

Towards a policy advocacy framework for the co-production of anti-corruption reforms in Botswana

Report created by Marumo Omotoye on 2023/08/11

Public statements on Botswana's Declaration of Assets and Liabilities Act (DALA) were retrieved and analysed on ATLAS.ti. The output below presents a systematic analysis of the law under the following codes: Anti-DALA, consequences non-compliance, criticisms of the DALA, disclosure type (anti-public disclosure and pro-public disclosure), in support of the DALA, purpose of the DALA, and recommendations to strengthen DALA. This framework was further analysed on Discourse Network Analyzer to map out the relational networks that emerged in the passage leading to the formulation of the law.

Code Report

All (8) codes

● Anti-DALA

3 Quotations:

1:37 ¶ 729 in DALA Statements

there is no justification for a law on declaration of assets and liabilities

1:38 ¶ 729 in DALA Statements

the bill on the declaration of assets and liabilities is more of an over regulation on the part of government.

1:49 ¶ 923 – 924 in DALA Statements

sees no need for a law requiring declaration and questioned how it will combat corruption.

“Corruption is in the mind-set of people and exists even where the declaration of assets and liabilities is in place,”

○ Consequences for non-compliance

2 Quotations:

1:2 ¶ 10 in DALA Statements

“I believe that if one does not declare within a stipulated time, say perhaps it is 60 days, immediately after 60 days elapse or on the 61st day that person should be on the wrong side of the law for not declaring.”

1:3 ¶ 19 in DALA Statements

“Instead, he presents an amendment Bill, that no longer says a person who has not declared should resign, but there will be issuance of notice. This is some soft cushion landing he is trying to do since he knows the names of people who have not submitted

○ Criticisms of the DALA

Comment: by Marumo Omotoye

| 2023/08/11 12:55:52, merged with Weakness with DALA

14 Quotations:

1:4 ¶ 21 in DALA Statements

The law is secretive and this weakens its effectiveness. The law is meant to ensure transparency, accountability and oversight

1:14 ¶ 419 in DALA Statements

The ruling party passes bills that are rushed and not effective. There was no consultation of various stakeholders before the Bill was brought to Parliament. The independence of the DCEC is problematic.

1:19 ¶ 491 in DALA Statements

Declaration is made to the Office of President (OP) (DCEC is in OP, DG who holds the register is appointed and removed by the President). It is shameful that the Speaker declares to the minister. We want an independent office.

1:21 ¶ 585 in DALA Statements

The introduction of this bill as is will not bring any change to Botswana. It will not cause our governance system to be cleaner. It will not discourage corruption

1:27 ¶ 629 in DALA Statements

There has been no public consultation regarding the law to find out what people think. Widespread consultation was required, not just discussions among ourselves as parliamentarians.

1:29 ¶ 711 in DALA Statements

“We advised for the amendments to be made on the clause anyone who will unlawfully disclose information on the declared assets and liabilities and found guilty will be sentenced to 10 years imprisonment and a fine of P500 000. How can the law guard

against corruption when it is also instilling fear on people to report corruption with ridiculous penalties?

1:32 ¶ 715 in DALA Statements

What is being proposed by the ruling party is not a declaration of asset, but a register that merely indicates what you have

1:34 ¶ 721 in DALA Statements

The law is not whistleblower-friendly

1:41 ¶ 776 in DALA Statements

The problem is that it is a secretive law.

1:43 ¶ 778 in DALA Statements

The penalties for unauthorized disclosures are excessively high, which indicates that some individuals do not want their assets to be publicized. This is a weakness of the law.

1:51 ¶ 930 in DALA Statements

main concern is that it is contrary to Setswana culture for details of one's property to be placed in the public domain for all to see.

1:52 ¶ 590 in DALA Statements

The law is relatively silent or weak on sanctions. There law is silent in defining or providing content on what exactly constitutes conflicts of interest nor does it make reference to existence of related laws that deal with conflict of interest.

