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# CONSOLIDATING DEMOCRATIC GOVERNANCE IN SOUTHERN AFRICA: BOTSWANA



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EISA is a non-partisan organisation which seeks to promote democratic principles, free and fair elections, a strong civil society and good governance at all levels of Southern African society.



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*Zibani Maundeni*  
*Botswana Country Research Report Team Leader*



## PREFACE

This research report is the culmination of a study undertaken by EISA focusing on the state of democratic governance in the Southern African region. The programme, implemented under the generic theme 'Consolidating Democratic Governance in the SADC Region', has evolved over a four-year period spanning 2003-2006. The research aims to investigate the state of democracy and governance in the Southern African Development Community (SADC) region, posing a key question as to whether or not the region has undergone democratic transition and, if so, posing a related question as to whether or not the region is firmly set on the road to democratic consolidation. The four key variables for the assessment of the state of democratic governance in this study are: representation and accountability; citizen participation; local governance; and economic management and corporate governance.

Beyond just investigating the state of transitions and the institutionalisation of democratic governance, the principal goal of this programme is to evaluate the progress that is being made in the area of democratic governance in the SADC region, to identify problems encountered by various countries and to suggest appropriate policy options for enhancing democratic governance. The specific objectives of the programme are to:

- strengthen mechanisms for data collection, providing a reliable situational analysis of the state of governance in the SADC region;
- formulate generalisable trends of democratisation in the SADC region on the basis of informed perceptions of key opinion-makers in the countries concerned;
- develop relevant and appropriate research methodologies in the governance field that would not only be useful to EISA but, indeed, to other relevant research and policy advocacy institutions in the SADC region and beyond; and
- provide up-to-date information on comparative analyses of the governance arena in the SADC region in respect of representation and accountability; citizen participation; local governance; and economic management and corporate governance.

The critical entry point of this regional research enterprise is recognition that the entire African continent, and the SADC region in particular, has made tremendous strides towards multiparty democratic governance. It is now widely accepted that the SADC region has undergone a democratic transition away from authoritarian rule of the past – marked in the main by one-person rule, one-party rule and even military juntas of the 1960s-1980s – towards embracing and institutionalising some form of democratic governance. To be sure, although the SADC region has evidently made commendable progress in this regard, the region still faces a plethora of democratic deficits that need serious attention if democratic consolidation is to occur and endure.

This research programme therefore addresses the double-edged governance dilemma, namely: challenges facing the SADC member states towards consolidating democratic governance and improving the quality of democracy on the one hand; and, on the other hand, the danger of complacency following recent positive political developments in the region, which could lead to new forms of authoritarianism, or in fact a reversal to old forms of authoritarianism. Thus, a situational analysis of the state and quality of democracy in each SADC member state is a useful barometer to gather scientific evidence and make an informed judgement as to whether or not democratic governance is consolidating, or whether, behind the facade of democratic rhetoric, there are possibilities for reversals or a relapse into new forms of authoritarian rule.

The study is predicated upon thematic areas organised into four broad clusters as follows:

### **Cluster I: Representation and accountability**

- The executive branch
- The legislative branch
- The judiciary
- The public service
- The security establishment
- Parastatals (public enterprises)
- Local government and decentralisation

- Traditional institutions of governance
- Gender equality in public institutions
- Leadership and governance
- Political parties
- Autonomous public institutions (such as the human rights commission, the public protector or ombudsman, the independent media commission or authority, etc.)

