

Platform for Advocacy and Lobbying

First we wish to congratulate and thank the House for having accorded the Civil Society a chance to interact with. It gives us a great pleasure and satisfaction to realise that we could access our Parliament on issues of concern for this country. We find ourselves very blessed as we are aware that in many other African countries, and even in the SADC region, addressing Parliament and/or discussing issues of mutual concern with Parliamentarians remains a dream that is achievable for many citizens and civil society organisations. For that we thank you very much.

It is our wish to draw your attention to and seek your immediate action on the human rights violations and human suffering that has resulted from the demolitions of squatters in urban and peri urban areas of Gaborone especially in the Mogoditshane area. First we wish to make it clear from the beginning that we do not condone any form of lawlessness, including squatting and/or self-allocation of land. We are however of the conviction that whatever action that is taken against those who have allocated themselves land should ensure protection of people's human rights. The human suffering and human rights violations that we observed and which we wish to bring to the attention of this House include but are not limited to:- Violation of the rights of the child, the right to information, shelter, health, safety and security, life, education, association, the right to own property. Secondly, there has been a serious neglect of the impact of HIV/AIDS and other communicable diseases on families (orphans, the elderly, caregivers, and people living with HIV/AIDS) in the areas that are being demolished.

As Non Governmental Organisations (NGOs) working for the development of the people of Botswana, we were approached by the people of the affected communities to assist and to seek audience with the stakeholders including Members of Parliament and the Government to address the problem of the ongoing demolition exercise in Mogoditshane and other peri urban areas of Gaborone.

As Civil Organisations working in Botswana, we want to work with the government of Botswana to achieve the vision of the people of this country *“that by the year 2016, all Batswana will be able to obtain access to good quality basic shelter, either in the urban or in the rural areas and that the national policies will not discriminate against any social group, women or the disabled.”*

Our role is to work with the country's decision-makers so that all Batswana can benefit from the government enviable social support systems especially for those most in need.

Since 1999, different actors in the civil society undertook studies to establish possible solutions to the problems of squatting especially in the Mogoditshane area. One of the recent studies commissioned by the Botswana Council of NGOs revealed:

1. That, children's education has been greatly disrupted. Some children disappeared following demolitions of their houses, while others stopped going to school as a

result of the degrading circumstances they suddenly found themselves in. Botswana is a signatory to the Convention on the Rights of the Child (CRC). Article 28 of the convention in particular, highlights the rights of the child to education and States' obligation to "*take measures to encourage regular attendance at schools and the reduction of dropouts.*" It is further noted in this convention that the right to education should not be an exception during times of crisis such as during the demolitions that are going on in Mogoditshane and the surrounding areas. Our understanding of this statement your Honourables is that even during times of crisis, States must ensure that children are not "*denied their fundamental right to education, especially as it provides a rock of stability and normality for children affected*". The study stated above has already revealed that the uncoordinated demolitions have led to a rise in absenteeism and a rise in school dropouts in the areas. There is also a likelihood of a sharp rise of street children as evidenced by the fact that some parents do not know where their children have disappeared to since the demolitions. Some of the children who have disappeared were orphans. In the 2001 report to the United Nations Committee for the Convention on the Rights of the Child, the Botswana Government has stated that "*In Botswana all children have the right to enjoy basic education.*" It is against this background that we appeal to you as the Legislature of this country, to lead this nation in standing by its word, ensuring that children's education in the areas that have been demolished continues unabated. This can be done by stopping the demolitions while an alternative place to relocate squatters is found. For those whose houses have been demolished other ways should be found to rescue them from the crisis they are in.

2. The BOCONGO study, as well as our discussions with some of the people concerned, has revealed that both the land administrators and the communities do not understand the policies guiding land administration. Some of the confusion was brought about by the land board officials themselves, as they encouraged people to find plots for themselves, with the promise that these plots would later be regularised. Some people, who also "squatted," were regularised while others were not, leading to their houses being demolished. In addition, some "squatters" in the area of Nkoyaphiri and Tsolamosese were moved to pave way for developments. These were compensated and reallocated plots. Therefore, misinformation from the Land Board Officials, coupled with differential treatment afforded squatters has caused a lot of confusion, fear and heartache for those who have had to bear the consequences of self-allocation of land. Lack of knowledge by the land board officials and the communities concerned, has been revealed by the Kgabo Commission, the assessment done by the Women's NGO Coalition and the BOCONGO on the demolitions in Mogoditshane. Article 5 of the Universal Declaration of Human Rights, to which Botswana is party, states that "*No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.*" From our observations of the human suffering resulting from the demolitions in Mogoditshane, we find the punishment meted out to be dehumanising, degrading and lowering the communities' human dignity.

