

**Annex 2 [Note verbale reference: CU 2023/225/DTA/CEB/CSS]**

***“Progress made and challenges encountered in implementing resolution 9/1”***

States parties are invited to provide relevant information in line with paragraph 25 of resolution 9/1, entitled Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery, in which the Conference:

*[Requested] the secretariat to submit to the Conference of the States Parties at its tenth session a report on **progress made and challenges encountered in implementing [resolution 9/1]**<sup>1</sup>.*

**A. Contact Information**

Please provide contact details for potential follow-up questions. Contact details will be treated confidentially.

*Country: Botswana*

*Government Agency: Directorate on Corruption an Economic Crime*

*Department: Directorate on Corruption an Economic Crime*

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<sup>1</sup> Please note that the secretariat has collected information on the implementation of paragraphs 22 and 23 of resolution 9/1 separately.

## **B. Questions**

### **1. Progress made**

Please describe the measures or steps your country has taken (or is planning to take, together with the related appropriate time frame) to implement operative paragraphs 1 to 21 of resolution 9/1. *Please state the relevant operative paragraphs in your answer.*

#### ***Paragraph 1***

- Botswana is diligently engaged in the ongoing process of addressing the recommendations put forth by the Reviewers following the comprehensive evaluation of the implementation of the United Nations Convention against Corruption (UNCAC) during its 1st and 2nd Cycle. Progress is actively being made as the country takes deliberate steps to respond to these recommendations and enhance its anti-corruption measures. Some of the measures Botswana is currently undertaking on the basis of the recommendations are
  - Review of the Corruption and Economic Crime Act
  - Review of the Whistleblowing Act following identification of gaps in the legislation.
  - The Public Procurement Act in Botswana underwent amendments to improve the procurement process and ensure compliance with the law. The Act went on to establish the Public Procurement Regulatory Authority in place of the erstwhile Public Procurement and Asset Disposal Board and further to provide for its functions. In addition the Act seeks to provide for the management of the procurement of works, services and supplies,

#### ***Paragraph 2***

- During the Covid-19 Pandemic, Section 7 and 8 (g) of the (COVID-19) Emergency Procurement Procedures For Essential Services, PPADB Circular No.4 of 2020, dated 1 April 2020 gave Accounting Officers total authority and responsibility of approval and execution for the procurement process in the procuring entities. Non-compliance with rules and regulations of procurement processes could not result in loss of government funds and properties, but created risks of corruption.

- Consequent to the above, the Department of Internal Audit conducted audits on procurements made during COVID -19 and reported to the Ministerial Executive Committee. An audit on “The preparedness and response of the country towards the COVID-19 Pandemic and Management of the Relief Fund” was conducted pursuant to the Public Audit Act, 2012.
- The Directorate on Corruption and Economic Crime (DCEC) carried out a comprehensive Corruption Risk Assessment within select Government Ministries. This assessment involved a thorough analysis of potential corruption vulnerabilities, identifying areas where there might be a higher risk of corrupt practices taking place. By conducting this assessment, the DCEC aimed to proactively pinpoint and address any loopholes or weaknesses in the governance and operational frameworks of these Ministries. This process aids in developing targeted anti-corruption strategies and preventive measures, ultimately contributing to a more transparent, accountable, and efficient functioning of the government's various Ministries. In addition to the above, the DCEC received and investigated allegations of corruption in the procurement of goods and services during the pandemic.

***Paragraph 3***

- The DCEC is Botswana spearhead in the fight against corruption and remains independent from outside influence even in times of emergencies, Section 4 of the Corruption and Economic Crime Act provides as follows:

*Appointment of Director-General*

*(1) The President shall appoint the Director-General on such terms and conditions as the President deems fit.*

*(2) The Director-General shall be responsible for the direction and administration of the Directorate.*

*(3) Any decision, including investigations by the Director-General shall not be subject to the direction and control of any person or authority.*

- The Auditor General of Botswana is granted the authority to perform audits as per the regulations outlined in the Public Audit Act. This jurisdiction extends beyond the provisions stated in Section 124 (2) and (3) of the Constitution. Specifically, Section 14 (1)

of the Public Audit Act of 2012 empowers the Auditor General to initiate and carry out audits proactively. This mandate allows for independent and self-initiated audits to be conducted under the authority of the Auditor General's office.

