

Report on the Consultative Meeting on the Recognition of the Wayeyi tribe by the Minister of Local Government, Honorable Lebonaamang Mokalake on December 07, 2009 at the Maun Main Kgotla.

Director of Ceremonies: Kgosi Oleo Ledimo

Prayer: Reverend K.G. Ramokwena

Introduction of guests by District commissioner: Mrs. Bernadette Malala

She introduced the following guests:

- Hon. Minister L. Mokalake – Local government
- Mr. Tebogo Bethia - Council Chairman-
- Kealetile Moremi – Batawana Regent
- Tawana Moremi – MP for Maun West
- Members of the House of Chiefs
- Mr. Mbanga - Council Secretary -
- Mr. Thato Raphaka - Permanent Secretary (Local government)
- **Mr. Tumelo Seboko** - Deputy Director, Tribal Administration
- Mrs Bakwena – Tribal Secretary

1. Introduction

This was the second consultative meeting by the Minister of Local Government on the Wayeyi's application for recognition. The first meeting was held on April 20, 2009 at Gumare by Minister Masalila and a report on that meeting was submitted to the Minister.

2. Minister Mokalake's presentation

In his speech, the Minister indicated that this was a follow up meeting on the application by the Wayeyi to be recognized as a tribe, to have their chief in the House of Chiefs and that their capital is Gumare, and an area of jurisdiction be demarcated for their chief. He stated as follows:

- According to the amended Bogosi Act, he is empowered to recognise a tribe, following an application from the tribe.
- The Wayeyi application was admitted by the Kamanakao Association, but were advised that the application should be from the Wayeyi Chief on behalf of the tribe.
- The application was then re-submitted and hence it is now acceptable, since it details the Wayeyi history, organizational structure, customary law, and their culture.

- The main issue is to attend to the recognition of the Wayeyi as a tribe, since the recognition of chief and land would be consequential from the recognition as a tribe.
- He is here to consult the tribes in Maun and that the Wayeyi are a large tribe as some are present in the Boteti district where the Minister resides. He advised that as people will be making their contributions, they must remember that this is a sensitive issue that should be handled with care and calmness.

3. Comments and Questions from the floor (summaries)

The Director of Ceremonies indicated that on the part of the Batawana, only one person will speak, and that is Kgosi Charles Letsholathebe, deputy chief of the Batawana.

Charles Letsholathebe: Even if the Minister says we should not talk about land and others, these issues will come up. We know nothing about the recognition of the Wayeyi tribe. We have not been consulted with respect to tribe, land, culture or chief. At Gumare we were only invitees. We need to be consulted on the issue of land. There are many tribes in Ngamiland and we have not met to talk about these issues. As a result, the matter does not exist since we know nothing about it.

Moeti Moeti (*son of Jacob Moeti who was coerced to defect from the Wayeyi to support Batawana*). *Moeti Moeti a claimant of the Wayeyi chieftainship now speaking on behalf of the Batawana*): They have not come to inform us and we have not been consulted. The matter must start afresh and we be consulted. The matter was being handled by the Association, now it must come to the Batawana through the Wayeyi people. So this is only the beginning of the matter and not the end as the flyer seems to suggest.

Motamedi Moqwa (Councillor for Gumare):

He said the Minister's speech should be attended to and avoid irrelevance. Moeti's who plays to be in both camps should be ignored because he does not seem to know his identity. The Batawana have no land since they found us here in Ngamiland, we occupy most of the land due to our numerical strength. Land belongs to Government and it is administered through the land boards. The Wayeyi are a tribe and never made in the image of the Batawana. He requested the Minister not to consult the Batawana on this issue since the law does not require so. He stated that the Wayeyi requested the District Commissioner to assist them with transport, the same way the Batawana were provided with transport to go to Gumare, but to his disappointment, this was not to be the case.

District Commissioner Malala: She clarified that she never authorized the use of any vehicles for the purpose of transporting Batawana to Gumare. Those were Land Board vehicles and she had no contribution to the decision to use them for the purpose.

