

Republic of Botswana TAUTONA TIMES vol. 9 no. 18 (30/7/2011) – The Electronic Press Circular of the Office of the President

“REAL LEADERSHIP FOR REAL DELIVERY”

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“Government has historically allocated some of our communities, which are affected by tourism development, direct or indirect access to viable land and resources. This was to ensure that they meaningfully benefit from the developments and sustainable proceeds from utilisation of these natural resources.” – H.E. the President [B1]

“Moreover Botswana is a true nation, endowed with a strong sense of pride in its achievements, rather than a state without political legitimacy. By virtually any criteria, Botswana has been well ruled for the past 45 years. Democracy and open political debate are firmly entrenched and defended, and it is not riven by ethnic or sectarian cleavages. – From CSIS Report [C3-4]

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A. THE WEEK THAT WAS: PRESIDENT RETURNS FROM MOZAMBIQUE

Dear Readers – Welcome to another edition of Tautona Times, your window into issues and events involving the Botswana State Presidency.

Our readers will be happy to know that H.H. the Vice President, Lt. Gen. Mompoti Merafhe, returned to Botswana today from South Africa, where he had gone for Medical Evaluation.

On Thursday, H.E. the President, Lt. Gen. Seretse Khama Ian Khama, opened the new Ngoma Lodge in Chobe Enclave. [B1] There he noted the event was a milestone for local tourism as the Lodge is the product of a meaningful Joint Venture Partnership between a community based organization, the Chobe Enclave Conservation Trust and the Ngoma Management Company.

During the past week, his Excellency also received quarterly progress briefings from the Ministries of Infrastructure, Science and Technology and Labour and Home Affairs. In the case of Infrastructure discussion focused on ongoing interventions with respect to delayed project, which remain an area of serious concern given Government's commitment to delivery.

The President was also briefed on the progress of the campaign to curb alcohol abuse. In addition he met with the new BOCCIM President, Mr. Alex Letlhogonolo Monchusi, and received a courtesy call from the reigning Miss Botswana, Ms. Karabo Sampson.

In other matters his Excellency consulted with the Chairperson of the SADC Organ on Politics, Defence and Security, Zambian President H.E Rupiah Banda, on the political situation in Malawi, which is expected to be taken up at the SADC Summit. The President's proactive and prompt response to the situation was communicated to Parliament on Tuesday and Wednesday by the Minister of Foreign Affairs and International Cooperation, the Hon. Phandu Skelemani. [B3][C2]

Also in Parliament the Minister for Presidential Affairs and Public administration, the Hon. Mokgweetsi Masisi, responded to Members questions on the use of "Government"

in a recent public statement, transfers in the public service, Former Presidents' housing, and sick leave. [B2]

Media Responses

On Friday Government issued a statement noting its deep concern over series of articles published on the same day by the local Mmegi newspaper, which all falsely claimed to be based on a US military intelligence report. The report in question was in fact not an official, much less intelligence report. It was rather an academic monograph published by an NGO. Government also expressed its further dismay at Mmegi's misleading characterisation of the overall content the actual report, itself. [C3]

We note that the US Embassy in Gaborone has also issued its own press statement, distancing itself from Mmegi's blatant distortions. [C4]

Government also this week expressed its concern about unwarranted attacks in the press on the institutional integrity of the Attorney General's Chambers and the person of the Attorney General [C6-7], while the Prison Service has rebutted allegations that non-citizen prisoners in its care have been neglected. [C5]

On Thursday the Minister of Agriculture, the Hon. Christiaan De Graaff, held a Press Briefing to allay misconceptions about Government's ongoing efforts to control Foot and Mouth Disease and protect the integrity of the Botswana's beef exports to the European Union. [B4]

Consumer Fair

Throughout the week, the Office of the President has been participating in the annual Botswana Consumer Fair, which will end tomorrow. Departments and Units participating include Information and Broadcasting, National Disaster Management Office, Printing and Publishing Services, Appeals, People Living with Disabilities Coordination, and Government Communications E-Portal. In this context we are pleased to report that the Department of Information Services scooped position one in the Media Category at Thursday night's Consumer Fair Prize Giving, while the Department of Broadcasting Services went away with position three in the same category.

- Dr. Jeff Ramsay, Deputy Permanent Secretary for Government Communications
(30/7/11)

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B. STATEMENTS

B1) 28/7/11: KEY NOTE ADDRESS BY HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF BOTSWANA LIEUTENANT GENERAL SERETSE KHAMA IAN KHAMA AT THE OFFICIAL OPENING OF NGOMA LODGE IN THE CHOBE DISTRICT

Salutations, Good morning

1. I am delighted to be with you today, to mark the official opening of the Ngoma Lodge. This is a particular and special tourism project in many ways; it is a product of a meaningful Joint Venture Partnership between a community organization, being the Chobe Enclave Conservation Trust (CECT), and a private company being the Ngoma Management Company. I am informed that CECT was indeed the first Community Based Organisation (CBO) to be registered in Botswana, with the aim of deriving benefits from the rich and abundant tourism products in and around its communities. The owners of the Ngoma Management Company have operated tourism enterprises in this area for a number of years. Therefore they have a wealth of experience, not only with the international technical experience required but with a full knowledge of Government's expectations on the Community Based Natural Resources Policy (CBNRM).
2. Our gratitude is extended to the United States African Development Foundation (USADF), who also extended a funding grant to supplement the Trust's contribution to the project. To USADF, your historical support on environment, biodiversity conservation and tourism projects amongst others is very much appreciated.
3. Being the first CBO to be registered in Botswana, it is befitting and commendable that CECT is today also the first to showcase the realisation of the most meaningful Joint Venture Partnership. This they did by investing and actively participating in a high-end tourism project rather than standing by and sub-leasing for an annual fee with no direct ownership. It is my understanding that this lodge is currently employing 22 people, consists of 8 chalets with a total of 16 beds, and built at an estimated total investment of P11.5 million. It was also developed with an objective to be a 5 star operation and hence it awaits assessment by the grading authority.
4. This project is proof that with the right resolve, commitment, vision and business discipline, our communities and citizens can indeed graduate to ownership of top-end tourism projects.
5. Government has historically allocated some of our communities, which are affected by tourism development, direct or indirect access to viable land and resources. This was to ensure that they meaningfully benefit from the developments and sustainable proceeds from utilisation of these natural resources.
6. CECT has taken this objective and its mandate seriously. It has adhered to its Deed of Trust, listened to advice from Government through its various agencies,

maintained proper accounts and audited on an annual basis. In addition and most importantly, demonstrated its ability and commitment to its communities of Mabele, Kavimba, Kachikau, Satau and Parakarungu.

7. Today's official opening of the Ngoma Lodge is testament to the tangible outputs of our belief in what can be further achieved. Achieved not only in growing our national tourism sector towards the much needed economic diversification, but also clearly demonstrating how we can resolve the dynamics often seen as too complex in strategising ownership between our citizens and foreign investors. To this end, I wish to convey my appreciation to the Minister of Environment, Wildlife and Tourism for his tenacious resolve on CBNRM matters and ensuring that best business practice is adhered to by both CBOs and Foreign Investor Partners.

8. With the introduction of the Community Based Natural Resources Management Policy (CBNRM) in 2007, we received mixed reactions from Community Based Organisations, Non-Governmental Organisations, Academics, Politicians and some members of the Public. Of course this is becoming a general trend such that when one introduces something new; others often apprehensively dwell on finding the reasons why it cannot work, why it will fail, and most often doing so without suggesting any positive alternatives. This is what our critics on the CBNRM Policy are doing. But because we believe in what we are doing, we remain steadfast in our resolve to ensure a turnaround in what has historically been a very unsatisfactory status of our Community Based Organisations. We hence look forward to more success stories.

