

NATIONAL ASSEBLY, 7TH PARLIAMENT

PARLIAMENTARY STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND SECURITY

REPORT ON THE BENCHMARKING VISIT TO ITS COUNTERPART COMMITTEE OF THE PARLIAMENT OF THE REPUBLIC OF BOTSWANA

REPORT NO. 5

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i. Acronyms

- 1. **BDF** Botswana Defence Force
- 2. **BPS** Botswana Police Service
- 3. UDHR Universal Declaration of Human Rights
- 4. CCRS Crime and Criminal Recording System
- 5. CCTV Closed Circuit Television

These acronyms are used throughout the report to refer to specific organizations, systems, or documents

1. MANDATE OF THE COMMITTEE

In terms of Article 59 of the Namibian Constitution and The Parliamentary Standing Committee on Foreign Affairs, Defence and Security, has a mandate to deal with matters pertaining to Foreign Affairs, Defence and National Security of the country and maintain international peace and security. The Committee also has the duty to enquire into and monitor international protocols, conventions and agreements that may affect Namibia's foreign policy, defence and security, and where necessary, make recommendations to the National Assembly.

2. COMMITTEE MEMBERSHIP

The Standing Committee on Foreign Affairs, Defence and Security has a membership composition of 23 Members of Parliament drawn from various political parties represented in the National Assembly. The Committee randomly selected five (5) Members to embark on the visit to its sister Parliament of Botswana in Gaborone.

3. INTRODUCTION AND BACKGROUND

The Standing Committee undertook a study visit to benchmark to its counterpart Committee(s) of Botswana in a pursuit to reform its mandate to ensure responsive needs to modern day electorates and society as well as improve parliamentary norms and procedures.

Although the Committee is vested with the mandate, in terms of Article 59 of the Namibian Constitution to deal with matters related to Foreign Affairs, Defence and Security, and the National Security of the country, Parliamentary peer-to-peer programmes are also of significant value to Parliament, as they enable two or more parliaments to share experiences and best practices to benefit their respective citizens and enable progressive reforms.

As a result, the Committee in pursuit of knowledge and best practices to strengthen its mandate in terms of legislation and representation, resolved to embarked on a study visit to Botswana to learn and exchange best practices on the execution of legislations and representation of the electorates.

The Committee, therefore, took particular interest in benchmarking Defence and Security oversight processes and procedures by the Parliament of Botswana.

4. METHODOLOGY

In order to conduct a comparative benchmark, the Defence, Home Affairs and Foreign Affairs, and Portfolio Committee on Foreign Affairs, Justice and

Security had to hold deliberative, physical, in person information sharing sessions, which were not only educative but informative and engaging.

The programme was developed by the host country taking into account the objectives of the Committee's terms of reference.

5. OBJECTIVES OF THE BENCHMARK VISIT

The Main objectives was to:

- a) Understand the overall mandate of the Committee dealing with Foreign Affairs, Defense, Security and Veteran Affairs;
- b) oversight and implementation of committee recommendations;
- c) Engaged external stakeholders such as the Ministry of Defence and Security to appreciate their work;
- d) Engage the Ministry of Foreign Affairs to harness the experience Botswana has and offers to Namibia;
- e) share information, challenges and successes encountered in executing oversight functions over the Ministries, Offices and Agencies.

6. PURPOSE OF THE REPORT

The purpose of the report by the Parliamentary Standing Committee on Foreign Affairs, Defence, and Security details their benchmarking visit to Botswana to inform the National Assembly of the Committee's findings and recommendations. The visit aimed to learn from Botswana's parliamentary practices, particularly in the areas of foreign affairs, defence, and security. The report outlines the mandate of the Namibian committee, the objectives of the visit, and the discussions held with various stakeholders in Botswana, including the Parliament of Botswana, the Ministry of Defence, and the Botswana Police Service. The report also documents various experiences and good practices to learn and for the House to discuss and adopt

7. DISCUSSIONS

Overview of the Parliament of Botswana

Parliament of Botswana is a unicameral chamber being the National Assembly and Ntlo Ya Dikgosi

The Legislature (National Assembly)

Botswana gained Independence on 28 September 1966. The Parliament of Botswana is a unicameral. Even though it comprises of two houses namely the National Assembly and Ntlo Ya Dikgosi. It is only the National Assembly that has the powers to make laws that govern the country while Ntlo Ya Dikgosi is an advisory body, which advises the National Assembly on constitutional, customary and land issues. Section 86 of the Constitution of the Republic of Botswana empowers the Legislature, to make laws for the peace, order and good government of Botswana. Central to this vote are key functions of legislation, oversight and representation.