**Paragraph 4**

- Section 31 of the Corruption and Economic Crime Act criminalises the offence of conflict of Interest. It provides as follows

*31. Conflict of interest*

*(1) A member or employee of a public body is guilty of corruption if-*

*(a) he or she, the immediate member of his or her family has a direct or indirect interest, in any company or undertaking with which such body proposes to deal; or*

*(b) he or she has a personal interest in any decision which such body is to make, and he or she, knowingly fails to disclose the nature of such interest, or votes or participates in the proceedings of such body relating to such dealing or decision without disclosing the nature of his or her interest.*

*(2) It is a defence to a charge under this section if the member or employee of a public body having an interest, has first made, in writing, to his or her appointing authority, the fullest disclosure of the exact nature of his or her interest and has been permitted thereafter to take part in the proceedings relating to such dealing or decision.*

*(3) For the purposes of this section-*

*(a) direct interest in a company or undertaking means a member or employee of a public body or the immediate member of the family of the member or employee of a public body-*

*(i) holds a position in,*

*(ii) is an employee of,*

*(iii) is a shareholder in, or*

*(iv) gives services for remuneration or reward to, a company or undertaking referred to in subsection (1);*

*(b) "immediate member of the family" means the spouse, son, daughter, sibling or parent of the member or employee of a public body; and*

*(c) "indirect interest in a company or undertaking" means an employee, agent or nominee of a member or employee of a public body or his or her immediate member of the family has a direct interest in a company or undertaking referred to in subsection (1).*

- Section 21 of the Public Procurement Act provides as follows:

*21. (1) A member of the Board, committee or sub-committee, or any person attending a meeting of the Board, committee or sub-committee shall, immediately upon commencement of the meeting of the Board, at which any matter in which the member or the member's immediate family member is directly or indirectly interested in a private capacity is the subject of consideration, disclose such interest and shall not take part in any consideration or discussion of or vote on any question concerning the matter unless the Board otherwise directs.*

*(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it was made.*

*(3) Where a member or person fails to disclose his or her interest in accordance with subsection (1) and a decision by the Board, committee or sub-committee is made benefiting such member or person or an immediate family member of the member or person, such decision shall be void to the extent that it benefits such member, person or the family member.*

*(4) A person who fails to comply with the provisions of subsection (1) commits an offence and is liable to a fine not exceeding P500 000 or to imprisonment for a term not exceeding five years, or to both*

### **Paragraph 5**

- Section 40 of the Public Procurement Act provides as follows in relation to paragraph 5

*(1) A procuring entity shall be responsible for the management of a procurement activity, evaluation and monitoring of the performance of a contract in accordance with this Act.*

*(2) Notwithstanding the generality of subsection (1), a procuring entity shall, in the execution of its functions —*

*(a) undertake to achieve the highest standards of equity and transparency, taking into account —*

*(i) equality of opportunity to all contractors,*

- (ii) fairness of treatment to all parties, and*
- (iii) the need to obtain the best value for money in terms of price, quality and delivery, having regard to prescribed specifications and criteria;*
- (b) ensure that a procurement activity is implemented and reported through an electronic process or, where an electronic facility is not available, manually;*
- (c) standardise procurement items and activities in order to ensure cost reduction, ease of maintenance and technological effectiveness;*
- (d) aggregate procurement items and activities that are common to a procuring entity in order to benefit from economies of scale;*
- (e) ensure an open competitive public procurement environment while observing the changing external obligations in relation to trade and procurement, which dynamically impact on a continual basis on domestic procurement policy and practice;*
- (f) ensure competition among contractors by using the most efficient and competitive methods of procurement to achieve the best value for money;*
- (g) take into account the fair and equitable treatment of all contractors in the interest of efficiency and the maintenance of a level playing field;*
- (h) consider the accountability and transparency in the management of public procurement, in order to promote ownership of a procurement process and minimise challenges that may be in the procurement process;*

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- (i) ensure the sustainability of procurement in relation to economic, environmental and social factors; and*
- (j) take into account the total lifecycle cost of acquisition, operation and maintenance of supplies, works and services.*
- (3) The functions related to procurement under this Act, of a procuring entity, shall be carried out —*
  - (a) by a person qualified or knowledgeable in procurement matters; and*
  - (b) independently in relation to such functions*

