

Report on the Consultative Process on the Recognition of the Wayeyi tribe by the Minister of Local Government, Honorable Ambrose Masalila, April 20, 2009.

1. Introduction

The purpose of this report is to give the full spirit, tempo and general conduct of the consultative process, including pre and post meeting activities. It provides a synopsis of presentations of key speakers and an analysis of the presentations.

2. Pre-meeting Activities:

2.1 On April 5, 2007, the Wayeyi took the matter of their recognition and membership to the House of Chiefs to the African Commission on Human and People's rights.

2.2 The matter was scheduled for admissibility hearing at the 43rd Session of the Commission in May, 2008.

2.3 On April 25th, 2008 - The Minister of Defense, Justice and Security held a meeting with Lydia Nyati-Ramahobo to dialogue the matter instead of going to the African Commission. On April 29th, 2008 Minister of Local Government, Dr. Margaret Nasha wrote a letter expressing Government's commitment to dialogue. As a result the Wayeyi postponed the admissibility hearing.

2.4 On May 19th, 2008 - the Wayeyi Chief was sworn in at the House of Chiefs as a Presidential nominee with no powers.

2.5 On May 20th, 2008, The Permanent Secretary in the Ministry of Local Government (Mr. Raphaka) and the Deputy Director, Tribal Administration (Mr. Seboko) met with representatives of the Wayeyi tribe (Mr. Simon Meti and Lydia Nyati Ramahobo). They were advised that the Wayeyi need to apply for recognition in line with the new law. They were told not to use the letter heads of the Association and they followed this suggestion.

2.6 February 12th, 2009 - The Office of the Minister of Local Government (Dr. Margaret Nasha) communicated to the Wayeyi tribe through their Chief Shikatl Fish Malepe Ozoo, that a consultative meeting on the Application of the Wayeyi for recognition as a tribe will be held on April 20th, 2009 in accordance with Section 3 of the Bogosi Bill.

- 2.7 During the week beginning April 13th, 2009 - Dr. Nasha was re-deployed to the Ministry of Presidential Affairs and Mr. Ambrose Masalila took over the Ministry.
- 2.8 April 7th, 2009 - the Batawana Regent summoned about 60 headmen (from various ethnic groups) in the whole District to inform them about the Minister's consultative meeting with the Wayeyi. Seven of his faithful servants openly said they reject the Wayeyi Chief (five being from her (the Regent) home village-Maun) and called upon the Regent to stop the consultative meeting. She informed them that they should attend the meeting at Gumare and air their opposing views there. She further said she will send a delegation to visit all villages to inform people about the meeting. Journalists were thrown out of this meeting.
- 2.9 During the Month of April: The Batawana Chief Kealetile Moremi visited a number of villages in and around Maun, lobbying people to attend the meeting in large numbers. She promised to provide them with free transport to Gumare. The villages visited include Shorobe, Chanoga and a number of wards in Maun.
- 2.10 In Gumare, a group of nine (9) people held a meeting, to write some kind of history. Each one of them narrated their different stories as contained in the minutes of their meeting of April 1, 2009, chaired by former Councillor from the ruling party, Mr. Kebalepile Nkwane. Some members of this group acknowledged the limitations of their competence on the history of the Wayeyi or of Ngamiland in general. For instance on page 2 of the minutes - Mr. B.Goitsemodimo said '*gape ga re na history ee ka re gogang*' (We do not have history to guide us) and Mr. Gagosi said '*Fa ke bua ka Gumare, tota ga ke nke ke ba tsaya ka thulaganyo kgotsa ga ke thomamise gore go tsile mang pele ga mang*' (Regarding Gumare, I cannot narrate the chronology of who came first).
- 2.11 In the minutes of the Nkwane group, two members (Mr. Molelwa and Mrs. Nkwane) acknowledged the fact that Section 3 of the Bogosi Act does allow any tribe to be recognized as a tribe.
- 2.12 April 18th, - One of the members of Nkwane group gave a copy of the minutes to Wayeyi people who were gathered at the Cultural Centre, celebrating the annual festival. Unconfirmed reports were also circulating to the effect that members of the Nkwane group were to be paid P500.00 each, but had not been paid at that time. A copy of their

minutes was shared and discussed by a group of Wayeyi elders. The minutes seemed to project a deliberate effort to ignore the existence of the Wayeyi people in Ngamiland and at times portraying them as late comers. The Wayeyi viewed the minutes to lack substance and direction, but only a mental exercise to share the little knowledge they could recall on their own histories.

- 2.13 On April 19th, - Two buses belonging to the Land Board came with people believed to be supporters of the Batawana Regent. They held a meeting at the Ngetu Brigade in Gumare until 3:00 am and they had been joined by some of the Nkwane group. One of the outcomes of the meeting was a list of people who would be given the opportunity to speak first and supposedly oppose the application.