The National Assembly consists of members who are directly elected (currently 57) and six (6) specially elected members. The Attorney General is the ex-officio Member of Parliament. The President and the Speaker are also Members of parliament. The Speaker of the National Assembly presides over all the proceedings of the body, and is elected by the members. The Attorney General is the principal legal advisor to the National Assembly. The main functions of Parliament are to pass laws, scrutinize or monitor government policies and activities.

The National Assembly is the sole legislative body of Botswana's unicameral Parliament, of which consists of the President and the National Assembly. The House passes laws, provides ministers to form Cabinet, and supervises the work of government. It is also responsible for adopting the country's budgets.

NTLO YA DIKGOSI

Powers and Functions of Ntlo Ya Dikgosi

The role of Ntlo Ya Dikgosi is quite different from that of the National Assembly. The functions of Ntlo Ya Dikgosi as specified under the provisions of Section 85 of the Constitution of Botswana are rather informed by its constitutional position as an advisory body with no legislative powers. Ntlo Ya Dikgosi renders its advice on traditional, customary and any other matters referred to it by the government or the National Assembly after consideration of any Bill referred to it. The resolution which has been submitted to the National Assembly shall forthwith be laid before the Assembly by the Clerk of the National Assembly.

To accomplish its advisory mandate, the constitution of Botswana permits Ntlo Ya Dikgosi to exercise the following powers and functions:

1. Consideration of Bill – the primary function of Ntlo Ya Dikgosi is to consider any copy of a bill referred to it by the National Assembly under provisions of Section 88 (2) of the Constitution of the Republic of Botswana. These are Bills affecting tribal property, tribal organisation, customary laws or the customary courts. Section 88 (2) says:

"The National Assembly shall not proceed upon any bills (including any amendment to a Bill) that, in the opinion of the person presiding, would if enacted, alter any of the provisions of the Constitution or affect.

- a. The designation, recognition, removal of powers of Chiefs, sub-chiefs or Headmen;
- b. The organisation, powers or administration of customary courts
- c. Customary law, or the ascertainment or recording of customary law; or tribal organisation or tribal property; unless:
- 2. Discuss matters of public interest The House is empowered to discuss any matter within the executive or legislative authority of Botswana which it considers desirable to take cognizance in the interests of the tribes and tribal organisations it represents and to make representations thereon to the President, or to send messages thereon to the National Assembly.
- 3. Provide advice to Executive Ntlo Ya Dikgosi may be consulted by any Minister in respect of any matter on which he or she desires to obtain the opinion of the House. For that purpose the Minister or his or her representative may attend the proceedings of Ntlo Ya Dikgosi.

The House is presided over by the Chairperson assisted by the Deputy Chairperson who are both elected every 2 and a half years.

Parliament makes laws for the peace, order and good government of Botswana (Section 86 of the Constitution of the Republic of Botswana). Parliament through Committees undertakes oversight over the executive. Since its independence, Botswana commemoration of fallen heroes was done on 11 November each year in front of Parliament buildings. However, in the 1970's it stopped. Again, in 2011 the BDF took it up at Extension 14 Cemetery in Gaborone, focusing only on honouring the 15 BDF members who were killed by the Rhodesian rebel forces during the infamous Lesoma Ambush on 27 February 1978.

Parliamentary Committees

Parliamentary Committees are made up of a composition of Members of Parliament appointed to consider, inquire into, or deal with particular matters or Bills in detail. They are miniature Parliaments with the same powers, immunities and privileges as the House itself. This system brings the legislature face to face with government bureaucracy and other stakeholder, thus increasing the information available to Parliament on government activities and problems.

The principal purpose of Parliamentary Committees is to perform functions for the House, which requires expert or detailed consideration. The Committee system allows for more thorough study of points of detail or questions of a technical nature and can be of more convenient size than the Assembly. Except where it is provided for in the Standing Orders, Parliamentary Committees cannot sit at the same at as the Assembly.

