Botswana

Country Overview

Politics

Botswana is a parliamentary republic in Southern Africa. In October 2014, the ruling Botswana Democratic Party (BDP) won the majority of parliamentary seats in an election generally characterized as free and fair. President Ian Khama, who has held the presidency since the resignation of former president Festus Mogae in 2008, retained his position.¹

While Botswana is typically considered one of Africa’s most stable democracies,² analysis has noted that Botswana is on a “negative governance trajectory,”³ in part due to government “tensions with public sector unions...water shortages and electricity blackouts,” as well as ruling-party harassment of opposition party politicians and journalists.⁴

Economy

Botswana is classified by the World Bank as an upper middle-income economy.⁵ Botswana’s sustained economic growth, averaging five percent per annum over the past decade, has been the fastest in the world.⁶ Although there is considerable growth, heavy reliance on commodities renders the country vulnerable to international market fluctuations. In 2015, the economy’s growth slowed mainly due to a decline in mining production and downturn in the global diamond market.⁷ Revenue from the diamond industry has been the main facilitator of development, which enables Botswana to provide infrastructure and social services.⁸ Diamond mining currently counts for one quarter of GDP, approximately 85 percent of export earnings, and one third of the government’s revenues.

Economists have noted Botswana’s growing potential in mining, mineral processing, energy, cattle, tourism and financial service sectors.⁹

Social/Human Development

In Botswana, poverty declined from 30.6 percent to 19.4 percent between 2002-2010, particularly in rural areas. This resulted in 180,000 people being lifted from poverty, 87 percent of whom live in rural areas.¹⁰ Despite improvements in the 2000s, however, Botswana remains one of the most unequal countries in terms of income, wealth, and living standard disparities among various socio-economic groups.
Botswana has a population of 2.2 million people and is primarily divided into three major ethnic groups: Tswana or Setswana (79 percent), Kalanga (11 percent) and Baswara (San) (three percent). The Baswara (San) population reportedly faces discrimination.

Other vulnerable populations facing discrimination include people who have contracted HIV/AIDS and lesbian, gay, bisexual, transgender and intersex LGBTQI persons.


U.S. Department of State TIP Ranking: Tier 2

According to the Trafficking in Persons Report, trafficking risk may be found in export supply chains including agriculture.

Read the full TIP Report at: https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271151.htm

Migrant and Other Vulnerable Populations

Botswana has net positive migration. South Africa sent nearly 40,000 migrants to Botswana in 2015, making it the largest source country. Other relevant migrant source countries are neighboring countries Zimbabwe, Zambia, Angola, and Lesotho. According to the UN, there were 2,830 vulnerable people in Botswana in 2016, including 2093 refugees. The top origin countries for refugees to Botswana are Namibia and Zimbabwe.
The top destination countries for migrants from Botswana were South Africa, the United Kingdom, and Zimbabwe.16
Migrants from Botswana
Exports and Trade

Botswana’s top exports in 2016 were diamonds, nickel, machinery, and meat.\textsuperscript{17}

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precious or semi-precious stones</td>
<td>6,492,991</td>
</tr>
<tr>
<td>Nickel</td>
<td>235,239</td>
</tr>
<tr>
<td>Meat</td>
<td>104,493</td>
</tr>
</tbody>
</table>

The top importing countries of goods from Botswana were Belgium, India, South Africa, Singapore, and the United States.\textsuperscript{18}
Trafficking in Persons Risk Factors Analysis

Legal/Policy Risk Factors

Level of Legal Protection for Civil Liberties and Workers’ Rights

Freedom of Association

All workers except military and prison staff are allowed by law to form and join unions, to bargain collectively and to strike, although several restrictions are noted, particularly around strikes. Only unions that have enrolled one third of the workforce may bargain collectively.

The right to strike is not protected unless arbitration procedures are first exhausted and workers who have participated in an illegal strike are subject to dismissal. Moreover, employees who are categorized as “essential services” may not strike. Essential service workers include: the Bank of Botswana, railway services, health care, firefighting, military, transport services, telecommunications infrastructure, electricity, water, and sewage workers. Parliament passed a law that expanded this list to include teachers, veterinarians and diamond cutters—occupations that are not included in the International Labor Organization’s (ILO) definition of essential services.

The government generally respects the right to assembly for NGOs but has barred organizations supporting the rights of Basarwa (San) ethnic group due to land disputes.

Working Conditions

According to the Ministry of Employment, Labor Productivity, and Skills Development, the minimum hourly wage for full-time labor in the private sector is determined by sector. The minimum wage for domestic workers is three pula (BWP), or (USD 0.29) per hour or BWP 24 (USD 2.30) a day. The law set the minimum wage for the agricultural sector to be BWP 620 (USD 60) per month. The legal workweek is 48 hours and the law applies to farms and migrant workers. The law does not have specific provisions in place that allow for workers to freely change employment in situations that endanger their health and safety.

