



# BOTSWANA

TRANSPARENCY ASSESSMENT 2017

The Citizens' Analysis of  
Government Openness

## INTRODUCTION

In 2013, the then Minister in the Office of the President, Mokgweetsi Masisi, stopped the adoption of the Freedom of Information Act - sponsored by an opposition Member of Parliament, Dumelang Saleshando- by promising to bring an improved bill from the Executive back to Parliament.

To date, four years later, with the Minister having now become the Vice President, there has not been any progress made on the new bill. Nor has there been any political will to escalate the discussion on access to information (ATI). This is despite the public will, demonstrated in both the Constitution (Section 12 under 'Freedom of Expression') and the National Vision 2016 document which explicitly recognised access to information as a right. Some state organs, notably the Ombudsman and the Directorate on Corruption and Economic Crimes (DCEC) have previously added their voices to the call for this law. However, at the same time, there have been instances of threats and persecution of conveyors of information, notably journalists, which hinders the practice of open governance.

Most cases in which journalists were detained were attempts to block the release of certain information. In the case of the Botswana Gazette raid by the DCEC for instance, security agents confiscated computer storage units—a clear indication of the desire to close down information streams. The Gazette's publisher, editor, reporter and their lawyer were briefly detained for purportedly trying to publish information that was before the DCEC. The lawyer, Joao Salbany, who had stayed in Botswana for over 20 years, was subsequently denied the renewal of his work permit.

Another case involved a whistleblower and a freelance journalist, where the former was accused of stealing state property (a file). They were detained for the weekend and subsequently discharged, however, the whistleblower who was then a government employee, had his employment terminated.

The Botswana Gazette in a landmark case, challenges the Water Utilities Corporation (WUC) before the High Court to release information regarding privately-owned dams in the vicinity of the National Dam. This is a pioneering case in Botswana where, save for the constitutional recognition of freedom of information, there is no specific law detailing or facilitating access to information. This case also illuminates the difficulty of accessing information in Botswana, since not everyone can afford the litigation expenses.

The need for access to information legislation has never been more urgent. An ATI law is expected to not only enforce the release of information but also to make access effortless and convenient with, where necessary, reasonable exemptions. With explicit timelines and turnaround times, the public will be able to seek legal assistance if and when they are denied due information. This law will also make life easier for public bodies since they will have the opportunity to support their position for classified information before proper commissioners of information.

The ATI law therefore is not necessarily a panacea for journalists' woes alone (as it is often assumed), but will also provide governance on the release of contested information. Unlike now, when journalists just have to use their intuition, notwithstanding the existing inhibiting laws, to make editorial decisions. Using the African Union Model Law on ATI, from which the bill that the government rejected in 2013 was modelled, the exemptions in the law limit journalists' natural penchant for an absolute open government and therefore provide for balance in the public interest. Government's fear of fully implementing an open ATI system is therefore irrational, unwarranted and paranoiac.

## RATIONALE AND RESEARCH PARAMETERS

This research is intended to gauge the accessibility of information in government and public offices.

Eight public institutions were targeted and given written requests for information pertaining to their organisations. Four of the information requests were physically handed over to the Citizen Entrepreneurial and Development Agency (CEDA), the Office of the Ombudsman (OMB), the Ministry of Youth Empowerment, Sports and Culture Development (MYSC), and the Ministry of Health and Wellness (MOH).

The remaining four were emailed to the Companies and Intellectual Property Authority (CIPA), the Ministry of Nationality, Immigration and Gender Affairs (MNIG), the Botswana Communications Regulatory Authority (BOCRA) and the University of Botswana (UB).

The first four were handed in on 27 July 2017 and by 15 August 2017, none of them had responded, save for seeking some clarification and providing some updates. The next batch was sent on different dates between 28 July 2017 and 1 August 2017. The different dates were due to email technical errors and where necessary, requests had to be resent. However, except for one of the organisations contacted, 21 days elapsed without any response.