9. It is my hope that CECT and Ngoma Management Company can be emulated and utilised countrywide as a successful role model. It is also my wish that all CBOs countrywide can begin to prosper through the output realisation of our CBNRM Policy. I hope that we can start to realise contribution to the national economy from these CBNRM projects not only for the communities directly involved, but for the benefit of Batswana in general.

10. Let me take this opportunity to encourage other CBOs as well as voicing my dissatisfaction with the manner in which some have conducted their businesses.

11. It is no secret that hopes embraced by all, have not historically yielded the required and anticipated results; there has not been any other noticeable contributions to the national economy nor any meaningful and sustainable upliftment of our community's standard of living. We have continued to hear and have reports of abuse and misuse by those elected to be in charge, of revenues derived for communities. We have communities entering or terminating joint venture partnerships for nothing else but selfish reasons, for self worth, and nothing regarding the upliftment of the communities.

12. This is one of the reasons why Government decided to transfer most of Community Based Organisation projects accounts to the safe keeping of District Commissioners, until such time CBOs show ability and commitment to properly run their financial affairs.

13. I once again congratulate CECT and Ngoma Management Company in what you have achieved so far, and wish you good business and a truly successful Joint Venture partnership. My Government is in support of these kinds of joint ventures which we have long promoted through our CBNRM policy.

14. Ladies and Gentlemen, it is now my singular honour to declare the Ngoma Lodge officially open. PULA!

B2) 26-28/7/11: RESPONSES IN PARLIAMENT BY THE MINISTER OF PRESIDENTIAL AFFAIRS AND PUBLIC ADMINISTRATION, THE HON> MOKGWEETSI MASISI.

Please find below the texts of answers given this week in Parliament by the Minister for Presidential Affairs and Public Administration on the use of "Government" in a recent public statement, transfers in the public service, Former Presidents' housing, and sick leave.

B2a) PARLIAMENTARY QUESTION NO. 1040 ASKED ON WEDNESDAY 27TH JULY 2011 BY MR. W. B. MMOLOTSI, MP (FRANCISTOWN SOUTH)

QUESTION: To ask the Minister for Presidential Affairs and Public Administration to explain who the Government is, in light of the statement released by his Ministry entitled "Parliament move disappoints Government" on page 4 of the Daily News of Friday 8th July, 2011.

ANSWER: Madam Speaker, under any Parliamentary democracy, Government is made up of three arms being: The Executive, The Judiciary and The Legislature.

Madam Speaker, reference to Government in the statement clearly refers to the Executive branch as the Government of the day. As I am sure, the Honourable Members are aware, it is normal in a Parliamentary democracy such as ours for the word "Government" to be used in such a context. This is of course not to deny the fact that the word "Government" can be applied in other contexts to refer to various branches of Government, including Parliament. I thank you Madam Speaker.

B2b) PARLIAMENTARY QUESTION NO 1047 ASKED ON WEDNESDAY 27TH JULY, 2011 BY MR. W.B. MMOLOTSI, (MP FRANCISTOWN SOUTH)

QUESTION: To Ask The Minister for Presidential Affairs and Public Administration what informed his decision to transfer distinguished and accomplished Police or Army Officers

to civilian posts, and if these officers are ever given a choice when such decisions are made.

ANSWER: Madam Speaker, the decision to transfer officers is informed by the relevant competencies and skills that such officers possess. In transferring the officers, primary regard is given to the efficiency and effectiveness of the Public Service. However, where practicable, the Appointing Authority discusses the matter with the officer in advance. I thank you Madam Speaker.

B2c) PARLIAMENTARY QUESTION NO. 1036 ASKED ON TUESDAY 26TH JULY, 2011 BY MR. W. B. MMOLOTSI, MP. (FRANCISTOWN SOUTH)

QUESTION: To ask the Minister for Presidential Affairs and Public Administration to state:

- i. why expensive retirement homes are built for retiring Presidents;
- ii. if this practice is sustainable; and
- iii. whether given the economic situation of Botswana, it is not advisable to refrain from these heavy investments for retiring Heads of State.

ANSWER: Madam Speaker,

i) Provision of a house or housing allowance to a former President as may be determined by the President is provided for in the Presidents (Pensions and Retirement Benefits) CAP 02:03. It should be borne in mind that former Presidents, continue to execute both National and International duties as does the current President. They also host State visitors on behalf of Government, hence the need to have their residences remain commensurate with their status.

ii) As long as they are still playing this vital role in our economy, such benefits have to be maintained to keep up with international standards and expectations.

Madam Speaker,

iii) I do not see it worth refraining from these investments as the image and status of our former heads of State have to be maintained in order to nurture our pride and dignity.

Let me hasten to mention that we are currently actively considering the scope of these projects with a view to capping their cost in the future. I thank you.

B2d) PARLIAMENTARY QUESTION NO. 967 ASKED ON 25TH JULY, 2011 BY MR. D. P. MAKGALEMELE, MP. (SHOSHONG)

Question: To ask the Minister for Presidential Affairs and Public Administration to state:-

- i) if he is aware that studies made in other countries such as South Africa, have revealed heavy losses to the economy as a result of bogus sick leave illegally awarded by some Doctors to employees;
- ii) whether he has ever undertaken any research in Botswana to ascertain the extent to which this practice might be affecting our economy; and
- iii) if so, what is the evidence which has since emerged and what proactive measures and/or early warning systems are in place which his Ministry is promoting.

Answer: Madam Speaker

i). I am aware that studies in some countries such as South Africa show that bogus sick leave illegally awarded by some Doctors to the employees result in heavy losses to the economy for example, Michael Bagraim, a labour lawyer made a survey in South Africa in 2008 and estimated the cost of bogus sick leave the economy to be R12 billion.

Madam Speaker

ii). Whilst I have not undertaken any research in Botswana to ascertain the extent to which this practice might be affecting our economy, the sick leave absence trends across Ministries show that there are a few incidences where employees may have been given bogus sick leave by some Doctors.

Madam Speaker

iii). My Ministry is informed of sick leave trends across Ministries through monthly submission of Sick leave reports to the Directorate of Public Service Management. Where such cases are detected, my Ministry engages the concerned Ministries to investigate the cases with the assistance of the Ministry of Health and take appropriate action. I thank you.

B3) 27/7/11: STATEMENT TO PARLIAMENT BY MINISTER OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION, THE HON. PHANDU SKELEMANI, ON THE POLITICAL SITUATION IN MALAWI

1. Madam Speaker, yesterday this house heard a statement on the situation in Malawi, delivered by the Leader of Opposition, Honourable Botsalo Ntuane.

2. Let me acknowledge the concerns of my colleagues in the opposition in this matter, as citizens of Botswana, who have a legitimate right to comment on the affairs of their country. As I have always maintained, honest men and women can always differ in their opinions. There is nothing wrong with that in a mature democracy, where honesty is the best policy.

3. The statement suggested that the Government of Botswana was applying double-standards in its response to the unfolding situation in Malawi vis-a-vis recent developments in some North African Countries. In his presentation the Leader of the opposition, characteristically, did not miss the opportunity of taking cheap shots at the President of the Republic.

4. The statement contained a series of demands on how the Government should deal with the crisis in Malawi. May I put on record, right from the onset that we do not intend to meet any of the demands for we hold no brief for anyone but cat on principle on behalf of the people of Botswana.

5. This Honourable House will recall that the Government of Botswana has consistently condemned violence wherever it occurs regardless of who the perpetrator is.