Mandate of the Parliamentary Portfolio Committee on Foreign Affairs, Defence, Justice and Security

Parliamentary Portfolio Committees were established for the first time in 2012. Previously Parliament had Committees which were not linked to Ministerial Portfolios but covered various issues which fell within the mandates of Ministries. Parliamentary Committee Work in the Parliament of Botswana is done during recess, which is the period between May to end of June and August to end of October every Parliamentary Session.

The Parliamentary Committee on Foreign Affairs, Defence, Justice and Security draw their mandate from Standing Orders 113 of the National Assembly which reads as follows:-

- There shall be a portfolio Committee known as the Committee on Foreign Affairs, Defence, Justice and Security, consisting of a Chairperson, and seven members.
- The Committee shall exercise Parliamentary oversight and scrutiny over Government Ministries, Departments and agencies with portfolio responsibilities in respect of Foreign Affairs, International Cooperation, Justice, Defence and Security;
- The Committee shall examine reports of Government Ministries, Departments and agencies under its portfolio and determine efficacy of function and delivery of portfolio mandate and ensure due compliance with policies and Statutory and Legislative provisions.
- The Committee shall from time to time, consider and examine Government policies and Legislation under its portfolio, and may make such recommendations to the Government for their review and/or amendment.
- The Committee shall report the results of its examinations to the National Assembly at least once every session, and may make such findings and recommendations in respect thereto.
- The Committee shall consider any bills referred to it by the National Assembly and report on the conduct of its business to the National Assembly.

- The Committee shall elect its Chairperson whose tenure shall be for the life of a Parliament, or whenever a vacancy arises in respect thereto.
- The Committee shall have the power to sit after the adjournment of the House.
- The Committee shall have the power to sit during meetings of the House and as best as possible during such times as do not coincide with the sittings of the House to consider urgent matters.
- The Committee shall have power to send for papers, persons and records.
- The Committee shall conduct its business in private unless the House or the Committee itself determines otherwise.

OVERSIGHT ACTIVITIES

Public involvement is important in the legislative process. Parliament facilitates this public involvement through various educational and outreach programmes. Following commemorations in 2011 and consultations, the BDF then made a deliberate decision to include all BDF members and Batswana from all sectors who met their demise elsewhere in line of duty. In 2015, the BDF for the first time recognized all the unsung Batswana Heroes and Heroines and others from different sectors, who worked harmoniously together with Batswana for the furtherance of their national ideals. To mark this new development, the Three Dikgosi Monument in Gaborone was selected to host this commemoration because of the symbolic significance of heroic efforts displayed by the Three Dikgosi in dissuading the British Government from incorporating Botswana into the British South Africa company.

The aim of the Fallen Heroes Day is to pay homage to all Fallen Heroes and Heroines who paid the ultimate sacrifice whilst in pursuit of their national interests. Furthermore, the essence of the commemoration is to also foster awareness about the invaluable contributions made by Batswana of all walks of life in their resolve to make a marked contribution towards the noble Republic. The 13th Commemoration of the fallen Heroes, was held on 27 February 2024, on the Parliament grounds. The commemorative events were also held at various places around the country including the 2 Military Garrison in Francistown, Eastern Military Garrison in Selebi Phikwe, Thebephatswa Air Base in Kweneng and Lesoma Memorial Site in Lesoma.

As has been the practice since inception, the event in Gaborone is always led by His Excellency the President of the Republic of Botswana and Commander-in-Chief. He is always accompanied by His Honour the Vice President, His Lordship the Chief Justice, His Lordship the President of the Court of Appeal,

Honourable Ministers, Members of Parliament and other distinguished guests who do grace the event.

The United Nations through the Universal Declaration of Human Rights (UDHR), recognizes that all people of the world have fundamental human rights and freedoms, the protection of which is critical for ensuring freedom, justice and peace in the world. Member countries are therefore obligated to protect these rights and freedoms.

One of the rights guaranteed under the UDHR relates to the security of individuals, as set out in Article 3: "Everyone has the right to life, liberty and security". Every country is therefore required to provide measures to protect a person's physical security.