The websites were analysed based on a few guidelines: aesthetic, informative, effective/functional, and efficient. Social media was considered an added value.

The following public institutions were surveyed::

1. Botswana Communications Regulatory Authority (BOCRA)
2. Citizen Entrepreneurial Development Agency (CEDA)
3. Companies and Intellectual Property Authority (CIPA)
4. Ministry of Health and Wellness (MOHW)
5. Ministry of Nationality, Immigration and Gender Affairs (MNIG)
6. University of Botswana (UB)
7. Ministry of Youth Empowerment, Sports and Culture Development (MYESC)
8. Office of the Ombudsman (OMB)

## SUMMARY OF KEY FINDINGS

### Category 1: Website analysis

- Government websites are too uniform and as a result, discourage the creative potential of individual ministries or departments.
- Some ministries have not updated their new names in the government portal while in some cases both names appear.
- Some websites are incomplete with blank pages or outdated information.
- Interactive features are neither optimally functional nor utilised by most organisations.
- Parastatal websites, however, have a business outlook, are easy to navigate and appealing in looks.
- All websites provided the institution's contact details.
- The use of social media by some, especially Facebook and Twitter, has added value to their online presence.
- Some organisations, for example BOCRA, have a 'Frequently Asked Questions (FAQ)' feature on their website which can provide an instant response to queries.
- Some organisations, such as CIPA have an 'electronic complaints registration' feature which eases access to the complaints board.

### Category 2: Requests for information

- First contact officers are not decision-makers in the release of information.
- In most instances, the decision-makers were at different workshops during the submission of requests.
- In one ministry, the request had to pass through two different officers before it would be taken to the public relations unit and yet a condition was still given: an official insisted on a separate cover page detailing the request and providing information on the researcher despite the introductory paragraph which was attached to the initial request.
- An official in one of the ministries blind copied the researcher into conversations to show that she was facing difficulties in getting a response from the relevant officials.
- In the end, only four information requests were answered.
- Most recipients of the requests initially showed enthusiasm in responding; but lost it along the way, seemingly having hit a snag with their colleagues who were uncooperative in providing information.

## DETAILED FINDINGS

### 1. Botswana Communications Regulatory Authority (BOCRA)

#### CATEGORY 1: WEBSITE

[www.bocra.org.bw](http://www.bocra.org.bw)

The website is professional and aesthetically appealing. All the tabs have necessary, comprehensive and up-to-date information. It has interactive features and vital information about the organisation, such as statutory documents and tender procedures. BOCRA's website has possibly set the standard of how public bodies' websites should look and function. It has a FAQ section, an interactive complaints section, as well as legal documents and policies which govern the organisation.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			The information is up-to-date.
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?	•			
f) Vacancy and employment procedures?	•			
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

**Total Score: 16/20**

#### CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to BOCRA:

1. How many cases/complaints from service providers does BOCRA handle in a month?
2. Does BOCRA disaggregate cases according to gender and age? If so, can we have access to the latest information (report)?
3. How much does BOCRA get from the Ministry's annual budget?
4. Which mobile service operator gets the most complaints from the public?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			The Director for Communication.
2. Did the institution reply within 21 days?	•			They replied within 21 days.
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?			•	No, however, the institution instead provides procedures for filing complaints and a customer satisfaction survey.
5. Did the institution provide all of the information requested?	•			
6. Does the institution provide written reasons for the refusal of information?	•			As there was no refusal, reasons were not required.

n = 20	Yes	No	Partial	Additional Information
7. Did the institution disclose information about its operations, budgets, structure etc.			•	The answer relating to money was vague.
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•			
9. Did the institution acknowledge your request for information within 7 days?	•			
10. Was the information received clear and understandable?	•			

**Total Score: 18/20**

## 2. Citizen Entrepreneurial Development Agency (CEDA)

### CATEGORY 1: WEBSITE

[www.ceda.co.bw](http://www.ceda.co.bw)