6. Madam Speaker, Botswana maintains relations with a number of countries around the globe. In our foreign policy posture our closer neighbours like Malawi are of immediate concern. We are committed to deepening relations with these countries and the visit by President Mutharika in April was in that context. The visit afforded Botswana the opportunity to engage and share experiences on a number of issues including democracy and good governance. Needless to say Madam Speaker, this type of contact allows for close and frank discussions between leaders on a host of issues. As a matter of principle we maintain contacts and engagements with countries even if we disagree with them on the certain fundamentals.

7. It is disingenuous for the Opposition Collective to attempt to draw comparisons between what is happening in Malawi and Government reaction thereon, with what happened elsewhere. President Wa Mutharika is a democratically elected leader in a multi party dispensation and duly recognized by the International Community. During his re-election, the election was observed by the International Community and pronounced as free and fair by observers who included the SADC team. He is not a hardened despot like some leaders that the Leader of Opposition listed. He recently served as Chairman of the African Union with the full endorsement of the 53 members of the Organisation.

8. In this regard, as a sign of Botswana's confidence in regional and sub regional organizations we are confident that the issue can be adequately addressed at SADC level. As I informed this Honourable House yesterday, H.E the President Khama has taken steps to consult his counterpart, the President of Zambia, H.E Rupiah Banda who is the Chairperson of the SADC Organ on Politics, Defence and Security to use his good offices to find an amicable solution to the problem. Botswana, as part of the International Community will continue to monitor the situation and explore other avenues of addressing the problem.

9. Madam Speaker, Botswana is led by a responsible Government and as such we find the demands listed by the Parliamentary Opposition Collective to be outrageous, self-serving and misplaced. The demands are emotive and unrealistic.

10. Madam Speaker before concluding my remarks I wish to clearly state that I do not want to be in the Opposition. I do not want the BDP to be in Opposition as that position can lead honourable men and women on the road to be political rogues. I request the Honourable Leader of the Opposition to eschew such tendencies and leave that route, for political expediency has very serious shortcomings.

11. It is not long ago that the opposition in its formations criticized this Government for speaking out as quickly as we could on Libya, Ivory Coast and others and it was claimed we should speak out quickly and condemn the unfolding situation in Malawi. Speak of double at, but it was the Opposition that tried to dissuade the visit by the American First Lady Mrs. Obama and then when that failed it was the same Opposition turning around wanting to meet her.

12. If the opposition continues to act this way then they should not expect that they will be treated with great admiration.

13. The Honourable Leader of the Opposition claimed that there had been "cold blooded massacre" in Malawi. Part of his collective in the form of the BCP Youth League stated that what took place in Malawi were "deadly anti-government and or pro democracy riots against President Wa Mutharika." Who is telling the truth, the Honourable Ntuane or BCP Youth League?

14. That's what happens when you act on political expediency. President Khama owes no apology to anybody for having decided as he has done before to communicate with appropriate organs of SADC to urge action to resolve problems in Malawi and asking for practical action and a report back to SADC next month at the Summit in Angola.

15. We did the same with regard to Syria and another country in Africa where there was concern about how the opposition and demonstrators appeared to be treated.

16. Each case will be treated on its own merits but never losing the principle, that what we want is peace for our friends and enemies alike. We require for all that which we require for ourselves, to live in harmony.

B4) 28/7/11: OPENING STATEMENT BY THE MINISTER OF AGRICULTURE, HON. CHRISTIAAN DE GRAAFF, AT A PRESS BRIEFING ON FOOT AND MOUTH DISEASE

[Salutations]... Members of the Press, Bagaetsho, Dumelang ka Pula

1. Thank you all for honouring our invitation and attending this press briefing in such large numbers.

2. We would like to brief you on the outbreak of Foot and Mouth Disease (FMD) in the country and on progress made by my Ministry in implementation of the EU recommendations. I am accompanied by the General Manager of the Botswana Vaccine Institute (BVI) and the Director of Veterinary Services who will assist me to address some of the technical issues.

3. An outbreak of Foot and Mouth Disease (FMD) was on the 29th April 2011 in the Matsiloje extension area (Zone 6) in the North East District. A month later another outbreak was reported at Robelela in the Bobirwa Sub-District (Zone 7).

4. The disease in Zone 6 has since spread from Matsiloje to cattle posts in the Tonota East extension area and to Tati farms east of the railway line. The infected zone is now the area east of the railway line from Morobosi in the south to Ramokgwebana border in the north. The total cattle population in the infected area is about 45 000.

5. The Government has taken the following measures to control the disease:

- Movement restrictions on animals and animal products.
- Vaccination, followed by the supervised slaughter of all cattle in the infected area for human consumption, as well as destruction of animals not suitable for slaughter in Zone 6.
- Immediate eradication and burial of the estimate 2 000 infected cattle in Zone 7 followed by vaccination and retention of all cattle in the area with the purified vaccine.
- Compensation of farmers at a percentage ratio of 30:70 in kind and in cash respectively. The cash price being P1 700.00 per beast irrespective of age, breed or sex.

6. Regrettably, the Botswana Meat Commission (BMC) does not have the capacity to process so many animals in a short period of time. The disease would eventually escape and spread to the rest of Zone 6 or even other zones if control measures are not varied to affect immediate control and eradication of the disease.

7. My Ministry has since engaged Cold Storage Company Ltd (CSC) of the Republic of Zimbabwe to provide additional slaughter capacity and slaughter these animals in Bulawayo. CSC will pay the Government of Botswana a flat rate of US\$300.00 per beast and bear the transportation costs. It is estimated that 50% (22 500) of the cattle will be sold to the Republic of Zimbabwe. The rest of the cattle are either calves, very sick animals, small in size, wild cattle, very old and heavily pregnant. These will be killed

and buried. Slaughter at CSC started on 6th July 2011, so far 4 000 cattle have been slaughtered.

8. The strategy of vaccination followed by slaughter for human consumption and stamping out with burial is preferred for Zone 6 because of the large numbers of cattle within the zone (over 200 000) and the fact that an export abattoir is located in the zone. Any prolonged delay in restoring the disease free status in the zone would have serious consequences including lack of marketing from the zone and neighbouring Zones of 8 (Serowe), 9 (Palapye), 5 (Boteti) and 3C (Masunga area).

9. Since the disease is spreading from neighbouring Zimbabwe, my Ministry has engaged the Government of Zimbabwe to effect vaccination of all cattle along the Botswana/Zimbabwe border area in Zimbabwe. On 11th July 2011 we signed a Memorandum of Understanding (MOU) on this joint cooperation and collaboration in the control and eradication of FMD along our common border with Zimbabwe. Vaccination commenced the same day. My Ministry will assist the Government of Zimbabwe with one million doses of FMD vaccine over a period of two years.

10. Some of you will recall that an EU veterinary inspection was conducted in Botswana in January, 2011. The findings and recommendations of the inspection required immediate action from ourselves in order to guarantee continued access of our beef to the EU market. Given the seriousness of the recommendations, my Ministry immediately applied to the EU to temporarily delist our export abattoirs for six months in order to allow us to attend to the deficiencies identified. We then developed an action plan to address the shortcomings. The actions plan was approved by the EU, and I am optimistic that we are on track in its implementation and we shall meet the September deadline. We submit monthly updates to the EU and they are happy with progress.

11. Finally, I wish to express my concern and disappointment with some misinformation coming from some of the media on the operations of my Ministry. Contrary to what some people believe, we appreciate the fact that the news media is supposed to be a watchdog for our own good governance. However, they can cause a lot of damage to the reputation of our country as well as their own credibility when they produce inaccurate, unbalanced and misleading information.