Notwithstanding the adoption of UDHR in 1948, many countries around the globe continue to face unprecedented security challenges amidst rising crimes and terror attacks globally. This calls for even more robust measures for the protection of individual security. These security challenges invariably threaten the security of individuals in National Parliaments. Therefore, as far as security concerns continue to rise, Countries should provide appropriate measures to improve the security of legislators and Parliamentary staff. This is critical for ensuring that parliament continues to effectively carry out its mandate.

The Portfolio Committee on Foreign Affairs, Defence, Justice and Security held various briefings/meetings with various Government Departments and other relevant stakeholders dealing with Foreign Affairs, International Cooperation, Justice, Defence and Security around the country. Because, it is important for good governance, safety and security which can provide a conducive environment for growth through positive effects, to both domestic and foreign investors.

Botswana is currently reviewing its National Security Strategy, which is intended to create conducive conditions to enable citizens and residents to live in a secure environment, free from internal and external threats and have access to basic needs and natural resources.

Courtesy Call on the Ambassador of Namibia in Zimbabwe

The delegation was welcomed by the first Secretary of Namibia to Botswana. She informed the Botswana is a very peaceful and law abiding country with lots of security measures in place.

Combined courtesy call on the Deputy Speaker of the National Assembly

The delegation was welcomed by Hon. Pono P. P. Moatlhodi, MP, the Deputy Speaker of the National Assembly of Botswana. He called upon the chairperson of the Portfolio Committee to brief the counterpart Committee.

Portfolio Committee On Defence, Justice and Security

The Portfolio Committee on Foreign Affairs, Defence, Justice and Security holds occasional briefings/meetings with various Government Departments other relevant stakeholders dealing with Foreign Affairs, International Cooperation, Justice, Defence and Security around Botswana.

Good governance is an important aspect of the committee to which safety and security can be attributed to provide a conducive environment for growth, through positive effects on both domestic and foreign investors.

Botswana is currently reviewing its National Security Strategy, which is intended to create conducive conditions to enable citizens and residents to live in a secure environment, free from internal and external threats as well as have access to resources and basic needs.

The main security challenges facing the country relates to the unfolding global security environment, which, among others, include: cybercrime; terrorism; trafficking (drugs and persons); money laundering; poaching; and heightened need for protection of key national resources and installations.

The Committee's mandate is further informed by the United Nations through the Universal Declaration of Human Rights (UDHR), which recognizes that all people of the world have fundamental human rights and freedoms, the protection to which is critical for ensuring freedom, justice and peace in the world. Member Countries are therefore obligated to protect these rights and freedoms, to which Botswana is also signatory to.

One of the rights guaranteed under the UDHR relates to security of an individual as set forth in Article 3 that "Everyone has the right to life, liberty and security of person". Therefore, every country is required to provide appropriate measures to protect each person's physical security.

Notwithstanding the adoption of UDHR in 1948, Countries continue to face unprecedented security challenges amidst rising crimes and terror attacks globally. This calls for even more robust measures for the protection of the security of individuals. These security challenges invariably threaten the security of individuals in National Parliaments. Therefore, as security concerns continue to rise, member countries should provide appropriate measures to improve the security of legislators and Parliamentary staff. This is critical in ensuring that parliament continues to effectively carryout its mandate.

Meeting with the Ministry of Defence

The Ministry of Defence of Botswana was established in April 1977 by an Act of Parliament, BDF Act no. 13 of 1977. The Botswana Defence Force (BDF) was primarily formed due to political instability in the region e.g., Rhodesia, South West Africa and Republic of South Africa. Since inception BDF has undergone steady progress and restructuring to cope with changing national and regional security challenges. The Force has a mission to defend Botswana's territorial integrity, sovereignty and national interest and a vision to be a professional prompt and decisive force.

The roles and functions of the BDF are to defend the Republic of Botswana and provide for her security, participate in external security co-operation activities, and contribute in domestic support operations, with the aim of ensuring national security and stability. Protect the constitution of the Botswana to guarantee rule of law and defending the Republic of Botswana's territorial integrity on land and in the air. Strengthening Botswana's international relations by participating in regional and international security cooperative activities. It is also mandated to protect the people of Botswana and their property, preserve the Republic of Botswana as a free, independent and sovereign state and to also aid civil authorities in domestic support operations.

The BDF is department under the Ministry of Defence and Security, headed by a Minister. The Ministry of Defence is also house to the department of Police and Prisons. In its governance structure, the Minister is aided by the Defence Council, which also provides oversight over the three departments.