In addition to the above Sections 82 to 84 of the same enactment provide as follows:

- 82. The Authority, procuring entity and any other entity that falls within the scope of this Act shall —*
  - (a) keep and maintain detailed records of all their processes; and*

*(b) preserve, maintain and safeguard all relevant documents issued and received.*

*83. (1) The Authority shall issue a price guide which shall provide indicative prices for commonly procured goods, works and services for reference by a procuring entity, procuring unit or bidder, when preparing a bid for procurement, in order to —*

*(a) estimate contract value; and*

*(b) measure the reasonableness of prices when evaluating a tender.*

*(2) The Authority shall, subject to the cost recovery charges, give the public access to*

*(a) the standard bidding packages, forms, national standards specifications and annual reports, and all amendments thereto; and*

*(b) databases containing the —*

*(i) contractors' register,*

*(ii) specification providers,*

*(iii) test and certification contractors,*

*(iv) insurance and intermodal transport operations,*

*(v) documentation collection,*

*(vi) contractors' prices and construction price index,*

*(vii) professional register, and*

*(viii) price guide referred under subsection (1).*

*84. (1) The Authority shall make the information on Contractor Register available to an applicant, including a list of registered contractors, grades and codes.*

*(2) The Authority shall publish the decision made in respect of any action taken, including the de-registration, debarring and suspension of contractors*

## **Paragraph 6**

### **- Office of the Auditor General**

The Auditor General of Botswana is an independent office established to audit government bodies and report on their management of allocated funds. The role of the Auditor General is to build confidence and public trust in the management of public resources by providing independent assurance on the accountability and performance of government entities. The Auditor General is responsible for auditing and reporting on the accounts of the national and local governments, all funds and authorities of the

national and county governments, all courts, every commission and independent office established by the Constitution, the accounts of the National Assembly, the public debt, accounts of any other entity that legislation requires the Auditor General to audit, and any entity that is funded from public funds. The Auditor General may also undertake investigative and forensic audits where there is suspicion of financial impropriety. The mission of the Auditor General is to promote accountability through quality audits and assure the nation that public resources are applied to obtain value for money and for the intended purposes. The Auditor General's reports provide important information on the management of public resources and can be used to hold government entities accountable for their performance.

Following the Covid-19 Pandemic the Department of Internal Audit conducted audits on procurements made during COVID -19 and reported to the Ministerial Executive Committee. An audit on “The preparedness and response of the country towards the COVID-19 Pandemic and Management of the Relief Fund” was conducted pursuant to the Public Audit Act, 2012.

- The Accountant General is vital in government financial oversight. Their role includes:
  - Financial Management: They ensure efficient management of revenue, spending, assets, and liabilities.
  - Financial Information: They provide financial data for government decision-making.
  - Procurement Services: In some places like Botswana, they handle procurement.
  - Public Fund Disbursement: They oversee proper disbursement following protocols.
  - System Maintenance: They maintain accounting systems in each department.
  - Financial Reporting: They prepare and submit government financial statements.
  - Statutory Duties: They meet constitutional and legislative obligations.
  - Contract Management: They may manage contracts for ministries or departments.

### ***Paragraph 7***

- Emergency relief Fund - As part of the comprehensive national response to the threat of COVID-19, the government established a Special Fund, known as the “COVID-19 Pandemic (Corona Virus) Relief Fund”. According to the Public Finance Management [COVID-19 Pandemic (Corona Virus) Relief Fund Order, 2020], the Fund was set up to



provide financial resources to cater for the procurement of national relief supplies; evacuation costs for citizens outside Botswana; national publicity outreach programmes; relief of selected industries or sectors; public counselling centers or facilities; additional staff to support health professionals and an economic stimulus package post COVID-19 pandemic.