The CEDA website is up-to-date and can be easily navigated. It contains all the necessary information about the Agency's business and mandate. The website contains several links to different newsletters which provide further information on its products. The CEDA website has a complaints section where the public is invited to register their complaints. The organisational structure is explained under the corporate profile tab.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			The corporate governance of the organisation is explained in detail, including an organogram.
b) A list of laws, Acts etc. issued within the scope of its powers?			•	Not enough is said about the laws.
c) Reports, policies, programmes?			•	
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?			•	
f) Vacancy and employment procedures?	•			
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?			•	
i) A mechanism to request and receive a response to electronic messages and requests for information?			•	

**Total Score: 13/20**

### CATEGORY 2: REQUESTS FOR INFORMATION

**The following questions were sent to CEDA:**

1. How many applications does the CEDA handle in a month and what is the most common area applied to?
2. Does CEDA disaggregate applications according to gender, age, and departments? If so, can we be guided to such information?
3. How much does CEDA get from the Government Budget, if it does?
4. What is the relationship between CEDA and the Executive?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		Two reminders by email were not responded to.
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		
9. Did the institution acknowledge your request for information within 7 days?			•	Since the request was hand-delivered the acknowledgement was instant but cannot be said to have been intentional, hence a partial score.
10. Was the information received clear and understandable?		•		

**Total Score: 3/20**

### 3. Companies and Intellectual Property Authority (CIPA)

#### CATEGORY 1: WEBSITE

[www.cipa.org.bw](http://www.cipa.org.bw)

The CIPA website has the necessary information relevant to its industry. For this survey, they were first contacted through the messenger application and they responded in a reasonable period of time. The website does provide practical guidance to anyone seeking information about the organisation.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?			•	
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?			•	
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

**Total Score: 14/20**

## CATEGORY 2: REQUESTS FOR INFORMATION

### The following questions were sent to CIPA:

1. How many artists have benefited from the blank tape funds so far?
2. Does CIPA follow up funded projects and how long does it continue its monitoring post funding?
3. How much has CIPA disbursed since the inception of the blank tape fund?
4. Does CIPA consider gender in approving applications and between males and females; which are most successful in getting funding?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?			•	The contact person had earlier indicated to have completed the questionnaire but delayed in sending it. However, she immediately responded upon my reminder after the 21 days.
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?	•			
5. Did the institution provide all of the information requested?	•			
6. Does the institution provide written reasons for the refusal of information?	•			
7. Did the institution disclose information about its operations, budgets, structure etc.			•	
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•			
9. Did the institution acknowledge your request for information within 7 days?	•			
10. Was the information received clear and understandable?	•			

**Total Score: 18/20**

## 4. Ministry of Health and Wellness

### CATEGORY 1: WEBSITE

[www.gov.bw/ministryofhealth/](http://www.gov.bw/ministryofhealth/)

The Ministry has an active website. Its various organs, such as hospitals, have an independent online presence as well. This helps to mitigate the problem of a cumbersome government portal. Princess Marina Hospital, for instance, runs a Facebook page. The most senior technocrat in the Ministry, the Permanent Secretary, runs an independent yet official Twitter handle where she answers clients' queries.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?		•		
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?			•	
f) Vacancy and employment procedures?		•		

g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			The Facebook page and the Permanent Secretary's Twitter handle offer responses to queries.

**Total Score: 10/20**

## CATEGORY 2: REQUESTS FOR INFORMATION

**The following questions were sent to MOHW:**

1. How many cases of staff negligence at medical service points does the Ministry handle in a year and what is the most common?
2. Does the Ministry disaggregate information according to districts? If so, can we have access to the latest information?
3. How much of its funding and budget does the Ministry allocate to issues of staff welfare and customer service training?
4. Does the Ministry have an internal complaints centre where issues can be handled before customers seek external interventions?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?			•	The staffer was very enthusiastic and willing to assist; she followed up with her senior and returned feedback but later went quiet. She was clearly facing resistance from her colleagues. She eventually sent in a response but way beyond the 21 days.
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?			•	
6. Does the institution provide written reasons for the refusal of information?			•	They apologised for the delayed response.
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•			
9. Did the institution acknowledge your request for information within 7 days?	•			
10. Was the information received clear and understandable?			•	