3. During our visit to the affected wards in Mogoditshane, it became evident that due to the fact that people did not have alternative pieces of land to relocate to, they were using the rubble from their demolished houses to makeshift shelters. Honourable Members of Parliament, the shelters we saw were far from safe and therefore not secure at all for those staying in them.
4. It is a fact that pre-existing health conditions, such as poverty, malnutrition, lack of safe water and poor access to preventive and curative services, play a key role in people's susceptibility to HIV/AIDS. These are the very conditions that exist or have been made to exist in Mogoditshane and the surrounding villages where homes have been demolished. We realised that there are no coordinated plans by the various ministries to cater particularly for vulnerable groups such as the terminally ill, the elderly and children. The situation on the ground is that people are left in desperate or cruel conditions some of which could lead to loss of life. People live in unhygienic conditions. These conditions do not only undermine the National Health Programme to reduce the impact of HIV/AIDS epidemic but also contravenes Article 16 of the African Charter of Human Rights which states that "*every individual shall have the right to enjoy the best attainable state of physical and mental health*". Clearly those people are neither physically nor psychologically healthy.

Non Governmental Organisations convened a workshop in May 2002 where some of the key stakeholders such as the Ministry of Lands, Housing and Environment, Ministry of Education, Primary Health Officials (Clinics), Kweneng Land Board Officials and other development agencies were invited to share the findings of the process NGOs have been doing and to develop a practical, implementable action plan.

Your Excellency the President, Ministers and Members of Parliament, having outlined some of the human rights sufferings in the affected areas, we recommend that the government should do the following short and long-term actions:-

SHORT TERM

- ◆ Provision of alternative land for resettlement, as demolition of houses without provision of alternative land is highly unlikely to solve the problem of squatting
- ◆ A deliberate effort should be taken to educate people about land and land tenure system in Botswana, so that any future confusion about land allocation and use can be prevented
- ◆ Provision of emergency services in the form of shelter, water and sanitation, as a demonstration of Government's sensitivity to people's human rights, and restoring their dignity
- ◆ To establish a National Multi stakeholder Committee for the implementation of the United Nations HABITAT Agenda

- ◆ To establish a multi stakeholder and sector committee that will psychologically and materially prepare families whose homes are to be demolished
- ◆ To ensure that children continue getting education especially those that are affected by the demolitions
- ◆ Tribal land allocation should be limited to one plot per person, not multiple plots
- ◆ Computerise land allocation system with trained land board staff
- ◆ To provide low cost housing for the poor, preferably using **Not for Profit Housing Associations**
- ◆ The need for speeding up allocation of land and access to land in peri urban areas, a fast track approach

LONG TERM

- ◆ Government to ratify the Covenant on Economic, Social and Cultural Rights and ensure that this covenant is included in our domestic law
- ◆ Government should come up with a comprehensive and human rights sensitive strategy to deal with squatting in Botswana as a whole. People should be sensitised on this strategy
- ◆ Property developers as part of social responsibility should be “encouraged” to provide low cost housing as a percentage of their housing which could be managed by a not for profit Housing Association
- ◆ To include peri-urban areas such as Mogoditshane in the planned “Greater Gaborone” Area
- ◆ To build the capacity of land board staff to provide a timely, courteous and efficient service

Your Excellency and Members of Parliament, Botswana is a country well known as an oasis of democracy in Africa. It is also known for upholding human rights compared to other African countries. The human suffering that has resulted from the demolitions, is one of those things that are likely to tarnish the good image of this country. It is against this background that we as the Civil Society Organisations found it necessary to bring these issues to your attention.

In conclusion we would like to pledge the Civil Society commitment to working in partnership with the Government on this issue and other developmental issues towards prosperity for all.

We thank you.