

KAMANAKAO ASSOCIATION

Submission to the

Commission of Enquiry on Sections 77,78,79 of the Constitution.

September, 2000

Introduction

This paper is a result of the meeting of Kamanakao Association held at Etsha 6, September 2, 2000. The meeting was attended by all organs of the Association: The Wayeyi Chieftainship Council, the Women's Wing, the Chief's Regiment (Mavundjindowa), Youth Groups, representatives of Branch Committees of Gumare, Etsha, Seronga, Boteti, Shorobe, Sepopa, Shakawe, Nokaneng, and Maun.

The purpose of the meeting was to develop a position statement for submission to the Commission of inquiry on Sections 77,78 & 79 of the Constitution. The Executive Committee was charged with the responsibility to put the statement together and submit on behalf of the Association. This submission addresses the following questions:

- A. Is the Constitution discriminatory?
- B. How can it be made ethnically neutral?
- C. How do we accommodate ethnic groups from other countries?
- D. How should chiefs be selected to the House of chiefs?
- E. What measures need to be undertaken to enhance the efficiency and effectiveness of House of Chiefs?
- F. A statement on the land issue
- G. Conclusions

The Executive Committee, UB-Branch of Kamanakao Association, and representatives of Lentswe la Batswapong, members of the Babirwa group discussed this submission on September 14,2000. We are grateful for the inputs.

A. Is the Constitution discriminatory?

The answer to this question is yes. There have always been more than eight tribes in Botswana. The number is estimated between 26 and 52. They speak various languages. For section 78 of the constitution to select the eight Tswana speaking tribes at the exclusion of all non-Tswana speaking tribes is clear discrimination along ethnic and linguistic lines. There is no reason why chiefs from Chobe, Kgalagadi, Northeast, Gantsi and Kgalagadi be relegated to the **sub-chief** status (Section 79). Unlike those mentioned in section 78, these could only be sub-chiefs. It is not even clear whom they are representing. The names of the dominant tribes in these four areas are not even mentioned as the constitution (and Chieftainship Act), and Land Territories Act) only recognizes Tswana as tribes. The understanding is that those in these areas are **sub-tribes** (*meratshwana*), hence not appropriate to mention. There is also no reason why other tribes such as Baherero, Batswapong, Babirwa, Bayeyi, Bakhurutshe, Bambukushu, Baciriku, Basarwa, Basubiya, Bangologa, Bashaga and so on should not be represented at all or subjected to imposed representation. The constitution renders these tribes non-existent or at best, subjects (*malata or batlhanka*) of the Tswana speaking tribes they share space with as per the Tirbal Territories Act. By implication, these tribes are therefore, **sub-human** hence not deserving representation at all. The constitution of Botswana is currently, one of a kind among countries of the world, by institutionalising discrimination through the highest law of the land. Discrimination by its nature is irrational, and so is the one contained in these sections of our constitution.

The implementation of these discriminatory sections and the supporting Acts of Parliament, has resulted in devastating discrimination than the sections may have intended to. Firstly, the languages of the non-Tswana speaking groups are not permitted in any official domain, the courts, education, the media, the military and the traditional kgotla. Secondly, the areas in which all these tribes reside can only be served by **sub-landboards**. They have to travel distances to pay allegiance to the master's capital to access better services. This is not only impoverishing the individuals but it hampers development in the country. It further fosters discrimination on the provision of basic services to the areas where these non-Tswana speakers reside. Due to lack of basic services and poor teacher attitude towards school children, these areas have the highest failure rate in schools, they have the poorest and most limited medical services, and they have no access to independent information in languages they can fully comprehend. The sections have rendered all non-Tswana speaking tribes, **sub-human**, who live in **sub-lands**, and are overseen by **sub-chiefs**. They are appendages to the eight Tswana speaking tribes in all respects. They are

are considered refugees or squatters in other people's land, and ruled by other people's chiefs. Non-Tswana speaking groups have become beggars of favors without any human rights of their own to enjoy. These sections have polarized the country into Tswana and non-Tswana. The tug of war is getting tougher and tougher and the rope may soon break apart. The question of whether or not these sections discriminate has become irrelevant. Perhaps the relevant question to ask is to what extent is this discrimination? and how threatening is it to the peace and stability of the country?