### **Cluster II: Citizen participation**

- Civil society organisations
- NGO legislation
- Human rights culture (social and economic rights and political rights)
- Political participation
- Voting behaviour
- Political culture
- Political representation
- Elections
- Election administration
- Electoral system
- Election management body
- Gender and political participation

### **Cluster III: Local governance**

- Nature of decentralisation
- History of local government
- Relations between central and local government authorities
- Local governance legislation
- Local governance institutions
- Local government elections
- Local government capacity (finance, human resource, infrastructure)
- Gender issues in local governance

#### **Cluster IV: Economic management and corporate governance**

- Development strategy
- Economic policy (macroeconomic framework)
- Social policy (social welfare strategies)
- Poverty reduction strategies
- Corruption and anti-corruption strategies
- HIV / Aids epidemic
- Budgeting
- External resource flows
- Public-private linkages
- Gender aspects of resource distribution

This first phase of the programme covered the following countries: Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

On behalf of EISA, I would like to extend our profound gratitude to SIDA in Harare, Zimbabwe as well as to the Embassy of Denmark in Pretoria, South Africa for their generous financial support, without which this programme would not have been successful. I am hugely indebted to Professor Susan Booysen of the University of the Witwatersrand, South Africa for reviewing all the manuscripts and providing useful feedback for improvement of the research reports.

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Thanks also go to EISA executive director Denis Kadima for his guidance throughout the programme implementation, as well as to Robyn Smith (field offices and programme support manager) for her splendid work in coordinating some of the programme activities, especially the mid-term review. In addition, I am most grateful for the work undertaken by my colleagues in the EISA Research Department who contributed enormously to the success of this programme: Patrick Masemola (research intern), Nkgakong Mokonyane (programme assistant), Sydney Letsholo (research assistant), Tebogo Sambo (library clerk), Beth Strachan (librarian), Dr Jackie Kalley (senior librarian), Victor Shale (researcher), Grant Masterson (researcher) and Bertha Chiroro (researcher). I would also like to thank Tim Hughes for the mutually beneficial collaboration between EISA and the South African Institute of International Affairs during programme implementation.

This series of research reports is dedicated to three colleagues who passed away during the course of the programme, namely Dr Joshua Mzizi of the University of Swaziland, Professor Alfred Chanda of the University of Zambia and Nixon Khembo of the University of Malawi. These researchers played an important role in the evolution of this programme at various stages of its implementation – may their souls rest in peace.

*Dr Khabele Matlosa*  
*Regional Programme Coordinator and Series Editor*  
*March 2007*

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**LIST OF ACRONYMS**

AGOA	Africa Growth and Opportunity Act
BALA	Botswana Association of Local Authorities
BDF	Botswana Defence Force
BDP	Botswana Democratic Party
BNF	Botswana National Front
BPP	Botswana People's Party
BTU	Botswana Teachers' Union
CEDA	Citizen Empowerment Development Agency
CSO	Civil society organisation
DRP	Democracy Research Project
FPTP	First-past-the-post
GDP	Gross domestic product
GNP	Gross national product
IEC	Independent Electoral Commission
MP	Member of parliament
NDP	National Development Plan
Nepad	New Partnership for Africa's Development
NGO	Non-governmental organisation
PR	Proportional representation
SACU	Southern African Customs Union
SADC	Southern African Development Community
UN	United Nations
US	United States
VAT	Value added tax
VDC	Village Development Committee
WTO	World Trade Organisation



## EXECUTIVE SUMMARY

The literature review for this research report showed that Botswana has been analysed from many angles and that contradictory conclusions have been drawn about its democratic credentials. For example, the deportation of University of Botswana political scientist Prof. Kenneth Good in 2005 has been singled out as an indicator of authoritarianism in Botswana, while other observers have noted a weak parliamentary system, a weak party system and a weak civil society. This report offers a re-examination of these positions and argues that Botswana's democracy is fairly well institutionalised.

Chapter 4 on representation and accountability by Zibani Maundeni argues that Botswana's democratic culture has matured and has become entrenched in the society. Observable injustices in the constitution with regard to cultural rights are being debated in the midst of serious opposition from dominant sections of the society. The minority groups have submitted reports to international organisations such as the United Nations, alleging cultural discrimination in the constitution. The fact is that there is debate and that government has initiated moves to amend the constitution. This could be argued to be an illustration of the operation of a mature democracy.

Botswana has developed a national vision, as encapsulated in the Vision 2016 document in which various stakeholders were invited to make inputs, and whose implementation is through stakeholder committees focusing on different aspects of the national vision. The diversity of the groups which participated in drawing up the vision and in its implementation indicates inclusivity of the political system.