Domestic Security Operations ANTI-POACHING OPERATIONS

In the domestic space, different types of activities on poaching occur, mainly at a subsistence and commercial level. At subsistence level, community members kill for local consumption. The exercise normally targets smaller animals. However, members do sometimes sell meat to households for domestic consumption. However, at commercial level, there is a very much sophisticated and organised poaching poses a very serious challenge to wildlife management and the economy. Most of the poaching is perpetrated by foreigners, who collude with locals. The activity targets, mostly elephants, rhinos, lions, cheetahs, and buffalos. In Ngami and Chobe areas wildlife is highly concentrated hence the increase in ivory poaching, while live wild cats are on the increase in the Kgalagadi area. Poaching of other species, i.e. wildebeest, elands etc is also on the increase.

International syndicates mastermind poaching uses sophisticated methods and tactics. They use various methods such as arms, snares, cages and poisoning. Animal poisoning is increasingly becoming popular because it is silent and guarantees success. However, it is seen as brutal and indiscriminate.

In Botswana, wildlife management is the primary responsibility of the Department of Wildlife and National Parks. However, the BDF first got involved in anti-poaching operations in mid-eighties, in the northern part of Botswana to assist the Department of Wildlife and National Parks.

Different regions in the country are known for different poaching activities. Statistics collected are as follows: The NORTHERN SECTOR is known for poaching of big game, illegal ivory harvesting, illegal fishing, while the EASTERN SECTOR is known for livestock rustling, smuggling of contraband and illegal immigrants. The SOUTHERN SECTOR is known for vehicle theft, smuggling of contraband, livestock rustling and caging of live predators.

In addition to its military mandate, the BDF performs other duties in support of other Government Departments by providing disaster and humanitarian relief operations, joint operations with the Botswana Police, search and Rescue Missions and perform national Emergencies such as pandemics and disease outbreaks. On the orders of the President, the force can also be deployed to maintain law and order, restore peace, in any part of Botswana affected by unrest or instability.

Botswana Police Service

The Botswana Police Service (BPS) was established by an Act of Parliament, police Act 42, 1972. According to the Act, Cap 21: 01, Section 6(1), the BPS has a mandate to protect life and property, prevent and detect crime, repress internal disturbances, maintain security and public tranquillity, apprehend offenders, bring offenders to justice, duly enforce all written laws with which it is directly charged and generally maintain peace. A Country with a population of 2,501,145, and manpower of 10,085, Botswana has 5 Police Divisions, 19 Specialist Branches, 17 Police Districts, 82 Police Stations, 412 Police Posts, and 7 Child-Friendly Centres.

The BPS is responsible for law enforcement, crime management, traffic management. It focuses on serious crimes investigation, intelligence management, forensic & scientific support, cyber forensics, police international relations, internal affairs and gender and child protection. With the support the Support services division, BPS is also undertakes special operations and public order management, strategy development and performance monitoring, procurement, air support, infrastructure development, finance as well as human resource.

To ensure responsiveness of policing more to the needs of all members of society, BPS needs to ensure that policing takes a people-centred approach to security, assure police accountability through performance Management, also assure police accountability by addressing corruption and promoting integrity, modernise the BPS for efficiency and effectiveness and upgrade police officers skills of to effectively tackle the 21st century crime, including, cyber-crime, and transnational organised crime.

The first Corporate Development Strategy in the BPS was launched in 1997. It was established as an integrated approach to achieve BPS aims and objectives, by monitoring and improving the performance of individual officers, departments and the organisation as a whole. In ensuring that policing becomes more responsive to the needs of all members of society, BPS resolved to decentralise police services. It established additional police centres in the north west Policiing division in 2019, and number 17 policing district of shakawe in the same year. The Service also introduced child friendly services centers countrywide from Broadhurst police station in 2019 to Letlhakane police station in 2022. Furthermore, to augument police visibility, the force introduced special constable's deployment programme as well as a police volunteers programmes in 2004 and 2009, respectively. Making Policing more visible and accessible to the community.