The Wayeyi have suffered the most through slavery, which has continued to the present day in another form. Our masters of the colonial times are still our masters of today. This is despite our numerical supremacy. We installed our chief on April 24th, 1999, to date he has been refused submission to the House of Chiefs on the basis of these sections of the constitution. The process to install our chief and the current status of our lawsuit is evidence to show the discrimination that exists in this country which is enshrined in these sections of the constitution. We have been harassed and intimidated in many ways, as if we have done something terribly wrong by demanding our rights. We do hope that someday all the peoples of this country will be equal before the law, respect each other, so that outsiders can respect us a nation.

B. How can the Constitution be reviewed to make it ethnically neutral?

We suggest the following phraseology:

Section 77: There shall be a house of traditional leaders for Botswana.

Rationale:

Chieftaincy is one form of traditional leadership. It is applicable to most ethnic groups in Botswana but not all. Others have other forms of leadership. For instance, in some communities, a skillful hunter is the community leader. The above phraseology, would then accommodate those who do not have chiefs but other forms of leadership in their communities. It would not compel all ethnic groups to adopt and embrace chieftaincy as the only form of leadership. There would be an acknowledgment of the existence of other diverse forms of governance and leadership in our country. A traditional leader is a *kgosi* in Setswana, a *shikati* in Shiyeyi, and a *fumu* in Thimbukushu. There are similarities and differences in terms of the functions of a chief amongst these ethnic groups. For instance, a *fumu* is expected to make rain and bring good harvest for his people. This is not expected of a *kgosi* for instance. The term traditional leader, then would embrace these various concepts of leadership in the various ethnic groups. The House should then be the **house of traditional leaders or traditional authorities**. Schools could be called to compete for the best name, which would be a

form of conscience rising amongst the youth to participate in designing who we are as Batswana, and where we want to go. The African renaissance compels us to move closer to our African traditions, customs and values, and revive as much as we can. Chieftaincy is not an imported concept; it is our form of governance, which carried many of our societal values. The name of the house should be symbolic of the Africa renaissance. The erosion of the African values has contributed grossly to the elevation of poverty in many African societies. We no longer value our food, our ways preserving and burying our dead, our traditional schools etc. We have adopted the Western ways, which are unaffordable to many. The poorest of the poor, are forced by new western values to spend their last penny to conform to such values (eg. buying caskets). Funerals have become the most expensive customs. We need a house of traditional leadership that would work tirelessly to revive these values and alleviate poverty amongst the people. Its name should reflect this ambitious mission.

If it becomes the house of representatives it would not differ from parliament or councils which represents the people in ensuring the provision of social amenities such as water, schools, clinics etc. Our culture of representation has been established as political and it is accepted as such. NGO's and other sectors of the civil society are comfortable with their positions under BOCONGO. It would be improper to subject Non-Governmental organizations to beauracracy through inclusion in this governmental house. The criteria to select them many be difficult and compel the exclusion of others, which would be viewed as discriminatory. The house may be forced to exclude some traditional leaders, to accommodate NGOs. This will mean that the imbalance the Commission sought to address would not have been addressed. NGOs and the civil society can input to the work of the house through other means but not full membership.

We do not have a culture of delegation, therefore, it cannot be the house of delegates. Any other house would leave chieftaincy in limbo to die a natural death, especially for those groups whose leadership had been eroded. They will continue to have imposed leaders at the grassroot level and the imbalance would not be addressed. The institution of traditional leaderships has a natural bond with the people which delegation lacks. In other words, people are most likely to pay more allegiance to their traditional leaders than to delegates. The concept of delegation does cloud parliamentary delegation. First of all the house of delegates automatically destroys the institution of chieftaincy as a common form of traditional leadership applicable to many groups in Botswana, and replaces it with a new concept and focus, not equivalent to any traditional concept. We need to be convinced how such a new concept would promote and symbolize the spirit of the African renaissance. Secondly, we need to have a vision for it and argue that

