

## **Building a Proud and United Nation:**

### **Submission to the Presidential Commission on Sections 77 to 79 of the Botswana constitution.**

*By : the undersigned*

*“There will be peace in Athens when those who are not injured are as disgusted as those who are injured”*

This paper is a contribution to the national debate on ethnicity by people from various ethnic groups in Botswana: those who are not recognized and those who are recognized by the Constitution. The aim of this paper is to highlight the issues that need to be taken into consideration in terms of nation building. It highlights the fact that building a nation requires the commitment of the various ethnic groups of this country to peace. We believe that building a truly united and proud nation demands the removal of the “us” and “them” categories that exist today. When the Dabutha motion was debated in Parliament in 1988, and was defeated, a member of the recognized groups and the ruling party said “ we defeated them” (Republic of Botswana (Hansard), 1988: 511). This was a clear indication of the division and hegemonic discourse. We therefore, found it necessary to respond to the Leepile group calling itself *Batswana ba ba nang le boikarabelo mo kagong ya Setšhaba*, (*The Gazette, October 18<sup>th</sup> & 25<sup>th</sup>, 2000*), because their submission projected the “us” and the “them” syndrome. Further, the designation of the group is offensive to the many Batswana who have nurtured peace at the expense of their dignity. In fact, demanding justice, as the marginalized groups have done in their deliberations to the Balopi Commission, is being responsible. It is our belief that every citizen has contributions and sacrifices to make in building this nation. The recipe is not to try and assimilate any one but to accept each other as we are. We also believe that nation building cannot be achieved through supremacy of any ethnic group over others for whatever reason. Be it Kalanga, Tswana, or Sarwa supremacy, it is equally unacceptable. The supremacist approach to nation building therefore, has to be rejected and replaced by values of equality, equity, justice and social harmony. This means that all groups should be ready to give and take, to tolerate and not just demand tolerance from others, to accept and not just expect to be accepted and to respect one another.

The Leepile group deserves a response for four more reasons: 1. As responsible citizens, we are obliged to provide the nation with empirically based, accurate and valid information. The group has misinformed the nation: we desire to correct this and restore dignity of scholarship. 2. One of the greatest achievements of the Balopi Commission is the generation of data that will be stored for generations to come. This repository of data would inculcate the perpetuation of the ethnicity issue in Botswana, unless a situation acceptable to the aggrieved is realized. We therefore, wish to provide future generations with a balanced and accurate debate. The Leepile group cannot be left to misinform subsequent generations. 3. In addressing issues of the Balopi Commission, deliberate efforts should be made to avoid approaches that might be divisive and contrary to nation building. For instance, to isolate a particular social ill and associate it with one ethnic group is divisive, and much like the concept of supremacy should be deplored. All forms of social ills such as corruption, sabotage and so on, cut across ethnic, class and gender

lines, and should be condemned at all costs without fear or favor. The point here is not to deny anyone the right to expose certain ills, nor to defend such alleged ills, but that, such observations need to be balanced in order to facilitate nation building. Moreover, to bring such issues within the context of the Balopi Commission is to derail the public from the relevant theme of the imbalance entrenched in our constitution. 4. Inter-ethnic animosity eventually spills over to become intra-ethnic animosity, this is, again not desirable for nation building. The discussion therefore, needs to be focused on the real issues, which will bind us together as a nation through a healthy debate.

### **The Number Game**

The group has argued for Tswanadom, and tried to buttress their argument using non-empirical data. Data collection on ethnic composition is a time-consuming, laborious and an expensive exercise. For three individuals to undertake it, as it is purported by the Leepile group, is wishful thinking. Governments that are interested in the ethno-social and cultural developments of their peoples normally collect such data through the national population and housing census. The last censuses to include ethnic affiliation in Botswana were in 1936 and 1946, as reported by Schapera (1952). Data for the eight Tswana group has never been reported, if at all it was available. Now where is the 1 1000 000 from? In an attempt to legitimise Tswana hegemony, some writers of our earlier development plans and government reports estimated numbers and percentages for Tswana versus non-Tswana groups. For instance, they portrayed the non-Tswana as making up about 15% and Tswana 80% of the population (Obondo-Okoyo (1986). The Batibo *etal.*, (1997) simply quoted these estimated figures like anybody else and it was not a result of a socio-linguistic study on population, but a paper presented at the LiCCA conference aimed at identifying areas for research. Their point was that ethnic complexity is one area that needs research in Botswana. This is appropriate since available figures are 63 years old and did not include all groups. For the Leepile group to provide such data to the general public as a word of God is grossly misleading. Common sense reveals that the figures cannot be correct for many reasons. For instance, how do they account for the repatriation of the ovaHerero & ovaMbanderu in 1996?