Botswana runs a governmental system in which the executive is embedded in parliament and in which the notion of 'separation of power' is expressly not stated. On the one hand, executive power is concentrated in the hands of the president whose cabinet is drawn from parliament, and legislation is primarily initiated by the executive. On the other hand, the executive is accountable to parliament through a presidential state of the nation address that is widely debated in parliament and by the media, a budget speech (the presentation of which is attended by the leaders of the business

community and is also subject to parliamentary debate and media coverage), questions and motion time by members of parliament (MPs) directed at particular government policies, and a latent vote of no confidence which parliament can use to depose the government. Such accountability places parliament in a position to be the final legislative authority over the government system. However, the predominance of one party and the existence of a weak opposition, combine to weaken the capacity of parliament. In contrast, factional rivalries within the ruling party contain the potential of a parliamentary revolt against the executive. Amid all this, the citizens are not satisfied with the performance of either the executive or parliament.

The judiciary in Botswana is autonomous and holds the executive and the legislature accountable. The laws defining the powers of the judiciary and its practice give the positive impression of a competently independent institution which holds the executive, parliament, the bureaucracy and local government accountable. The constitution provides for fundamental human rights, but excludes economic, cultural and social rights. The incidence of judiciary activism and the notion of legal precedence have ensured that the courts have initiated the introduction of legal practices in situations where parliament and the executive were reluctant to do so.

Political parties have engineered democratic consolidation in Botswana. Formed in the 1960s, some parties such as the Botswana People's Party (BPP) called for the speedy hand over of power to the local people, the abolition of chieftainship, and the setting up of a republic. Others, such as the Botswana Democratic Party (BDP), called for soft republicanism in which chieftainship and colonial civil servants would have a role. In contrast, others such the Botswana National Front (BNF) called for the overthrow of the BDP as neo-colonial government. The BDP has retained state power since independence, with the first-past-the-post electoral system working to its advantage. There are, however, growing calls for electoral reforms to incorporate some elements of proportional representation.

Chapter 5 on citizen participation by David Sebudubudu argues that trade unions, women and youth organisations, human rights organisations, and

the print and electronic media have played a leading role in enhancing democratic governance. These organisations have created space to allow citizens to express themselves on a number of issues, and they have helped to ensure transparency and accountability of the government system by publishing different opinions on national issues, protesting and holding demonstrations against certain government policies and activities, sponsoring court cases against the government, and observing elections. In turn, government has sought to solicit the views and approval of citizens on a number of issues through *kgotla* meetings, workshops, referendums and elections.

Chapter 6 on local governance by Adam Mfundisi argues that local governance is a strong pillar in Botswana's democracy. The establishment of district and town councils, and the continued existence of chieftaincies and district commissioners have added to the variety of local institutions pursuing local democracy and development. However, the unbalanced relationship between central and local government is still a worrying factor – central government has powers to approve or reject decisions by local institutions, control and approve their budgets, and control their administrative personnel. In addition, local representation is male dominated.

Chapter 7 on the economy and corporate governance by Dorothy Mpabanga argues that economic growth rates have been consistently high and that the government has actively intervened in the economy to open up space for the private sector. It has also diversified the economy and enhanced citizen participation in economic development. The government enjoys surplus revenue from diamonds and ploughs this back into the economy and society. Numerous citizen empowerment schemes have been launched to encourage more participation in the economy; however, diversification of the economy has not sufficiently materialised, poverty is reducing at a slow pace and unemployment and HIV/Aids are adding to human suffering. The government has responded with providing antiretroviral therapy and is competently countering the effects of Aids.

Numerous devaluations and the introduction of value added tax have worsened the condition of ordinary people, compelling parliament to reign

in the executive and to review taxes on some consumer goods. Agriculture has slumped and the fast-growing tourism industry is dominated by foreign investors.