- National Budget - Monies were disbursed from the COVID-19 Relief Fund to Botswana Unified Revenue Services (BURS), Ministry of International Affairs & Cooperation (MIAC), Ministry of Local Government and Rural Development (MLGRD), Ministry of Presidential Affairs, Governance & Public Administration (MoPAGPA), Ministry of Health & Wellness (MoHW), and Ministry of Basic Education (MoBE), with the Accounting Officers having responsibility over the control, custody and use of public funds.
- During the COVID-19 pandemic, the Directorate on Corruption and Economic Crime (DCEC) as an oversight institution, undertook investigations into allegations of corruption. These allegations were primarily focused on irregularities within the procurement processes. The DCEC worked to uncover instances of potential corruption related to the acquisition of goods and services during this critical period

### ***Paragraph 8***

- While no particular policy directly addresses the connection between gender and corruption, the Government of Botswana has implemented several policies that focus on advancing gender equality within its laws, regulations, and initiatives.
  - o The Sustainable Development Goals are a global call to action to end poverty, protect the earth's environment and climate, and ensure that people everywhere can enjoy peace and prosperity. Key among the SDG's is gender equality. Consequently, the Government of Botswana has identified gender equality as a priority area and has committed to promoting gender equality and empowering women and girls. In addition to this, Botswana has committed to ending all forms of discrimination against women and girls.
  - o National Policy on Gender and Development: The National Policy on Gender and Development identifies a range of issues, systems, and institutions in which the

same opportunities should be available to both men and women. Following adoption of the National Policy on Gender and Development in 2015, the National Gender Commission was established in September, 2016 to monitor implementation of the Policy. In addition, gender was made prominent in Ministry of Nationality, Immigration and Gender Affairs.

- The national transformative agenda Vision 2036: Achieving Prosperity for All in Botswana speaks on gender equality. It recognizes gender equality as central to socio-economic, political, and human development
- Promoting gender equality and granting men and women equal opportunities to participate in the economy are key components of the Government reset agenda for inclusive development.

### ***Paragraph 9***

#### **- DCEC and DIA Memorandum:**

A MoU was signed by the DCEC and Department of Internal Unit under the Ministry of Finance. The purpose of this MOU is to establish a framework for cooperation and collaboration between the participants in the promotion of risk management in Botswana.

- Botswana incorporates corruption risk management processes in crisis-related institutions when administering public procurement and relief measures through strategic partnerships, regulatory frameworks, the anti-corruption agency, corruption risk assessments and reporting corruption. These efforts aim to promote transparency, accountability, and integrity in business activities and mitigate corruption risks in crisis-related institutions.

### ***Paragraph 10***

- Botswana enforces anti-corruption measures in the private sector through strategic partnerships, regulatory frameworks, and ethical conduct promotion. The DCEC serves as the main anticorruption agency in Botswana, investigating and prosecuting corrupt activities in the private sector.
- **Code of Conduct for the Private Sector** - the code plays a role in promoting ethical conduct, responsible business practices, and transparency within the private sector. The

purpose of a code of conduct is to promote ethical behavior, responsible business practices, and transparency within the private sector. It represents voluntary commitments made by entities to conduct their operations with integrity, transparency, and compliance with relevant laws and regulations. A code of conduct can serve as an internal guideline and an external statement of corporate values and commitments.

- **Public Procurement and Regulatory Authority (PPRA)** - Public procurement in Botswana has been decentralized to the ministry level under the regulation of the new Procurement Act that was put into effect in April 2022. The Public Procurement Act establishes the PPRA after the repeal of the Public Procurement and Asset Disposal Act. The PPRA's roles include setting standards and practices for the public procurement system, regulating and controlling public procurement, and prescribing regulations and procedures for all public procurements.
- Section 28 of the Corruption and Economic Crime Act of 1994 addresses corrupt transactions involving agents in Botswana. This provision serves as a means for the Directorate on Corruption and Economic Crime (DCEC) to investigate corruption within the private sector. It entails the prohibition of corrupt transactions by agents or individuals who provide valuable considerations to influence decisions related to their principal's affairs or business. Such actions involve offering inducements or rewards to gain favor or disfavor. This legal framework aims to combat corrupt practices within the private sector by holding those involved accountable for their actions. Similar provisions can be found in Section 384 of the Penal Code.

### ***Paragraph 11***

- The Financial Intelligence (Amendment) Act of 2018 (No.7 of 2018) defines a "beneficial owner" as a natural person who, either directly or indirectly through various means, is the ultimate beneficiary of shares or securities in a company. However, this definition has undergone changes in subsequent acts. The Financial Intelligence Act of 2019 (No.11 of 2019) further elaborates on the term. It encompasses ownership and control in incorporated bodies, trust arrangements, life insurance proceeds, and transactions conducted on behalf of someone else.
- This new act obliges specified parties or accountable institutions to continually conduct Customer Due Diligence (CDD) on existing business relationships, including periodic

account reviews for updated customer and beneficial owner information. These measures are mandatory when establishing business relationships, conducting transactions, suspecting money laundering/terrorist financing, or questioning the accuracy of previously acquired customer identification data.