abolishing the house of our traditional leaders, is the only way to achieve such a vision and greater representation. Could we easily have other interests represented in the House of traditional leaders without abolishing it and creating a new and strange animal? Yes of course. Any other label would make the house lose focus on its mission and vision on culture and development. It will be come a jack of all traits and a master of none. The House may deal with many issues brought in by delegates, of borderline relevance to its core business, which is culture in development. The core-business may then receive limited or divided attention and not yield desired results. For instance, if the house is to spend three days discussing issues relating to trade unions, these may be of little interest to chiefs and other traditional leaders, since they represent mainly people who are not employed. Therefore, their time there is wasted. Our suggestion is that should organizations such as Trade unions, churches, NGOs working in the various sectors have culture related issues, they should submit them to the house of traditional leaders either in writing or in such special settings, in which the house has reserved to receive and listen to such submissions. Full membership may not be cost effective. It would be rather difficult to maintain the concept of chieftaincy as a form of leadership without an institution that specifically fosters the concept and its expectations. It is difficult to have parliamentarians without parliament, or councilors, without council. We have traditional leaders, we need to revitalize chieftaincy as part of our culture and bring it to the fore without any apology, both as a developmental agenda and as our contribution to the African Renaissance. We need to exploit the natural bond people have to their chiefs to foster development. The various orientations of organizations making the civil society may not necessarily harmonize and sharpen the focus on cultural development. Finally, to suggest another house, would be a departure from the current terms of reference.

Section 78: All ethnic groups (*merafe*) of Botswana shall have the right to representation in the House of Traditional leaders.

Rationale: this is to get rid of the imbalance, to be ethnically neutral and make it ethnically inclusive of all *merafe* living in this country. The phrase “shall have the right for representation” as opposed to “ shall have representation” is to provide choice for those who may not wish to. For instance, if the Bakhurutshe and Batalaote feel that their culture has blended perfectly with Ngwato culture, and they would be comfortable with Ngwato representation, they should have the right to choose, either to have their chief or to be represented by the Ngwatos. Some ethnic groups are facing extinction, such as Batawana and may prefer co-existence. Democracy is about the right to choose.

Section 79: We suggest the deletion of this section.

C. Ethnic groups from other countries:

The question of how we should accommodate ethnic groups from other countries is emerging and it needs to be addressed by this commission. Losing sight of it now would bring it back later with more complications. How do we accommodate for instance, the Zambian, Moslem, Chinese, Nigerian, American etc. communities working in Botswana. Our recommendation is that they should have the right to develop and maintain their culture (food, dress, religion etc.) at the family and community level. At national level, they should be simply Batswana. To allow them representation in the House of chiefs would be equivalent to have a Motswana in a Chinese parliament, or a Chinese in the House of Lords. The importation of foreign cultures should not be institutionalized through the highest law of our land, the constitution. The idea of nationhood that distinguishes Botswana from Zambia for instance, should be maintained. Batswana should be eager to visit Zambia to see the Zambian culture, but not import it here. Culture is one of the attractions for tourism. Foreigners must respect the cultures of the peoples of Botswana amongst whom they live. Once they naturalize, they are admitting their acceptance to co-exist with the people they found. Their cultures too must be respected without overshadowing the local cultures. We would like to see this country belonging to Batswana for many more years. Citizen empowerment and citizen protection should be emphasized.

In the spirit of democracy, those identifiable citizen groups, whose have generations born here and are without any connection to their countries of origin, such as Xhosa, Zezuru, Coloreds, Indians, should have a choice to have representation in the House of traditional leaders. They should form a coherent community for them to have this representation.

D. Most Effective Method of Selecting chiefs

The current scenarios are as follows: some ethnic groups have chiefs, they call them paramount chiefs –non-existent term in any statutes, but used by the eight Tswana speaking groups to impose their supremacy and in turn subjugate and insubordinate other groups. Other ethnic groups have lost the genealogies of their chieftaincy. Others have been served by sub-chiefs, others have had no representation at all. Despite all these variations, it is accurate to say that most African ethnic groups had chiefs by birth, as part of their culture. In Botswana this is still the case, both among Tswana and non-Tswana speakers. However, in the spirit of democracy, in which the right to choose ones representative is critical, there should be flexibility

in the manner in which chiefs are selected. The constitution should not be prescriptive, because that would also be against the spirit of the right to choose. For instance, it would be unfair to say they must be chiefs by genealogy, because some ethnic groups may have had too much about such chiefs and looking forward to getting someone more competent. On the other hand, it may be unfair to say people should sit and choose, even when they feel that their chief by birth is still serving and subjecting him to such an election competition would violate their culture for no apparent reason. They may also feel that subjecting their chief to such competition may bring divisions among the people. Others have argued that birth right is democratic as long as the people have accepted it as their method of selecting a chief, and it reduces the potentiality of conflict. Some groups may feel that even though they are not happy with their chief by birth, they would still want to get someone competent within the same genealogy or extended royal family, *as a means to maintaining the natural bond, dignity and stature of their leadership*. Each ethnic group should have the right to determine who can be chief or traditional leader. Government should be ready to accept various patterns in this area. Certain values though need to be emphasized by government, the need to be consistent as a nation, e.g. we cannot deplore ethnic inequality and condone gender inequality. A new value system needs to be accepted, women within certain genealogies need to be recognized as chiefs or traditional leaders. This may not be new to all ethnic groups, e.g. Batawana had a woman regent, therefore, to them this would not be a new value. Other ethnic groups may accept it or reject it. They must have the right to choose.