Aaron Seepetswe Sefo(one of the elected headmen who is refused recognition) The Wayeyi agreed to suspend the submission of their case to the African Commission as per Government's request. The Minister at Gumare had indicated that the consultation to be held here in Maun would be the last one and I hope this is the case. The Wayeyi went to court and the law has been amended, hence the need to implement the decisions of the court. Those who think the Wayeyi did not follow some procedures are not well informed and should be ignored. He advised the Minister to write down the following Bible verses to read at his spare time: Numbers 34:19 - dealing with land and Deuteronomy 17:15- dealing with chieftainship. In 1997 Tawana Moremi said he has no problem with the Wayeyi having their own chief. The Wayeyi are the most numerous in Ngamiland and in Maun - as the name of the village is a Shiyeyi name meaning reeds (mau, riu, or shiu).The mother to Moremi was a Muyeyi from Ikoga. The Wayeyi have designated their chief from their own tribe, following their own customary law, and so who is Moeti Moeti to question their choice!

Shikati Fish Malepe Ozoo (Wayeyi Paramount Chief)

Moeti Moeti is our child, he is fighting us for his own gains, not for the Wayeyi tribe. He has been imposed on us by being installed as headmen of records at the Boyeyi kgotla. The elected person has been rejected by government. So it is Moeti who is a beneficiary of a non-consultative process and no one else. The Wayeyi matter started in 1926, and recurred in 1936, 1948 and 1962. The Wayeyi were granted their dikgotla to elect their own headmen of records. Batawana took their warrants started imposing their bootlickers in our dikgotla. We need not consult with anyone when we are seeking for our rights. This matter is between the Wayeyi and Government of Botswana. Kamanakao Association is our organisation which brings us together as a tribe and we shall not abandon it. We are not going to engage in war with those whose history is punctuated with tribal wars, and that is why they came to Ngamiland, a brother fighting another for power.

Mr. Judah Bendu (Headman of the Bomabdi ward):

The matter is not only a Wayeyi matter it is a national issue. He said the nation of Israel had a history and there were four important things: land, heaven, human beings and the law. The current law says there are only eight tribes, how can we ignore that? These eight tribes belong to one family. The Wayeyi are not part of this family of eight, so how can they think that they can be part of the

eight. The Batawana have no problem with the Wayeyi chieftaincy, but the land belongs to them. The Batawana were anointed by God to rule other tribes, like the Israelites.

Reverend K.G. Ramokwena (Headman of records - Maun)

The matter has been brought to us by an Association, not the tribe, therefore, it has to be brought by the tribe and we can begin now. There are many tribes in Ngamiland and if the Wayeyi are granted their chieftaincy, other tribes will start the same. This is not good. Let us not use words which can insight war or conflict. The Wayeyi are squatting on the Batawana land, so they cannot say they own land. Nobody can be denied his father's heritage (referring to Moeti Moeti).

Minister Mokalake (Providing clarification)

The Minister explained that the consultation long started with Minister Nasha who had come to see the Batawana in Maun on the matter. The law says we should consult with the applicants at their kgotla and we did that in Gumare in your presence. At Gumare the Minister heard about the history, origins and the organisational structure of the community. I am here to hear your views on the same. The consultation must move forward.

Mr. M.Raditse (Headman of record at Nokaneng)

He stated that Moeti Moeti is not honest. He is not the Wayeyi chief because he has not been designated as such. His grandfather was a headman and he was committed to the liberation of the Wayeyi. Jacob Moeti was slippery as he agreed when the Batawana were abolishing the dikgotla for Wayeyi and taking away their warrants. The Wayeyi have fought to protect the Batawana from the Ndebele invasion at the Mathabanelong. The Wayeyi went to court and their matter was decided and all they now need is for government to recognize them and their chief. Anyone who is a Mueyeyi but would like to be adopted by Batawana is free to apply to be a member of the Batawana tribe (as per section 18 of the Bogosi Act), and stop bootlicking (*bolope*).

Mr. Khumongwana Maoto- (a Motawana and former member of Parliament)

He expressed a concern with regard to the Director of ceremonies who said only one person from the Batawana should speak. There is intermarriage between people of Ngamiland. When we say you are a Motawana we mean that you are in the region ruled by the Batawana tribe. We do not want war or conflict. The Minister should not take away our bogosi and our land.

Minister Mokalake (On clarification again)

The former member of Parliament seems to imply that I have applied for recognition, no. You and I were together in Parliament when the Bogosi Act was passed. The law does not demarcate land.