It may be argued that, on the whole, a substantial degree of democratic consolidation has occurred in Botswana: high economic growth rates have been sustained over an extended period of time; a common vision has been drawn up by a diversity of stakeholders; the executive actively accounts to parliament; the judiciary holds all other institutions accountable; local government is long established and is seeking more powers; and civil society actively holds state institutions accountable. To balance this view, however, it must be pointed out that many Botswana remain poor and in need of the benefits of substantive economic change.



## INTRODUCTION

Botswana has a population of approximately 1.7 million (2001 population census) and covers an estimated total area of about 581,730 km<sup>2</sup> – about the size of France. Its population growth rate is estimated at 2.4% a year, which is lower than the 3.4% growth rate experienced between 1981 and 1991.<sup>1</sup> At independence in 1966, Botswana was listed among the poorest countries in the world.<sup>2</sup> However, the discovery of diamonds in the late 1960s turned the poverty-stricken country into an upper middle income one, as shown in Table 1. Botswana has grown into a relatively prosperous nation, even though it has failed to diversify its economy away from diamonds.

**Table 1: Economic indicators, 1999-2004**

Indicator	1999/2000	2000/01	2001/02	2002/03	2003/04
Real GDP growth rate (%)	6.6	8.6	2.0	7.8	5.7
Real GDP per capita (Pula)	9 265	9 811	9 785	10 297	10 630
<b>Sectoral growth rates (%)</b>					
Mining	12.1	17.6	-3.4	10.4	5.7
Social & personal services	4.4	2.8	6.2	2.8	6.2
Banks, insurance & business services	4.3	5.1	7.1	2.6	5.0
Construction	2.4	1.6	4.7	0.6	4.9
General government	6.0	6.7	8.3	3.7	4.6
Manufacturing	3.5	-0.3	0.0	3.1	-0.5
Water & electricity	11.3	5.5	3.7	9.5	3.9
Trade, hotels & restaurants	6.2	6.5	8.2	3.3	2.9
Agriculture	-8.7	9.9	-2.6	1.9	1.1
Transport, posts and telecoms	4.0	4.3	1.4	-0.4	-13.2
Budget surplus/ deficit (Pula)*	1 535.6	2 578.6	-962.0	-1 391.8	-78.3

**Source:** Bank of Botswana, 'Annual report'. Gaborone: Bank of Botswana, 2004.

\*Fiscal year ends 31 March.

Table 1 shows that the mining sector has experienced the largest growth rate, at 12.1% in 1999/2000 and 17% in 2000/2001. Although negative growth was recorded in 2001/2002, the mining sector recovered to a growth rate of 10.4% in 2002/2003 and 7% in 2003/2004.

On the political front, Botswana has been a functioning liberal democracy since independence in 1966, albeit dominated by one political party: the Botswana Democratic Party (BDP). This party has pursued policies which have fostered a relatively high degree of social and economic development. However, while Botswana's democratic development is routinely hailed as a 'model' for Africa, this developmental path has not been unproblematic and in fact has engendered inequalities, while the character of democratic practice in the country – although qualitatively better than many of its neighbours – is at times somewhat problematic.

This research report analyses the consolidation of democratic governance in Botswana. It is part of a larger study on consolidating democratic governance in Southern Africa. The report gives extensive coverage of political representation and accountability, citizen participation, local governance, and economic management and corporate governance in Botswana, arguing that democratic governance is being consolidated in Botswana, although there are limitations too.

## METHODOLOGY

Research for this study, which assesses Botswana's progress in terms of the consolidation of democratic governance, was done over a period of some 18 months. The research process involved multiple steps: each chapter author carried out desk research and presented the first draft to a mini-workshop internal review. The drafts were then revised and submitted to the coordinator, who also reviewed them and then sent them to EISA for further review. EISA carried out two reviews, internally and externally. Finally, the revised work was presented at a workshop in Johannesburg in November 2006. It should be noted that each researcher used data sources that were relevant to that chapter.