These estimates have no basis at all. The only reasonable basis for the Tswana figure would be the estimated degree of the spread of Setswana language, in the process to assimilate other ethnic groups. The figure can then reasonably represent the estimated number of all people, irrespective of their ethnic affiliation, who have a certain level of competence in spoken Setswana. It cannot represent Tswana ethnicity. It must be noted that the process of assimilation had not and it still has not resulted in the loss of people's ethnic identities. For instance, Parsons (1985: 27) maintains that the concept of "Tswanadom that is both philosophical and territorial has led many observers to assume that Botswana is a mono-ethnic state... [but] only in so far as the Tswana minority has successfully imposed its culture on the majority population of the extreme diverse origins...[and even then] ethnic identities have not disappeared". Tlou (1985) cautions against the use of census figures for 1936 and 1946. This is for the reason that only major villages were included. It is obvious that most non-Tswana groups were not counted as they lived and still live in small and remote areas. Tlou, further cautions that the census for 1946 may have been done during the ploughing season when most people were away on their land. Obviously more non-Tswana, as "subjects", were at the lands, but still those in villages also working for the so called

masters were numerically superior. For instance, 22, 777 – BaKalanga vs 17,850 – Bangwato) and 13,261 – Bayeyi vs. 8,124 Batawana). The number for Bangwato must have included Basarwa, Batwapong, Babirwa, Bayeyi, Bakgalagadi etc. who were also “subjects” in major villages like Serowe. If the number game as a basis for continued subjugation of non-Tswana by the Tswana is to be respected, as the group implies, then new census figures need to be obtained during the 2001 population and housing census. Otherwise, the fallacy can no longer sustain Tswana supremacy.

### **Tswanadom**

Tswana supremacy, through group land ownership and imposition of chiefs on marginalized groups can no longer be sustained in the 21<sup>st</sup> century, even in the face of legislation that promotes it. Nation building can only be achieved through equality. If Sections 3 and 15 of the Constitution grant fundamental rights and freedoms to all, what is the purpose of Sections 77,78, and 79? Why do we need Section 2 of the Chieftainship Act, which defines the word tribe with reference to the eight Tswana speaking groups at the exclusion of others? Since we have the Tribal Land Act as amended in 1993, which provided individual land rights to every Motswana, why do we still need the Tribal Territories Act, which provides group land rights to Tswana speaking groups only? The Leepile group and those who support the status quo, think we need them to maintain Tswana domination and supremacy. Certainly, this cannot be done in the spirit of nation building, but its antonym.

In their second submission (October 25<sup>th</sup>), the group seemed to acknowledge that non-Tswana speaking groups have been discriminated against through the exclusion of their languages from national life. They argue that these languages should be taught in schools during the early years. This is commendable, though they still believe in discrimination through the selection of only a few such languages. What they fail to realize though, is the fact that the linguistic discrimination we are suffering directly emanates from Sections 77,78 and 79 and other supporting Acts of Parliament, and not from casual social practices. They fail to notice that all human societies need land, they have pre-determined ethnic communities and have some form of governance. However, the Tribal Territories Act does not allocate land to the Non-Tswana, Section 2 of the Chieftainship Act does not recognize the non-Tswana ethnicities, and Section 78 of the constitution does not provide membership to the House of Chiefs to chiefs of the non-Tswana speaking groups. The non-Tswana are therefore, not recognized as ethnic communities with rights to land, and any form of traditional governance of their own. The Tswana speaking groups are therefore, the only peoples, with land and recognizable ethnic identities. Is this genuine, liberal democracy? Can such institutionalized discrimination between Tswana and non-Tswana build a nation for long? Certainly not. These pieces of legislation are the pillars of discrimination, subjugation and tribal chauvinism very much in place at all levels of our society. They do not recognize the non-Tswana speaking groups – since they are expected to forcibly assimilate in order to create one Botswana one language, one culture, something that does not exist anywhere on earth. Even the name Bo-Tswana is discriminatory because it assumes Tswana ethnic homogeneity. How then, can languages other than Setswana be recognized when policy instruments do not recognize non-Tswana as peoples? Failure to realize and acknowledge such a direct relationship, between policy and practice is simple myopia on