**Total Score: 10/20**

## 5. Ministry of Nationality, Immigration and Gender Affairs (MNIG)

### CATEGORY 1: WEBSITE

<http://gov.bw//ministryoflabourandhomeaffairs>

The website has links to all Ministry departments, in particular, National Registration, which was the target of this survey. Unfortunately, there was (at the time of viewing) no information under these links. The government portal is too bulky and makes searching for information cumbersome. The Ministry is listed twice in the portal, under the previous name and the current one. This could confuse an information seeker.



n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?		•		
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?		•		
b) A list of laws, Acts etc. issued within the scope of its powers?			•	
c) Reports, policies, programmes?			•	
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?			•	
f) Vacancy and employment procedures?			•	
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?			•	
i) A mechanism to request and receive a response to electronic messages and requests for information?			•	

**Total Score: 8/20**

## CATEGORY 2: REQUESTS FOR INFORMATION

### The following questions were sent to MNIG:

1. How many (on average) applications for national identity cards does the Office handle in a year?
2. Does the Ministry disaggregate applications according to gender, age, and ethnicity? If so can we have access to the latest information/report?
3. What is the annual cost of replacing lost national identity cards to the National Registration Office?
4. What is Botswana's average annual birth rate?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?				Answers were only provided after the 21 days had elapsed. The officer was seemingly having a difficult time of getting responses from her colleagues.
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?	•			The response was comprehensive.
6. Does the institution provide written reasons for the refusal of information?	•			
7. Did the institution disclose information about its operations, budgets, structure etc.	•			
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•			
9. Did the institution acknowledge your request for information within 7 days?	•			
10. Was the information received clear and understandable?	•			

**Total Score: 16/20**

## 6. University of Botswana

### CATEGORY 1: WEBSITE

[www.mopipi.ub.bw](http://www.mopipi.ub.bw)

The University's website is functional with up-to-date and comprehensive information. There is no evidence of a social media presence, as the 'Contact Us' tab only contains traditional addresses. The FAQ section is empty.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?			•	
b) A list of laws, Acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programmes?			•	
d) Budget and expenditure?			•	The information on their budget was last updated in 2015.
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?			•	
i) A mechanism to request and receive a response to electronic messages and requests for information?		•		

**Total Score: 8/20**

### CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to UB:

- How many applications for studies does the University handle at a given year and which discipline is the most popular?
- Does the University disaggregate applications according to gender, age, and courses? If so, can we have access to the latest information?
- How much does the University get from the Ministry's budget?
- How do you describe the relationship between the Ombudsman Office and the Government?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		The official responded to enquiries but as he relied on his colleagues he could not provide us with the information.
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		The information was not provided at all.

n = 20	Yes	No	Partial	Additional Information
9. Did the institution acknowledge your request for information within 7 days?	•			
10. Was the information received clear and understandable?		•		

**Total Score: 4/20**

## 7. Ministry of Youth Empowerment Sport and Culture Development (MYESC)

### CATEGORY 1: WEBSITE

<http://www.gov.bw/en/Ministries--Authorities/Ministries/Ministry-of-Youth-Sport-and-Culture-MYSC/Tools--Services/Services--Forms/E-nnovation/>

Just like other public service institutions, the Ministry's site is in the government portal. The Ministry has not yet updated its name which was changed in 2016. Some information is very old; in fact, at the time the analysis the website was headlined by a story from 2014, a clear indication that it is rarely updated and generally neglected. The current Minister is accessible on Facebook, a positive development that should remain with the Ministry upon his departure.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?		•		
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?		•		
b) A list of laws, Acts etc. issued within the scope of its powers?			•	
c) Reports, policies, programmes?			•	
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?			•	
f) Vacancy and employment procedures?			•	
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?			•	
i) A mechanism to request and receive a response to electronic messages and requests for information?			•	

