

**CLIMATE CHANGE LEGISLATION IN**

# **BOTSWANA**

*AN EXCERPT FROM*

## **The 2015 Global Climate Legislation Study**

**A Review of Climate Change Legislation in 99 Countries**



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# **Botswana**

## **Legislative Process**

Botswana became independent from British rule in 1966, when it changed its political system from one based on the Westminster model of parliamentary democracy to one in which the President is head of state as well as head of government. The President is elected for five years by the legislature, the National Assembly.

The National Assembly has 63 members, 57 of whom are directly elected in single member constituencies, using a simple majority or first-past-the-post voting system. Four members of parliament are elected by the rest of the Assembly by secret ballot, and the President and the Attorney-General are ex officio members of parliament. The National Assembly is advised by the House of Chiefs. Currently, the House consists of 35 members: eight are hereditary chiefs from Botswana's principal tribes (Bakgatla, Bakwêna, Balete, Bangwato, Bangwaketse, Barôlong, Batawana, and Batlôkwa), 22 are indirectly elected for a period of five years, and the remaining five are appointed by the President. However, unlike in truly bicameral systems, the House of Chiefs has no legislative powers or veto rights.

Government Public Bills, introduced by a department or ministry, are the most usual form of legislation. The legislative process then consists of four stages, starting with the introduction/first reading in which a bill is published in the Government Gazette for thirty days and, without debating the bill, MPs vote on whether or not the bill proceeds to the second stage. In the second reading, the bill is debated in the National Assembly. Once it has received full consideration and approval in principle, it is referred to the Committee Stage, where it is considered in more detail and amended if necessary. After approval of the Committee of the Whole House, it is passed back to parliament for a final vote in a third reading. A bill becomes law after the Head of State has given his/her Presidential Assent.

## **Approach to Climate Change**

As a land-locked country with an arid to semi-arid climate, Botswana is highly vulnerable to environmental and social pressures emanating from climate change. The country's problems with desertification are believed to be caused and further exacerbated by extreme weather phenomena such as droughts. Despite these pressures, Botswana has not yet developed a comprehensive policy response to climate change. The Second National Communication to the UNFCCC of 2012 reads that "[c]limate change is not yet a priority for the country (...). Climate change is weakly infused in social, economic and environmental policies. Some of the capacity constraints identified under the National Capacity Self-Assessment report were inappropriate institutional structure, inadequate manpower and inadequate policy framework."

There have been some positive developments lately, suggesting that climate change and its adverse effects on the environment, people's livelihoods, and the economy are now taken more seriously by policy-makers. Most importantly, Botswana is developing a National Climate Change Policy and Strategy and Action Plan (NCCPSAP). Implemented through the Ministry of Environment, Wildlife and Tourism in co-operation with the United Nations Development Programme, the objectives of the NCCPSAP are to: (1) develop and implement appropriate adaptation strategies and actions that will lower the vulnerability of Botswana and various sectors of the economy to the impacts of climate change; (2) develop action and strategies for climate change mitigation; (3) integrate climate change effectively into policies, institutional and development frameworks in recognition of the cross-cutting nature of climate change, and; (4) ensure that Botswana is ready for the post-2015 climate regime when a new protocol applicable to all Parties will be finalised. The Policy is expected to be finalised later this year.

Developing a response to the challenges posed by climate change is an objective in central policy documents such as the National Development Plan (NDP) and Vision 2016. For example, the current NDP 10 (2009-2016) stipulates that environmental protection and climate change mitigation and adaptation need to be mainstreamed in development processes. It also proposes increased use of renewable energy, in particular solar energy and biofuels, to improve energy supply security. In 2011, a Parliamentary Committee on Wildlife, Tourism and Climate Change was established. Even so, the 2013 mid-term review of the NDP 10 again underscored the assessment made in the Second National Communication to the UNFCCC that Botswana's "ability to adequately commit resources and capacity to respond to the impacts of climate change is at present inadequate".

### **Energy supply**

Energy supply consists primarily of electricity, fuel wood, liquefied petroleum gas, petrol, diesel, and aviation gas. Fuel wood continues to be an important source of energy, especially in rural areas where wood resources are readily accessible. According to estimations of the United Nations Development Programme (UNDP) fuel wood is still the principal source of energy for cooking in 46% of households nationally; and in 77% of households in rural areas. Given the importance of energy from biomass, the government has tried to create a policy framework for sustainable fuel wood consumption and production and to promote the use of biogas and biofuels. A first step in this direction is the Biomass Energy Strategy of 2009, which defines a set of strategic goals to improve the "access to sustainable and affordable biomass energy for all by 2020". Also in 2009, the Ministry of Minerals, Energy and Water Resources published a draft National Energy Policy, which highlights the importance of developing alternative renewable energy sources (solar, biogas), to improve supply security. Similarly, the NDP 10 aims to develop renewable energy production. However, no clear and binding targets have been formulated and energy from renewable sources constitutes a very small proportion of the energy mix.

