

DAILY
HANSARD
YOUR VOICE IN PARLIAMENT



THE THIRD MEETING OF THE SECOND SESSION OF
THE ELEVENTH PARLIAMENT

FRIDAY 22 JULY 2016

ENGLISH VERSION

HANSARD NO. 183



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Friday 22nd July, 2016

THE ASSEMBLY met at 9:00 a.m.

(THE SPEAKER in the Chair)

PRAYERS

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SPEAKER'S ANNOUNCEMENT

MR SPEAKER (MR MOLATLHEGI): Order! Honourable Members, good morning.

HONOURABLE MEMBERS: Good morning Mr Speaker.

MR SPEAKER: We have visitors at the public gallery. They are teachers and students from Maranyane Primary School from Honourable Kesupile's constituency (Kanye South), welcome them to Parliament.

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

MR SPEAKER: They are here to observe Parliament proceedings and learn from you. Let us start today's business with questions. We have Ministers' question by Honourable Moswaane.

...Silence...

MR SPEAKER: Honourable Moswaane is absent.

MR NKAIGWA: Point of order. Thank you Mr Speaker. I simply want to understand that, if a question like the one asked by Honourable Moswaane is the same one which was once a Minister's question from myself, should it be re-tabled in Parliament?

MR SPEAKER: You saw the Order Paper yesterday, why did you not come to my office to ask? Honourable Moswaane is not available, so let us go into motions.

MOTION

POLICY TO PAY SUPPLIERS DIRECTLY

(Mr M. I. Moswaane, MP. – Francistown West)

(Resumed Debate)

MR MOREMI: Procedure. Mr Speaker, the procedure in place is that, if the mover of the motion is absent, his motion is going to come after mine of number 92, because I have waited for a whole year for Honourable

Moswaane's motions, I always attend Parliament on Friday while he is never present? So is that the procedure? I mean, we never do anything on Friday except defer motions by only one Member.

MR SPEAKER: Order! Do not be concerned with that procedure Honourable Moremi. I was not informed about Honourable Moswaane's absence that is why I have included him in the Order Paper and called him. There is a procedure we follow when a Member of Parliament is absent and his absence is not due to official duties.

HONOURABLE MEMBER: Procedure Mr Speaker.

MR SPEAKER: No, do not waste my time with procedures Honourable Moremi; it is not very important to understand the order in which motions will come for now.

MOTION

POLICY TO PAY SUPPLIERS DIRECTLY

(Mr M. I. Moswaane, MP. – Francistown West)

(Resumed Debate)

MR SPEAKER: This motion was by Honourable Moswaane, and he was still presenting on the 8th of July. He was left with 12 minutes 30 seconds. Honourable Moswaane is not here. Next motion.

Motion deferred.

TASK FORCE TO INVESTIGATE REPORTS OF CORRUPTION AND MALADMINISTRATION AT BOTSWANA SOCIETY FOR THE DEAF

(Mr M. I. Moswaane, MP. – Francistown West)

MR SPEAKER: This motion is also by Honourable Moswaane who is not here. Next motion.

Motion deferred.

REMOVAL OF ALL RELIGIOUS ORGANISATIONS (CHURCHES) FROM TENDERING PROCESS WHEN APPLYING FOR PLOTS

(Mr M. I. Moswaane, MP. – Francistown West)

MR SPEAKER: This motion is also by Honourable



Moswaane who is not present. Next motion.

Motion deferred.

**IMPROVEMENT OF CONDITIONS OF
SERVICE FOR COUNCILLORS**

(Mr M. I. Moswaane, MP. – Francistown West)

MR SPEAKER: This motion is also by Honourable Moswaane. Next motion.

Motion deferred.

**COMPREHENSIVE PACKAGE TO IMPROVE
CONDITIONS OF SERVICE FOR MEMBERS
OF PARLIAMENT**

(Mr M. I. Moswaane, MP. – Francistown West)

MR SPEAKER: This motion is also by Honourable Moswaane.

MR KESUPILE: Procedure. Thank you Mr Speaker. Given the fact that this motion is quite attractive, can I not by virtue of being Member of Parliament take it on behalf of my colleague who is not here?

MR SPEAKER: No! You cannot Honourable Kesupile.

Motion deferred.

