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Survey on Transparency in Botswana

Definitions of common terms used in this questionnaire:

- *MPs*: members of the lower house/chamber of the national/federal parliament.
- *Financial disclosure laws*: laws that require MPs to disclose their assets and liabilities.
- *Business activities' disclosure laws*: laws that require MPs to disclose secondary employment and business activities in the private sector, such as membership in a company's board of directors, or being an officer or advisor in a company.
- *Family members' individual interests*: Business activities and assets and liabilities owned separately by the MP's family, such as non-marital assets. We only consider assets and interests owned independently by an MP's family member, assets jointly owned are not considered.
- *Post-tenure agreements*: employment agreements and/or business transactions that an MP enters into after completing his parliamentary term, such as an agreement to work for a certain company after completing their parliamentary term.



[Botswana]
Lower House of Parliament – [National Assembly]

PART 1: DISCLOSURE REQUIREMENTS

If your country requires Members of Parliament (MPs) in the lower house to disclose their financial and/or business interests, please use the blank disclosure form to supplement the law when completing this section.

Disclosure requirement and frequency	TA 2009	Contributor
1. Are MPs required to disclose during their mandate their:		
Financial assets and liabilities?	No	[]
Business activities (sources of income, secondary employment, positions in private firms)?	No	[]
2. When are MPs required to submit a disclosure form?		
Upon taking and leaving office	No	[]
Upon taking office	No	[]
Annually	No	[]
Once every X years (please specify how often)	No	[]
3. Are MPs required to disclose <u>changes</u> in financial assets or business activities prior to disclosure deadline (e.g., within 4 weeks of any change)?	No	[]
Applicable law(s) and comments:		
A bill proposing the declaration of income and assets has been on the table since 1998, but has not as yet been approved (confirmed in March 2008).		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments:		
[]		

1.1. DISCLOSURE OF ASSETS & LIABILITIES

Report of Assets and Liabilities	TA2009	Your answer
4. Are MPs required to disclose the following assets and liabilities:		
Personal residence	No	[]
<i>Details: Disclosure of exact location vs. monetary value</i>		
○ Value <i>and</i> exact location of the property	No	[]
○ Exact location	No	[]
○ Total value without the exact location	No	[]
○ Not specified	No	[]
Non-financial, non-movable assets (e.g., other real estate)	No	[]
<i>Details: Disclosure of exact location vs. monetary value</i>		
○ Value <i>and</i> exact location of the property	No	[]
○ Exact location	No	[]
○ Total value without the exact location	No	[]
○ Not specified	No	[]
Non-financial, movable assets (e.g., jewelry, vehicles)	No	[]
<i>Details: Disclosure of description vs. monetary value</i>		
○ Value <i>and</i> description of the asset	No	[]



o Description of the asset	No	[]
o Total value without descriptions	No	[]
o Not specified	No	[]
Stock holdings and other securities	No	[]
<i>Details: Disclosure of name vs. monetary value</i>		
o Value of stock and name of company in which they hold stocks	No	[]
o Name of company in which they hold stock	No	[]
o Total value of stock, without the name of the company	No	[]
o Not specified	No	[]
<i>Details: Disclosure of all vs. certain types of stocks</i>		
o All stock ownership	No	[]
o Stock ownership in certain types of companies (e.g., in specific industries, in companies where the state is a partial owner)	No	[]
o Stock above a certain threshold	No	[]
▪ Please specify the threshold	No	[]
Interest-bearing financial investments (e.g., bonds, savings accounts)	No	[]
o Value of investment and name of company in which investment is held	No	[]
o Name of company in which investment is held	No	[]
o Total value of investment, without the name of the company	No	[]
o Not specified	No	[]
Liabilities (e.g., loans, credits, mortgages)	No	[]
o Name of lender and value of liability	No	[]
o Name of lender only	No	[]
o Total value of liability, without the name of the lender	No	[]
o Not specified	No	[]
Applicable law(s) and comments:		
MPs are not required to disclose their assets and liabilities in Botswana.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments:		
[]		

1.2. DISCLOSURE OF BUSINESS ACTIVITIES

In the questions below, please answer “yes” only if there is an *explicit* requirement to disclose specific items.