3. The Meeting of April 20, 2009

- 3.1 By 6:00 am the group supporting the Batawana had assembled at Gumare Kgotla. The majority Wayeyi tribe came and filled the whole kgotla. Their strategy was to stick to their history as contained in published books and papers, and stay relevant to the requirements of the Bogosi Act.
- 3.2 The Wayeyi leaders realized that the program developed by the group set up by the Wayeyi chief had been changed and a new one drawn without consulting him. The new program excluded the Wayeyi cultural dance, new masters of ceremonies and religious song in Shiyeyi. The Chief wrote a letter to the Minister notifying him about this development as well as reserving the right of Wayeyi to accept, or otherwise, the outcome of the meeting.
- 3.3 The Master of ceremonies informed the gathering that a list has been submitted to him to call those on the list to speak first. He asked whether that was acceptable or not. The gathering rejected the proposal.
- 3.4 Mr. Diteko Salepito, Senior Chief Representative at Gumare Kgotla - gave welcome remarks. He be-cried the amount of dust the horses had raised at the Kgotla. This was in reference to the horses ridden by Mavundja-Indowa regiment as an act of welcoming a respectable guest in the village, in accordance with the Wayeyi culture.
- 3.5 The Minister gave a brief background to the meeting, including the Balopi Commission, the Wayeyi court case and the United Nations

recommendations. He outlined the purpose of the meeting, what the provisions of the new Bogosi Act say and requested that the comments be concentrated on the history, origins and organizational structure of the Wayeyi tribe. He also asked the gathering to confirm or otherwise, as to whether the application submitted by the Wayeyi Chief was indeed from the Wayeyi tribe. He also stated that he will not be making the decision on the spot, but rather consulting with the peoples of Ngamiland through this meeting and possibly another one in Maun, before he can make the decision. He indicated that this was the first application since the enactment of the new Bogosi Act, as a result, there was need for patience towards a solution.

3.6 The first speaker was a Muyeyi, Mr. Aaron Seepetswe. He proposed that in order to answer the Minister's plea to confirm whether the application is indeed from the Wayeyi tribe as submitted by their Chief, it would be wise to have all those who would answer in the affirmative to stand up or raise their hands if they could not stand up due to age. An overwhelming majority stood up in support. This was considered to be the best move of the day as it concluded the matter at the earliest convenience. Mr. Seepetswe then dealt with the history of the Wayeyi tribe confirming what is provided in the application document.

3.7 A total of 21 people spoke from the floor at the meeting. Twelve (12) Wayeyi were clearly for the application and provided information on the history and origins of the Wayeyi people. These were: Mr. Aaron Seepetswe Sefo, Daniel Samusasini, Motamedi Moqwa, Simon Meti, O. Manga, Leganang Mutandzi, Simon Bojosi, Mr. Gaolathwe, Lydia Nyati-Ramahobo, Kenewe Shuma, Dinta Zina Kelapile and Shikati Fish Malepe Wuzuwo.

3.8 Six (6) members of the team supporting the Batawana spoke in tongues: (Moeti Moeti, Gaerolwe Kwerepe, Boitsholetso Lasaro, Kgopiso Botakala, Gaenangaka Ketshwaetswe and Outule Tsiara). Since these spoke in mixed tones there is need for an analysis of their presentations as follows:

3.8.1 Moeti Moeti, a Muyeyi with a Ngwato loyalty. He confessed to have been a member of the Wayeyi's Kamanakao Association, but said he has left and did not disclose the reasons. He said he is from the Samotsoko royal family and he is the Wayeyi chief, a statement he was booed for and he became visibly embarrassed. He said he was going to search for the 58000 Wayeyi who were

not present at the meeting whom he assumes are also not members of the Association so he can be their chief. (Noted: this is something he has been working on since 2001 since he declared his intention on television to divide the Wayeyi). Overall, Moeti believes there is a Wayeyi tribe, who deserve to have a chief. He is angry with the Association he blames for installing a chief other than himself. He is on a divisive agenda to stall the process. He has the 'if I cannot have it, no one should' attitude.