**COMMISSION OF ENQUIRY INTO THE
OPERATION OF THE MINING SECTOR**

Later date

**GOVERNMENT TO SOURCE FUNDS FROM
FOREIGN RESERVES**

Later date

**ABOLITION OF THE TENDERING SYSTEM
FOR ALLOCATION OF PLOTS**

Later date

**ESTABLISHMENT AND DEVELOPMENT OF
ORTHOGRAPHIES FOR ALL LANGUAGES IN
BOTSWANA**

Later date

**GOVERNMENT TO ALLOW IPELEGENG
BENEFICIARIES TO WORK NORMAL
WORKING HOURS**

Later date

**ESTABLISHMENT OF AN
INDEPENDENT AND AUTONOMOUS
WATER AND POWER REGULATOR**

Motion

MR GAOLATHE (GABORONE BONNINGTON SOUTH): Thank you Mr Speaker for this opportunity to present this Motion for the establishment of an independent and autonomous water and power regulator, but also I must thank the Minister for coming just on time, demonstrating the attitude that I know him always to be demonstrating.

There is no doubt that Botswana through the evolution of its economy and evolution of its society has reached a stage where it needs to go to the next level. For Botswana to go to the next level, one of the sectors that it needs to get right is the power and the water sector because there is no way that this country will be able to develop its economy, to develop the various sectors that the government itself has identified as sectors necessary to develop the economy, hence the proposal that as a country, we consider establishing the power and water regulator. There are benefits associated with this approach.

If we were to establish the power and water regulator, the idea is that we would open opportunities in this country. There have been delays in establishing this. I know that the Minister of Minerals, Energy and Water Resources, this is something that has been close to his heart. But despite the fact that it has been close to his heart, there has been delays in moving forward with this idea and there are consequences to such delays. Any further delay in us establishing this power and water regulator is that it will have the effect of ensuring that the cost of power and the cost of water remain high in this country. The cost of power and the cost of water staying high have effects on the economy. One of the effects obviously is that it will dissuade potential investments into our economy.

The other effect of not having a regulator is that it creates an opaque environment, which is an environment in which potential investors into the power sector, into the water sector are so uncertain. For example; if you look at Independent Power Producers, they are very uncertain as to what exactly are the requirements to becoming participants in providing power. Should they be waiting for tenders? How does Government determine the power purchase agreements? There is a lot of opaqueness and



uncertainty around that. The effect of the regulator is that it will make that environment a lot more transparent for participants to prepare themselves more readily.

The lack of a power and water sector has the effect of as a country making us fail to take advantage of an opportunity to become a regional or even continental leader in this sector. Botswana genuinely has the opportunity of becoming a leader in the power sector, a potential producer generator of power who could potentially supply other countries with power if we had our act together which could be a major export earner and possibly earnings even beyond what we are getting from diamonds. What would be the objectives of this power and water regulator? What would be the objectives and what would be the potential benefits? The first thing is that it would improve our security and adequacy of supply for both water and power. The second thing is that it would assist us as a country to lower the costs of production, the cost of both water and power in this country.

The third potential benefit or objective of course would be that of inclusion if our system is able to produce both water and power at lower costs. It increases the opportunity for the poorer classes; the lower segment in our society to also subsequently gain access to both clean water and power. The other benefit is obviously the incentive for investment in other sectors in the economy, not necessarily in the power and the water sector and of course the benefit in potential of improving and increasing investment within both the power and the water sector. What is it that we need to regulate? Well, there are different ways of expressing this one. I would say we would have to look at what I would call three or four domains. The first area that we obviously need to regulate is the area that is normally referred to as economic regulation; issues around pricing, there needs to be a mastery around how to benchmark what the right prices would be; for example, in the negotiation of power purchase agreements. The issue of pricing is an important part of the economic regulation. Still within the economic regulation, we would need to regulate issues of consumer protection. We would need to regulate issues of managing monopolies and there might be an overlap with the Competition Authority in this one. We would have to regulate service and performance standards. We would have to regulate entry in the different sub-sectors within both the power and the water sector. The second domain or what I would call domain of the general area that we would

need to regulate is the area of social regulation. Social regulation touches on issues of access; geographical access particularly what we would normally refer to as the forgotten areas in terms of geography but also the forgotten masses in terms of economic class.

The third general area; you may want to describe it as use authorisation and I think I saw snippets of that in the Minister's draft policy proposal but it is an area that we need to regulate. We need to think strategically about certain sectors in the economy which we should give priority in terms of authorising certain types and quantities of usage.