12. My Ministry operates an open door policy: you should all feel free to contact us any time on any issue to seek additional information, clarification or progress on implementation of our programmes and projects. There are two sides to a story, so please give us the opportunity to present our side. I thank you for your kind attention and for the generosity of your time.

C. NOTICES & FORWARDING

C1) 30/7/11: H.H. THE VICE PRESIDENT BACK IN BOTSWANA

Members of the public are hereby advised that H.H. the Vice President returned to Botswana today from South Africa, where he had gone for Medical Evaluation. His Honour was looking fit on arrival.

C2) 30/7/11: IN WEEKEND POST NEWSPAPER - "PRINCIPLED DIPLOMACY FOR PRACTICAL DELIVERY" BY DR. JEFF RAMSAY

Botswana's external relations has been characterised by our steadfast commitment to building constructive partnerships with neighbouring states. As a landlocked country with a modest population, it is in keeping with our enlightened self-interest, as well as ideals, to promote win-win cooperation at a regional level.

Over the decades we can rightfully claim a track record of regional leadership within SADC and SACU as well as such past formations as the Frontline States. As was underscored both by the President's recent State Visit to Mozambique and his prompt and proactive response to events in Malawi, this is a legacy that has been fully embraced by the current administration.

The Mozambique visit was notable for the signing of a total of 10 Memorandum of Understanding, which collectively provide a practical framework for bilateral cooperation in the areas of transport, veterinary services, health, education and human resource development, minerals, energy, and taxation as well as the abolition of visa requirements.

With respect to transport the two nations agreed to invest in projects that will enhance Botswana's access to the Indian Ocean, including the construction of a new deep water port in Mozambique, which will be linked to Botswana, via Zimbabwe, by a railway and oil pipeline.

For its part, Mozambique also used the visit to highlight its own plans to invest approximately P 2.5 billion into upgrading the Port of Maputo. Once completed, the projects will allow Botswana to export up to 20 million tons of coal and other commodities through Mozambique, while receiving fuel and other imports from the east.

In its achievements, last week's Maputo summit follows the pattern established by the President in his previous official and working visits to Namibia, South Africa and Zambia, which in each case have resulted in substantive mutual commitments. Readers may recall that last year's South African State Visit saw the establishment of the Bi-National Commission, co-chaired at Heads of State level.

Such practical delivery is in keeping with the President's articulated diplomatic vision, as set out in his first, 2008, State of the Nation Address, in which he observed that:

“In an increasingly borderless world, our own prosperity is dependent on the prosperity of our neighbours and others in the global community. We must therefore seek opportunities beyond our borders by marketing our country as a destination for investment and tourism. We must further commit ourselves to strengthening bilateral relationships and improving our contribution to the work of sub-regional, regional and inter-continental organisations and initiatives.”

Since 2008, Khama’s approach to international issues has attracted global attention and praise for its consistent and robust affirmation of the importance of the globally accepted guiding principles of good governance, democracy and human rights, which are of course consistent with our domestic values as well as international obligations.

In light of such facts, it is surprising that some critics should persist in alleging that our foreign policy is somehow ad hoc and otherwise not informed by our national principles and interests. One can only wonder what it is that these naysayers are looking at or for.

Another stubborn misconception has been the allegation that when we have spoken out we have somehow isolated ourselves from regional institutions and instruments. An honest evaluation of our public diplomacy rather reveals that Botswana’s position on matters of interest to SADC and the African Union are invariably rooted our own insistence that the regional bodies uphold their collectively agreed upon principles, protocols and procedures.

Examples of this include President Khama’s past and present contributions to multilateral efforts to bring about political progress in Cote d’Ivoire, Madagascar and Zimbabwe; where in each case he has communicated Botswana’s perspective to regional organs in a desire to build a constructive consensus.

In this respect, the President’s response this week to the tragic events in Malawi is not qualitatively different from his previous interventions.

As the Minister of Foreign Affairs and International Cooperation informed Parliament on Tuesday and reaffirmed in his Wednesday statement, President Khama wasted no time in consulting with his Zambian counterpart, President Banda, who is the Chairperson of the SADC Organ on Politics, Defence and Security, on the matter. In so doing he has ensured President Banda that he has our nation’s full support in his ongoing efforts to find an amicable solution to the unfolding situation. In the words of Minister Skelemani:

“President Khama owes no apology to anybody for having decided, as he has done before, to communicate with appropriate organs of SADC to urge action to resolve problems in Malawi and asking for practical action and a report back to SADC next month at the Summit in Angola.”

Certainly the killings that have occurred in Malawi are disturbing and a matter of regional concern. But, as Minister Skelemani rightfully pointed out, it is also clearly disingenuous for some to draw false comparisons between circumstances there and elsewhere.

Notwithstanding loose talk of dictatorship, President Mutharika has been recognized by the international community as a democratically elected leader; his 2009 re-election being widely recognised as free and fair.

In the final analysis all Malawians deserve our balanced and informed support during this sad and difficult period, which should, therefore, be free of any domestic political distortions.

C3) 29/7/11: MMEGI CLAIMS ABOUT SO-CALLED "AFRICOM REPORT" ARE MALICIOUS AND DECEITFUL;

NGO RISK ANALYSIS PREDICTS BOTSWANA WILL CONTINUE TO BE "WIDELY REGARDED AS A MODEL FOR THE CONTINENT"

The Government of Botswana notes deep concern and serious dismay a series of articles published in today's (29/7/11) edition of Mmegi, which claim to be variously based on:

- "US Government intelligence report" (p.6)
- "The Africom report" (p. 6, 8, B3)
- "A report by US-Africa Command (Africom)"
- "A recent intelligence report compiled by US-Africa Command"
- "A US Intelligence report for June 2011. The report was compiled by US-Africa Command (Africom)" (p. B3)

All of the above claims are untrue. The report in question – "BOTSWANA: ASSESSING RISKS TO STABILITY" - is not an official, much less intelligence report.

It is rather one of a series of academic monographs, freely published online at the time of their release (7/7/11), by the Centre for Strategic and International Studies (CSIS), a Washington D.C. based NGO.

As the report's front-piece, moreover, affirms: "CSIS does not take specific policy positions; accordingly, all views expressed herein should be understood to be solely those of the author (s)".

Here we would note that the monograph's author is a British academic, Dr. David Troup (PhD. in African History).

Its views do not, therefore, necessarily reflect those of Africom or any other organisation. In this respect it is our understanding that Africom's only link to the report was its sponsorship of the monograph series.

This assessment is further supported press release issued today by the US Embassy [C2], which also confirms that:

"A June 2011 report by a private, non-profit research organization, the Centre for Strategic and International Studies (CSIS), has been inaccurately characterized by local media as an official report that presents U.S. Government policy and thinking with regard to Botswana. The report is titled "A Report of the CSIS Africa Program: Botswana – Assessing Risks to Stability." Articles in the July 29 edition of the Mmegi Newspaper mistakenly attribute the findings in the CSIS report to the U.S. Africa Command (AFRICOM). While AFRICOM commissioned the report on Botswana, along with nine other countries, the findings presented in the CSIS report are attributable to CSIS only and do not represent the official views of the United States Government."

Further to the above, and in the context of Mmegi's blatantly misleading cherry picking of critical perspectives contained in the report, as well as the report's own focus as a risk assessment on examining "worst case scenarios", Government is pleased to here quote the CSIS report's conclusion in its entirety, which is clearly inconsistent with Mmegi deliberately misleading claims, e.g. "Botswana's prosperity and tranquillity are fragile – US report":

CSIS Report Conclusion (full text)

"Botswana is quite unlike any other African state. It is essentially a rentier state that is dependent on its mineral wealth. But unlike most African rentier states, its revenue from diamonds has been well spent on improving the road network, providing schools and health clinics, boreholes and barbed wire, and an extensive network of social services and short-term employment-generating activities. GDP per capita is now 100 times higher than it was at independence. This is a real achievement. An arid, poverty stricken, landlocked state has been turned into one of the wealthiest societies on the African continent.