- 3.8.2 Gaerolwe Kwerepe – He introduced himself as a Mosarwa, Mokgalagadi and a Motawana and a cousin to the Batawana Regent. He dwelt more on the history of Batawana, whom he said they found the Basarwa, but gave no account as to where the Wayeyi were at the time. He however, said that the Wayeyi were recognized as a tribe in 1948. In this regard, he confirmed the Wayeyi history as presented in the submission - on the 1948 judgment. It meant all that is necessary was to give the Wayeyi their rights. While he was widely expected to help the Batawana case, he did little in that regard.
- 3.8.3 Boitsholetso Lasaro (Has no clear identity, other than that his maternal grandmother is a Mueyeyi and his paternal grandfather is a Morotse). He said Ngamiland has more than ten tribes, under the Tawana rule. He said Shakawe belongs to the San of the Kaakhwe group. He said Gumare is mainly occupied by Makaakhwe, Batawana and Barotse. He made no mention of Wayeyi as residents of Gumare. This is contrary to reality on the ground as well as historical evidence cited in our submission. He suggested that Wayeyi should be given state land, an admission that there are Wayeyi tribe in Botswana and they deserve land. (He is said to be eyeing a post of headman at Gumare since he is now retired from the military).
- 3.8.4 Kgopiso Botakala – He introduced himself as a Mothoka (a San group). He said both Wayeyi and Batawana found the Basarwa and therefore did not understand why they should be fighting. He gave a Setswana proverb '*Tlou gae tlodile malapo ke tloutswana*' this means once you are in another man's land you are no longer the boss. By this he could mean neither Wayeyi nor Batawana can claim to be the boss since they both found Basarwa. He was also expected to be a supporter of the Batawana Regime, but this submission is on the fence.

3.8.5 Gaenangaka Ketshwaetswe - He introduced himself as a Mosarwa. He expressed his disappointment that the Wayeyi did not consult with him when they formed their Association. He said the Wayeyi have excluded him. He said he has no problem with chieftaincy since he also has his own chief - called Banika in the Chobe region. With regard to land, he and Mr. Thogotona are concerned with land. He said the reason the Wayeyi were numerous at the meeting was because they had just finished their cultural festival in Gumare.

3.8.6 Mr. Outule Tsiara (a relative of Moeti) - expressed the same sentiments as Moeti Moeti. He said chieftaincy must include all people and not just a group. He complained that the Director of ceremonies was biased. (He did not explain how - since both Directors of ceremonies were well known supporters of the Batawana regime). (He feels that the Moeti family should be involved in selecting the chief, then they can support the Wayeyi course if Moeti is selected. That means for now, they remain on the fence and adopt a divisive attitude).

3.8.7 One (1) person was clearly against the recognition of the Wayeyi, Mr. Serebotswe Gagosi. He asked a question whether there can be two paramount chiefs in a territory. He said there are many tribes in Ngamiland and they should not be separated. (He was not aware of the new provision of a tribal area in the Bogosi Act). He asked whether Chief Ozoo of the Wayeyi has been accepted in the House of Chiefs or still under consideration.

3.9 The remaining two (2) speakers were Mr. Kea Lempadi, and Mr. Kebalepile Nkwane. While they are well known to be supporters of the Batawana regime, what they said could be classified as neutral. Mr. Lempadi said the Wayeyi are proposing to rule the whole of Ngamiland, but his area - the Okavango has more Hambukushu and suggested that the areas should be ruled by Hambukushu. (A suggestion considered as fair by the majority of Wayeyi, who are actually not claiming the whole of Ngamiland). Mr. Nkwane, being the leader of the group that authored the secret document said that the person who exposed the document will face the music. He also said, it was however, not a secret document, they meant to give it to the Minister.

3.10 Worth noting is the fact that none of nine (9) speakers (who sat on the fence and spoke in tongues) introduced themselves as a Motawana but mainly people of mixed identities - either with a Muyeyi father/mother and another tribe or a Mosarwa. As Mr. Simon Bojosi noted in summary *'Kgang e gae senngwe ke Batawana kana Bayeyi, e senngwa ke batho ba sele'*

4. Summary

The Batawana suffered the following setbacks at the meeting:

- 4.1 Their strategy to have pre-determined names of speakers was not successful.
- 4.2 An overwhelming majority of the gathering stood up in support of the application.
- 4.3 The secret document written by the Nkwane group of nine (9) was revealed at the meeting and names of the authors read out loudly. This disempowered the group and made them vulnerable. At this point the Wayeyi had gained so much confidence that the road was smooth sailing thereafter.
- 4.4 At the end of this meeting, the Batawana carried out a post mortem of the meeting. They observed that the Wayeyi were well prepared, while they Batawana were not. They resolved as follows:
 - 4.4.1 The Batawana Regent (Kealetile Moremi) should travel around the dikgotla to find out which of her subordinates were in support of the Wayeyi's course, and write to those who support her. (She has since written to three senior chiefs).
 - 4.4.2 To lobby leaders of other tribes and ask them to support her mission to block the recognition of the Wayeyi tribe.

5. Achievements

The meeting achieved the following:

- 5.1 The Wayeyi history, origins and organizational structure was validated by almost all the 12 speakers who were categorically in support of the recognition of the Wayeyi and even some of those on the fence, like Moeti, Kwerepe and Gagosi, as well as overwhelming majority of the gathering who stood up in support of the application.