We are therefore suggesting that, the how of selecting chiefs should be left to the people, some may choose to follow their customary law, others may develop other strategies. They should have the right to decide how to do it, when to remove, replace and demote their chief and so on. The power in this area must go to the people. This should not be of concern to government, but values of equity should be encouraged. Should government need phraseology, it could read like:

“The selection of the chief shall be carried out by each *morafe* in accordance with its customary laws or any other criteria set by the *morafe*. After selection, the *morafe* shall then designate the chief in a traditional ceremony as per their customary law and submit the name to the minister for recognition”.

Procedural details and minimum requirements could be dealt with in a revised Chieftainship Act.

We would like to caution the idea of subjecting the selection of chiefs to the same process of members of parliament or councilors where there are campaigns and counter campaigns. This would not bring any difference between the two institutions. It would also politicize the

institution and make it lose its traditional touch of respect, by engaging in dirty campaign strategies, including bribery, intimidation and so on. In chieftaincy, the tribe could form a committee to do the necessary consultations (*morero*), and report to various stakeholders of the general views and make a final selection. They could be interviewed to ensure commitment, and search for the cultural values the candidate is expected to uphold. Government should not interfere, unless requested to do. Government is currently interfering in the chieftaincy issues of the Bakwena tribe, and certainly causing a lot of confusion, and unnecessary tension. On the other hand, the Wayeyi have come up with their chief without government's interference.

Finally, **the Basarwa** must be treated as a special case. They belong to about nine main ethnic groups with different cultures (see Appendixes A & B). They speak about 17 languages, which are mutually unintelligible. They live in all parts of Botswana, though this may not be unique to them. We suggest that they have at least four regional chiefs for representation (north, east, south and west). This is necessary for consultative purposes and to avoid the traveling of one chief all over the country. Regional integration may have also brought about some lingua-franca (common language) amongst some communities or some level of intelligibility in some areas. They will however, need a common place for their annual ceremony for bonding purposes.

E. Measures to enhance the efficiency and effectiveness of the House of Chief.

In order to answer this question, it is important to first explore the factors that have led this house to be viewed by many as ineffective. The house has been mono-ethnic, mono-genderic, and mono-aged. It has not projected its main mandate to the nation through action, hence most people are not sure of what it is supposed to be doing. It has not participated in the national planning process since it has had no vision for its role. The area mandated to it (cultures and values) has become the forgotten field, eroded by anything passing by. The role of culture in development is not clear to many simply because chiefs have not been doing their job. But rightfully so, because they have not been representing anybody since they all came from one family. To enhance its efficiency and effectiveness, all these issues need to be addressed. Here are some ways to do so:

1. There is need to carry out an analysis of the executive, legislative and judicial powers of the chiefs which were taken away from them by the British to restore those that are still relevant to current contexts. However, powers to allocate land should not be returned to chiefs (see land section below). Chiefs should have the

- relevant training and handle all cases so that they are tried in proper cultural contexts, and with relevant idiom.
2. The major task of the House of Chiefs should be to develop, preserve and transmit the various cultures and value systems of the nation. This is why all ethnic groups should be represented;
 3. The House should be responsible for developing and presenting a National Development Plan chapter to parliament on “**Culture in Development**”. It is during the development of this chapter that NGOs and other bodies of the civil society are to provide input on matters relating to culture. This chapter should receive funds for cultural development- and link it with national development. Each Chief should be responsible for a certain budget and account for their achievement based on certain performance indicators such as:
 - a. steps they have taken in curbing juvenile delinquency,
 - b. reduction in HIV/AIDS contraction and deaths,
 - c. promotion of cultural tourism, traditional schooling, traditional medicine, development of indigenous technologies (e.g. food preservations, preservation of certain endangered plants) etc.
 - d. development of necessary linkages and networking relationships with other relevant bodies (NGOs, internal and external agencies);
 - e. other cultural activities to instill traditional values in society,
 - f. other cultural activities to remove negative aspects of their cultures that have a negative impact on development.
 - g. Commissioning of cultural research
 4. The House should have powers to pass laws that are culture bound and have them ratified by parliament.
 5. The House should have a cultural ceremony each year and a traditional attire during all its sessions. It should sit for at *least* four weeks to carry effective discussions;
 6. It should review some of the difficult appeal cases from their areas, and inform relevant judgment;

