

## REPORT ON BOTSWANA

### ACT TO CONTROL POLITICAL REFUGEES:

The Botswana Government passed a law during the beginning of 1967 styled as the "Refugee Recognition and Control Act" (Act 8 of 1967).

In terms of this law a person seeking political asylum will have to appear before ~~this~~ Committee. The Committee is a statutory one and comprises of a chairman and <sup>not</sup> more than three members.

The Act provides that upon a person seeking asylum could be detained for 28 ~~eight~~ days incommunicado and during this period will be summoned to appear before this Committee. Any person who fails to appear before this Committee or fails to answer any questions will be prosecuted and the penalty is R500-00 fine or <sup>6 months</sup> ~~1 year's~~ imprisonment or both a fine and imprisonment. The main purpose of this Committee is to carry-out a witch hunt against refugees and question their political activities and ask a number of personal and embarrassing questions. The Committee does not concern itself with refugee problems, such as his welfare or his dependents or assist him with his problems, especially when one <sup>wishes</sup> ~~one~~ to leave Botswana.

The following are some salient features of the Act:

1. The Minister upon receipt of the Committee's report has the right to recognise or refuse recognition of a refugee.
2. The Committee has powers to review the case of refugees every six months.
3. Refugees cannot take part in local politics, cannot attend any political gatherings or join any political parties, and cannot take part in politics anywhere in Africa.
4. Once a refugee leaves Botswana he ceases to be a refugee and cannot return to Botswana.

Since April of this year a large number of refugees appeared in various centres before such a Committee and a number of refugees outside Lobatsi were recognised. These refugees were served with a notice in terms of this Act imposing a number of

restrictions, some of which are as follows.

- a) Report to the police weekly (this was done even before the Act came into being)
- b) Cannot leave the township of residence without police permission for more than 24 hours.
- c) Cannot take part in local politics, cannot attend any political gatherings, cannot join any political parties or take part in politics anywhere in Africa.
- d) In terms of the Act the Minister can detain such a refugee until his removal from Botswana, but in view of the length of time for such a removal, the refugee is not detained and therefore has to comply with the various restrictions.
- e) A refugee who is not recognised may be detained and dealt under the Immigration Law of ~~1965~~ <sup>1966</sup> and this ~~will~~ <sup>is</sup> deportation.

In terms of this Act no refugees' asylum is guaranteed because a refugee who is recognised to-day may be refused recognition six months later. So refugees are in a constant threat of their asylum being revoked. This Act is the most vicious piece of legislation to harass, hound and humiliate refugees. Its main purpose is to block refugees from obtaining asylum in Botswana. So therefore this Law must be viewed seriously as it affects the entry of refugees into Botswana which is the only gateway to the North and also the main gateway to the South. This Law was enacted in the absence of any extradition order with South Africa. It is to satisfy the interests of the South African Government. Even before this Law was passed the Botswana Government arrested and convicted freedom fighters for entering the country and after serving their savage sentences were deported to Zambia. The Authorities have made public statements from time to time to the effect that it would accord political asylum to genuine refugees and ~~their~~ guarantee their safety. But these statements does not accord with the facts of the situation. The plain fact of the matter is that the Botswana Government merely pays lip service to refugees and their problems: ~~If Botswana~~ is sincere, honest and genuine in its claim that it would grant asylum and secure the interests of the refugees, then it must repeal this law and abide by the Accord of the Geneva Convention of July, 20, 1954 in regard to refugees.

We say there is no need for legislation to curb or protect the interests of refugees, because once asylum is granted that is a guarantee in itself and is irrevocable and therefore refugees should be treated in the same way as any other national of the country. We do not seek any special privileges and do not want any special status as refugees. It has been stated that such legislation is necessary to protect the interests of refugees and also to take action against them when they threaten the security of the state. Our reply is that if any refugee is a threat to the state ~~then~~ then the state must take firm action against such ~~refugees~~ a refugee or refugees, just as it would take action against its own nationals. This Law makes a mockery of asylum because a refugee who is recognised when seeking asylum is refused recognition six months later. One asks the question on what basis can asylum once granted be revoked. There can be no basis for such revocation ~~of~~ of asylum, because asylum ~~once~~ is granted in accord with the Geneva Convention. Even if the Botswana Government does not agree with the Geneva Convention it is morally bound to adhere to its asylum once granted to a refugee and there is no principles grounds to revoke any asylum once granted.

ANC. MEMBERS DEPORTED TO S.A.

- a) RONNIE: He was working for the Movement in Lobatsi. He sought and obtained asylum through the Chiefs before the Independence of Botswana. In terms of the Immigration Law of 1963, Ronnie was asked to apply for a ~~residente~~ permit and upon doing so his application was rejected and he was immediately served with a notice to quit the country within 30 days. Ronnie and Dan contacted the Lusaka offices of the ANC. and was told that the matter should be contested in court and while the matter was being taken with Counsel in preparation for the case, the time to quit was expired and no extension was granted and Ronnie was deported.
- b) J. RANTAU: A similar situation arose in regard to Rantau. Urgent representations <sup>✓-ICP</sup> ~~was~~ made to the highest authority in Botswana to reconsider its decision but failed. Even request for extension for time was refused. We did not take legal action, after Counsel's advice, but would have resorted to such action only as a delaying tactic.