- The Financial Intelligence Act empowers supervisory authorities to oversee compliance through examinations, including assessing adherence to beneficial ownership requirements. While the act mandates reporting entities to verify beneficial ownership, there are observed deficiencies in the definition.
- In the Companies (Amendment) Act of 2018 (No.22 of 2018), "beneficial owner" is defined as a natural person who ultimately benefits from shares or securities in a company. This aligns with the FATF definition. Under the Companies Act, company registration requires stating beneficial owners' full names and residential addresses. The Company Re-registration Act mandates existing companies to disclose beneficial ownership details to the Registrar, as does any external company entering Botswana.
- It's legally required to provide beneficial ownership information to the Companies and Intellectual Property Authority (CIPA) under Section 21 and 345 of the Companies (Amendment) Act 2018 and in compliance with the Financial Intelligence Agency Act. All registered companies must re-register and provide this information to CIPA. Failure to disclose can result in penalties like up to 5 years' imprisonment or a fine not exceeding P200, 000.00.
- Information collected includes names, addresses, share allocations, nominee shareholder details, and contact information. This data is gathered through the Online Business Registration System (OBRS) and is shared as required by authorized entities. Efforts are ongoing to link the OBRS system with these entities.
- Commonwealth Africa Anti-Corruption Center (CAACC) - The Commonwealth Africa Anti-Corruption Centre (CAACC) is a partnership between the Government of Botswana and the Association of Anti-Corruption Authorities in Africa. It aims to improve the capacity and capability of anti-corruption agencies in Africa. Capacity Building on Beneficial Ownership has been conducted and this included training on registration and disclosure requirements for beneficial ownership information.

**Paragraph 12**

- Section 147 of the Public Procurement Act provides as follows:

*147. (1) A person shall not —*

*(a) open any sealed tender, including any tender submitted through an electronic system and any document required to be sealed, or divulge its contents, prior to the appointed time for public opening of the tender document;*

*(b) interfere with, or exert undue influence on, an employee of the Authority or officer of a procuring entity in the performance of his or her functions or powers under this Act;*

*(c) use his or her position as a public officer dishonestly or with the intention to directly or indirectly gain an advantage for himself or herself or any other person, or cause detriment to a procuring entity;*

*(d) use information obtained by virtue of his or her position as a public officer to gain advantage for himself or herself or any other person, or cause detriment to a procuring entity;*

*(e) enter or attempt to enter into a collusive agreement, whether enforceable or not, with any other supplier or contractor where any price quoted in a given tender, proposal or quotation is higher than would have been the case had there not been collusion between the persons that are parties to the agreement;*

*(f) directly or indirectly influence or attempt to influence, in any manner, a procurement process to obtain an unfair advantage in the award of a contract;*

*(g) connive or collude to commit a fraudulent, corrupt, collusive, coercive or obstructive act;*

*(h) obstruct or hinder a person exercising a function or power under this Act;*

*(i) contravene any lawful order of the Authority or the Tribunal;*

*(j) misrepresent a material fact of the ownership, management and control of a contractor in order to appear compliant with any reservation or preferential treatment;*  
*or*

*(k) with the intent to influence the outcome of tender proceedings, alter a procurement document or insert a mandatory compliance document at a bid opening.*

*(2) A person who contravenes any provision of this Act commits an offence.*

- Section 29 of the Corruption and Economic Crime Act provides as follows:

*(1) A public officer is guilty of corruption if he or she directly or indirectly accepts or agrees or offers to accept for himself or herself or for any other person any valuable consideration as an inducement or reward for or otherwise on account of his giving assistance or using influence in, or having given assistance or used influence in, promoting, administering, executing or procuring (including any amendment, suspension or cancellation) of any contract (including a subcontract) with a public body.*

*(2) A person is guilty of corruption if he or she directly or indirectly gives, or agrees or offers to give any valuable consideration to any public officer as an inducement or reward for or otherwise on account of the public officer giving assistance or using influence in, or having given assistance or used influence in, promoting, administering, executing or procuring any contract (including a subcontract) referred to in subsection (1).*

