

PETITION TO THE NATIONAL ASSEMBLY

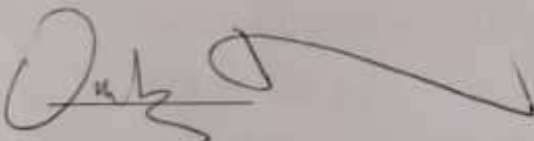
To:

THE HONOURABLE SPEAKER, P.T.C. SKELEMANI AND MEMBERS OF THE NATIONAL ASSEMBLY  
OF BOTSWANA.

Date: May 24<sup>th</sup>, 2024

1. In pursuance of Standing Order 35 and the Schedule at Page 99 of the Standing Orders, I hereby submit this petition for presentation to the house by Dr Moses Selebatso, of Phase 4, Gaborone West, and in his capacity as the Board Member of the Botswana Council of Non-Governmental Organisations (BOCONGO).

I thank you.

A handwritten signature in black ink, appearing to read 'Unity Dow', with a long horizontal stroke extending to the right.

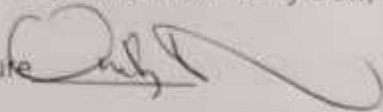
Unity Dow, MP

PETITION PRESENTED TO THE NATIONAL ASSEMBLY OF THE REPUBLIC OF BOTSWANA

In terms of Order 35 of the Standing Orders

Presented by Honourable Unity Dow, Special Elected Member of Parliament

Signature



Date: 24-05-2024

Time

24 / May / 2024  
10:54

To

The Honourable Speaker and Members of the National Assembly of Botswana.

The Petition of the undersigned;

1. Dr Moses Selebatso, of Phase 4, Gaborone West, and in his capacity as the Board Member of the Botswana Council of Non-Governmental Organisations (BOCONGO)

Supported by the below as well as those in the attached list;

2. Kagiso Molatlhwa, of Block 9, Mogoditshane, and in her Capacity as the Executive Director of the Botswana Council of Non-Governmental Organisations (BOCONGO),
3. Lovey Ramothlala, of Block 5 in Gaborone, and in her capacity as the Public Relations and Communications of the Botswana Council of Non-Governmental Organisations (BOCONGO),
4. Morena Monganja, of P.O Box 202781 Gaborone in his capacity as the Chairperson of Motheo O Mosha,
5. Tlamelo M Mothudi, of P.O Box 2, Gabane in her capacity as BONELA Advocacy,
6. Turnisang Seabo, of P.O Box 21781, Gaborone in her capacity as Project and Legal Manager assigned by Botswana Centre for Public Integrity,
7. Ida Mokereitane of Phase 2, as in her Capacity as the Executive Director of Emang Basadi Association

8. Goitseone Vinton of Mmopane, and in her capacity as Project Officer assigned by Emang Basadi Association,
9. Lame Moreeng of Tlokweng, and in her capacity as DITSHWANELO Programme Officer,
10. Martin Letsweletse Dingake of Gaborone in his capacity as Senior Attorney at Dingake Law Partners,
11. Onkabetse Ketshabile of Modipane, in her capacity as Director of BOFOD,
12. Lisa Jamu of Gaborone, in her capacity as Director of Stepping Stones International,
13. Tumelo Michael D. Bogatsu, of Sefoke in Tlokweng, and in his capacity as the Creative Strategist of Baagisan Creative Think Tank,
14. Maatla Otsogile, of Meriting Ghanzi in his capacity as the Executive Director of Letloa Trust,
15. Modise H. Maphanyane of Gaborone on behalf of DITSHWANELO - The Botswana Centre for Human Rights, Private Bag 00416 Gaborone.
16. Skipper Mogapi of Rainbow Identity Association, Phase4 Gaborone as Director

The Botswana Council of Non-Governmental Organizations (BOCONGO) was established in 1995 to coordinate the work of Non-Governmental Organizations (NGOs) in Botswana. **With a total of 400 members across the country**, BOCONGO has over the past 29 years created a platform for CSOs in Botswana to actively engage and contribute to processes of development planning and implementation, policy formulation and legal reform. Over the years, BOCONGO has facilitated capacity building of individual CSOs to be effective advocates and key contributors to the advancement of national priorities and programs. Working with its member organizations, BOCONGO has been spearheading engagement of the Constitution review process as far back as 2021.

## **1. ABOUT THE PETITION**

That the petitioners, being members of civil society organizations and other individual citizens:

- a) Express significant concerns regarding the Constitutional Review process insofar as it has not been open, inclusive, and transparent.
- b) Oppose the Bill in its current form due to its total disregard for actualizing the aspirations of majority of citizens who participated in the review consultations.
- c) Oppose the Bill in its current form due to its deliberate attempt to undermine the doctrine of separation of powers and to further entrench Executive Overreach.
- d) Oppose the Constitution [Amendment] Bill, 2024 (BILL No. 4 of 2024) in its current form due to its failure to address crucial reform issues essential for democracy protection of fundamental rights and institutional independence.
- e) Express particular concern that hard copies of the Constitutional Review Bill were unavailable for purchase at the Government Printers for 14 days after its gazettment thus limiting the 30 days' public access to a bill before first reading in Parliament as required by law.
- f) Express serious concerns regarding the inadequate access and affordability of key constitutional review documents to its members and the public.

**Wherefore** your petitioners pray that your Honourable Assembly will;

Revoke the Constitution (Amendment) Bill, 2024 (BILL No. 4 of 2024) as it stands and refer it to the High Court of Botswana for a priori review – the Bill has some noteworthy and commendable aspects. However, in its entirety, it falls short of the recognition and realisation of rights that Botswana desperately need.

**Therefore**, we demand for the following from the Government of Botswana:

1. A review of the Constitutional Bill and the process around the drafting of the Constitutional Bill due to its failure to meet in particular:
  - a. The review process failed to properly and adequately obtain/ascertain the view of Botswana from various societal backgrounds;



- b. The recommendations agreed fail to properly articulate the concerns of Botswana through the proposed amendments; and
  - c. The constitutional bill in its current form fails to adequately protect the promotion of people's rights, promote equality, national unity, and democracy.
2. Continued and robust engagement with national and global civil society, non-state actors and community organisations and Botswana at large.
  3. An amendment of section 87(6) and 89(2) to make provisions for public participation and consultation processes throughout the constitutional review process. We advocate for the amendment of Section 89 to provide for a people-driven process, thereby guaranteeing the right of citizens to actively participate in the formulation and amendment of constitutional provisions. (Guarantee the right to participate.)
  4. Restart the process anchored on a Botswana Constitution Review Act. We call for the restarting of the constitutional review process, anchored on the enactment of a Botswana Constitution Review Act. Such legislation would facilitate a comprehensive and inclusive review process, guided by principles of transparency, inclusivity, and democratic governance.

And your petitioner, as in duty bound, will ever pray.

Petitioner:



Date: 24-05-2024