1:53 ¶ 942 in DALA Statements

the current Bill is that it does not talk about publishing of the declarations so that members of the public can have a look at the registers.

1:54 ¶ 944 in DALA Statements

"We did say in Parliament that if there is non-disclosure of information in this bill, it does not serve any purpose,"

● **Disclosure type (Anti-Public Disclosure)**

1 Quotations:

1:11 ¶ 310 – 312 in DALA Statements

I do not believe it is a secretive law. Whoever wants to access the register may follow the prescribed guidelines to do that.

The risk is that people may use information for either the right or wrong reasons. The law allows anybody to access the register, but they need to follow the correct procedure

● Disclosure type (Pro-Public Disclosure)

Comment: by Marumo Omotoye

| *This refers to actors who supported the notion that declarations be made public.*

8 Quotations:

1:1 ¶ 23 in DALA Statements

Declarations need to be made public. How will citizens know that declarants have made true submissions? And

1:15 ¶ 423 in DALA Statements

Let declarations be made public. Otherwise the law will not be effective.

1:17 ¶ 493 in DALA Statements

Declaration remains a secret. We want it to be public or accessible. What's the point of declaring if it remains a secret?

1:25 ¶ 625 in DALA Statements

the Bill would not serve its intended purpose if the declared assets were not made public. The public has to know what we owe and own.

1:28 ¶ 629 in DALA Statements

Making disclosures public would build trust in the political leadership.

1:42 ¶ 776 in DALA Statements

The public should be allowed to freely gain access to the register to see what has been declared. How will people know whether people are living beyond their means since declarations are not made public?

1:44 ¶ 862 in DALA Statements

Having leaders declare their assets and giving the public full access to the information it needs will go a long way in insuring this

1:46 ¶ 911 in DALA Statements

The register shall be accessible and available to the public for scrutiny on demand

● In support of the DALA

Comment: by Marumo Omotoye

The code refers to actor who supported the promulgation of the DALA at the time of debate.

10 Quotations:

1:7 ¶ 49 in DALA Statements

“I support the minister, the bill is long overdue. It associate strongly with the attributes of Botswana. A bill I associate with, a bill that associate with Botswana’s long term vision of Vision 2036, page 25 of the vision. It speaks about governance, peace and security. It is consistent in attaining some of the views as seen in the same pillar. This is our contribution, we acknowledge it is late but it is better to have it later than never to do it. We were driven by threats we were exposed to particularly when we were greylisted. It is a positive progressive step,

1:8 ¶ 301 in DALA Statements

Some of us want this Bill; we want to be able to declare so that people know what we have and even access to the dates as to how we got them, we have been victims of malicious propaganda peddled as a way of suggesting that some of the things we have, we got them through some ways that are illegal

1:10 ¶ 309 in DALA Statements

I support the law because it is important and timely. The law was brought about by the BDP led government

1:12 ¶ 429 in DALA Statements

The recent adoption of the Declaration of Assets and Liabilities Bill is commendable as a step to fighting corruption.

1:16 ¶ 435 in DALA Statements

We have to pass this law through parliament because too many people out there want it passed. Some of us are honest people, the BDP government is very honest. We worked hard for what we have, actually I can declare that I have a P2million debt with CEDA

1:23 ¶ 599 in DALA Statements

It is in our manifesto to make a delivery into reviewing the law. We will use our numbers to pass this law. I dare you (opposition MPs) to declare their assets. I can stand in this parliament to account for every asset I have.

1:30 ¶ 713 in DALA Statements

I support the Bill because the opposition has called for such a law for a long time, but the ruling party has always rejected it.

1:40 ¶ 772 – 774 in DALA Statements

I support the proposed amendment. 37% of funds towards mega projects go to waste.

Corruption is making the country poorer so there is a need to have laws that can address this.