"Moreover Botswana is a true nation, endowed with a strong sense of pride in its achievements, rather than a state without political legitimacy. By virtually any criteria, Botswana has been well ruled for the past 45 years. Democracy and open political debate are firmly entrenched and defended, and it is not riven by ethnic or sectarian cleavages.

"In comparison with other countries in this study, this places Botswana in a fortunate circumstance. Under normal circumstances, few indicators suggest that the current development strategy will not work for the next 10 years. Growth will continue.

“Botswana is widely regarded as a model for the continent. It will not implode or even face serious problems. There are few politically and virtually no ethnic pressures posing serious challenge within that time frame. But over a longer period, Botswana will have to grapple with serious social difficulties and make fundamental economic decisions. The tried-and-test development paradigm is coming to an end of its utility. A new, micro-economic, job-generating approach is essential. Without it, disaster lies ahead, but not until the 2020s or 2030s or, if Botswana is lucky, the 2040s – and by then the world will have been transformed and the day of reckoning may never come.”

C4) 29/7/11: US EMBASSY GABORONE PRESS RELEASE: RESEARCH ORGANIZATION REPORT FINDINGS INACCURATELY ATTRIBUTED TO THE UNITED STATES GOVERNMENT

A June 2011 report by a private, non-profit research organization, the Centre for Strategic and International Studies (CSIS), has been inaccurately characterized by local media as an official report that presents U.S. Government policy and thinking with regard to Botswana. The report is titled “A Report of the CSIS Africa Program: Botswana – Assessing Risks to Stability.” Articles in the July 29 edition of the Mmegi Newspaper mistakenly attribute the findings in the CSIS report to the U.S. Africa Command (AFRICOM). While AFRICOM commissioned the report on Botswana, along with nine other countries, the findings presented in the CSIS report are attributable to CSIS only and do not represent the official views of the United States Government.

“Think tanks” like CSIS are regularly commissioned by U.S. Government entities to conduct research that may or may not be used to inform government policy. The think tanks are free to draw their own conclusions and to publish them without interference from the sponsoring entity – in this case the U.S. Government.

The U.S. Government continues to value our excellent relationship with the Government of Botswana and looks forward to making it even stronger.

C5) 29/7/11: PRISONERS WERE NOT LEFT TO DIE

The Botswana Prison Service has observed with concern recent reports by a number of local private media houses, that there are “HIV positive foreign prisoners left to die” in Botswana Prisons. To mention but a few, The Telegraph newspaper of the 15th July 2011 and Mmegi newspaper of the 26th July 2011 reported Botswana Network on Ethics Law and HIV/AIDS (BONELA), legal adviser, Dikeledi Dingake as saying “they have six cases of HIV positive foreign prisoners some of them terminally ill and left to die from Gaborone prison and that the situation around the country could be worse”.

The purpose of this communication is to set the record straight that there are no “cases of HIV positive foreign prisoners some of them terminally ill and left to die” as reported.

It is also worth noting that in the event of any prisoner being declared terminally ill by competent authorities, the Prisons Act (Cap: 21:03), provides procedures and processes to be followed regarding the handling of such a prisoner, without regard to his/her nationality.

The Prison Service would like to assure the public that, health monitoring and treatment of prisoners is done in accordance with policies and procedures of the Government of Botswana.

Finally, we call upon the respective media houses in the strongest terms possible; to always verify the facts before publishing misleading information which may cause undue anxiety to inmates themselves, their families and the nation at large.

S. Motlalekgosi, Commissioner, Botswana Prison Service

C6) 30/7/11: GOVERNMENT CONCERNED ABOUT UNWARRANTED ATTACKS ON THE INSTITUTIONAL INTEGRITY OF THE ATTORNEY GENERAL'S CHAMBERS

Government wishes to express its disappointment with what we perceive as an unfortunate trend toward unwarranted, at times even malicious, attacks in the media on the institutional integrity of the Attorney General's Chambers and the Office of the Attorney General.

In this respect we are particularly concerned by recent commentary, including some especially offensive cartoons, which have set out to ridicule the person of the Attorney-General, while grossly misinterpreting the content of a 12/7/11 answer to a question in Parliament by the Minister of Defence Justice and Security.

In the said statement the Minister specifically informed the House that the:

- Outsourcing for assistance in cases by the Attorney General's Chambers has been a longstanding and not uncommon practice.
- Circumstances in which additional legal counsel may be recruited to assist Chambers is in all cases determined by the Attorney General, based on her own professional assessment of specialized needs required by the Chambers in a given situation.
- The factors that determine whether a case should be outsourced include the capacity of the Attorney General's Chambers to handle the case which is influenced by the urgency, size, complexity, novelty of matter and the availability of human capital.
- Decision by Attorney General to seek the services of Collins and Newman in the case before the Industrial Court was based on the firm's extensive experience in dealing with

labour matters, as evidenced by the law firm's track record of involvement with major industrial action litigation in since the early 1990's.

- It was the Attorney General who furthermore instructed the said law firm to litigate on her behalf and otherwise oversaw and was ultimately responsible for its performance in the matter.

It should be noted at no point in his answer did the Honourable Minister make a judgment on the efficiency or professional integrity of the Attorney General and her staff, as some of the media reports have suggested.

Finally, we wish to observe that, in as much as we recognize and fully respect the right of individuals to publish their opinion, we also believe that responsible members of the media should exercise professional respect for others by appreciating and upholding the difference between fair comment and misleading personal attacks on public servants and institutions.

C7) 28/7/11: THE MINISTRY OF DEFENCE, JUSTICE AND SECURITY IS CONCERNED ABOUT THE UNFORTUNATE AND UNDUE MISINTERPRETATION OF THE ACTING MINISTER'S RESPONSE TO A PARLIAMENTARY QUESTION NO. 949

The Ministry of Defence, Justice and Security is concerned about the unfortunate and undue misinterpretation of the Acting Minister's response to a Parliamentary Question No. 949 asked by Member of Parliament for Francistown South, Hon. W.B. Mmolotsi on Tuesday 12th July 2011, when he asked why Government engaged a private law firm for representation during the case with the Unions.

As a matter of fact, in his response, the Acting Minister stated that it was the Attorney General, herself, who outsourced her services in this particular case.

The evidence of misinterpretation, ridicule and distortion has appeared in various forms in a number of newspapers in the country. The evidence has come in the form of news articles, editorials and cartoons. While the Ministry recognizes and respects the principle of freedom of expression, it is unfortunate that some newspapers may have abused this by imputing that the Acting Minister has declared, implicitly or explicitly, that he has no confidence in the Attorney General and this has been linked to his response to the Parliamentary Question under reference. It should be stated in the strongest terms that such inferences are wrong, unfounded and ill advised. The Acting Minister has full and undisputed confidence in the capabilities of the office, and the person, of the Attorney General.