the part of the Leepile group. If this group is serious about the need to recognize the languages of the non-Tswana speaking groups, it must also argue for their recognition as peoples. Whereas all citizens are loyal to the geographical entity called Bo-tswana, we must acknowledge and admit that there are non-Tswana ethnic groups in the country. To argue for the maintenance of Sections 77 to 79, and then argue for linguistic rights, is a contradiction on the part of this group. Naturally, it is difficult to defend all forms of subjugation, be it black over black supremacy or white over black subjugation, Tswana over Tswana supremacy or tribal bigotry, as this group does, and remain consistent and coherent with one's theme. The contradictions in our laws, and those displayed by members of our society who have argued for the status quo, indicate the dilemma to be honorable and at the same time nurture negative values of discrimination and subjugation. It is difficult to enforce injustice and act democratically, without betraying ones' ulterior motives and intentions. In simple language, the Tswana cannot have their cake and eat.

### **The Balopi Commission**

We believe that the Balopi Commission and indeed the President will address this issue with the aim to reach a permanent solution. Window dressing has outlived its time. The majority of peoples of the country have called for change. Even those who fail to admit that the change must come because of discrimination, inherent in their suggestions for change, is a covert acknowledgment of the imbalance. For instance, they accept the use of some minority languages in some social domains as education, an acknowledgement of the discrimination along linguistic lines that has existed. Colonial geographic boundaries as a basis to justify representation in the house of chiefs fails the test, as the areas of Gantsi, Kgalagadi, Chobe and Northeast were equally marginalized on the basis of ethnicity. Further, the realization that artificial boundaries cannot override human rights suddenly comes to show. We need to move ahead and strengthen our democracy. There will always be "my view" and "your view", but there is always the right view- one dictated by natural justice and consistent with human rights and democracy.

### **The Melting-Pot Fallacy**

Forced assimilation has not worked for the past 34 years. It will not work for the present or future Botswana. Botswana remains a heterogeneous nation like all other nations. In an attempt to preach Tswana hegemony, some people have alleged that Botswana is a melting pot, in which we have assimilated to the extent that there are no identifiable ethnic groups. And if this is true, why preserve the identities of the eight Tswana speaking tribes. This ideology has failed even in the United States. Federal and State funding is available for bilingual education programs in cognizance of the various languages and ethnic groups represented. The proper analogy for Botswana is a beef stew, in which one can see carrots, meat, and green pepper, all bound together by gravy. Those who still value assimilation, have clearly indicated that they want it, essentially for the non-Tswana and not for themselves. On a daily basis, human beings live their ethnic lives. They eat their food, wear their clothes, and tap on their essentially ethnic value systems to make decisions, perform their customs and norms and take pride in their cultural identities. This is not to assume that this may be the case in cosmopolitan areas,

where under development is a factor. In such areas, economic development, industrialization, for instance, uproots the masses from their ethnically identifiable places of abode and brings about greater interaction across ethnic lines, thus weakening those ethnic identities while giving rise to class identities. As we argued earlier, ethnic identities in Botswana have not gone away, because the country remains largely rural. National identities on the other hand, come on such rare occasions as the independence day, the Olympic games, parliamentary debates and so on. To expect people to ignore their ethnic identities, therefore, is to ask them to ignore themselves. The Leepile group wants to emphasize national identity knowing very well that it works for their ethnic identities at the expense of non-Tswana. For instance, the minority Bangwato are not willing to assimilate into the majority Babirwa, Bakalaka or Batswapong or Basarwa for national unity.