- 5.2 It demonstrated the majority status of the Wayeyi people in the Ngamiland District;
- 5.3 It demonstrated the numerical minority status (all most extinct) of the Batawana tribe.
- 5.4 It demonstrated that people of mixed identities and few people from other tribes are being lobbied by the Batawana Regent to oppose the application, but unsuccessfully.
- 5.5 The Wayeyi held an evaluation meeting at the Cultural Centre, immediately after the meeting. They were happy since they were able to put their message across to the Minister and the majority of the people stood up in support of the application.

Second meeting Scheduled for June 15th, 2009 at Maun - later postponed indefinitely.

This meeting was neither to the letter or spirit of the Bogosi Act, but was viewed by many Wayeyi as a humane gesture from the Minister to ensure that the Batawana are given a chance to do whatever they wanted to do in order to oppose the application.

6.1 Pre meeting Activities

- 6.1.1 Minister sends letter notifying the Batawana chief about the meeting
- 6.1.2 May - Kealetile goes around the Maun village lobbying for support to stage set opposition to the Wayeyi application.
- 6.1.3 She meets many Wayeyi who did not take kindly to her divisive tactics, including a certain XXX (name available, who literally chased her away).
- 6.1.4 An old lady in Maun (name available) has disclosed information to the effect that she has been offered P50.00 to support the Batawana in opposition to Wayeyi recognition
- 6.1.4 She visits a Mosarwa called Mr. Thogotona - to come and oppose the Wayeyi application she was not successful.

- 6.15 A group of 50 Wayeyi authored a letter to Wayeyi communities informing them about the meeting. They also send a message to radio Botswana to announce the meeting, but the message was not broadcast.
- 6.17 May 28th,2009 – Moeti Moeti went to Motopi looking for Jackson Kamanakao Diile. He is told that Jackson died four years ago. Moeti informed Abidile that they are not happy with how the Wayeyi of the Kamanakao Association are doing things. They have denied the Kamanakao family their right to the Wayeyi chieftaincy and instead gave it Fish Ozoo. Abidile asked Moeti to go back to those who sent him and tell them that Jackson is dead. He (Abidile) was not willing to listen to such a story. Moeti left him alone and went back to Maun.
- 6.18 June 1 – President Khama on Television at Gumare saying he does not like tribalism and some people are tired of the peace we have had since independence and they want to fight. He is does not approve of those people. It was not clear who he was referring to.
- June 1 - Gothata Motai, Keoikantse Segole, Molefabangwe Setlhare and Obonye Gubago brought a letter to Kgosi of Motopi (Selabi Dimbo) – a letter signed by Mr. Meno on a Batawana letter head. The letter is asking for a meeting with the Kamanakao family. (Verbal reports indicate that the meeting was scheduled for Wednesday June 3 and and the subject of the meeting was that the Kamanakao Association has designated the wrong person as Chief. They would like to discuss this with the Kamanakao family, whom they believe are the rightful people to designate a chief among themselves.
- 6.1.9 June 3 – Pitsoyabosigo Moremi, Mr. Nkwe, Mr. Setlhare, Mr. Motlhabane, Mr. Mpotsang and Ms KT Moloi (Clerk of the Court) came to Motopi to meet the Kamanakao family and found Chief Selabe not around. The Kamanakao family did not turn up either. The Batawana group went back and there was no meeting.
- 6.1.10 June 3 - Minister Masalila postpones the meeting set for June 15th at Maun kgotla indefinitely. This would obviously give more time to the Batawana’s divisive efforts and increase chances to succeed.
- 6.1.11 June 4 – Shikati Fish Malepe Ozoo of the Wayeyi meets with the Minister Masalila – to ask for transport for Wayeyi to attend the meeting and secondly to share his concerns about the divisive activities of the Batawana Regent. He is given a copy of the letter postponing the meeting of June 15th.

June 18 – Lydia Nyati-Ramahobo submit this report containing events up to June 4th.

June 24 – Lydia meets with Minister Masalila and Raphaka and one lady (1:45) to follow up if they have received the report. Report had not been read though received. She outlines the major activities of Batawana as stated in the report. She mentions that the Wayeyi would like to see Minister to discuss progress on the application and reports. Also to find out when the Minister will hold the postponed meeting with the Batawana. No date. Mr. Raphaka states that he will read the report and if necessary arrange for a meeting with Wayeyi.

June 30 – Shikati meets Masalila to follow up on meeting held with Lydia. Not clear what was discussed.

July 13th, Raphaka writes to invite a delegation of 4 Wayeyi for meeting on August 11th.

December 7, 2009 – Minister Mokalake consulted the Wayeyi at Maun kgotla.

As more events unfold, this report will be continued.