Mr. Dinta Kelapile

He thanked the Minister for coming to consult, and for his responses to some of the opinions expressed in the meeting. Moeti Moeti is suffering from identity crisis (gaa ikitse) so he should leave Wayeyi alone to fight for their rights. Who is Moeti to counsel Wayeyi on a point of procedure of consultation, when he himself was imposed on the Wayeyi at Boyeyi kgotla, as well as Mr. Setlhare Molefabangwe, without consultation. Who is he to talk about consultation, who is he to be consulted by us? Should Moeti continue with his song of claiming that he is a Wayeyi chief and yet fighting on the side of the Batawana, we shall be forced to deal him (*re taa mo tshwara ka diaparo*). Tawana has shown that there are no Batawana, when he was denouncing his chieftainship. We also know it. WE have our chief whom we designated according our custom. Moeti does not know Wayeyi custom since he grew up in his mother's village of Serowe. He only came here to help Batawana to fight us as he had no job. He has come to bootlick (*o tsile go lopela hela*).

Mr. Keidigetse Mhapha (A Motawana)

He stated that he belongs to the Batawana regiment (Mosimane wa Kgosi) and that this matter has been going on for a long time without a conclusion. He quoted David MacMillan who said the people make law and people can change the law. He said he believes in the equality of tribes and that the Wayeyi and Batawana should be treated as equal by Government. The Minister has not come to take away any rights from anybody, but to listen with the view to change the situation. All tribes should be represented in the House of Chiefs. He encouraged the Minister to continue with the consultation and conclude the matter.

G.Saleshando (Member of Parliament- A Muyeyi)

The Batawana would like to believe that this is a trivial matter, while the Wayeyi have launched a case. A new law has been enacted, which means Government is aware that there is a problem to be resolved. Now the Batawana are trying to nullify what Government is trying to attend to and would like to pretend that the Government is playing games. This is not right. There is a problem, the Government is moving in the right direction and to pretend otherwise is a waste of time. The Batawana cannot agree to be assimilated into the Wayeyi, and they should know that the Wayeyi like- wise love themselves as they were made by God and are not willing to be changed into another tribe. He encouraged Batawana to learn to respect other tribes and not impose headmen on them and avoid acts which may lead to conflict. He concluded by saying no one came with land from where ever they came from to settle in Ngamiland.

O.Malakia (a Muyeyi from Maun)

He narrated the history of Maun village with regard to what was happening when he was growing up. The Wayeyi have been clear that they cannot be slaves. Forced slavery is not peaceful. He used the analogy that if you kill a cow and use its ligaments to make ropes so that you can tie other cows, they become rebellious. Mr. Charles Letsholathebe is going around Maun imposing headmen in the Wayeyi dikgotla which means he is provoking the Wayeyi people. We want peace and therefore the Government should recognize the Wayeyi and their chief. We are not interested in the Batawana chieftaincy.

Mr. B. Machacha

He appealed to the audience to respect the kgotla.

Mr. L. Mutandzi

He thanked the Minister for following up the Wayeyi case. Land belongs to Government and not the Batawana, they are being misled to think that they own land when they have to apply for it like anybody else. Tawana Moremi has no land, we queue together to follow up on our applications for land. Tawana Moremi also wanted to have the Moremi Game Reserve, but he was not successful because it belongs to Government. How then can anyone say they have land and use it as a reason to deny the Wayeyi their right to recognition. Wayeyi used to live in islands in the Delta, but each one had a leader - no tribe has no leadership. Moremi the first was killed by Batawana since he wanted to give the Wayeyi their chieftainship. At that time, no Motawana person could be tried by a Muyeyi headman - which is a sign of discrimination.

Tawana Moremi (Member of Parliament) and former Batawana Chief.

He said the Minister has predetermined the results of the consultation and he is only here to waste time. He said what the Minister is doing is to cheat people to thinking that he is consulting when he is not. He said the Minister has only come to cause conflict between the Wayeyi and the Batawana. Tawana said the Bogosi Act cannot be implemented when read with the Tribal Territories Act, since the land belongs to him. He has no problem with the Wayeyi having their own chief, I cannot force people to respect me - '*se nkganang se nthola morwalo*'. He said Moeti Moeti is part of the Wayeyi history if they read closely. The issue of chieftainship is very stressful, and that is why he handed it over and went into politics.