### **The idea of Unity**

Despite the fact that these eight Tswana speaking groups share a common ancestor, language and certain cultural tenets, they would want to remain distinct to the extent of each owning their sub-countries, each with its own form of governance under a so called paramount chief. If they cannot assimilate into one another, despite a linguistic bond, how can those of different linguistic and cultural backgrounds assimilate as easily as they would like? If they seriously believe that forced assimilation and subjugation are the best ingredients for nation building, then perhaps this is their turn to demonstrate that, by volunteering into it and let marginalized groups to rename and rule the territories. We however, do not believe that should be the case, as we strive for true unity. Nation building requires recognition, acceptance and respect for each other's identities, languages and cultures. It means unity in diversity and living together peacefully. No one should impose his or her language or culture on any one else for whatever reason. The peoples of this country have accepted Setswana as a national language. How that happened is now immaterial. There is no need for anyone to make a sermon on Setswana as a national language. The question is, now that we have achieved independence, what is in it for each one of us? Taking stock of this matter, quickly reveals an imbalance, which must be addressed. The problems Setswana faces are a result of a political climate that does not recognize African languages as significant in its development processes. This group therefore, has to challenge government to recognize the role of Setswana in national development and not preach Tswana supremacy. It is English that threatens the legitimacy of Setswana and not minority languages. Should this group wish to impose Setswana on everyone with the tone of voice reflected in the submission, the gains we have made thus far may be negatively affected. Our Constitution must not only recognize but also protect all ethnic groups in Botswana. That is what democracy and nation building are all about. No one should be referred to the courts of law for their fundamental human rights. This is the most unfortunate suggestion this group has communicated to the nation. Some groups should have their rights guaranteed by the Constitution including Sections 77 to 79, which grants them ethnic supremacy, and others have to pay and place their rights on a gambling table in the courts. This attitude epitomizes the discrimination that exists in our nation. It highlights the intolerance and arrogance, the Leepile group has enjoyed over years as spoiled kids on the block. They know for 34 years, government has listened and entertained their tribalistic appetites. It is

clear that what they are defending is current government policy, which has aggrieved many peoples of this country. Change is not only inevitable, but also necessary. Anyone opposed to change in our constitution is the greatest enemy of peace and nation building.

### **Human rights**

Language rights, cultural rights and land rights are all human rights, and non-Tswana groups deserve to enjoy them as well as the Tswana groups. When the Chinese community took the State of Michigan to court for discriminating against the use of Chinese in schools, in the *Lau vs. Nicholas* case, the judge said “*there is no greater injustice than treating two unequal people equal*”. When children come from ethnic Tswana speaking groups, and sit in class with those from non-Tswana and are taught in Setswana, that is the greatest injustice. The languages and cultures of the non-Tswana are not part of the learning process or the curriculum. As a result, the children develop low self-esteem, and they under-perform. As they read about the histories and cultures of their peers, they feel excluded, unappreciated, non-existent and unrecognized. An analysis of statistical data from 1989 to 1996 (Nyati-Ramahobo, 1997) indicated that certain areas dominated by minority groups which are not able to use their languages in education, had the highest failure rate. These areas also had the highest number of unqualified teachers. The areas are also perceived as the least developed, with the poorest social services such as hospitals, schools, and roads. They are the most poverty stricken and the “*Namolo Leuba*” scheme is allegedly confined mainly to these areas. The imbalance is so salient, with the first settlers of this land, Basarwa, being at the end of the continuum (Le Roux, 1999). This imbalance in the distribution of the country’s resources is not surprising as Wolfson and Manes (1985:viv) in their book *the Language of Inequality* observe that “*linguistic and cultural imperialism reflects and influences social, economic and political inequality*”. Group rights to land should be balanced and not reserved for the Tswana speaking groups only. The ideal solution is the removal of the Tribal Territories Act, so that all Batswana have individual rights to land, an economic empowerment to all. Non-Tswana ethnic groups need to be respected as people with needs and feelings. They should not be told that they are happy and not discriminated against, when they are sad and feel discriminated against. They should not be told that they are represented when they are not. Nation building in a democracy demands that an injury to one is an injury to all. Likewise, there will be peace in this country when those who are included in the constitution are as disgusted as those who are excluded. Expectations are therefore that fellow citizens, who are committed to nation building should be equally aggrieved by the social imbalance in our constitution and lives. A united and proud nation cannot be built on principles of inferiority and superiority. It has to be recognized that non-Tswana speaking peoples of this country have a right to self-definition and determination. No Mbanderu or Mosarwa wants for example, to be called Mokgatla and be expected to act Sekgatla, bury their dead the Sekgatla way and marry the Sekgatla way. Every time we have tried to do things our way, we have been told – “*ga se Setswana*” (that’s not Tswana). The question is what Setswana and whose Setswana is it? Are we homogenous or diverse, and when do we value our diversity as a nation? Where is tolerance? The marginalized groups are certainly being denied their cultural rights and the right to self-definition. To be defined by someone else’s cultural standards is therefore, one of the greatest injustices. There is no room for self-actualization. There is no room to exercise