1:45 ¶ 910 in DALA Statements

introduce a register of assets which shall be completed by President, Cabinet Ministers, Members of Parliament, Councillors, Senior Civil Servants and other senior officials holding position of power in Local Authorities and Parastatal organisations.

1:50 ¶ 930 in DALA Statements

supports the declaration of assets because politicians hold power and influence

○ Purpose of DALA

Comment: by Marumo Omotoye

| *This code refers to actors' perceptions about the purpose of the DALA.*

6 Quotations:

1:6 ¶ 47 in DALA Statements

“It aims to root out corruption and would improve investor confidence and enhance transparency and accountability,”

1:9 ¶ 307 in DALA Statements

The anticipated introduction of legislation on the declaration of assets and liabilities which will cover both the political leadership and the civil service is one of the instruments that will help in ending corruption. This legislation will unleash fury on corruption and will make easier for government to make strides in ending this problem

1:22 ¶ 591 in DALA Statements

Why is corruption, or this Bill (Declaration of Assets and Liabilities Bill No 12 of 2019), of immense importance here and now, for this nation and in this generation? It is important because we have lost billions in recent years and I have proffered an estimation of tens of billions lost over the last 10 years due to nepotism, bad workmanship, fraud and outright theft.

1:24 ¶ 605 in DALA Statements

The Act is part of the legal framework to facilitate the country's participation in the activities of international bodies to detect and prevent corruption, promote transparency, accountability, ethical conduct and integrity.

1:47 ¶ 911 in DALA Statements

Such a register shall be updated bi-annually (every two years) to monitor the rate of wealth acquisition by each public office holder indicating nature and value of assets acquired

1:48 ¶ 917 in DALA Statements

there was need to come up with declaration of assets act and leadership code of conduct which would basically focus on the values and principles for managing public resources.

○ Recommendations to strengthen DALA

Comment: by Marumo Omotoye

| *This code refers to actors' views on how the DALA can be strengthened.*

11 Quotations:

1:5 ¶ 29 in DALA Statements

“for the law on Declaration of Assets to thrive, it must be reinforced by independent oversight institutions: independent ombudsman (public protector), independent auditor, independent judiciary, DISS that’s accountable to the legislature”

1:13 ¶ 415 in DALA Statements

“Indeed if we want to make effective tools, effective laws that will be seen to be effective in addressing corruption, let those laws be seen to be independent in the eyes of the people

1:18 ¶ 495 in DALA Statements

The law should include mechanisms of probing how assets were acquired, it is not enough that one can say “I bought this house”, or “it’s a gift”, or “I inherited it”...these statements would be inadequate without mechanism of ascertaining that the assets were obtained legitimately. How assets were acquired as provided by the Bill is inadequate.

1:20 ¶ 499 in DALA Statements

All declarations should be made to the EID. The law alone is inadequate to fight corruption. It requires the CECA to be revised to ensure the DCEC is independent. There is also a need to introduce the Freedom of Information Act. Lifestyle audits are required.

1:26 ¶ 626 in DALA Statements

Need to align the Declaration of Assets and Liability Act with freedom of information and whistle-blowing laws to promote transparency and protection of informants.

1:31 ¶ 715 in DALA Statements

There should be an independent body to drive the implementation of the Act.

1:33 ¶ 715 in DALA Statements

To declare means actively disclosing your assets to the public to enable them to compare what you had before coming into office and what you have accumulated since being in office.

1:35 ¶ 723 in DALA Statements

The forms need to be simplified. Declarations also need to be made public.

1:36 ¶ 719 in DALA Statements

Declarations should be made to the Office of the PSP and not the Minister. Independent institutions like the Auditor General DCEC and DIS DG's should not declare to the President

1:39 ¶ 767 in DALA Statements

law on disclosure of assets and liabilities should not only apply to MPs, cabinet ministers, heads of parastatals and top government officials, but should be extended to their spouses

1:55 ¶ 944 in DALA Statements

“Disclosure of information would allow scrutiny by both the public and media.