**Total Score: 8/20**

### CATEGORY 2: REQUESTS FOR INFORMATION

**The following questions were sent to MYESC:**

1. How many applications does the Youth Development Fund handle at a given time and which geographic area do most of the applications coming from?
2. Does the YDF disaggregate applications according to gender and districts? If so, can we have access to such information?
3. How much does the YDF get from the Ministry's budget?
4. What is the relationship between the YDF and the Executive?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?			•	There are officers but the experience during this survey was that they attempt to block the release of information.
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		
9. Did the institution acknowledge your request for information within 7 days?	•			
10. Was the information received clear and understandable?		•		

**Total Score: 3/20**

## 8. Office of the Ombudsman

### CATEGORY 1: WEBSITE

<http://www.gov.bw/en/Ministries--Authorities/Ministries/Office-of-the-Ombudsman-of-Botswana/Tools--Services/Ministry-Directory/Departments/Office-of-the-Ombudsman/>

This site is also located in the government portal. There is little done to upgrade or improve the site. The interactive feature on the website is not responsive. There is very little information. The Office has a Facebook page where announcements and decisions on cases are posted. It carries a following of less than 1000 (891 at the time of the analysis) and this is a sign that more needs to be done by the Office to engage with the public.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	The FB page is active.
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?			•	
b) A list of laws, Acts etc. issued within the scope of its powers?			•	
c) Reports, policies, programmes?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?			•	
f) Vacancy and employment procedures?			•	
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?		•		

**Total Score: 9/20**

## CATEGORY 2: REQUESTS FOR INFORMATION

### The following questions were sent to Office of the Ombudsman:

1. How many cases does the Ombudsman handle in a month and what is the most common?
2. Does the Ombudsman disaggregate cases according to gender, age, and departments? If so, can we have access to the latest report?
3. How much does the Ombudsman get from the Ministry's budget?
4. What is the relationship between the Ombudsman Office and the Executive?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		There was no response. On follow up the officer was unavailable.
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		
9. Did the institution acknowledge your request for information within 7 days?			•	
10. Was the information received clear and understandable?		•		

**Total Score: 3/20**

## SUMMARY IN NUMBERS

Institution	Website	Request for information	Total score
1. Botswana Communications Regulatory Authority (BOCRA)	16	18	34
2. Citizen Entrepreneurial Development Agency (CEDA)	13	3	16
3. Companies and Intellectual Property Authority (CIPA)	14	18	32
4. Ministry of Health and Wellness (MOHW)	10	10	20
5. Ministry of Nationality, Immigration and Gender Affairs (MNIG)	8	16	24
6. University of Botswana (UB)	8	4	12
7. Ministry of Youth Empowerment, Sports and Culture Development (MYESC)	8	3	11
8. Office of the Ombudsman (OMB)	9	3	12

## RESEARCH CONCLUSIONS

Botswana is a very secretive country—out of eight organisations surveyed, only four responded to the information requests.

Release of information by public organs is regarded as a favour to the public. Despite the recognition of the right to information by Section 12 of the Constitution and other public policy pronouncements, government bodies view any unsolicited request for information with suspicion.

Due in part to the absence of implementation or enactment of the necessary laws, such as an access to information law, public officers use their discretion to decide whether or not to release information. This attitude is spread across public offices and made worse by the Public Service Act, which regards the unauthorised release of public information by public servants as gross misconduct. This is an indication that the absence of access to information legislation does not only obstruct information seekers but the custodians of information as well—the latter are not protected as they do not have any legal parameters to work within. In one case, the officer had to demand a cover letter to be added to the request for information, despite the fact that the identity of the requester and a reason for the request were included in the information request. The officer insisted that the cover letter must be hand-delivered.