Report of income, secondary employment, and business activities	TA 2009	Contributor
5. Are MPs required to disclose the <u>value</u> of their current income?	No	[]
6. Are MPs required to disclose <u>all</u> sources of income?	No	[]
o Only <u>some</u> categories of income (i.e. paid secondary employment)	No	
7. Are MPs required to disclose <u>unpaid</u> secondary employment?	No	[]
8. Are MPs required to disclose if they hold the following positions in publicly traded or privately owned companies:		
Membership in boards of directors?	No	[]
o All types of board membership	No	[]



○ In certain types of companies (e.g., in specific industries)	No	[]
○ Only if the position is paid	No	[]
Positions as officers (e.g., CEO, CFO)?	No	[]
○ All types of positions	No	[]
○ In certain types of companies (e.g., in specific industries)	No	[]
○ Only if the position is paid	No	[]
Positions as advisors (e.g., financial, legal, auditor)?	No	[]
○ All types of advisory work	No	[]
○ In certain types of companies (e.g., in specific industries)	No	[]
○ Only if the position is paid	No	[]
Applicable law(s) and comments: MPs are not required to disclose their business interests in Botswana.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments: []		

1.3. EXPENSES DISCLOSURE

Report on Expenses Disclosure	TA2009	Your answer
8i. Are MPs required to disclose any kind of expenses?	No	[]
Applicable law(s) and comments:		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments: []		

1.4. FAMILY MEMBERS' DISCLOSURE

Report of family members' interests	TA 2009	Contributor
9. Are MPs required to disclose their family members' <u>independently owned</u> interests (as opposed to joint assets or interests)?	No	[]
10. Which family members are covered by the disclosure requirement?		
○ Spouse	No	[]
○ Dependent children	No	[]
○ Other, please specify	No	[]
11. Are family members required to complete the same disclosure form as MPs?	No	[]
Applicable law(s) and comments: MPs are not required to disclose their assets/interests in Botswana.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments: []		



[]

What did you use to complete the sections above?	TA 2009	Contributor
Blank disclosure form	N/A	[]
Laws	N/A	[]
Applicable law(s) and comments:		
MPs are not required to disclose their assets/interests in Botswana.		
Comments:		
[]		

1.5. PUBLIC AVAILABILITY OF MPS' DISCLOSURE FORMS

Public Availability of MPs' Disclosure Forms	DB 2008	Contributor
12. By law, are filled out disclosure forms accessible by the public?	No	[]
13. In practice, does the public have access to the filled out disclosure forms?	No	[]
At a registrar where the public can request forms in person	No	[]
On the internet	No	[]
o Please specify the address	No	[]
Disclosures can be obtained from other sources	No	[]
o Please specify the source	No	[]
14. Are filled out disclosure forms only available to the public under certain conditions?	No	[]
With the express consent of the MP	No	[]
Other	No	[]
o Please specify	No	[]
15. Does the law specify that only a summary of the disclosure is accessible by the public?	No	[]
16. In practice, does the public have access to the entire disclosure, as opposed to a summary?	No	[]
Applicable law(s) and comments:		
MPs are not required to disclose their assets and interests in Botswana.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments:		
[]		

PART 2: RESTRICTIONS ON DOING BUSINESS IN THE PRIVATE SECTOR

In some countries, disclosure of business interests is not required, but there are restrictions on doing business in the private sector. Such provisions may be found in the constitution, election laws, standing orders of the parliament, anticorruption laws, conflict of interest or incompatibility laws, and ethics laws among others. Please consider all of the above sources of law to answer the questions.

Restrictions on business activities	TA 2009	Contributor
17. During tenure, are MPs prohibited from all paid employment?	No	[]



18. During tenure, are MPs prohibited from the following activities in the private sector:		
Owning stock of private companies?	No	[]
○ Do MPs have to place their stockholding into a trust fund for the duration of their term in office	No	[]
○ Are MPs restricted from owning certain types of stocks (e.g., in certain industries)	No	[]
○ Are MPs restricted from owning stocks above a certain threshold	No	[]
▪ Please specify threshold	No	[]
Being members of boards of directors in publicly traded or privately-owned companies?	No	[]
○ In <i>all</i> types of publicly traded or privately owned company	No	[]
○ In certain types of companies (e.g., in specific industries)	No	[]
○ Are there restrictions on being a member of boards of directors only if the position is paid	No	[]
Being officers (CEO, CFO) in publicly traded or privately owned companies?	No	[]
○ In <i>all</i> types of publicly traded or privately owned company	No	[]
○ In certain types of companies (e.g., in specific industries)	No	[]
○ Are there restrictions on being an officer only if the position is paid	No	[]
Being an advisor to publicly traded or privately owned companies (e.g., financial, legal, auditor)?	No	[]
○ In <i>all</i> types of publicly traded or privately owned company	No	[]
○ In certain types of companies (e.g., in specific industries)	No	[]
○ Are there restrictions on being an advisor only if the position is paid	No	[]
19. Are there other restrictions on activities in the private sector?	No	[]
20. Can restrictions on business activities in the private sector be lifted by a third party, such as the Speaker of the Parliament or the Comptroller?	No	[]
Applicable law(s) and comments:		
There are no restrictions on participation in the private sector.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments:		
[]		

PART 3: DOING BUSINESS WITH THE GOVERNMENT

Provisions regulating doing business with the government may be found in the constitution, standing orders of the parliament, or public procurement laws. Please consider all these laws when answering this section.