7. The house should be responsible for documenting, harmonising and periodically reviewing customary laws of the various ethnic groups.
8. It should be responsible for training in the implementation of customary law and democratic procedures and processes for handling customary cases;
9. Clients who wish to be represented by lawyers, should do so at the customary court. In other words, lawyers should appear before chiefs, and not transfer the case to the magistrate's court. This is the best way to achieve greater justice, as the local language would be used by the lawyer and the client would follow and not only evaluate whether the lawyer did his or her job well but also assist as necessary during the proceedings.
10. The House can only be effective if it is free from political influence and operate on its own independent thinking. Politicians found to interfere with the affairs of chiefs should be reprimanded. This interference has led to tensions, divisions amongst certain ethnic groups and so on. The people should have the powers to replace a chief who entertains the interests of politicians at their own expense.
11. The provision of facilities and computer literate staff is essential to the efficiency and effectiveness of the work of the house of chiefs and individual chiefs.
12. The selection of women to the house should be seen as one of the most effective ways to bring efficiency to the house.
13. Models from the surrounding countries should be explored to make the house more effective;

F. The issue of Land:

Land ownership by the eight Tswana speaking tribes has been philosophical. According to the Tribal Territories Act, land it belongs to the tribe (not the chief as some people have been made to believe). However, in reality some chiefs have interpreted this to mean that the land belongs to them. They have exploited such misinterpretation and gone ahead to allocate themselves land, contrary to the Land Act. This Act provides group rights to the eight tribes but not to the rest of the Non-Tswana speaking tribes. This is yet another form of discrimination

– through land use and territorial identity. Like any form of discrimination, there is no rationale for this. The eight regions were demarcated by the colonial government for tax –collection purposes which was to be carried out by the eight Tswana speaking tribes, reported to the colonial government as the only existing tribes in the country. The tax exercise was no longer relevant after independence.

Land should be a national resource with no ethnic ties. No chief should have royalties for national resources as this is most likely to cause tensions between groups who share space. In accordance with the Land Act, chiefs should preside over their people (and not over land). This Act transferred powers for land allocation to land-boards, and replaced the word tribesman by citizen. By so doing it provided all Batswana with the opportunity to acquire land in any part of the country. According to this Act, being allocated a piece of land does not mean you own the land, it still belongs to the land-board, and you could lease it for 99 years. Individuals and groups therefore own properties on land, but not the land itself. Like the sun, the moon and stars that shine on our properties, and make our fields yield crops, we cannot claim ownership to land on which our crops grow. We can only claim land use, sun and moon use. Most people seem to be happy with the Land Act, as it provides equity to land use to all citizens. With this in mind, there is therefore no need for the names of the land-boards that allocate land to continue to suggest that the land belongs to certain tribes. The tribal Territories Act, therefore contradicts the spirit of the Land Act. This contradicts the spirit that anyone from any ethnic group can have land in any part of Botswana. Ethnic connotations in the names of the land-boards have not been reflective of the spirit of the Land Act, nor reality. For instance, Ngwato landboard does not only administer land to Bangwato, but to Batswapong and others. Such labeling projects ethnicity and ethnic domination over land. It is dangerous and has been the source of agitation for many non-Tswana ethnic groups who were found on such pieces of land, only to be named after those who came later. They are made to feel like squatters in somebody else land. This cannot promote equity and justice for long in this country. The issue of warrior-ship as a source of land ownership, which some Tswana groups are clinging on is pure sinking sand. Not only is it no longer relevant, but never was relevant in most instances. The Wayeyi protected the Batawana who were late comers to Ngamiland, over the Ndebele. Who was the warrior then? We suggest the following:

- The naming of these land-boards should assume geographical connotations and not ethnic. For instance, Chobe land-board, Kgalagadi land-board, Central District land-board, Northwest land board, Southeast land-board and so on. This would make the issue of land tribally neutral and ease out the tensions, which

have been created by this philosophical and illegal ownership. The connotation of such labeling would mean that, this land-board is administering land to all Batswana wishing to acquire land use in that area (Chobe, Gantsi etc), irrespective of their ethnic origin;