Although there is a Government Communications Department based in the Office of the President, as well as an array of public relation officers, including ministers' private secretaries, getting information still remains difficult due to bureaucracy and a lack of urgency. These positions responsible for managing public information have become the extension of officialdom and therefore the opposite of what they were expected to be. While compiling this research, it was evident that in some cases seeking information directly from Directors was more efficient than going through the public relations offices. Most public relations officers are subjected to the same undignified and tedious process of begging for information from relevant officials, which renders them ineffective in carrying out their official duties. Government employees still believe they own public information and are doing the public a favour in releasing such information.

Public relations have become part of the problem in several ways:

- They are a buffer zone between information seekers and custodians. Instead of the public having direct access to the custodians of the information, they are left in the mercy of the PR officials. The survey identified this trend in all the selected organisations.
- The other issue with public relations offices is their helplessness when the custodians of information are not cooperative. This was evident in many cases with one officer even having to blind copy the researcher into her interaction with her colleagues. The first contact with officials was promising but enthusiasm and responses quickly dwindled out when the officers could not get the information from their colleagues.
- Except for state companies (parastatals), the first contact officers (public relations officers) were junior officers and therefore only received the request on behalf of their seniors, who would be at external workshops. The disempowered juniors could only receive the information and in some cases compile a response, but still had to await their seniors to release the information. Most of these responses never saw the light of day.
- It is also revealing that two of the three respondents were from parastatals while other government ministries did not respond at all.

## THE MOST SECRETIVE PUBLIC INSTITUTION IN BOTSWANA

The Ministry of Youth Empowerment, Sports and Culture Development, like other government ministries, has several public relations officials engaged to ease access to information. The officer's refusal to forward the questionnaire to the relevant offices, and insisting that the researcher provide a cover letter displayed a blend of paranoia and ignorance. The Ministry deals with a very sensitive segment of society—the youth, and therefore has to demonstrate urgency and modernity when dealing with information.

The Ministry has empowering and positive youth programmes which need more than the traditional way of disseminating information. Policies meant to control the issuing of information must not frustrate information seekers, which unfortunately appears to be the case at MYESC.

**The Ministry of Youth Empowerment, Sports and Culture Development** therefore wins the Golden Padlock Award.

## THE MOST OPEN PUBLIC INSTITUTION IN BOTSWANA

BOCRA's swift response to the request and its well-managed website makes it the most open institution in the country among those surveyed. The website is user-friendly and customer-focused. Regularly updated, it hosts almost all the policy documents of the institution as well as other vital information. On their website, BOCRA clearly explains its complaints policy and process. It further provides an electronic feature to allow registering for the complaint. This feature, together with 'Frequently Asked Questions,' makes their information easily accessible.

The **Botswana Communications Regulatory Authority** is therefore awarded the Golden Key Award.

- Public information must be open for consumption and any exemptions must be publicly and proactively stated.
- Public offices must have clearly stated whistleblowing and protection processes.
- The State must revise and modify policies and laws, such as the Public Service Act, which hinder the release of information.
- The Media Practitioners Act, which has become dormant, must be repealed and replaced by a law more conducive to access to information.

## RECOMMENDATIONS

- Botswana is in urgent need of an access to information law. The law will protect the information seeker, custodians of public information (public officials) as well as the Government. The law is expected to provide legal mechanisms, guidelines and exemptions to the handling of public information.
- The first contact public relations assistants (juniors) must be empowered to release preliminary information while they are still engaging their supervisors or other relevant officials.
- Departmental policies relating to the dissemination of information need not be buffer zones between information seekers and the information.
- In the absence of an access to information law, ministries and other state organisations must have their own information commissioners, in addition to the PR departments, which will rule on controversial or sensitive information. This, in any case, is the kind of structure envisioned by an ATI law.
- Departments must compile and keep their information 'release'-ready at any given time. This means when the information is sought, all that the officer has to do is to customise the pre-packaged information to the specific request.