Chapter 4 on representation and accountability by **Zibani Maundeni** relies heavily on speeches by the president, chief justice and speaker of the National Assembly. Court cases, the constitution and published scholarly work in journals were also utilised, as well as newspaper coverage and documentation from regional and local non-governmental organisations (NGOs) submitted at international meetings.

The chapter further relies on election reports by the Independent Electoral Commission and on opinion polls by the Democracy Research Project and Afrobarometer. These sources of data provided much information on the operation of the Botswana political system, the accountability of the executive and the manner in which parliament operates. An analysis of the information provided a solid base on which to draw conclusions about the political system in Botswana.

Chapter 5 on citizen participation by **David Sebudubudu** relies heavily on scholarly publications and uses a sequential analysis: that is, research on NGOs, the media and trade unions was surveyed, the old and new research was compared, and patterns were then established in the development of civil society. The chapter also draws on government documents, policies on civil society and Afrobarometer reports.



Chapter 6 on local governance by **Adam Mfundisi** relies on acts of parliament, presidential commission reports, unpublished scholarly reports on local democracy in various towns and districts, urban and district development plans, newspapers and published works in journals, while Chapter 7 on the economy and corporate governance by **Dorothy Mpabanga** relies on work-in-progress reports from Transparency International, budget speeches, Bank of Botswana reports, government documents, newspapers and journal publications.

## LITERATURE REVIEW

Analysis of Botswana's democratic credentials has largely been favourable, albeit with different 'schools' reaching fairly different conclusions. First, there is the 'African Miracle' school, which is mainly positive and largely economic in its approach.<sup>3</sup> This group of scholars frequently invokes the question of whether Botswana is indeed a model of success, and answers in the positive.<sup>4</sup> All these researchers have concluded that Botswana has got its economic fundamentals right.

Other scholars have observed that Botswana operates a developmental state<sup>5</sup> in which the state actively intervenes in the economy and society to attain specific goals. The Botswana 'developmental state', in one publication of the mid-1990s, is perceived as one in which the state has transformed or has begun to transform the material lives of the people, has protected human rights far better than the majority of Third World societies and has practised political democracy characterised by free and fair elections.<sup>6</sup> Another author<sup>7</sup> notes that in Botswana, the state is the primary agent of socio-economic change through institutionalised patterns of policy intervention, guided by a national development plan that emphasises developmental processes.

In addition, Botswana has been described as an indigenous developmental state: new state elites have emerged from an ancient initiator state culture in which state control and wealth generation were entwined.<sup>8</sup> Finally, Taylor<sup>9</sup> notes the existence of a conscious and disciplined leadership that has as one of its main goals the development of professional institutions with competent bureaucrats. While these approaches emphasise different observable factors, they share the commonality of marginalising civil society and parliament in the developmental policy process.

Other researchers<sup>10</sup> note that Botswana has blended its traditional aspects with modernisation to produce a stable political system. Indeed, one must note the intriguing way Botswana has managed to uphold a broadly liberal

democratic tradition since 1966, incorporating aspects of its pre-colonial governance, the specifics of which are relatively unique in the region. Ever since independence the post-colonial government has acknowledged the crucial part that pre-colonial structures, such as the chiefs and the *kgotla* (local traditional assembly), could play in Botswana's modern politics. Indeed, the *kgotla* has been deployed by the state as a forum where government policies are clarified to the people and also where the people can voice their problems. This, combined with the more 'modern' aspects of an electoral representative democracy, has crafted a sustainable democratic culture in the country. Moreover, the installation of a female *Kgosi Kgolo* (paramount chief) – Kgosi Mosadi Seboko of Balete – who also became chairperson of *Ntlo ya Dikgosi* (House of Chiefs) is testimony to the softening of patriarchal tendencies, manifesting in the reformation of *bogosi* (chieftainship) to become more inclusive and democratic.