### **Paragraph 13**

- In 2019, a collective Memorandum of Understanding (MOU) was established by various law enforcement agencies with the objective of strengthening their collaborative working relationships. The MOU Concerning Cooperation and in Law Enforcement and Exchange of Information was entered into by and between in 2019 by the following agencies:
  - Botswana Police Service
  - Financial Intelligence Agency
  - Directorate of Intelligence and Security Services
  - Directorate on Corruption and Economic Crime
  - Botswana Unified Revenue Services
- Currently, the Directorate on Corruption and Economic Crime (DCEC) is actively engaged in the process of establishing a memorandum of understanding (MOU) with the Non-Bank Financial Institutions Regulatory Authority. The purpose behind this MOU is to establish a framework that enhances and strengthens the working

relationship between these two agencies. This collaboration is particularly focused on addressing the challenges of corruption and money laundering within companies and financial institutions. Through this MOU, both organizations aim to create a more streamlined and effective approach to tackling these issues, ensuring that their efforts are coordinated and optimized to achieve the common goal of combating corruption and financial crimes.

***Paragraph 14***

- In terms of the Constitution of Botswana, the President may at any time, by Proclamation published in the Gazette declare that a state of public emergency exists. The Emergency Powers Act Cap 22.04, further empowers the President to make emergency regulations during a state of emergency, hence the passing of the Emergency Powers (COVID-19) Regulations, 2020 to provide public health disaster related guidelines regarding the Covid-19 pandemic. The following provisions can be found in the Emergency Powers Act relating to the extent of the regulations that the President may prescribe:

*Emergency regulations*

*(1) Whenever an emergency proclamation is in force, the President may make such regulations as appear to him to be necessary or expedient for securing the public safety, the defence of the Republic, the maintenance of public order and the suppression of mutiny, rebellion and riot, and for maintaining supplies and services essential to the life of the community.*

*(2) Without prejudice to the generality of the powers conferred by subsection (1), emergency regulations may, so far as appears to the President to be necessary or expedient for any of the purposes mentioned in that subsection-*

*(a) make provision for the detention of persons or the restriction of their movements, and for the deportation and exclusion from the Republic of persons who are not citizens of Botswana;*

*(b) authorize-*

*(i) the taking of possession or control on behalf of the Republic of any property or undertaking;*

- (ii) the acquisition on behalf of the Republic of any property other than land;*
- (c) authorize the entering and search of any premises;*
- (d) provide for amending any enactment, for suspending the operation of any enactment, and for applying any enactment with or without modification;*
- (e) provide for charging in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of the regulations, such fee as may be prescribed by or under the regulations;*
- (f) provide for payment of compensation and remuneration to persons affected by the regulations; and*
- (g) provide for the apprehension, trial and punishment of persons offending against the regulations:*

*Provided that nothing in this paragraph shall authorize the making of provision for the trial of persons by military courts.*

*(3) Emergency regulations may provide for empowering such authorities or persons as may be specified in the regulations to make orders and rules for any of the purposes for which such regulations are authorized by this Act to be made, and may contain such incidental and supplementary provisions as appear to the President to be necessary or expedient for the purposes of the regulations.*

*(4) Emergency regulations shall specify the area to which they apply, and may contain provision for the exclusion of persons from the area so specified if it consists of only a part of the Republic.*

- In terms of procurement Section 7 and 8 (g) of the Corona (COVID-19) Emergency Procurement Procedures For Essential Services, PPADB Circular No.4 of 2020, dated 1 April 2020 gave Accounting Officers total authority and responsibility of approval and execution for the procurement process in the procuring entities. Non-compliance with rules and regulations of procurement processes could result in loss of government funds and properties and creates opportunities for corruption.

### ***Paragraph 15***

- Amidst the COVID-19 pandemic, the Ministry of Health and Wellness (MoHW) undertook a range of initiatives. These efforts encompassed the creation and dissemination of educational resources through diverse mediums. Activities included



the crafting and distribution of educational materials, including printed materials, as well as the production of television commercials, radio jingles, newspaper and magazine advertisements, and messages tailored for mobile networks and social media platforms. Furthermore, informative brochures addressing general knowledge and home care, along with posters detailing prevention measures for travelers, were developed in both English and Setswana languages.