- The Tribal Territories Act should be removed as it does not only contradicts the Land Act but fosters the ethnic ties to land, which have made some tribes to believe that they own the land and everything in it. Section 78 of Constitution, Section 2 of the chieftainship Act, and the Tribal Territories Act have served as the three pillars of tribalism perpetuated by Tswana groups and discrimination suffered by non-Tswana groups.
- The issues to be resolved is whether all tribes should have group rights to land (like the Tswana do now) or should all Batswana have individual rights to land use. It is worth noting that the constitution protects individual rights but not group rights. It also protects property ownership. These are things one has worked for, bought or made, e.g. ones' house. It does not protect ones rights to natural resources such as land, diamonds (unless they bought them), the sun, the moon and stars. This is why if somebody's house is sitting on diamonds, they must move so that the nation can benefit the resources. The person does not own the diamonds, but will be compensated for the expenses for the house and other properties on that land. If they bought the land, then they would be compensated for buying the land. As part of common discourse they may talk of my land, meaning where their house, farm etc is, but technically, the government reserves the right to use it for national benefit, whether it was allocated to you by the land-boards or you bought it. It is therefore mere fantasy for the Tswana groups to think that the constitution protects their rights to group land ownership, including where other peoples houses and farms are. There should be no land ownership but land use.
- The sub-land-boards, which have been serving the Non-Tswana speaking tribes should be upgraded to land-boards and serve Batswana who would now be equal. This should be done not in the spirit of ethnicity but of national development, of taking services to the people through the process of decentralization. In fostering tribalism, the tribal territories Act has hampered this development. Non-Tswana have to go the capital city of their masters for services, and pay allegiance to the imposed chief. This has been the worst act of subjugation Non-Tswana tribes have tolerated.

- *Merafe* would continue to live in their geographical areas and their chiefs reside in those villages with highest concentrations of their people. For instance, in the northwest, the chief of Bambukushu is at Shakawe, the Wayeyi have their capital at Gumare, where they hold their annual cultural festival. The Basarwa of the Northwest can have their chief in Qangwa or Xaxa, another in Gantsi, one in the central district and one in the Southern part of Kgalagadi. This may not need major structural or infrastructural changes, but perhaps upgrading in the spirit of national development to provide better facilities for the effective and efficient running of the work of chiefs.
- Communities would continue to participate in projects on land use and land management to ensure that the environment remains of benefit to all those who reside in it and future generations. Communal land use would be inevitable, but should not take ethnic overtones, but rather communal use. Allocated land would be used by those it has been allocated to, either as individuals, syndicates, communal organisations, NGOs and so on.

G. Conclusions

- The expected outcome of the work of the Commission should be an acknowledgement of the imbalance that our society has experienced. This acknowledgement should be followed by corrective measures;
- No form of domination would be accepted any more. Neither linguistic, cultural (through imposed chieftaincy) nor economic (through land use & or ownership);
- No imposition of chiefs would be accepted.
- The three pillars of discrimination and tribalism should be reviewed (section 78, chieftainship Act, and/or abolished (tribal territories act).
- All languages must be permitted for use in all social domains and development messages should reach the people in the languages they understand better. Community radio stations should be encouraged.
- President should be applauded for appointing this Commission. While it was obvious that the constitution was discriminatory, it was not clear to what extent is such discrimination still valued and by whom. It was also not clear how unhappy and angry have the Non-Tswana speaking groups been for so many years. This

- Commission has a lot of responsibility to move this country to rise above the discrimination against non-Tswana speakers.
- Those who have been benefiting from tribalism are some chiefs of the eight tribes, through self-land allocation, and psychological identification to land ownership by some of their subjects. They are the ones who still cry for continued tribalism. The good thing is that they have not advanced any sound reasons for the maintenance of such tribalistic tendencies.
 - They have failed to make a case of how continued tribalism would advance our democracy. The values they have argued for, are not in line with human rights nor peace-making. First of all, they want to use discriminatory tools such as the Tribal territories Act to cling to group rights to land. They have certainly displayed a lot of attitude, mainly intolerance and disrespect for non-Tswana speaking groups. They have argued for the maintenance of concepts such as *meratshwana* to refer to Non-Tswana speaking peoples. They have further argued for continued serfdom, or a constant reminder of it and furtherance of imposed leadership.
 - They have argued for their supremacy over other ethnic groups. These are not values of any civilized society in the twenty first century.
 - Such arguments have a great potential to lead this country into unnecessary chaos. They are least likely to gain our country any respect or peace for that matter. The arguments have said a lot about the kind of leadership we have in this country. It is destructive; it needs a lot of education, especially from their children, *ka botlhale jwa phala botswa phalaneng*.
 - Finally, we find Batswana to be lucky, for we still have an opportunity to solve this problem while still on talking terms.

