supang gore o na le khumo. O tlaabo o balwa gotwe o na le matlo, o na le eng. Ba ba nang le dikgomo, ba tshwanetse go kwadisiwa go supa gore di *value* e e kae go di dirisa e le *security* go godisa kgwebo ya gago. Seo se a diragala. *If we go to our neighbours here* kwa Zambia, ke sone se se diragalang. Fa o ka lebelela itsholelo ya batho ba Zambia, o kare e a tokafala. Se se tswala *the gap between the haves and the have not*, ba ba dumelang ba re reng ke bahumi le bahumanegi. Bahumanegi ra re ke bahumanegi *because* ga ba na *fixed assets*.

Jaanong sone seo se ka leka go tokafatsa diemo tseo. Ke tumelo ya me Motsamaisa Dipuisanyo tsa Palamente, gore *the empowerment ya inclusive economy* ya batho ba rona ka fa re neng re e tlhalosa ka teng, kwa *manifesto* ke yone e e tlaa re dirisang gape gore e re mo ditlhopong tse di tlang tsa 2024, re bo re le fa gape go supa gore re ne re dira dikeletso tse batho ba di batlang. Itsholelo e ka godisiwa ka ditsela tse di farologaneng. *The* Australians ba ne ba tlhalosa le bone gore fa motho a na le *a movable property, he can be worth probably more than* yo o nang le *fixed assets*. Sone seo ke dumela gore ke dumalane le paakanyo ya molao o gore go kwadisa dithoto tse e o nang le tsone, le gone go ka fokotsa kgang e re ntseng re bua ka yone ya *money laundering* ka tsela e e gagamatsang.

Ke sone se re se itseng gore kana kgang e tota fa o ka e lebelela ga e na bophara jo bo kalo. Ke gone fela gore re tlhalose gore ee, fa re letlelela *through* batho ba kwadisiwe gore ba dirise *security* dithoto tse ba nang le tsone. Ke eletsa go bona mo kgaolong ya me batho ba ba nang le dithoto tsa bone tse di *movable* ba kgona go tsena mo bankeng, ba adima madi a selekanyo sa *value* e e kwadisitsweng ya *properties* tse ba nang le tsone. Ke eletsa go bona go ntse jalo, ke sone se ke tlaabong



ke dumela gore nnyaa, mme ke boammaaruri molao o re o tsamaisa sentle mo ke nang le tumelo gore ba rotlhe re tlaa dumalana le nna gore ke yone tsela fela ya boammaaruri e itsholelo e re neng re re re tla e tlisa mo setšhabeng e ya go nna yone e re e tlišang mo setšhabeng. Ka mafoko a a kalo *Mr Speaker*, ke ema go le kalo rraetsho. Ke a leboga.

MR SPEAKER: Re a go leboga rraarona Motlotlegi Mothusu Tona. Go raya gore jaanong re tlaa boela kwa go Motlotlegi Mopalamente wa Molepolole Bokone ka maranyane a gagwe a ne a mo opisa tlhogo. *Are you there Honourable Regoeng?*

MR REGOENG (MOLEPOLOLE NORTH): Ee rra, o lekile go a baakanya, mme ke tsaya gore o a nkutlwa le wena.

MR SPEAKER: You are very loud; *le kwa* Molepolole *ba a go utlwa*. Please, go ahead.

MR REGOENG: A go nne jalo. Ba tshwanetse gore ba nkutlwe. Tanki Motsamaisa Dipuisanyo, gore o bo o mphile nako e ya gore le nna ke akgele mo Molao-kakanyetso wa Movable Property (Security Interest) Bill, 2021. Ke simolole fela ka gore ba Molepolole jaaka o bua Motsamaisa Dipuisanyo, ke ba reye ke re ke a ba lebogisa e bile ke ba eleletsa masego le matlhogonolo mo ngwageng o mosha. A ba itlhokomele, ba tswelile, mme Modimo o ba babalele. Motsamaisa Dipuisanyo, gongwe se ke tshwanetseng gore ke se tlhalose ke gore ke tsaya gore molao o e re ntswa gongwe re tlaa akanya gore o diegile, ke tsaya gore o tšile *at the right time* ka gore tota ke one o re ntseng re o lebeletse. Ngwaga o o neng o feta wa Palamente e e neng e feta, re ne re bua ka molao wa Inclusion Bill o o le kang go ngoka Batswana botlhe go tswa dikhutlong tsa lefatshe gore ba tsene mo dikgwebong gore ba tle ba itshetse sentle, mme molao o o gatelela kgang eo ka gore se se yang go diragala ka fa go tlaa tsamaisiwang ka teng, ka fa ke o bonang ka teng o le...

...Silence...

MR SPEAKER: O latlhegile gape motlotlegi.

MR REGOENG: Hello!

MR SPEAKER: O ne o latlhegile, tswelela motlotlegi.