If Rantau was not rescued he would have met a ~~simil~~ similar fate as Ronnie.

c) SINNA: This member was also working for the Movement and soon after Ronnie was ~~de~~ deported he was picked<sup>up</sup> from work (Botswana Meat Commission) without any notice or warning and handed ~~te~~ over to South Africa.

d) J. MAKHALE: He was not a member of the ANC. ~~he~~ nor any other political organisath but a similar <sup>Action</sup> as taken against Ronnie was taken against him, but he was prepared to contest this action in Court and so he proceeded and lost his case in the High Court. An appeal was noted and no sooner he walked out of the High Court he was taken home by the police and asked to pack his belongings and was deported to South Africa.

These <sup>are</sup> just but a few cases in the manner in which our people are treated.

It must be pointed out that Botswana's ~~immigra~~ immigration laws are not appealable. So there is no point whatsoever in testing it in any courts of law in the country, except as a delaying tactic.

INDIVIDUAL CASES OF REFUGEES:

a) Miss Lettah Teffo: This member wants a ~~sch~~ ~~sch~~scholarship and she took up the matter with the Lusaka offices of the ANC and stated that there was no satisfactory response from the office. The matter is now being pursued by the office.

- b) Mrs. K. Bonga: She together with her husband and two children sought asylum during 1965 and the husband, Tammie moved to Zambia in 1965 and ever since then the wife has been trying to join her husband, but without success. She appeals again that the NC. must do everything possible so that she could join her husband with her children.
- c) DAN TLOOME: This member has been in Botswana ever since 1964 and would also like the Movement to clear him.

FRANCIS TOWN REFUGEE CAMP (known as the white house):

There are numbers of refugees ~~in~~ including members of our organisation. The overwhelming majority of these want to move out for scholarships or take up occupations. According to information from our members all the refugees have been recognised by the Government with a number of restrictions as indicated in this report. The conditions under which refugees lived here was most deplorable, but improved somewhat in recent times.

REFUGEES IN OTHER PARTS OF THE COUNTRY:

There are a few refugees in Mochudi, Gaborone and Lobatsi and one in Kanye. ~~Almost~~ Almost all the refugees in these areas have been recognised with the exception of Lobatsi. So far only K. Moonsamy was refused recognition, because he holds an Indian Passport.

ASSISTANCE TO REFUGEES:

The World Council of Churches is now giving financial assistance to all refugees who are unemployed and also to those who are employed who are not earning a decent wages. The person in charge of refugees is a Mr. Terence Finley, P. O. Box 109, Francistown, telephone No. 547 Francistown. We have also a Dr. E. Schlatter, a U. N. adviser ~~on~~ on refugees for the High Commission Territories and is attached to the President's

office in Gaborone, Botswana, telephone No. 291 Gaborone,  
P. O. Box 54, Gaborone.

REPRESENTATIONS TO BE MADE TO BOTSWANA  
ABOUT REFUGEES:

It is the strong feeling of all the refugees that the highest possible representations be made to Botswana about the status and the deplorable conditions under which refugees live in Botswana. It was also felt that such representations be made on an all party basis, so as to bring the maximum pressure on Botswana.

LOBATSI REFUGEE COMMITTEE:

For a short while, the refugees in Lobatsi set up a small committee to attend to its needs generally. This committee was partly instrumental in obtaining financial assistance from the ~~Wanninkhof~~ World Council of Churches. The Committee ceased to function, after Mr. Finley, the Welfare Officer of the World Council of Churches took ~~over~~ charge of all refugees.

REFUGEES SHOULD BE ASSISTED TO MOVE OUT  
OF BOTSWANA IN VIEW OF THE NEW LAW:

No refugee is secure whether recognised or not ~~recognised~~, so therefore speedy attempts must be made to rescue all those who want to move out. In terms of the Act all refugees are to be removed from Botswana.

BOTSWANA SHOULD BE APPROACHED TO ACCORD  
RECOGNITION TO REFUGEES TO WORK FOR THEIR  
ORGANISATIONS.

In the absence of such recognition it would be extremely difficult for refugees of the various organisations to carry out any political work in Botswana. If any work that has to be done will have to be carried out illegally and if the authorities discover this then action will be taken <sup>against</sup> such refugees in terms of the ~~Recognition~~ Refugee Recognition and Control Act.

In other words it is virtually impossible to carry out any political activities in view of this repressive legislation. In view of this it is imperative that immediate representations be made to Botswana to repeal this Act, or modify it. The Botswana Government merely pay lip service to the question of granting asylum to refugees, because even before this law was passed the leaders of the government have made statements from time to time that they have many problems of their own to contend with and therefore refugees should not make Botswana a permanent home but should move ~~max~~ elsewhere and therefore refugees are in perpetual transit. In fact one of the aims of the new law is to resettle refugees elsewhere. The authorities from time to time have asked refugees as to what are their future plans and when are they leaving Botswana. It must be pointed out that the Botswana Government has not been of any assistance to refugees, ~~nor have~~ ~~the refugees~~ The refugees have not been a burden on the state. The Government instead of ~~assist~~ assisting refugees to leave the country it has obstructed by not giving any travel document (even a temporary one or an exit permit) so that it enables refugees to reach their destination. As a result of this obstruction many refugees had to obtain their own travel documents and this has involved great hardship.