Mr. Moremi

He said Wayeyi are his uncles. No one has land. We are all the children of Noah. He wondered why the Wayeyi are agitating only now. He suggested that a threat

to kill is illegal (referring to Mr. Zina's statement that if Moeti continues to make claims on the Wayeyi chieftainship he will be dealt with).

Moses Maoto (the younger brother to the Khumongwana Maoto)

He castigated the Batawana royals for keeping issues within their own circles. The decision that only one person from the Batawana can speak is ill conceived. No one can speak on behalf of others when they did not meet to agree so. (*Ba ise dikgang ko morafing, eseng go di ikganelela*). Wayeyi have followed the law and they must be given their chieftainship. Nobody should try to stop winds of change. How we can live together is the important issue. Giving the Wayeyi their chieftainship will not change anything and we will continue to live together. He said, what he does not like is the fact that people are talking about spilling blood – that is not right. He also said Moeti is not a child but a man.

Simon Bojosi (Former Council Secretary – a Mueyeyi)

He said the use of words that encourage conflict is not right. He described the act of using Government vehicles by the Batawana to attend the Gumare meeting as corruption, which the District Commissioner as the supervisor for both Tribal Administration and Landboard should be able to curb. The Landboard has a history of fighting Wayeyi as evidenced during the death of the Wayeyi chief Kamanakao, as well as the buffer zone issue. He expressed shock at those who said they did not know anything about the Wayeyi matter and wondered how a leader in the district is not aware of issues such as this one, which has been going on for years. Government long said they were going to amend the law and they have done so. He said the Government has agreed with the recommendations of the United Nations monitoring bodies. Nothing is more painful than being denied to elect ones leader. In Maun there are headman who are elected by Village Development Committees something out of order. These headmen are imposed on the Wayeyi people.

Gaolatiwe Kgosigaenyatswe (Headman at Ncaraga - A Mosarwa)

He said it is painful when your chief is being attacked at this degree. History has already been told by the Batawana Chief. The '*Makoba*' (a derogatory term for Wayeyi) should bring the case back to Batawana to consult them – since the Batawana do not know anything about this matter.

David Rendoh (Former Permanent Secretary, Foreign Affairs- A Mueyeyi)

He stated that it is important that the Wayeyi should continue to fight for their rights to existence, otherwise they will become extinct. The Batawana royals are very much aware of the Wayeyi case as far back in history as they can recall. When people agitate, it is important for the Government to listen and act in the good spirit of democracy and peace building. The Wayeyi case is for the Government to resolve, since the Wayeyi are not engaged in this matter with any

other tribe, other than Government. No other tribe can determine the rights of another. The Batawana were recognized by Government and so should the Wayeyi. The law has been revised, let the revisions be implemented, and we shall take it from there.

Mr. M.P. Dibebe (Headman at Ncamasere)

He supported the words of Shikati Ozoo, and said the law has to be implemented as per the will of the people. The Wayeyi should be granted their chieftaincy and all other rights they deserve like other tribes. The previous President had begun to make some progress in implementing the good things.

Lydia Nyati-Saleshando (Coordinator, Kamanakao Association)

She said all humans were born free, equal and with dignity, and this must be respected. The history, origins and organisational structure of the Wayeyi, has already been provided in the application as well as at the meeting held at Gumare. Only the Wayeyi can tell their story. What the Wayeyi are submitting at this meeting is contained in the pink flyer. Essentially a summary of the ruling of High Court, what the revised law provides and what other human rights laws advocate. She said the Court said the section 2 of the Chieftainship should be amended to bring equality for all tribes (see attached). This section used to state that there are only eight tribes, who should own land and have recognized chiefs. The new laws say the Minister can recognise a tribe and the chief and there is also a new definition of 'tribal area' which provide for an area of a tribe within a tribal territory. The African Charter says 'nothing justifies the domination of one tribe by another'. The Wayeyi have long waited for the Minister to recognize them. Their demands are as listed in the application and it is up to the Minister to begin with any of them. She agreed that recognition of tribe could come first and others are consequential. She said while at the UN Minister Sekelemani said the Tribal Territories Act does not confer land to any tribe. About Moeti Moeti, she said his grandfather was a headman at Boyeyi kgotla just like the other seven headmen who were installed in other villages in 1948. As a result, nothing qualifies him to be an automatic and self-selected Wayeyi paramount chief. The Wayeyi had proposed Mbwe Baruti as their paramount chief in 1948, but he turned it down after being threatened by Batawana. Moeti has no basis for claiming chieftaincy, but it is clear he is a tool being used by his Batawana uncles to deny the Wayeyi their rights to freedom. This is a cause for concern as Government seems to be fanning conflict by accepting people like Moeti. The Wayeyi are not interested in conflict. She appraised the Minister of the Batawana's disrespectful behaviour the Wayeyi have had to live with for so many years. She concluded that the Wayeyi are engaged with Government, as it is Government that has the power to recognize the them.