The third domain is the quality and standards. Quality and standards is again a diverse area. We talk of technical standards around the quality of the product itself, the water, in particular the sewerage, the standards in terms of the infrastructure issues around that. Those are some of the key areas that we would need to think about; general areas in terms of what we specifically need to regulate.

What is the structure and the character of this regulator in order for us to derive maximum impact, in order for us to achieve what we want to achieve? Establishing power and water regulator does not necessarily mean that they will succeed. We need to do certain things right to ensure that they actually succeed. The character is that there needs to be a culture and perception of fairness.

Once investors and consumers and the society at large believes that this regulator is inspired, all its work is inspired by a culture, by an approach of fairness. That would be a good starting point in terms of the work of the regulator. The regulator in terms of its character, the decisions have to be appealable to the courts like all other regulators that have been effective in their work. The character of the regulator is that it needs to be transparent. The issues need to be transparent to the potential stakeholders. We need to ensure that the secretariat, the manpower behind the regulator has to have a full complement of the skills required to provide the regulation for all the domains that I have already indicated. It needs to have the complementary set of skills. It needs to have mastery of industry knowledge and benchmark information in terms of around the world; what does it normally cost to produce a certain kilowatt of power, in terms of the industry, what are the things that govern power purchase agreements in terms of the infrastructure, what are the minimum standards. It needs to have this industry knowledge. It needs to have



the quantitative and analytical skills. It needs to have the economic and all the specialised skills.

Then I move next to exactly what does this regulator or this system of regulation, what type of structure does it envisage, in terms of the power sector and the water structures that would bring the best out of what it is we are trying to achieve, and again I have seen snippets of this in the Minister's draft. I think there is a consensus that the time has passed where we have one monopoly in the form of Botswana Power Corporation (BPC) that does everything- that does the generation; that does the distribution; that does the auxiliary services. So we need to vertically break up the sector.

We know that in terms of what works around the world, the evidence that is available is that you probably need several players in the generation space, you definitely need more than or two depending on the size of the economy. What we know for certain is that you need a number of players. So we need a structure in which there are a number of players and BPC maybe one of those players not necessarily in the current form but it could be broken up and a subsidiary or an offshoot of it becomes one of those players in the IPP space or in the generation space.

We know that to complement those who generate, that power has to be conveyed, it needs to be transported in bulk over long distances and that is called transmission; transporting large voltages over long distances. We know that that space is also, in a sense, what is called natural monopoly. We know that you do not want too many players depending on the size of the economy. You may want to have, I do not want to say one because one is always a problem, but you probably want two or three players in the transmission space. I am talking about the type of structures that would help us bring up the best and achieve what we are trying to achieve with this regulator and I think that is accepted.

Then you have the distribution; in the distribution space again you probably want several players but again not too many players. Then there are other auxiliary services as well in more developed countries. Those services would be services around trading, actually buying and selling from bulk supplier. But the theme of my submission here is that we need to be strategic and systematic in terms of the structure of the power sector; understand that we can have several players in some of the spaces and a lot fewer players in some of those spaces. That would be ideal in assisting and facilitating the regulator to bring the best out of our system.

I think the same almost applies to the water sector; although in a different sense. You probably want a structure that would have the water authority or the authority that manages where the dams are; that manages where the bulk of the water resources are. You do not want too many of those as well and then you have a space of those who convey ...

MR KGOROBA: On a point of procedure. Mr Speaker, I am not sure who told the operators that it is now summer, they have lowered the temperatures too much.

MR SPEAKER: What is it that they have set too high?

MR KGOROBA: The air conditioners Mr Speaker.

MR SPEAKER: You are feeling cold?

MR KGOROBA: It is a bit cold Mr Speaker.

MRSPEAKER: Okay, they will correct that Honourable Member. Please continue Honourable Gaolathe.

MR GAOLATHE: Thank you Mr Speaker ...

ASSISTANT MINISTER FOR PRESIDENTIAL AFFAIRS AND PUBLIC ADMINISTRATION

(MR MAKGALEMELE): On a point of procedure. Mr Speaker, Honourable Gaolathe is talking about very important issues but some Honourable Members are busy reading newspapers this side. Honourable is reading it as well as some Honourable Members behind me. I was not aware that reading newspapers is now permitted in this House.