For the benefit of the members of the public and the media, and with the view to dispel any perceptions or misconceptions about the matter, the Minister's response to the Parliamentary Question under reference is hereby presented:

ANSWER TO PARLIAMENTAY QUESTION NO. 949 ASKED BY HONOURABLE W.B. MMOLOTSI

“Madam Speaker,

i. The Attorney General’s Chambers has a standing practice of outsourcing cases to credible, competent and experienced local attorneys or where necessary to counsel from the South African Bar. The factors that determine whether a case should be outsourced are many but the main one is the capacity of the Attorney General’s Chambers to handle the case which is influenced by the urgency, size, complexity, novelty of matter and the availability of human capital.

ii. The criteria that was used to choose the law firm was basically its experience in dealing with labour matters. The law firm has been involved in one way or another with all major industrial action litigation in Botswana since the early 1990’s.

iii. The Government did not overlook the Attorney General as the instruction that went to the law firm emanated from the Attorney General. In terms of the law, only the Attorney General or her authorized representatives possess the authority to represent the Government in litigation and hence the law firm appeared in court as representatives of the Attorney General. At all sittings, a member of the Attorney General’s Chambers was present in court.

iv. The Government has not yet paid for the services rendered but when the billing process is complete the legal cost vote of the Attorney General’s Chambers will be used to pay for the legal services rendered as in all other outsourced matters.

v. The decision was made by the Attorney General who issued a Power of Attorney delineating the authority she was investing in the law firm.

I thank you, Madam Speaker”.

Acting Minister of Defence, Justice and Security

As it could be seen this is what the Minister stated to the Honourable house and therefore the distortions that have been appearing in the local newspapers should be dismissed totally.

Segakweng Tsiane, Permanent Secretary, Ministry of Defence, Justice and Security

C8) 27/7/11: MEDIA ADVISORY: RE: H.H. THE VICE PRESIDENT

In the context of continued media enquiries and speculation this is to inform you that while H.H. the Vice President is reported to be doing well, he has not as yet been released from the Hospital.

You will of course be informed when he does return. [C1]

C9) 27/7/11: MIST CONGRATULATES ONE OF ITS OWN, WHO IS NOW MISS UNIVERSE BOTSWANA

The Ministry of Infrastructure, Science and Technology received with great jubilation and pride the news of the crowning this past weekend of one of its own employees Ms Laron Kgabo as the 2011 Ms Universe Botswana. Laron is one of the Ministry's employees in the Department of Building and Engineering Services where she works as an Architect. The Ministry has been following with great interest and admiration the participation of Laron on the Ms Universe Beauty Pageantry in recent months.

The Ministry had pledged to give her moral support including all the other support that she needed to effectively participate in this well acclaimed international beauty pageant. The Ministry therefore accorded her time and warmth in her pageantry persuasions. Whereas her crowning as the Ms Universe Botswana means that the Ministry may be one Architect short in the coming months as she prepares for the grand finale of this pageantry, the Ministry is alive to the reality that Laron will be playing another equally important role of representing this country. The Ministry further views her crowning as an inspiration to other young people who also desire to contribute to nation building in different ways. The Ministry is therefore happy and proud to be associated with Laron and her latest success.

As such, the Ministry once again pledges its continued support to Laron and encourages her to be motivated by this historic achievement. It is only through continued determination and personal courage that the competitions that lie ahead could still be won. The Ministry has no doubt that Laron has all it takes to be the next Ms Universe, following in the footsteps of another local beauty Ms Mpule Kwelagobe who also put our country on the map when she was crowned Ms Universe some years ago.

We therefore wish Laron good health and success in all her future endeavours. We also thank the organizers of the Ms Universe Botswana and congratulate everyone else who also facilitated her road to becoming the Ms Universe Botswana.

C10) 26/7/11: INVITATION TO ATTEND THURSDAY PITSO FOR SECURITY COMPANIES @ SSG BAND WNG HALL

Members of the Press are invited to attend and the PITSO FOR SECURITY COMPANIES, which will be convened by the Acting Minister of Defence, Justice and Security on Thursday 28th July 2011 at 08:00 HRS at SSG Band Wing Hall. In this respect members

of the Press are advised to arrive before 0800 HRS as the opening is expected to begin on time.

The event is expected to bring together about 500 Government and Industry Stakeholders in the field of public security including all registered security companies and affiliate members of the Security Association of Botswana (SAB).

The agenda of the PITSO will cover how government in partnership with security companies and community stake holders can achieve a more safe and secure Botswana.

D. ALSO IN THE NEWS: FOCUS ON MOZAMBIQUE VISIT

NB: NEWS REPORTS, STATEMENTS AND/OR VIEWS REPRODUCED BELOW ARE FROM NON-GOVERNMENT SOURCES AND THUS ARE NOT NECESSARILY THOSE OF GOVERNMENT OF BOTSWANA.

D1) 28/7/11: PAPER DELIVERED BY HON JUSTICE SANJI MONAGENG AT A MEETING OF THE AFRICAN HUMAN RIGHTS CONSORTIUM CONVENED IN JUSTICE MONAGENG'S HONOUR.

Members of the Press may wish to further note the following background vocational details about Hon Justice Sanji Monageng: Judge of the International Criminal Court, Former Judge of the High Court in the Republic of The Gambia and The Kingdom of Swaziland, Founder CEO of the Law Society of Botswana, former Commissioner and Chairperson of the African Commission on Human and Peoples' Rights.

[Start of Presentation]

AFRICAN HUMAN RIGHTS, I AND MY REFLECTIONS BY HON JUSTICE SANJI MONAGENG

Introduction

Honourable Attorney General of the Republic of Botswana, Honourable Judges, Your Excellencies Ambassadors Molefe and Gunter, distinguished members of the Botswana Bar, my family, distinguished ladies and gentlemen, all protocols observed.

It is humbling to be among you today and for you to have accepted the invitation to honour me through this very important event in my life.

From July 2003 to May 2009, I served Africa as one of the Commissioners and Chairperson of the African Commission on Human and Peoples' Rights (The African

Commission), an organ of the African Union (AU), and the premier body that is mandated to promote and protect human and peoples' rights on the African continent.

When I was first approached to speak on this very abstract topic, my first reaction was to ask myself 'what really would I say about human rights that have not been said already?' There was also the challenge and risk of sounding presumptuous, self righteous and even prescriptive. However, I decided that what was expected of me is to try and sketch out an insight into the African human rights scene, spanning the thirty years of the African Charter on Human and Peoples' Rights, which Charter establishes the basic framework for a human rights discourse in Africa. When I eventually agreed to deliver this paper, my first thoughts were that, contemporary African human rights discourse is marked by complex and contradictory dynamics, impacting the enjoyment of human rights on the continent in many different ways. It is a truism which needs no restating, that the study of human rights is laden with values and attitudes, and these need to be confirmed and confronted.

My presentation will take a brief look at the philosophical foundations and historical developments in the continent's search for its place, in the post colonial human rights landscape and the key human rights issues in Africa. In the process, I will share with you some of the examples from within the African human rights system.

Restatement of Age Old Problems

During the first decade of the second millennium, many African countries have been celebrating 50 years of independence. Many of these countries gained independence during the late 1950s and early 1960s. Unfortunately, independence in some African countries did not automatically translate into respect for basic rights and fundamental freedoms for their citizenry. The 20th century, witnessed probably the worst cases of human rights violations in Africa. The 21st century also began with stark challenges for human rights enjoyment.

I have, in my life, been a witness to such violations. For instance, in my capacity as a Commissioner, in 2008, I undertook a human rights Promotion Mission to one African country. There I was confronted with the practice of Trial by Ordeal.¹ Of course in many of the cases the victims are women. I give that example, because in Africa's long history, only a few generations have been granted the role of defending freedom in its hour of maximum threat and danger. In a strange way, our generation, born in the 20th century, has been fortunate enough to have been entrusted with this responsibility and we should not shy away from it, because Africa has changed, and it is undergoing a positive metamorphosis. Human rights discourses and dialogues, frowned upon and violently suppressed in many autocratic African regimes in the past, now find favour in political fora across the continent. This is a tribute to the enduring struggle of African peoples, and the unfolding changes that are taking place in Africa's human rights landscapes. I need not remind you of the popular uprisings in North Africa.