Doing business with the government	TA2009	Your answer
21. Are MPs required to disclose doing business with the government?		
Are MPs required to disclose signing contracts with the government (e.g., through participation in privatizations, state- led auctions, contract provisions)?	Yes	[]
○ Contracts in which they participate <u>directly</u> by themselves	Yes	[]
○ <u>indirectly</u> through third parties related to them or where they are involved	Yes	[]



○ With <u>all</u> government agencies	No	[]
○ Only with <u>certain</u> agencies (e.g., only if the contract is with parliament) or under certain conditions	Yes	[]
22. Are MPs prohibited from doing business with the government?		
Are MPs restricted from signing contracts with the government (e.g., through participation in privatizations, state-led auctions or where an MP provides services or goods to the government directly or via third parties)?	No	[]
○ With <i>all</i> government agencies	No	[]
○ Only with certain agencies (e.g., if the contract is with parliament) or under certain conditions	No	[]
23. Can restrictions on business relations with the government be lifted by a third party, such as the Speaker of the Parliament or the Comptroller?		
No []		
Applicable law(s) and comments:		
Corruption and Economic Crime Act 1994, Article 31 (1) Constitution 1965, Article 62		
A member or an employee is guilty of corruption if he or an immediate member of his family has a direct or indirect interest in any company or project with which the public body proposes to deal with, if he fails to disclose the interest.		
Your Comments / Any missing laws?: []		

PART 4: OTHER RESTRICTIONS AND DISCLOSURE REQUIREMENTS

Restrictions on holding two public offices	TA 2009	Contributor
24. Do MPs face restrictions on holding another public office during tenure (e.g., being a mayor or a judge at the same time as being an MP)?	Yes	[]
Applicable law(s) and comments:		
Constitution 1965, Article 62		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments: []		
Voting Rules	TA 2009	Contributor
25. Disclosure on voting – Do MPs have to disclose the existence of a personal interest before voting in Parliament?	Yes	[]
○ Upon disclosing the existence of a personal interest, are MPs allowed to vote?	Yes	[]
26. Restrictions on voting – Does the law prohibit the MP voting in Parliament on matters in which he has a personal interest, without <i>explicitly</i> requiring the MP to disclose that interest?	No	[]
Applicable law(s) and comments:		
Corruption and Economic Crime Act 1994, Article 31 A member or an employee of a public body is also guilty of corruption if he has a personal interest in any decision which the public body is to make, if he fails to disclose the interest. No relevant provisions in the Standing Orders.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		



Contributor's Comments: []		
Post-tenure Rules	TA 2009	Contributor
27. Disclosure of post-tenure agreements – Are MPs required to disclose post-tenure agreements (e.g., employment agreements and/or business transactions that they will enter after completing their parliamentary term)?	No	[]
28. Restrictions on post-tenure agreements – Are MPs restricted from working in certain positions for a given period of time following the end of their term in office?	No	[]
Applicable law(s) and comments:		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments: []		
Rules on Gifts	TA 2009	Contributor
29. Disclosure on receiving gifts		
○ Are MPs required to disclose gifts they receive?	No	[]
○ Is this disclosure public?	No	[]
○ Are MPs required to disclose gifts above a certain value?	No	[]
▪ Please specify the value in local currency	No	[]
30. Restrictions on receiving gifts		
○ Are MPs restricted from receiving gifts?	No	[]
○ Do MPs have to pay for gifts in order to keep them?	No	[]
○ Can MPs receive gifts up to a certain value?	No	[]
▪ Please specify the value in local currency	No	[]
Applicable law(s) and comments:		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments: []		
Rules on Travel	TA2009	Your answer
31. Are MPs required to disclose their sponsored travel?	No	[]
<i>Details: Disclosure of identity of sponsor vs. monetary value</i>		
○ Value and identity of the sponsor	No	[]
○ Identity of the sponsor	No	[]
○ Total value without identity of the sponsor	No	[]
○ Not specified	No	[]
32. Is this disclosure publicly available?	No	[]
Applicable law(s) and comments:		
Your Comments / Any missing laws?: []		

PART 5: DISCLOSURE REGISTRAR



This section requests information about the government agency which maintains the completed financial and business interest disclosure forms. The registrar may also check the completeness of the disclosure forms. The registrar may also publish the data on how many MPs complied/failed to comply with their obligation to disclose (“compliance data”). Note that the public availability of compliance data is different from the public availability of the actual disclosures, which is addressed in another section. This section inquires about the profile and activities of the registrar.