One of the flagship supply-side initiatives is the Renewable Energy-Based Rural Electrification Programme. The state-owned Botswana Power Corporation (BPC) and Electricite de France (EDF), with support of the UNDP and the Global Environmental Facility (GEF), formed the joint venture BPC-Lesedi in 2008. Operating through a franchise system, BPC-Lesedi provides integrated energy packages to communities in rural areas. These include: solar home systems, solar lanterns, wood-efficient stoves, and heat-retention cooking bags. Announced in 2011, but still in the planning stage, is the introduction of a feed-in tariff for renewable electricity. A first step to implement such a system was taken in 2007 with the amendment of the Electricity Supply Act of 1973 to allow the operation of independent power producers.

### **Energy demand**

Energy efficiency and conservation have gained importance due to climate change, concerns about supply security, and high energy costs. Under the umbrella of its NDPs, the government promotes the efficient use of energy in buildings, transport, and industry as well as the development of demand-side policies and legislation. Some measures and initiatives in this area include: guidelines for energy efficient building design, low wattage compact fluorescent bulbs, smart meters to regulated power usage especially in water heating, energy audits in public institutions, and the launch of the Botswana Energy Champion Competition. Promoting energy efficiency is also an important aspect of the draft National Energy Policy for Botswana. It includes a goal to improve "energy efficiency for all energy sources in all sectors of the economy"; but, again, no clear or binding targets are formulated.

### **REDD+ and LULUCF**

About 20% of Botswana's territory is comprised of forests. Given the significance of fuel wood as a source of energy, the forestry sector is crucial to livelihoods and the country's economy, in particular in rural areas. The central piece of legislation to regulate the use of forests is the Forest Act of 1968. The Act was modelled on forestry legislation in Europe and the USA. Its main focus is

managing timber extraction and issues related to sustainable forestry stewardship do not figure prominently. In 2005, the Act was amended in order to comply with the Convention on International Trade in Endangered Species and it is again under review, with further amendments to the legislation expected by 2015. The government has also declared conservation and the sustainable management and utilisation of forests as one of its main policy goals. One of the flagship initiatives listed in NDP10 is the Community-Based Natural Resource Management Programme, which promotes the sustainable use of forestry resources. Through government-initiated afforestation efforts more than 120, 000 seedlings were planted in 2012; and Botswana is one of the pilot countries in a programme supported by the South African Development Community to reduce emissions from deforestation and forest degradation (REDD+) for the period 2012-2015.

### Transportation

The government has promoted renewable energy sources to reduce greenhouse gas (GHG) emissions as well as for reasons of supply security. With regard to the transport sector, its NDP 10 includes an aspirational target to have 5% of its diesel consumption from biodiesel by 2016. The document also says regulations for biofuels will be developed to guide its production and use. In the context of the Biomass Energy Strategy a cost-benefit analysis for biodiesel from jatropha and bioethanol from sorghum was carried out. Although national biofuel guidelines were developed in 2010, there is lack of a more comprehensive policy framework or legislation in this area.

### Adaptation

Given Botswana’s high level of vulnerability to the negative impacts posed by climate change, policy-makers have realised that adaptation has to be part of the country’s response to these pressures and this is reflected in central policy documents such as the NDP10. Currently under development, the national climate change policy and strategic action plan will feature a strong adaptation component. To this end, the government, supported by the Common Market for Eastern and Southern Africa (COMESA) and the UNDP, organised a workshop in April 2014 on key themes related to climate change adaptation in Botswana.

## ***Botswana: Executive portfolio***

<b>Name of Policy</b>	<b>The National Development Plan 10 (2009-2016)</b>
<b>Date</b>	March 2009
<b>Summary</b>	Botswana’s NDPs are grand scheme policy frameworks, which define the country’s medium-term development goals and strategies. The current plan started in December 2009 and runs until 2016. The 10th NDP was the first of its kind to incorporate a results-based approach; but climate change is not a priority issue under the plan and it does not formulate a coherent policy framework for this area. Still, there are several policy elements of relevance to climate change. For example, in the transport sector, the plan sets an aspirational target of reaching 5% of biodiesel of total diesel consumption by 2016. The plan lists several climate change relevant initiatives and programmes in the forestry and energy sectors, including: the Community-Based Natural Resource Management Programme and the Renewable Energy-Based Rural Electrification Programme.

<b>Name of Policy</b>	<b>Botswana Biomass Energy Strategy</b>
<b>Date</b>	March 2009
<b>Summary</b>	In 2009, with support of the German Federal Enterprise for International Co-operation, the Ministry of Minerals, Energy and Water Resources published the Botswana Biomass Energy Strategy. The policy document includes a cost-benefit analysis of biomass energy consumption and production as well as an assessment of the existing policies and institutions in this area. On that basis, an overall vision for Botswana’s biomass energy policy is formulated: improved access to sustainable and affordable biomass energy for all

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by 2020. In order to realise this vision, the Biomass Energy Strategy contains four strategic goals: (1) improving access to adequate energy services through improved supply of biomass and alternative energy fuels; (2) sustainable production and use of woody biomass energy, (3) derived modern energy from available biomass resources; and (4) creation of a conducive environment for the promotion of new and improved biomass technologies.

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