I suppose what I am saying is that, within the last quarter of the 20th century, Africa has witnessed a growing recognition of the place and relevance of human rights. It is axiomatic that this interest in human rights is rooted in our history. Slavery, colonialism, neo-colonialism and pseudo-democracy have transformed contemporary Africa into an intricate continent in which human rights, as rhetoric and reality, have never been more pronounced.

As students and practitioners of international human rights law, many of us know that human rights issues today, whether seen from the right or left of the ideological spectrum, are a fundamentally global, philosophical, moral, legal, social and political phenomenon of the 20th and 21st centuries. Not too long ago, even genocidal policies were considered the internal affairs of sovereign nation states, to which the international community could not intervene. I suppose the point I am making is conceptually that human rights are important to all humanity – even for us in Africa.

The paradox though is that, despite its universal appeal, millions of people are, on a daily basis, denied their rights - some for a right as simple as expressing an opinion. In some societies in Africa, one runs the risk of being jailed or even killed for expressing a critical opinion about their government. Many journalists have suffered for merely exercising a fundamental right enshrined in all major international and regional human rights instruments.

Simply put, human rights, for me, are what reason requires and what our conscience demands. I cannot agree more with Kofi Annan who once said that “they are us and we are them”. Human rights are rights that any person has as a human being. Since we are all human beings, we all deserve human rights. One cannot be true without the other.

Allow me to take you back to the African Charter, which ultimately is our reference guide. The concept of human rights in traditional African society was not sanctioned by a normative system, deriving its validity from a constitutional base or Grundnorm, but was rather premised on social values, positively confirmed by African beliefs in the past, and transmitted to posterity through oral history, and manifested through positive traditional practices. This is captured in the preamble of the African Charter which “takes into consideration the virtues of their [African peoples], historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples’ rights.”

In fact when one looks at the African Charter, it also gives due regard to the international body of human rights law as developed by the United Nations. In its preamble, African States commit themselves “... to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa and to promote international cooperation having due regard to the Charter of the United Nations and

the Universal Declaration of Human Rights.” The African Charter reflects the specific hopes of the African people for a fuller and better life in which African States accept to observe certain minimum standards of treatment of their citizens.

Securing Human Rights in Africa: Challenges to the African State

Please allow me to share with you some of the challenges of human rights in Africa as I see them. An AU report has attributed Africa's poor human rights record mainly to racism, post-colonialism, poverty, ignorance, disease, religious intolerance, internal conflicts, debt, bad management, corruption, the monopoly of power, the lack of judicial and press autonomy, and border conflicts.

Furthermore, at the core of Africa's security and human rights crises, as we are all aware and as has been found by many commentators, is a weak or failing state, whose institutions are unstable and underdeveloped.² To keep the weak state going, some of our leaders have adopted a situation where the focus is the state, personified by the regime in power, and of course regime survival, where the targets of such states' coercion are often the critics of the government.

Tied in with the dictatorial post-colonial state, human rights violations and indeed violent conflicts in Africa, have led to the worst excesses we have seen on the continent. This partly arises from lack of political participation, and equitable access to and control of resource flows, and the way in which these resources are conceived, managed and sustained.

In fact, Africa's security and human rights challenge after independence, and following the creation of the OAU in 1963, was how to address the structural weaknesses, inadequate social infrastructure and lack of governance systems, all of which emanate from the inherited pre-colonial state.

Another challenge for human rights in Africa is the problem of colonially imposed boundaries. Rival communities were lumped together and ethnic groups split between adjacent jurisdictions, which led to inherently unstable aggregations and unnecessary competition. Under this type of arrangement, the seeds were sown for countless national and international disputes of a territorial nature leading to dozens of conflicts and secessionist movements after independence. Upon its creation in 1963, the OAU entrenched the *uti possidetis juris* principle of preservation of colonial boundaries. This became a key premise of African international law.

Another huge challenge of the post-colonial African state is the inability to meet the needs of its people. States inherited weak economies unable to meet the basic necessities of existence, especially since these were promised as rewards for independence. Immediately after independence the predominantly agricultural economies of the newly independent African states faced competition from the

international economic system. The inability of most of these states to meet the demands made on them by their citizenry, to a large extent, has been responsible for instability and internal conflict with attendant human rights violations.

Realization of Human Rights: a Hope for the Future?

The question we need to answer today, is whether there is hope for Africa to meet the human rights challenges of the new millennium? There is no denying that today, more people enjoy more rights than ever before, but all of us are also aware of the limitations of the African states to establish a human rights regime that guarantees the enjoyment of human rights by all peoples across the continent. There has been no shortage of commitment to respect international obligations, as far as the African case is concerned. In April of 1999 the OAU held its first ever Ministerial Conference on Human Rights at Grand Bay, Mauritius, almost 15 years after the entry into force of the African Charter on Human and Peoples' Rights. The then OAU Secretary-General Salim Ahmed Salim called for the integration of human rights in school curricula, and the strengthening of institutions responsible for promotion and respect for human rights. He emphasized that Africa "needs to inculcate in its people a culture of peace, tolerance and respect of human rights, to energetically fight poverty, illiteracy and intolerance, to strive to overcome the scourge of conflicts and ensure that human rights violations are not only condemned but also effectively opposed and eliminated."

A cursory examination of the provisions of the AU Constitutive Act, establishing the African Union, reveals that human security forms an important policy platform, differing from the OAU on a number of respects.

The AU Constitutive Act is a novel and welcome development in African international relations, and human rights law. It is Africa's statement of intent to promote and protect human rights and human security, and constitutes a new conceptual departure from its past, hence setting Africa on a new road towards being a continent at peace.

Commentators have observed that the rejection of unconstitutional forms of government for example, is on its way to being customary international law in Africa.

The Legacy of the African Charter: An African human rights normative framework.

At the heart of the African human rights system is the work of the African Commission on Human and Peoples' Rights. The African Commission is a treaty-based mechanism established by (Articles 30 to 60) of the African Charter on Human and Peoples' Rights. The adoption of the Charter in 1981, and its coming into force in 1986, anchored into the African continent, the internationally recognised individual rights, and added the newly proclaimed collective rights and duties. The African Charter recognizes both civil and political rights, social and economic rights, as well as rights and duties. This is not to say that, prior to the adoption of the African Charter; Africa was bankrupt of all

moral or legal deference to human rights. There were various judicial mechanisms in existence for the dispensation of justice. The adoption of the Charter however, cemented Africa's aspirations, determination, and desire to 'promote and protect human and peoples' rights and freedoms on the continent.

In July 1990, the 26th Ordinary Session of the Assembly of Heads of State and Government adopted the African Charter on the Rights and Welfare of the Child, which came into force in November 1999, to safeguard, promote and protect the rights of the African child. Two additional Protocols to the African Charter on Human and Peoples' Rights, - the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, (1998) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, (2003) - have been added to complement the Charter.

The African Human Rights Court came into existence in 2006, with the responsibility to enhance and complement the protection mandate of the African Commission, which has been in existence since 1987.

The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights (Protocol) was adopted by the Assembly of Heads of State and Government of the Organisation of African Unity (OAU) in Ouagadougou, Burkina Faso in June 1998 and it entered into force on 25 January 2004. Since the adoption of the Protocol, significant advances in the human rights landscape can be discerned. The Court is up and running since July 2006, when its first judges were elected by the AU Assembly in Banjul, the Gambia. It has its seat in Arusha, Tanzania. The Court has disposed of one case, but has received several more, which means that individuals and NGOs in African states are now asserting their rights against those states parties which have ratified the Protocol and made the requisite declaration accepting the competence of the Court's jurisdiction. I am informed that the Court now has eleven cases! That too is encouraging.