MR SPEAKER: They know that they are not supposed to be reading newspapers in the House. Refrain from doing that Honourable Members.

MR GAOLATHE: Thank you Mr Speaker. I was talking about the water sector and the same principles that apply to the water sector.

Mr Speaker I want to in concluding my submission, indicate a number of things. I want to indicate that I have had extensive interaction with the Minister concerned. Even though I am on this side of the aisle, I want to publicly acknowledge his dedication to his work. I think we have had a great interaction; we have looked at these issues in a non-partisan way and I have followed his work, I have read even his recent submission and I think he deserves a commendation. I am aware that he has been working very hard on some of these issues



but I hope and pray that his Government supports him in the work that I think he is trying to do. He may not have exactly the same approach that I would have but I think all the same he is deserving credit. I think on that not I would like to submit that Botswana deserves a power and water regulator in whatever form. There is absolutely no question regardless of which Government is in power that Botswana needs this to propel itself to the next level. Thank you.

MR SPEAKER: The floor is open, Honourable Mokaila.

MR MOREMI: On a point of order. Mr Speaker, I wanted to point out that we have certain dress code in this House and I know that we are supposed to come to the House looking decent like I am. If you look at Honourable Maele, he resembles a laundry basket; he is wearing a myriad of colours.

MR SPEAKER: No, Honourable Moremi, you are out of order. Even though you do not like the colours he is wearing you cannot compare him to a laundry basket. Honourable Mokaila please continue.

MINISTER OF LANDS AND HOUSING (MR MAELE): Point of order. Mr Speaker I take great exception for being compared to a basket because a basket is used for dirty things. So I request Honourable Moremi to withdraw, otherwise I will retaliate.

MR SPEAKER: No. Honourable Maele, he is not on the floor. I have cautioned him and he will not do it again. I believe he knows that he has wronged you.

MINISTER OF MINERALS ENERGY AND WATER RESOURCES (MR MOKAILA): Thank you and good morning Mr Speaker. Let me first start by humbling myself before Honourable Gaolathe for the kind words he said. It is very rare in this Parliament that we acknowledge each other and therefore I am truly humbled. On a second note Mr Speaker, we have engaged on this issue and there is absolutely nothing he said that I disagree with, absolutely nothing he said that I disagree with. But right now Mr Speaker...

MR SPEAKER: Honourable Mokaila, while still on that, I am surprised that Honourable Members are making noise when we are talking about such important issues. Keep quiet Honourable Members.

MR MOKAILA: Thank you Mr Speaker. I am at this point a little handicapped and I would want to beg for

Honourable Gaolathe's indulgence in terms of what has transpired with regards to creating a regulator that we have been discussing. Indeed we had envisaged creating a regulator that regulates water and energy. We wanted to call it Botswana Energy and Water Regulatory Authority (BEWRA); that is what we wanted to do. I remember when I came to this Ministry in 2012, it was one of the first things that I really wanted to do. But it has taken until now for us to agree on something and I want to present Mr Speaker that Cabinet has approved the establishment of the Botswana Energy Regulatory Authority, taking water out of it. As you are aware Mr Speaker, I have tried to make an urgent application, whatever it is called, to have it in this sitting of Parliament. I have already taken it to AGs for publishing, I have already come to Parliament to request that it comes in this very sitting, of Botswana Energy Regulatory Authority. That being the case, I am hoping it will come before we close for our discussion.

I want to explain why the water was taken out because I think it is important. It was taken out for many reasons just like for power, there are many questions and there was a big debate about how will we manage the regulator in the sense that if you recall in South Africa, it is a big problem right now between NERSA and the Minister. Economic regulation is a good thing, a very necessary thing. But the way Botswana is, small population greatly dispersed population, it means taking water or energy to anybody and everybody equitably, brings it at a higher cost than anywhere else. So the cost of taking water to Chobokwane or to Damchujenaa or to Two Rivers would be very expensive and Cabinet was very concerned that once you put in a regulator it would then stand to reason that the regulator or those independent players would want to recover the true cost of our investment, which would then necessarily given the size and our distribution of population, would then necessarily mean the price would go up, rather than bring it down and that was the big issue on the water side.