LOCAL CONTACT TO REPRESENT ANC. IN BOTSWANA:

In the present set up, it becomes necessary to have a local contact or contacts as a liason between us and Botswana. the purpose of such a liason would be to look into the interests of refugees and to gain support for the Movement and to assist those wanting to reach the North, and to create a machinery to obtain information from the home front and to assist in distributing propaganda material for our cause within Botswana and South Africa. In order to set up any machinery or to get local contacts to carry-out some of the tasks enumerated above, we should discuss such this matter, if possible, with the opposition parties in Botswana.

The opposition <sup>parties</sup> in Botswana are as follows:

Botswana National Front, Botswana Independence Party and Botswana Peoples' Party. The first party that should be approached should be the BNF., because this party is the most genuine ~~and~~ when compared with the other parties. It has a very progressive policy and good leadership. The other parties should also be approached with a view to ~~enlisting~~ enlisting their support for our cause and especially the problems that face our people in Botswana.

THE POLITICAL SET UP IN BOTSWANA:

The ruling party in Botswana is the Botswana Democratic Party, under the leadership of Seretse Khama and the official opposition is the Botswana Peoples' Party with three members in the National Assembly and its leader is Philip Matante. Then we have the Botswana National Front whose leader is Dr. K. Koma and the Botswana Independence Party, under the leadership of M. Mpho.

The B.D.P. came into power without any struggle for Independence. It has no real mass following, but mainly depends on the Chiefs for its support. There is general dissatisfaction among the people with the Government, because they don't see any progress being made for the general welfare of the people. Working conditions are bad, poverty wages, high taxation and deplorable housing conditions. To the ordinary Botswana Independence is merely on paper, because the B.I.P. is not the real ruler of the country, but the expatriate and the "Mafeking Clique". So long as this group has a firm grip on the country, so long will the people face hardship and suffering. All the flowery speeches and statements made by the Government about nation building with security for all and free from racial prejudice is a lot of cock and bull. How could the Botswana Government build a free and ~~independent~~ ~~independent~~ independent nation when it is controlled by the "Mafeking Clique" and has such close links with its neighbour South Africa.



There is not the slightest sign of any policy of disengagement from South Africa, but on the contrary closer links are being established. This fact could be confirmed by Ministerial pronouncements made from time to time. The official opposition is merely a parliamentary opposition and even at that an ineffective one. This party too has no mass following. Its main strong hold is Francistown and to some extent Lobatsi. If this party does not work hard enough for the coming general elections it would not be surprising if it loses ~~its~~ all its seats. The BIP. is a paper organisation, but has some following in the Maun area. There is hardly any hope of this party of being the ~~next~~ alternative Government or an effective opposition. The BNF. is the youngest party to come on the scene. It has a progressive and dynamic leadership. If its policy is implemented Botswana will become a stable country where every one would enjoy the fruits of independence. It has not a very big membership, but ~~it~~ <sup>is</sup> working to reach the masses. It has held some very successful meetings in Gaborone and partly successful meetings in Lobatsi during 1966 and 1967. It is presently organising trade unions and the response in Lobatsi is very encouraging. It has a trade union office here. This party has been consistently calling for unity with the BIP. and BPP., but unfortunately this has been rejected by these parties. Since this is the only party that has the right policy and leadership, we should seriously consider establishing links with it. This party at the beginning of this was charged for taking part in ~~subversive~~ subversive activities. The charge arose from an article in its official organ "Straight Talk" attacking the "Mafeking Clique" for controlling the Government and its policy. As a result of this the government raided the BNF. offices and ~~seized~~ confiscated books, pamphlets, type writers and roening machines etc. and arrested Dr. K. Koma and four other members of his party including its Secretary.

At the preparatory examination they were committed for trial. On the day of the trial all those who were charged made an unconditional apology something to this effect - our criticism of government policy went beyond the legitimate bounds of political criticisms. As a result of this apology the state withdrew the charges. It was significant to note that the party did not hold any meetings to protest against the raids nor issue any statement of the government's high handed action. It was also significant that none of the other opposition parties raised their little fingers to register their condemnation about the government's action. The BNF. ceased publication of "Straight Talk", ever since the government's action against the party. Although we were disappointed and disgusted about cold feet and weak kneed policy, we still feel that Koma and his party is the only alternative government and an effective extra parliamentary opposition.

CONCLUSION:

We strongly feel that the problems facing refugees, whether in Botswana or anywhere else it is the responsibility of the Movement to deal with any problems facing them and to assist them in every possible way. We should not be merely content with the work of the various organisations assisting refugees. Our organisation should give his question its serious consideration in view of the many problems set out in this report.

5th November, 1968 - Lusaka.