We request that the Balopi Commission should rise above political pressures and accede to public outcry for the removal of the devil within us. We hope that the Commission would recommend change for the better and avoid window dressing, as that would be a waste of time. Over years it has become clear that Government seemed to acknowledge the imbalance but has been unable to act accordingly. There has been a sense of powerlessness with regard to this issue, a sense of “tied hands” and “not in control” so to speak. We believe that those who had influence on the making of the constitution should facilitate this review and provide impetus and a green light for our government to listen to its people. We hope that whatever obstacles were responsible for this attitude would be overcome and a permanent solution reached.

Signatories:

Kamanakao Executive Committee

Kelebogile Shomana – Chairperson_____

Ruth Kauthengwa – Secretary_____

Tsholofelo Bankgotsi – Vice Secretary_____

Gabanakalafo Nkape – Treasurer_____

Otukile Supang – Member_____

Hensen Seidisa – Member_____

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Lydia Nyati-Ramahobo – Coordinator & Ex-officio member

On behalf of Kamanakao Association.

Appendix A:

This appendix assumes group cohesion where groups of similar cultures would fall under one chief – eg. the Kgalagadi would include Bangologa, Bathwareng etc. as per their proximity in space, histories and choices)

Babirwa
 Bakalaka
 Bakgalagadi
 Bakgatla – бага Kgagela
 Bakgatla – бага Mmanaana
 Bakwena
 Bamalete
 Bangwaketse
 Bangwato
 Barolong
 Basarwa
 Basubiya
 Batawana
 Batlokwa
 Batswapong
 Bayeyi
 Hambukushu
 OvaMbanderu
 OvaHerero (**19**) plus 4 of the Basarwa regional groups. = **23**

Basarwa groups.

Ju/hoan
 Xani
 Tcgaoxae (or =Kxau//ein or Kxcau/ein)
 Dxana
 Dcui
 Naro/ //Ana: Naro, //Gana, /Gwi, Khute
 Qgoon
 Nama
 Shua: /Xaise, Deti, Cara, Shua, Tsixa, Danisi
 Tshwa: Tshwa, Kua, Tshauwau, Heitshware
 Tchuan
 Hua
 Hai//om
 !Xoo
 !Kwi: /Xam, =Khomani, //Xegwi and //Ng!e
 Tshu

Total 35 (if all Basarwa are represented)

Appendix B (this assumes that groups would like disintegrated identities from those they are similar to, for various reasons, this may disempower some groups)

Ba-Afrikaans

Babirwa

Bagciriku

Bahurutshe

Bakaa

Bakalaka/Kalanga

Bakgalagadi

Bakgatla ba-ga-Kgafela

Bakgatla ba-ga-Mmanaana

Bakgopeng

Bakgwangadi

Bakhurutshe

Bakwena

Bamalete

Banabjwa

Bangologa

Bangwaketse

Bangwato

Banyayi

Bapedi

Barolong

Barotsi

BaSeleka

Basubiya

Batalaote

Batawana

Batlhware

Batlokwa

Batshweneng

Batswapong

Bayeyi/Wayeyi

BaXhosa

BaZezulu

Hambukushu

ovaHerero

ovaMbanderu (37) plus 4 regional Basarwa groups = **41**

Basarwa Groups:

Ju/hoan

Xani

Tcgaoxae (or =Kxau//ein or Kxcau/ein)

Dxana

Dcui

Naro/ //Ana: Naro, //Gana, /Gwi, Khute

Qgoon

Nama

Shua: /Xaise, Deti, Cara, Shua, Tsixa, Danisi

Tshwa: Tshwa, Kua, Tshauwau, Heitshware, Tsiretsire

Tchuan/Hua

Hai//om

!Xoo

!Kwi: /Xam, =Khomani, //Xegwi and //Ng!e

Tshu **Total 52 (if all Basarwa groups are represented)**