Modern BPS for efficiency and effectiveness

To effectively and efficiently deal with emerging security and safety issues, BPS employs a number of specialised functional areas such as Anti-Money Laundering, Counter Terrorism and Financing Unit – 2017, International Relations Branch (2019), Cyber Forensics Branch (2019) and Gender & Child Protection Branch (2021). Moreover, working on improving police efficiency Crime Management Solutions, the following systems have been put in place to curb crime, the Crime and Criminal Recording System (CCRS) of 2005, the Automated Fingerprint Identification System (2008, the Automated Biometric Identification Systems (2019, Digital Forensics Laboratory (2013) and Safer City - Closed Circuit Television (CCTV) Crime Surveillance (2018)

8. FINDINGS

Through meetings with different with stakeholders related to the Parliamentary Portfolio Committee on Foreign Affairs, Defence and Security, the delegation have the following key findings:

- Parliamentary Structure: Botswana has a unicameral parliament with two houses: the National Assembly (legislative body) and Ntlo Ya Dikgosi (advisory body). The National Assembly is responsible for making laws, while Ntlo Ya Dikgosi advises on customary and tribal matters;
- Parliamentary Committees: Botswana's parliamentary committees, including the Portfolio Committee on Foreign Affairs, Defence, Justice, and Security, play a crucial role in overseeing government activities, scrutinizing policies, and ensuring compliance with legislative provisions;
- 3. Defence and Security: The Botswana Defence Force (BDF) is tasked with defending the country's territorial integrity and sovereignty. It also engages in anti-poaching operations, disaster relief, and joint operations with the police. The Botswana Police Service (BPS) focuses on law enforcement, crime management, and modernizing its operations to tackle emerging security challenges like cybercrime and terrorism;
- 4. **Public Involvement**: Botswana emphasizes public involvement in legislative processes through educational and outreach programs. The Fallen Heroes Day commemorates those who sacrificed their lives for the nation, fostering national unity and awareness;
- Security Challenges: Botswana faces security challenges such as cybercrime, terrorism, human trafficking, and poaching. The country is reviewing its National Security Strategy to address these issues and ensure a secure environment for citizens and investors;
- Oversight and Governance: The Portfolio Committee on Foreign Affairs, Defence, Justice, and Security holds regular briefings with government departments and stakeholders to ensure good governance, safety, and security.

9. CONCLUSIONS

The benchmarking visit provided valuable insights into Botswana's parliamentary and security practices. The Namibian committee can leverage these findings to enhance its own legislative and oversight functions, particularly in the areas of defence, security, and public engagement. By adopting some of Botswana's successful strategies, Namibia can improve its governance and security frameworks to better serve its citizens.

10. RECOMMENDATIONS

 Strengthen Oversight Mechanisms: Namibia should consider adopting Botswana's model of robust parliamentary oversight, particularly in the areas of defence and security, to ensure effective monitoring of aovernment activities and policies.

2. Enhance Public Engagement: Namibia could implement similar public engagement and educational programs to increase citizen

participation in legislative processes and foster national unity.

 Modernize Security Forces: Namibia should modernize its defence and police forces to address emerging security threats such as cybercrime, terrorism, and transnational organized crime, following Botswana's example.

4. Review National Security Strategy: Namibia should review and update its National Security Strategy to address current and future security challenges, ensuring a safe and secure environment for its citizens and

investors.

 Collaborate on Regional Security: Namibia and Botswana should strengthen regional cooperation on security issues, particularly in combating poaching, human trafficking, and other cross-border crimes.

6. Adopt Best Practices: Namibia should adopt best practices from Botswana in areas such as anti-poaching operations, disaster relief, and joint military-police operations to enhance national security and stability.

10. MEMBERS SIGNATURES	
Committee Members	
Hon. Leevi Katoma	Chairperson
Hon. Fenny Nanyeni _	Deputy Chairperson
Hon. Mathias Mbundu	
Hon. Elma Jane Dienda	the state of the s
Hon. Kletus Karondo	
Hon. Dudu Murorua	Tell Governey

Hon Nghidipohamba Hamata Hon. Theofelus Kamati Hon. Philipus Katamelo Hon. Vincent Joseph Mareka Hon. Maximalliant Katjimune Hon. Agnes Mpingana Kafula Hon Hamunyera Hambyuka Hon. Paula Kooper Hon. Dr. Daniel Kashikola Hon. Josef Kauandenge Hon, Patience Masua Hon Dr Tobie Aupindi Hon. Mike Rapuikua Venaani

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END OF REPORT