- The COVID-19 response in Botswana was efficiently managed through a Multi-Sectoral COVID-19 Task Force, established by the Office of the President. This task force was responsible for coordinating the nation's efforts in addressing the pandemic. Regular daily and weekly updates on the COVID-19 situation were provided to the public by this task force. The Department of Broadcasting Services, in collaboration with state-owned media, played a crucial role in disseminating information about the various interventions carried out by government departments, agencies, and private sector entities to combat the pandemic. Furthermore, the task force included a dedicated communications team that focused on distributing accurate and timely information to the public. To facilitate citizen engagement, a call center was established, offering real-time information related to the pandemic. This comprehensive approach ensured effective communication, informed decision-making, and an engaged public in the fight against COVID-19.
- During emergencies, the District Commissioner chairs the District Disaster Management Committee and reports to the Director of the National Disaster Management Office (NDMO) on disaster management issues. The office is responsible for coordinating the initial response to the disaster and providing relief to affected individuals. Individuals are instructed to report the disaster occurrence to the nearest District Commissioner's Office within 24 hours of having experienced the disaster. The District Commissioner's Office is responsible for coordinating the initial response to the disaster and providing relief to affected individuals. The District Commissioner's Office works closely with other government agencies and stakeholders to ensure that disaster management plans are in place and that relief efforts are coordinated and effective. The office also plays a critical role in communicating with affected communities and providing them with information about the disaster and relief efforts. In addition, the District Commissioner's Office works closely with community members, social workers, and ward headsmen to ensure that disaster response efforts are tailored to the needs of affected communities. These stakeholders provide valuable

insights into the needs and challenges of affected communities and help to ensure that relief efforts are effective. The National Disaster Risk Reduction Strategy provides a database of disaster risk management stakeholders that is available at the National Disaster Management Office and District Commissioner Offices. This database helps to ensure that stakeholders are aware of each other's roles and responsibilities and can coordinate their efforts effectively.

***Paragraph 16***

- Media platforms play a significant role in publicizing and mobilizing information. This is achieved through avenues like newsletters, which serve to disseminate essential updates and engage the public. Additionally, media participation extends to activities like annual report releases and commemorative events, where their involvement helps amplify information and contribute to a wider understanding and engagement of relevant issues.
- The DCEC has established Memoranda of Understanding (MOUs) with various organizations: Botswana Agricultural Marketing Board (BAMB) in April 2022, Botswana Council of Non-Governmental Organisations (BOCONGO) in February 2020, Institute of Development Management (IDM) in 2021, and Botswana National Sport Commission (BNSC) in July 2023. These MOUs serve the purpose of cultivating support from the private sector and academia in the ongoing efforts to combat corruption. Through these partnerships, the DCEC aims to strengthen collaboration, leverage expertise, and promote joint initiatives to effectively address and mitigate corruption-related challenges

***Paragraph 17***

- Sections 45 and 45A of the Corruption and Economic Act pertain to the protection of informers who report offenses under Part IV of a certain act. It outlines the following key points:
  - o Witnesses in trials related to offenses under Part IV are not required to reveal informer's identity or information that could lead to their identification.
  - o If evidence or documents in legal proceedings mention an informer's identity, the court must hide or erase such details to shield the informer from discovery.

- If a court determines that an informer deliberately made false statements, or if justice requires revealing an informer's identity, the court can allow inquiry and disclosure about the informer.
- The act criminalizes threats or intimidation against individuals reporting corruption under the act. The offender could face a fine up to P10, 000 imprisonment up to five years, or both upon conviction.
- The Whistleblowing Act was enacted in Botswana in 2016 to provide a framework for the disclosure of conduct adverse to the public interest. The act allows individuals to pass on information anonymously without the fear of retaliation. The act also provides for the protection of whistleblowers from victimization. The act applies to both the public and private sectors and covers a wide range of conduct, including corruption, fraud, and other criminal offenses.