In contrast, other scholars have questioned Botswana's democratic credentials, observing authoritarian liberalism,<sup>11</sup> a soft developmental state, constrained academic freedom and the conspicuous silence of the University of Botswana:<sup>12</sup> 'The expulsion of Professor Good from Botswana was a direct attack against academic freedom in the country and against any notion of freedom of expression.'<sup>13</sup> Taylor, a close colleague of Good's, has subsequently used Good's deportation to generate some debate and to question Botswana's democratic credentials.<sup>14</sup> Other scholars have observed a weak parliament and a dominant executive.<sup>15</sup> Democratic developments in Botswana have therefore been interpreted from many different angles and with mixed results. This report looks closely at institutions and processes in Botswana, and hopes to add authoritative interpretations to assessments of the state of governance in that country.

Most political observers have trivialised the role of civil society in Botswana's development; in the worst depiction they exclude analysis of the role of civil society in the country's development. Civil society in Botswana has been dismissed as weak<sup>16</sup> and circumscribed.<sup>17</sup> Taylor adds that:

the Botswana government has exhibited highly undemocratic tendencies to portray those organs of civil society it deems

---

beyond its control as foreign stooges, and has not been shy to play the race card against any foreign supporters of civil society in an adversarial relationship with Gaborone.<sup>18</sup>

The main reason why Botswana's civil society is often considered 'weak', in the opinion of Maundeni,<sup>19</sup> is because it has staged very few mass demonstrations and/or violent clashes with the government, leading to reversal of policies – the hallmark of a strong Western civil society.

The report that follows conducts a reassessment of Botswana's developmental record and democratic credentials. It starts by looking closely at the functioning and interaction of the central political pillars of democracy in the country.

## REPRESENTATION AND ACCOUNTABILITY IN BOTSWANA

### THE POLITICAL SYSTEM

This chapter explores the political system of Botswana, assessing how the central institutions of the state have interacted to promote or curtail democratic consolidation, as well as assessing the contribution of political parties and the electoral system to democratic consolidation in Botswana. It is argued here that the constitution was purposely drawn up in a manner which enables the central state institutions to account to one another and to the public. It is also argued that the electoral system has not been adequately accommodative of gender concerns and that the fragmentation and poor funding of opposition political parties have combined with the dominance of the BDP to create a one-party predominant system.

To begin with, Botswana held its first parliamentary election on 28 March 1965 and gained political independence in September 1966. It was a peaceful handover of power from both the small protectorate administration and chiefs, to the soft republican BDP. The radical republicans grouped under the Botswana People's Party (BPP), which intended to exclude chiefs and to cut ties with the colonial government, won only marginal presence in parliament and have been in opposition politics ever since.

There is relatively wide agreement among opinion leaders that the culture of democracy has matured in Botswana.<sup>20</sup> Their contention is that Botswana is a mature and stable democracy. President Mogae, for example, observes that the 1965 parliamentary election was not the birth of democracy in Botswana, but its modernisation and maturation.<sup>21</sup> Tswana chiefs had developed a political culture of regular consultation with the public in *kgotla* meetings, of receptiveness to public opinion, and of friendliness towards the Europeans who possessed capital and skills to be exploited for the development of the country.

The modernisation of Tswana democracy meant the embedding of liberal democratic institutions on to Tswana values and practices which had stood

the test of time. The peaceful electoral process, the fair management of elections by Botswana's Independent Electoral Commission (IEC), the wide coverage by the media of electoral issues and the presence of an assortment of election observers have generated electoral processes that are open, fair and legitimate.<sup>22</sup> Electoral results are generally accepted by all and disputes are satisfactorily handled by the courts.