The Protocol on the rights of women, otherwise known as the Maputo Protocol, is a monumental, progressive and history making instrument, aimed at improving the situation of women across the breadth and length of Africa. It enshrines the equality of women in every respect in African society, condemning and prohibiting harmful traditional practices, among many of its very salient features. It is heartening to note that more and more states are ratifying the Protocol.

There are other important developments on the continent. Within the last decade or so, autocracies are disappearing as new rules establish term limits for presidential office, and increasingly respecting the rule of law and separation of powers principles, between the various branches of government, unlike the lip service about democracy and respect the rule of law that was made during the one party democracy era, that prevailed for most of the first forty years of African independence, albeit in those states

which were not military dictatorships. It is also gratifying to note that within the last twenty years, indications of positive change in Africa have been encouraging. New democracies are taking hold in different parts of the continent. Concurrently, one-party states have opened up the political space and have embraced reforms, albeit, often reluctantly.

There are many other initiatives that have been adopted by the African Union with a view to transforming the lives of the people e.g. the establishment of the New Partnership for Africa's Development (NEPAD). A Pan African Parliament is also one of the critical institutions that have been born. I have similarly been fortunate to witness the birth of the PAP and of course that of the African Court on Human and Peoples' Rights.

Role of Civil Society Organisations

I need to say a few words about Non Governmental Organisations. They have expanded the scope for the enjoyment of human rights on our continent by playing a role in checking abuses of human rights in the countries in which they operate. They have spearheaded campaigns for greater respect for and observance of human rights and dignity, everywhere in the continent, by blowing whistles and raising red flags, whenever they see violations being perpetrated. They have immensely facilitated the communications procedure under the African Charter, the special mechanisms and the working program for the African Commission throughout its existence. Thus far, their activism around various human rights themes, within the framework of the African Charter, has been highly impressive. It is a general belief that without NGOs, there probably would be no African Commission, and again I bear testimony to this.

The challenge for human rights activists and NGOs is to maintain the momentum of human rights activism, in order to create, foster and nurture a culture of observance of human rights, a climate of legality and positive traditional African and moral values into their human rights advocacy.

If NGOs do not move in tandem with the views, concerns and the aspirations of the people whose rights they seek to champion and protect, there will naturally be a disconnect, and the gains that we have made over the years may well be whittled down.

At this juncture, I wish to congratulate the African Human Rights Consortium through Professor Peter Takirambudde, for its courage, resilience and commitment to the course of promotion and protection of human rights on the continent. It can never be easy, especially in terms of resources, both financial and otherwise. I pledge my support to the best of my ability Professor.

Conclusion

In this presentation I have tried to argue and show that while substantial progress is taking place in many parts of the continent in terms of the march of democracy and human rights observance, limitations to the full realization and enjoyment of human rights in Africa remain frighteningly daunting. My view is that for us to succeed, we should continue using our regional institutions as platforms for reform. In fact, I would go so far as saying that the universality of human rights, its focus on human dignity and concern for accountability make the various organs within the African Union uniquely appropriate for championing the cause of human rights on the continent. That is why I am so pleased that the Human Rights Strategy and Mapping Document on the Human Rights Landscape in Africa has now been finalized and adopted by these organs. The next few years will test our collective will and resolve as we implement this Strategy and make it work for all of Africa.

I implore African countries to support the newly established institutions, and to develop strategies to promote democracy, good governance and the rule of law.

While we strive to chart the course for our future of peace and security on the continent, it is equally important that we steadfastly face difficult choices in addressing the inexhaustible catalogue of human rights violations on various parts of the continent.

Only then can we talk about human rights, lasting peace and stability. That, in my view, is the basis on which to tackle the enormous challenges of economic development and growth facing us in Africa today.

Finally ladies and gentlemen, this journey I took with the African human rights system culminated in the Government of Botswana nominating me for, and being successfully elected to the position of Judge of the International Criminal Court, in The Hague, under List B, which a list of candidates with knowledge and competence in international human rights and humanitarian law among other competencies.

I am very happy to see so many lawyers and judges here today, and reiterate my plea for you to take advantage of the many opportunities that are available at the ICC i.e. internships and visiting professionals programmes and work opportunities. I also request female lawyers to apply to be admitted to the List of Counsel and Assistants to Counsel for you to practise at the Court. Details are available online.

As Mahatma Gandhi said, "You must be the change you wish to see in the world." I thank you for your attention.

D2) 28/97/11: NEWS REPORT FROM LACROSS TRIBUNE NEWSPAPER (USA) OF MOTSWANA STUDENT IN OSLO AT TIME OF LAST FRIDAY'S BLAST. THE STUDENT, THATO MASIRE IS REPORTED TO BE STUDYING AT LUTHER COLLEGE IN USA BUT WAS ON A SUMMER STUDY EXCHANGE - NOBEL PEACE PRIZE FORUM - IN OSLO

"LUTHER COLLEGE STUDENTS FELT OSLO BLAST"

DECORAH, Iowa — When a massive explosion rocked downtown Oslo Friday, Luther College student Thato Masire said he wasn't sure what happened.

Masire, a Botswana native studying at the Nobel Peace Prize Forum for the summer, was at a cafe two blocks from the site of the terrorist attack. The bombing and subsequent shooting at a youth camp outside of Oslo killed 76 people. Norwegian domestic terrorist Anders Behring Breivik has been arrested for the attack.

Masire was not hurt, nor were his companions.

"The windows of our restaurant vibrated violently with a loud blast in the background," he said in an email. "We were totally shocked by this."

Masire is one of 10 students studying at the Nobel forum from Midwestern liberal arts colleges, all of which are affiliated with the Evangelical Lutheran Church in America. He's been there for about a month and leaves the country in two weeks.

Masire said patrons inside the restaurant were stunned by the blast. Several jumped on their smartphones to find answers. Others were talking to each other, but they spoke only in Norwegian, which Masire didn't know.

"Outside the restaurant we saw a lot of people coming from the direction of the prime minister's office," he said.

Lauren Griffin, another Luther student from Minnesota in Oslo studying with Masire, said she learned of the attack from a friend on Facebook. She'd just woken up from a nap.

"Disbelief was our first reaction as my friends and I tried to check sources online," she said in an email. "Who would want to attack Oslo, the world capital of peace?"

Everyone was safe back at the International Summer School where the pair were studying, Griffin said. In a blog post that day, Griffin said some of her classmates were shouting about the terrorist attacks. Others were in disbelief. "It has been a very, very scary day full of bombs, gunfire, broken glass, and blood," Griffin wrote in her post. But she also said she was comforted to see Norwegians and Prime Minister Jens Stoltenberg calling for peace, not let the bombing create more fear.

Luther and Decorah have had a strong connection with Norway throughout its history. On Oct. 13, King Harald V and Queen Sonja will visit Luther College. Norwegian royalty

have also visited the Decorah area seven times since the 1930s. The bombing has not changed those plans.

Also in Iowa this month is a large group of Norwegian educators attending an annual education institute in Decorah. The news about the attack came to the attendees during a trip to the Sac and Fox Tribe settlement near Tama, said Ruth Caldwell, the institute's co-director.

"We were all going on our cell phones with the wireless trying to get some information from the Norwegian newspapers," Caldwell said.

Caldwell said the attack seemed very out-of-character for Norway and the people from that country. The country helped brokering peace deals for the conflicts in the Middle East, Sri Lanka, Sudan and the Balkans and is home to the Nobel Peace Prize.

"When you consider their role in the world, it's extremely out of character," Caldwell said.

END NOTE - TAUTONA TIMES

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