Discrimination

Discrimination is prohibited in employment on the basis of “race, color, tribe, place of origin, social origin, sex, disability, language, sexual orientation and/or gender identity, HIV-positive status, marital status, creed, or social status,” and according to the U.S. Department of State, the government enforces these protections. The law does not legally require men and women to receive equal wages and it has been reported that the proportion of women in salaried formal employment is lower than that of men.
Forced Labor

The constitution and law forbid all forms of forced and compulsory labor, including by children. In 2014, Parliament passed the Anti-Human Trafficking Act, which prohibits trafficking of children and forced labor of children and adults. However, enforcement is limited in remote areas due to a lack of staff and funding.26

Child Labor

The minimum working age is 15, but children 14 years or older may be employed in work that is deemed to be not detrimental to their health and development, and is approved by a parent or guardian. Due to a lack of funding, enforcement of child labor laws is weak in remote areas and there are reports of child labor in potentially exported supply chains including cattle and agriculture.27

Primary and lower secondary school in Botswana is free and has an official entry age of six and a duration of seven grades.28

Civil Society Organizations

Some civil society organizations have reported there is government censorship where government-run media outlets deem stories to be unfavorable.29

Immigration Policies Limiting the Employment Options or Movements of Migrants

Only citizens of Botswana are permitted to join trade unions, leaving migrant workers excluded.30
Ratification of ILO Conventions Related to Human Trafficking or Rights of Workers and Migrants

<table>
<thead>
<tr>
<th>Conventions</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ILO 29 Forced Labor</td>
<td>In force</td>
</tr>
<tr>
<td>ILO 87 Freedom of Association and Protection of the Right to Organize</td>
<td>In force</td>
</tr>
<tr>
<td>ILO 98 Right to Organize and Collective Bargaining</td>
<td>In force</td>
</tr>
<tr>
<td>ILO 100 Equal Remuneration</td>
<td>In force</td>
</tr>
<tr>
<td>ILO 105 Abolition of Forced Labor</td>
<td>In force</td>
</tr>
<tr>
<td>ILO 111 Discrimination</td>
<td>In force</td>
</tr>
<tr>
<td>ILO 138 Minimum Age</td>
<td>In force</td>
</tr>
<tr>
<td>ILO 181 Private Employment Agencies</td>
<td>In force</td>
</tr>
<tr>
<td>ILO 182 Worst Forms of Child Labor</td>
<td>In force</td>
</tr>
<tr>
<td>ILO 97 Migration for Employment</td>
<td>In force</td>
</tr>
</tbody>
</table>

Use of Export Processing Zones (EPZs)

In 2015, Parliament approved a special economic zone (SEZ) law to streamline investment in sector-targeted geographic areas in the country, including two Gaborone area SEZs (multi-use, diamond processing, and financial services); two Selibe-Phikwe SEZs (mineral processing and horticulture); and additional SEZs in Lobatse (beef, leather, biogas); Palapye (energy); Pandamatenga (agriculture); and Francistown (mining and logistics).31

Botswana’s policy on SEZs suggests that labor rights may be weakened in SEZs, stating that the government “recognizes the need to have a SEZ labour law that is investor friendly,” and that “empower[s] employers to effectively deal with ineffective, inefficient and unproductive employees.” However, the policy also states that employees in SEZs have protected rights to fair wages, working conditions, and treatment, and references Botswana’s labor laws and core ILO labor standards as benchmarks for SEZ labor law development.32
Political Risk Factors

Political Instability or Conflict

According to the Fragile States Index 2016, Botswana is placed in the “Warning” category with a ranking of 120 out of 178. For countries that supply labor to Botswana, South Africa is also in the “Warning” category, but on the cusp of “Elevated Warning,” ranked number 108. The second largest group of migrants come from Zimbabwe, which is listed in the “High Alert” category.

Level of Crime and Violence

The World Economic Forum Global Competitiveness Report ranked Botswana at 85 out of 140 and 45 out of 140 for business costs of violence and crime and organized crime respectively in 2015-16.33

State Persecution

There is evident persecution of the Basarwa (San) people, as the organizations supporting them are barred from entering the Central Kalahari Game Reserve because of a history of land disputes. In 2006, the Basarwa were evicted from their ancestral homelands via a ruling from Botswana’s High Court.34 The ruling forces children and close relatives to apply for permits to visit the land, or else risk seven years in prison. There is no reliable data on the number of Basarwa groups living in Botswana, but estimates of the population are around 50,000 and they traditionally live as hunter gatherers.35

Level of Corruption

The Transparency International Corruption Perception Index scores Botswana 60 out of 100, where 0 signals “Highly Corrupt” and 100 signals “Very Clean.” Botswana’s score has been decreasing from 65 since 2012.36 Investors with experience in other developing nations have noted that a lack of obstruction or interference by law enforcement or other government agents.37 However, despite the lack of corruption in Botswana compared to other African countries, foreign and national companies have commented on increasing tender-related corruption.38 Labor supply countries like South Africa and Zimbabwe received a score of 45 and 22 on the Transparency International Corruption Perception Index respectively.39
Socio-Economic Risk Factors

Level of National Economic Development

Botswana scores in the medium development category on the UN Human Development Index, with a rank of 108 out of 188 countries and a score of 0.698 in 2016; this ranking has remained about the same since 2010. Botswana’s HDI is higher than its neighboring countries, which may account for the high level of regional migration into the country, especially from South Africa and Zimbabwe. When adjusted for inequality, Botswana’s HDI falls to 0.433, a loss of 37.9 percent.