In the late 1990s, a shared national vision 'Vision 2016: Towards Prosperity for All', was drawn up for Botswana. The vision document observes that:

we must discipline ourselves to change in whatever way is necessary for us to achieve the goals of this vision. The failure to look and move forward now could condemn Botswana to social, economic and cultural stagnation and to long term underdevelopment.<sup>23</sup>

In the foreword to the document, the chairman of the Long Term Vision states that the Vision Task Group conducted extensive consultations with a wide cross-section of individuals and institutions in Botswana: 'The views and ideas in this document reflect as closely as possible the aspirations of Botswana about their long term future'. The task group included representatives from the Women's NGO Coalition, Botswana Council of Non-governmental Organisations, Bank of Botswana, Botswana Federation of Trade Unions, National Amalgamated Local and Central Government and Parastatal Manual Workers' Union, all the political parties, the Botswana Christian Council, University of Botswana, Botswana Journalists' Association, Botswana National Youth Council, Botswana Confederation of Commerce, Industry and Manpower, Botswana Chamber of Commerce and Industry, House of Chiefs, and the Botswana National Productivity Centre. The country thus produced a shared national vision.

The Botswana constitution is generally acceptable to all stakeholders – a possible indicator of a democracy that is consolidating. However, there is pressure to amend sections 77, 78 and 79 in order to make them tribally neutral. Reteng, the multicultural coalition of Botswana, is of the view that the constitution discriminates against minority ethnic groups:

The government of Botswana does recognise social and cultural rights as a signatory of the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of all forms of Racial Discrimination (ICERD). These are domesticated within the Botswana constitution, but even if they were not, ratification alone makes the instruments legally binding. Unfortunately for Botswana, sections 15(4)(d) and 15(9) of the constitution permit discrimination along tribal lines, contrary to these instruments. As a result, Botswana recognises such rights in a discriminatory manner, by recognising the Tswana as the only tribes with languages and cultures to be preserved, with chiefs to be consulted on matters affecting their lives and with group rights to land as an economic tool to control power and all other resources. Our position on this matter is that the government is forcibly evicting the Gana and Gwi because, like all non-Tswana speaking groups, government does not recognise them as people with social and cultural rights, but as part of vegetation to be acted upon.<sup>24</sup>

The disputed sections of the constitution have been the subject of a parliamentary motion, a presidential commission of inquiry, a government White Paper, and a court case.<sup>25</sup> In analysing that case, Fombad notes that the High Court while expressing sympathy with the plaintiffs' case that sections 77, 78 and 79 of the constitution discriminated against certain tribes in the country, noted that it had no powers to order their amendment. The subsequent presidential commission of inquiry into those sections failed to pronounce on their constitutionality or unconstitutionality because, in its view, 'pronouncing on this question would serve no useful purpose'.<sup>26</sup> Thus, none of the activities mentioned above has been able to resolve the ethnic discrimination issue.

### **THE EXECUTIVE**

The notion of separation of powers is implied but not expressly stated in the Botswana constitution. 'The constitution of Botswana implicitly recognises the separation of powers by dealing with each organ in separate and distinct provisions.'<sup>27</sup> The executive is covered in sections 30 to 56,



the legislature in sections 57 to 94, and the judiciary in sections 95 to 107. Separation is therefore practically demonstrated without being expressly stated. However, there is the rare possibility that the obvious constitutional omission of the notion of separation of powers was meant to illustrate a strong mutual overlap between the three arms of government, as is customary in most parliamentary democracies.<sup>28</sup>

‘[T]he Botswana model mixes the British parliamentary system with elements of the [United States] presidential system, but is much more similar to the British model with a number of unique features of its own’.<sup>29</sup> The similarity between the Botswana and British systems is the mixing of executive and legislative powers:

A number of persons form part of both the legislative and executive branches. In addition, the president is also an ex-officio member of parliament, with the power to speak and vote in all parliamentary proceedings [section 57, 58 (1)]. Other principal officers of the executive, consisting of the vice president, ministers, and assistant ministers, are appointed by the president and are members of parliament [see section 39, and 42 (3)].<sup>30</sup>

Thus, in Botswana all members of the executive are also members of parliament (MPs). Furthermore, in Botswana ‘no statutory limits exist to restrict the number of ministers coming from parliament’.<sup>31</sup> The result is that 18 of the 61 MPs are also part of the executive. As a result, the Botswana executive – like several other Southern African Development Community (SADC) countries’ executives – is embedded in the parliament.