Mr. Boitshoko Moremi (Mother to Tawana Moremi)

She apologized for those who may have used words to imply 'bloodshedding' in their submissions. The Kejecwe family were her people in the beginning (*Lapa la me ene ele la bo RaKejecwe le MmaKejecwe*). She stated that Moeti is not a bootlicker but has been nominated by the President to go to the House of Chiefs just like Ozoo and Matenanga were nominated. Those who described Moeti as a bootlicker should apologise. She said the law said the tribe applying for recognition should be consulted at their kgotla and wondered who owns the Gumare kgotla? Her understanding is that it belongs to Batawana only. She said she is a Motalaote by tribe and her chief is under the Bangwato subordination and sees nothing wrong with that. Tawana did not make an application, but a born chief unlike those who have to apply. She said to the best of her knowledge Kealetile Moremi senior was a Mokubung, and she is surprised to hear that she was a Muyeyi from Ikoga. In that case she will go and claim her land at Ikoga. She pleaded with the Minister not to make decisions about this matter in the short term because they are issues that need to be ironed out.

Charles Letsholathebe (Deputy Chief – second turn)

He said Kealetile senior was from Serowe from the Rakgomo¹ kgotla. He said the Batawana fought against the Ndebele of Lebengula and killed two people with one bullet. This means the Batawana have fought for this land and it is therefore, theirs. 'One has to fight for land' (*Lehatshe lea lwelwa*) he said.

Minister Mokalake (in closing)

He said he is happy that despite the heated discussion there is still unity among the people of Maun. He explained that the new law came as a result of the agitation from the nation and the Wayeyi court case in particular. He used the analogy of a river, and said when one is in the middle of a flooding river, it is not advisable to go back, but forward, because you may not get another chance to go where you really wanted to. The consultations on this matter have progressed well, hence we cannot go back and start afresh. He pleaded for calmness and regretted the statement from Mr. Letsholathebe which implied that in order for the Wayeyi or other tribes to have land they need to fight. That kind of a statement is not useful to our peaceful process. When a law is made, people have 30 days to give input, but not all laws will be good for everyone. He explained that a kgotla cannot belong to one tribe in a multicultural village and therefore it belongs to all the people and tribes within each village. Thus implying that the Wayeyi were consulted appropriately at the Gumare kgotla at which they are the majority after all. His mission is to listen to the voice of those who are agitating in Ngamiland and therefore, his visit is not a waste of time, he is not here to generate any conflict but to work on a solution to a problem.

¹ Historically, this was a kgotla for Wayeyi who served as slaves for Bangwato tribe in Serowe – it was later disintegrated to extinguish the Wayeyi identity in Serowe).

Tawana Moremi (Giving a Vote of Thanks)

He said in amending the law, a lot of things went wrong (*E rile go baakanngwa molao, dilo tsa thakathakanngwa*). He does not believe that the law has taken away the right to land from the eight tribes and Minister Skelemani must be wrong to give such an interpretation. He said the new law (Bogosi Act) is not useful and if it is challenged it cannot be sustained. A chief is born and not elected and he is a born chief. He has no problem with the Wayeyi having their chief, but in this land of his, no one can interfere with a chief carrying out his will, that person will be fined P5000.00 or go to jail for five years. He asked Batawana to be calm and wished the Wayeyi well in the quest for recognition.

Closing Prayer: Mr. Bendu

Summary

A total of 23 people spoke. Fourteen (14) supported the recognition of the Wayeyi, including some Batawana. Nine (9) were against the recognition of the Wayeyi. The majority of the attendants were from the Wayeyi tribe in support of their recognition.