Basically as water is a right in as far as I am concerned, it became a bigger challenge for me to fight for it, but on the energy side, much as the same still applies because of the distribution. We are entering obviously a time where we have independent power producers and therefore their regulation for all the points Honourable Gaolathe spoke to in terms of wanting to have certainty, understanding that the playing field is level, not wanting to have BPC as a player, everything, that became very



necessary. So I think we have an opportunity to...our effort, the first step in trying to set up a regulator to pieces in this Honourable House because that is done and should be before us in this very sitting. So this is why I am say I am begging for indulgence, it is not like I am postponing it. I am saying it is here, done because I wanted it and I have been in discussion, I have updated him everywhere we have been in the process that really we agree 100 per cent.

MR MOREMI: Clarification. Thank you Mr Speaker. I wanted to say that seemingly there is consensus from the mover and the Minister responding and he is indicating that he wishes he can bring it during this sitting, so I want to ask if you want us to accept this request as is? Can you vote "Aye" if we can subject it to voting now? Thank you.

MR MOKAILA: Without batting an eyelid, yes I would, but I was explaining how they became separated because here in this motion, the motion speaks to an Energy and Water Regulatory Authority. I am saying, what I am bringing and I have tried to justify why I could not bring the water with the energy, that is what I am saying and that is why I am begging for Honourable Gaolathe's indulgence through the Speaker. It is a first step. The way we have tried to craft the Botswana Energy Regulatory Authority, it is to allow it room for it to migrate into a Botswana Energy and Water Regulatory Authority because it was initially started as that. But what I am trying to move here Mr Speaker through you sir, is that what will come to Parliament, this very sitting, because I have had the discussion with the Leader of the House in terms of asking him to give it that urgency for it to come in the session. So I do not know how to proceed now Mr Speaker because there is no disagreement, totally no disagreement. So I thank you Mr Speaker.

MR SPEAKER: Thank you Honourable Mokaila. Honourable Members, before you continue debating, let me remind you that if you agree and you do not want to spend time on this matter, you have two options, you can move for adjournment of the debate on this using Standing Order 54.1 or you can close the debate on this matter by moving in accordance with Standing Order 55.1, that the mover be called upon to reply and then you conclude this subject. It is up to you to decide.

MR KEORAPETSE (SELEBI PHIKWE WEST): Thank you Mr Speaker. I stand to support the motion tabled by Honourable Gaolathe.

Over the last few years Mr Speaker, we have become relatively a water poor country especially in the southern part of the country, notwithstanding the efforts to build dams especially in the northern part of the country. As the population grows, this problem may become worse. We are still battling as a nation with unmet basic needs, lack of access to clean water in some parts. If you look at questions asked in Parliament for instance by Honourable Nkaigwa, Honourable Issac Davids on the uncontrolled discharge of waste water into water bodies; these are some of the challenges that we have. Close to what the Honourable Speaker likes most, the issue of climate change will further exacerbate the water problems that this country has.

Mr Speaker, I think the time has come for this country to strategically manage both water and energy. I think that the motion is timely in the sense that we need Water and Energy Regulatory Authority. When I take you back into the history of this country, its development trajectory, Honourable Olopeng, when Botswana gained independence in 1966, there was no private sector to rely on for provision of certain services, and for that reason, we saw proliferation of public enterprises and/or parastatals. We saw the mushrooming of parastatals some as regulatory authorities, some in the transport industry, some in agriculture and so on and so forth...

MR SPEAKER: Order! Wait Honourable Keorapetse, unless if I am not seeing all of you but it looks like you are 20 altogether, Or I did not count correctly? Let me confirm.

HONOURABLE MEMBER: 21.

MR SPEAKER: Really? Does that mean I cannot count?

HONOURABLE MEMBER: 21.

MR SPEAKER: You are 20. I do not know where you got 21. Call other Honourable members outside.

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

MR SPEAKER: No I am not supposed to count myself in. The problem is that they have included me. Honourable Whips please get your people inside the House. Order! Honourable Members. Take your seats so that I can check who is in and who is not. Honourable Members take your seats.

Order! Honourable Members, it looks like we have failed to form a quorum. My expectation was that since the



Minister and the mover of the motion agreed, somebody would just stand and make a brief comment and then we move using Standing Order 55.1. Unfortunately we do not form the quorum and that means we shall stop there. May God protect you during the weekend, we shall meet on Monday. Goodbye.

ADJOURNMENT

The Assembly adjourned at 10:11 a.m. until Monday 25th July, 2016 at 2:00 p.m.



HANSARD RECORDERS

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