***Paragraph 18***

- The Mutual Assistance in Criminal Matters Act in Botswana establishes a comprehensive framework that facilitates the exchange of international assistance in matters related to criminal investigations and proceedings. This legislation serves as the cornerstone for fostering collaboration and cooperation between Botswana and other countries in addressing cross-border criminal activities. Through this Act, a systematic mechanism is set in place to enable the sharing of crucial information, evidence, and expertise between jurisdictions. The act does not specify the use of electronic methods in mutual legal assistance, but it may be possible that electronic methods are used in practice.
- The Extradition Act of Botswana establishes a legal structure that regulates the extradition procedure for individuals being transferred between Botswana and other nations. This legislation delineates the steps, standards, and factors engaged in both seeking and approving extradition. It furnishes directives concerning the legal and operational facets of extradition cases, assuring conformity with global benchmarks and fundamental principles. The act does not specify the use of electronic methods in extradition requests.
- For both instances, the practice is to send hard copies to requested States through the Ministry of Foreign Affairs.

### ***Paragraph 19***

- The Economic Recovery and Transformation Plan (ERTP) was developed by the Government of Botswana in 2020 to support the restoration of the country's economy. The ERTTP has several objectives, including improving conditions for a diversified and private sector-led growth model. The ERTTP also aims to promote sustainable and resilient recovery towards high-income status. The plan includes several interventions, such as wage subsidies for workers in firms adversely affected by COVID-19, deferment of profits' taxes payable by businesses, and support for small and medium-sized enterprises. The capacitation of public service employees is an important aspect of the ERTTP. The plan aims to improve the capacity of public service employees to deliver quality services to citizens and promote economic growth. The ERTTP includes several measures to capacitate public service employees, including:
  - Training and Development: The ERTTP includes provisions for training and development of public service employees to enhance their skills and knowledge
  - Performance Management: The ERTTP aims to improve performance management in the public service by introducing performance-based contracts and performance appraisals.
  - Recruitment and Retention: The ERTTP includes measures to improve recruitment and retention of skilled public service employees, including the introduction of competitive remuneration packages and improved working conditions.
  - Digital Transformation: The ERTTP includes provisions for digital transformation in the public service to improve service delivery and efficiency.

### ***Paragraph 20***

- The Economic Recovery and Transformation Plan (ERTTP) recognized that the provision of backbone information and communication technology infrastructure is key to modern economic and social activity, as amply demonstrated during the COVID-19 pandemic. The COVID-19 pandemic has spurred significant ICT growth in Botswana. Online food purchases, telemedicine, and virtual service delivery have surged. Effective ICT infrastructure has proven remote work's productivity. Zoom and Microsoft Teams facilitate virtual meetings, and e-learning employs these platforms. Botswana Television excels in remote interviews. University of Botswana (UB), Botswana International University of

Science and Technology (BIUST), and Botswana Institute for Technology Research and Innovation (BITRI) developed health tools, demographic analysis, and an e-Permit platform. Botswana Innovation Hub's (BIH) innovation fund sought for COVID-19 solution proposals.

- The launch of the National ICT Policy Review and E-commerce Strategy for Botswana puts e-commerce and the digital economy at the forefront of efforts to diversify the economy.
- The Botswana government is taking steps to diversify its economy and promote the use of digital tools, such as e-commerce, to ensure the flow of digitalized content and information, goods, services, and data.

### ***Paragraph 21***

- To implement this paragraph, Botswana has entered in to Joint Permanent Commissions of Cooperation with the following countries
  - o China
  - o Zimbabwe
  - o Namibia
  - o Kenya
  - o Qatar
  - o Zambia
  - o South Africa
- As noted above Botswana has a legal system in place to facilitate international cooperation in mutual legal assistance and extradition matters. In place are the following pieces of legislation:
  - o Mutual Legal Assistance in Criminal Matters Act
  - o Extradition Act

## **2. Challenges encountered**

These challenges apply generally across the board to the various paragraphs 1 to 21 of resolution 9/1

- Building the necessary capacity within government institutions and agencies to effectively address corruption is a challenge. This includes training personnel, developing expertise in investigating and prosecuting corruption cases.
  
- Implementing resolutions required Botswana to review and update its legal framework to align with the relevant paragraphs of Resolution 9/1. Within the context of Botswana and its domestic law this process is complex and time-consuming, requiring legislative changes and coordination among different branches of government.
  
- Addressing corruption often requires coordination and cooperation among various government agencies, as well as international cooperation. Ensuring effective collaboration and information sharing was a challenge.
  
- Implementing resolutions required establishing mechanisms for monitoring progress and evaluating their effectiveness. In the context of Botswana developing robust monitoring systems and ensuring accountability can be challenging