MR REGOENG: Ee rra, go raya gore go na le bothatanyana fa. Ke ne ke re ke a ...*(Interruptions)*... nnyaa rra, iketle pele ke fete ka e. Ke ne ke re molao o se ke o lemogang Motsamaisa Dipuisanyo *is going*

to increase access to credit ya Batswana *and financial inclusion* bogolo jang ba kgaolo e e tshwanang le e ke tswang mo go yone, e ke e emetseng ya Molepolole ba ba ntseng tota ba beilwe ka fa mosing ke gore ba bo ba ka kopa dithuso go simolola dikgwebo kana go itshetsa ka fa ba ka itshetsang ka teng. Ke molao o re o atlang, o tlhamaletse, mme e bile o tshwanetse gore re bo re ka bona gore re a o fetisa. Mo godimo ga *access to credit*, ke na le tumelo e e tletseng ka fa ke o balang molao o *is going to increase the productivity* ka gore ga o ema fela mo dikgwebong kana mo matshelong fela a re a tšwaetseng. Le kwa masimong jaaka fa Tona a ntse a bua, go ya go tswelela kwa masimong kwa temong, a ke thuo kana temo o ya go thusa koo. Ke sone se ke reng le one o botlhokwa fela thatathata gore re bo re ka o fetisa ka fa o tšileng ka teng. Fa godimo ga moo kana fa dilo tse di nna teng, go raya gore *creation of employment* le yone e a tšholetsega. A e re motho go iphirile ene ka gore o tlaabo jaanong a na le se a se dirang kana a na le batho ba a ba hirileng go bo go raya gore go fokotsa lethoko la ditiro le le kanakana le re lebaganeng le lone, mme ga o tle go felela fela foo *Mr Speaker*. Se se tlhomamisegang gape ke gore e tlaare fa re o dira jaana molao o, *it is going to help to grow the private sector* e re ntseng re bua ka yone.

Ke batla go tlhalosa gore molao o o tsamaelana le *manifesto* wa rona jaaka fa re ne re ipapatsa *Mr Speaker*, mo ditlhophong tse di neng di tswa go feta. Fa o ntelwa, ke batla go o bala gore o ne o reng. *Do you allow me?*

MR SPEAKER: Do quote Honourable Member.

MR REGOENG: Mo go *page 33* ya maitlamo a rona "*An effective banking system is the backbone of a strong economy. We need a balance between competitive banking, available credit and strong regulation.*" Ke tsaya gore o tsamaelana le yone *Clause* e ke sa tswang go e bala fa ka gore re ne re lemogile re le phathi ya Domkrag gore Batswana ba beilwe ka fa kwa morago, mme fa re ka baakanya dilo tse, yo o nang le kgatlhego le keletso ya gore a iteke, a tokafatse botshelo jwa gagwe, bo tlaa tokafala, mme kana ga se rotlhe ba re nang le madi. Re a itse gore dibanka ke tsone tse di nang le madi, mme fa re dira jaana, re letla gore Batswana ba ba nang le tse ba nang natso, ba bo ba ka kgona go di dirisa gore ba ye go kopa madi ao kwa dibankeng, ba bo ba kgone gore ba tokafatse matshelo a bone.

Mr Speaker, ke na le tumelo e e tletseng ya gore golo mo ga nke go felele re lebile *financial institutions* tse e leng gore *they are semi-Government*. Ke tsaya fela



gore le *private institutions* jaaka *commercial banks* le bone ba tlaa tsibogela molao o, ba bo ba bona gore ba ka thusa Batswana ka tsela e e ntseng jang ka gore bontsi jwa nako, ba ntse ba tshaba go thusa Batswana ba re *movable properties are very risky and they were reluctant* ka mabaka a a tshwanang le one a a ntseng jaana. Gompieno ka re o dira e le molao, ke na le tumelo e e tletseng gore jaanong le bone ba tlaa tsena mo tseleng go leka go thusa Batswana gore ba tle ba bone gore ba ka tokafatsa matshelo a bone ka tsela e e ntseng jang. Ka moo *Mr Speaker*...

MR SPEAKER: *Order! Order! Honourable Member for Molepolole North, e tshware jalo Mokwena, mme e tlaa re kamoso e re re simolola, re go neele sebaka gore o bolelele Bakwena gore o teng o a utlwala.*

MR REGOENG: Tanki *sir*.

MR SPEAKER: Thank you very much. As it is now 7 o'clock, I shall now call upon the Honourable Leader of this House to move a Motion of adjournment, Your Honour the Vice President (VP).

MOTION

ADJOURNMENT

LEADER OF THE HOUSE (MR TSOGWANE): *Thank you Mr Speaker. Ke tlaa kopa gore Ntlo e gongwe e ye bokhutlong fa e le gore motlotlegi o tlaa gakologelwa gore kamoso a bo a simolola ka 'ka moo' fa a emeng teng.*

HONOURABLE MEMBER: E simolola nako mang?

MR REGOENG: Ke tlaa gakologelwa *Your Honour*.

MR TSOGWANE: Kamoso re simolola ka 2, re bo re ya go fetsa ka 7.

HONOURABLE MEMBER: Thank you VP.

MR SPEAKER: O feditse *Your Honour*? O feditse morena wa me?

MR TSOGWANE: *Mr Speaker*, jaaka o ne o kopa fela gore ke kope batlotlegi gore Ntlo e e ye go ikhutsa, ke kopile jalo *Mr Speaker*.

MR SPEAKER: Thank you Your Honour.

Question put and **agreed to.**

The Assembly accordingly adjourned at 1:52 p.m. until Wednesday 26th January, 2022 at 2:00 p.m.



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