Existence and profile of registrar		TA 2009	Contributor
31i. Is there an agency in charge of maintaining the completed disclosure forms for MPs?		No	[]
Does the registrar check the forms for completion?		No	[]
What forms does the registrar keep?			
o Financial assets and liabilities		No	[]
o Business activities (sources of income, secondary employment, business activities)		No	[]
32i. In addition to maintaining disclosures of MPs, does the registrar maintain the disclosure forms of:			
Ministers (cabinet members)?		No	[]
Judges?		No	[]
Civil servants?		No	[]
33. Profile of registrar			
	DB 2008	Contributor	
Name	N/A	[]	
Contact information	N/A	[]	
Website	N/A	[]	
Applicable law(s) and comments:			
The law(s) identified above is (are) the applicable one(s):			[]
<i>If NO, please cite the applicable law(s): []</i>			
Contributor's Comments:			
[]			

Activities of the registrar		TA 2009	Contributor
34. By law, does the registrar have to publish data on whether MPs complied/failed to comply with their obligation to disclose?		No	[]
Applicable law(s) and comments:			
Contributor's Comments:			
[]			
35. In practice, are compliance data available?		No	[]
What types of compliance data are available?			
o General statistics (compliance rates or percentages)		No	[]
o Publication of names of MPs who complied/did not comply		No	[]
With what frequency are compliance data reports published?			
o On a regular basis (please specify how often)		No	[]



○ Other (please specify)	No	[]
What is the source of compliance data?		
○ Government website (please specify)	No	[]
○ Other (please specify)	No	[]
36. Are there penalties for failure to submit completed disclosure forms?	No	[]
○ Please specify what kind of penalties	No	[]
Applicable law(s) and comments:		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments:		
[]		

PART 6: DATA INTEGRITY BODY

This section asks you to provide information about whether the content of the filled out disclosure forms is routinely verified.

Existence and functions of a data integrity body/agency	TA 2009	Contributor
37. Is there a body/agency that is mandated by law to <u>routinely</u> check the content of the disclosure forms?	No	[]
Does the body/agency check the content of the forms:		
○ of all MPs?	No	[]
○ of a random sample of MPs?	No	[]
○ each submission period to verify that all information is accurate (e.g., by verifying the content against other records such as tax records, bank statements)?	No	[]
○ by comparing the content of the forms upon taking and leaving office to discover irregular increases?	No	[]
○ to ensure that MPs activities are not incompatible with their mandate?	No	[]
38. Does the body/agency check the content of the forms if there is a complaint?	No	[]
Applicable law(s) and comments:		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments:		
[]		
39. Details about the data integrity body		
	DB 2008	Contributor
Name	N/A	[]
Contact information	N/A	[]
Website	N/A	[]
40. What forms does the body check?		
Financial assets and liabilities forms	No	[]



Business activities forms	No	[]
41. Does the agency check the disclosure forms of other government officials?	No	[]
Ministers (cabinet members)	No	[]
Judges	No	[]
Civil servants	No	[]
Applicable law(s) and comments:		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments:		
[]		

Activities of the data integrity body/agency	TA 2009	Contributor
42. <u>By law</u>, is the body required to publish the results of checking the content of the forms?	No	[]
Applicable law(s) and comments:		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments:		
[]		
43. <u>In practice</u>, are results of the integrity body's activities in relation to checking the content of disclosure forms available?	No	[]
o General statistics are published (e.g., the content of 10% the disclosure forms was checked)	No	[]
o Other (please specify)	No	[]
How often are content checking results published?		
o On a regular basis (please specify how often)	No	[]
o Other (please specify)	No	[]
Where are content checking results published?		
o Government website (please specify)	No	[]
o Other (please specify)	No	[]
44. Are there penalties for submitting false information in the disclosures?	No	[]
o Please specify what kind of penalties	No	[]
Applicable law(s) and comments:		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments:		
[]		

PART 7: SALARY DATA



Please provide the base salary for MPs in your country	
Amount []	
Currency[]	
Per (month/year) []	
Applicable law(s) and comments:	
The law(s) identified above is (are) the applicable one(s):	[]
<i>If NO, please cite the applicable law(s):</i> []	
Contributor's Comments:	
[]	



PART 8: REFORMS

Reforms in laws on financial disclosure or business activities		
	Yes	No
Are you aware of any changes that occurred between January 2003 and now to the laws and regulations the will affect answers to this survey?	<input type="checkbox"/>	<input type="checkbox"/>
If your answer is Yes , please briefly describe: 1) the goal of the reform [] 2) its major characteristics [] 3) the date the reform came into force []		
Are you aware of any changes expected by June 1, 2008 to the laws and regulations that will affect answers to this survey?	<input type="checkbox"/>	<input type="checkbox"/>
If your answer is Yes , please briefly describe: 1) the goal of the reform [] 2) its major characteristics [] 3) the date the reform will come into force []		

Thank you for confirming the responses in this questionnaire!

We appreciate your contribution to the Transparency and Accountability project.

Please return the completed survey to:

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or

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