one's own value system. The expected beliefs and norms are those of the dominant group. Cultural contact should not be a one-way trend, but a cross cultural exchange. Wolfson and Manes, further observe that "one's native language is so much a part of one's identity and to denigrate it is to effectively deny one's human ability to communicate". To exclude one's language from the public arena is to exclude the individual from the public arena. We cannot use our languages to access information on HIV/AIDS, how unjust, in a democracy! The rights of the marginalized groups are in their own hands and they will continue to peacefully demand them until they get them. The problem of the Tswana versus non-Tswana and the inequalities over the latter has been with us from a historical past. It would therefore be naïve to think that these would simply be forgotten by recent and future generations. This is bearing in mind that no amount of procrastination in human history has ever succeeded in obliterating the oppressed people's desire for justice and equality.

### **Sacrifices**

What is the contribution of the Leepile group towards strengthening our democracy? What is it that they are willing to sacrifice for nation building? They have argued for the status quo, that is, Tswana hegemony. We have argued that, this is certainly not in the interest of nation building, nor is it congruent with democratic principles. We argue for equality, social justice and freedom of the oppressed. What is their contribution to Vision 2016? They have displayed intolerance for change, and have exposed animosity on the basis of military might. To the best of our knowledge, most ethnic groups contributed at least a soldier to World War 1. Some non-Tswana ethnic groups have protected the Tswana groups from wars in the spirit of nationhood and good citizenry. The point they are making is that they love war and are proud of it. To our knowledge, war never builds anything. If some Tswana people believe, as others would argue, they are the victors and the non-Tswana are the vanquished, why then didn't Africa continue under colonialism because the colonial masters were the victors and the African the vanquished? In the attempt to legitimize Tswanaism, stories of some people going to seek for protection have been fabricated. Ramsay(1998) writes: "The British announced their intention to occupy southern Botswana in an Order in Council in January 1885. Their immediate motive was to keep the territory from falling under German rule. --- The Protectorate was imposed on Botswana. No chief asked for it and only three – Khama 111 of Bangwato, Gaseitsiwe 1 of Bangwaketse and Sechele 1 of Bakwena – were consulted afterwards. Khama welcomed it, whereas Gaseitsiwe and Sechele reluctantly accepted". (*Botswana: Politics and Society*, page 62). This explains why our modern form of governance is essentially an extension of the Bangwato chieftaincy. Even if the fabrication were true, going to ask for protection cannot be a reason to subjugate anyone in the 21<sup>st</sup> century. Others assert that the three chiefs did go, but were rejected – only to be called years later, when it suited the British, and were informed of the decision to occupy Botswana. The non-Tswana groups have been ruled for too long, all bills have been paid, if at all they were any. They should enjoy ruling themselves from now on. Political inequality as practiced through imposed chieftaincy is the worst form of slavery and political disempowerment. S/he who is ruled, has no mind of their own. They have no self. The non-Tswana speaking groups have sacrificed their dignity for many years in the name of peace, when they lost their political power to Tswana chiefs. These chiefs determine their well being on a daily basis. This cannot

continue and we all have a challenge to build a truly united democracy, not one premised on the Leepile theory.



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\* One of the committed lawyers who was working on the Wayeyi court case until he died on Christmas Eve. He shared his views with the nation on this matter in a local newspaper just before his life was cut short. His soul will rest in peace and his ideas will live for ever and ever.