Level and Extent of Poverty

18.2 percent of the population in Botswana lives below income poverty line. For comparison, 21.9 percent and 16.6 percent of the population live below the income poverty line in Zimbabwe and South Africa respectively.

Degree of Gender Inequality

The UNDP Gender Inequality Index (GII) for Botswana is 0.435, ranking 108 out of 188 countries. According to the constitution, women have the same civil rights and legal status as men, but societal discrimination persists. Section 15 of the Constitution of Botswana explicitly states the right to non-discrimination, yet this provision does not apply to “adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law.” Women’s property rights and economic opportunities are curtailed by traditional laws enforced by tribal structures, especially in rural areas. Therefore, most women do not own land or resources like cattle, and it is difficult for them to obtain through purchase. Under customary law, women are considered legal minors and require their husbands’ consent to buy or sell property and land, apply for bank loans and enter legally binding contracts. Moreover, since women generally do not own land or other resources like cattle, they do not have security to provide as collateral with banks and other financial lending institutions.

Landlessness and Dispossession

According to USAID, “The legal framework governing Botswana’s land is a mixture of formal and customary laws, with much of the formal law reflecting longstanding principles of customary law.” Botswana devolves land-rights management power to localized Land-Boards. While this approach helps maintain local control, it can also underrepresent women and minority groups.

Most land in Botswana is tribal land, with smaller amounts allocated for state land and privately-held land. The Land Board distributes land grants or leases to unallocated tribal land; these rights can be inherited but not sold. While the rights of the relatively well-off or politically connected are generally
considered secure, urban poor, smallholders, and other disadvantaged populations have less secure access to land rights in practice. Rural urban migrants reportedly settle informally outside cities and the government has a history of destroying unauthorized settlements.49

As noted above, the Basarwa were evicted from their ancestral homelands via a ruling from Botswana’s High Court in 2006.50

Environmental Factors

Botswana is vulnerable to increasing environmental variability associated with global climate change, as climate change is expected to produce social instability and human displacement in future decades. There has been a concerning increase in annual flooding.51 In addition to threatening traditional agricultural practices, environmental degradation will pose a significant challenge to the populations supported by the tourism sector.

Documented Trafficking in Persons Risk Factors in Key Commodity Supply Chains

Livestock/Cattle

Livestock/Cattle Overview

Cattle outnumber people nearly two to one in Botswana, and there are between 2.5 and 2.8 million head of cattle in the country today.52 The country has experienced serious drought in the past three to five years, and the agricultural and livestock sectors of the economy have been adversely affected. The Botswanan government implemented a 20 percent subsidy on stock feed prices during the 2013 - 2014 season, and subsequently raised the subsidy to 50 percent in 2015. In 2016, the Assistant Minister of Agriculture Kgotala Autlwetse advised farmers to sell some of their livestock and use the revenue to invest in keeping their hardiest animals alive for the coming seasons.53 Livestock production accounts for an estimated 80 percent of agricultural GDP. Livestock production exceeds domestic demand, and most Botswanan cattle exports are destined for South Africa or the European Union.54

Documented Trafficking in Persons Risk Factors in Livestock/Cattle

According to the U.S. Department of State 2016 Trafficking in Persons Report, forced labor or forced child labor is involved in cattle production in Botswana.55 Children from poor families in isolated rural communities may migrate to live with wealthier extended family members, and some of their work may include cattle herding. These children may be treated worse than other children living in the household, and may be excluded from educational opportunities, physically confined, or otherwise abused.56
Botswanan officials have confirmed instances of forced labor involving San children and adults in herding.57

Diamonds

Diamonds Overview

At the end of 2015, diamonds accounted for over 60 percent of Botswana’s exports, and just under 25 percent of its GDP. Botswana is home to the world’s richest diamond mine, the Jwaneng mine, which produces over 2,100 kilos of diamonds every year.58 The stones account for 30 percent of the country’s GDP, and brings in over 75 percent of the country’s foreign exchange earnings.

Documented Trafficking in Persons Risk Factors in Diamonds

Diamond production has been slipping in the country in recent years, and in 2015 the government was forced to cut expected production by three million carats. More than a third of the jobs in diamond cutting and polishing have been lost in the past two years, mostly due to lower cost operation in India, and the decreasing demand for diamonds globally.59

This report was funded by a grant from the United States Department of State. The opinions, findings and conclusions stated herein are those of the authors and do not necessarily reflect those of the United States Department of State.
Endnotes

17 International Trade Centre. Trade Map. www.trademap.org
18 International Trade Centre. Trade Map. www.trademap.org