Botswana has a strong executive arm of government and it could be argued that this is a constraint to democratic consolidation:

The extent of executive influence over the legislative branch is particularly evident in the lawmaking process. Although the parliament’s principal function is to make laws, as in all parliamentary democracies, the whole of this process – especially the most decisive pre-legislative stages – is controlled and driven



completely by the executive ... Almost all bills are discussed in cabinet meetings chaired by the president, and are presented in parliament by a cabinet member, who, along with the whips ensures the bill goes through without significant modifications. Because of the executive's ability to ensure that desired legislation is passed, it is fair to conclude that, to all intents and purposes, the executive controls parliament.<sup>32</sup>

In short, the system is designed in such a way that the executive is strongly embedded in parliament and leads in the governmental system. As such, most of the country's legislation is initiated and driven by the executive, albeit through parliament. Thus, it is not that parliament fails to perform but that it acts through the leadership of the front bench or the executive. Botswana therefore has a strong constitutional executive which leads parliament from within. On the negative side, such dominance exposes the executive to perceptions that it is corrupt or unaccountable.

### **THE LEGISLATURE**

Following from the above discussion, it appears that in Botswana the cabinet is a committee of parliament in the sense that it consists of the leading parliamentarians from the ruling party. 'The requirement that all ministers be members of parliament is justified most often by the principle that the ministers are responsible collectively to parliament.'<sup>33</sup> However, the effective position is that it is far more than a committee of parliament; in this sense, cabinet is an executive arm of parliament because the president and ministers are full MPs with speaking and voting rights. In fact, the executive members are the ones primarily authorised to initiate and lead legislation.

It should be noted that the whole parliament (including all members of the executive) make legislation for the country. Parliament is divided into the front bench, the back bench and the opposition bench. To follow through on this argument, it is implied that parliament should not, in general undifferentiated terms, be described as 'weak'; rather there should be a specification and isolation of its components. It needs to be indicated whether the weakness refers to the front bench, the back bench, the opposition bench, or the poor working relations among them. Commonly,

parliaments are judged as 'unified' institutions; however, such a common approach tends to cloud analysis.

The perceived poor performance of parliament in Botswana emanates partly from its dominance by the front bench or executive members/ministers, the loyalty of the back bench and the silence of the small opposition bench. These aspects have combined to create a perception that parliament is performing poorly. In contrast, an ideal parliamentary democracy is characterised by a loyal back bench which also ensures that it actively represents constituents' interests, as well as a vigorous opposition. Botswana seems to have a 'loyal' opposition, which President Mogae approvingly acknowledged in his state of the nation address of 14 November 2005.<sup>34</sup>

On the one hand, the executive is accountable to parliament. 'Section 50 of the constitution states that the cabinet shall be responsible to parliament for all things done by or under the authority of the president, vice president or any minister in the execution of his office.'<sup>35</sup> This constitutional requirement has been upheld in Botswana. On the other hand, the principle of accountability obliges the president to deliver a state of the nation address to parliament every year, exposing him to a modest form of peer review. For 15 days every year parliament holds a wide-ranging debate with the back bench and ministers, as well as the opposition bench and its leader, reacting freely to the president's speech. In that time the public, private newspapers, radio stations and Botswana television publish reactions from academics, church organisations, labour unions and cultural groups.

This form of public scrutiny and exchange promotes accountability and democracy in Botswana. For example, in the process of debating the 2005 speech, parliament passed a motion from an opposition MP requiring the government to review the value added tax (VAT) structure.<sup>36</sup> The parliamentary practice of passing binding motions asking for reviews of certain government policies therefore places parliament in a position to hold the executive accountable.

The back bench and opposition bench sections of parliament use question time (which is reserved for them only) to require the parliamentary front

bench or ministers to account for their actions and statements. For instance, through question time in the House of Chiefs, the minister of presidential affairs and public administration revealed that ministers who stay in their own private homes receive over P11,000 as a housing allowance.<sup>37</sup> This is one illustration of question time being used to reveal administrative lapses or any other obscure information. The nation was appalled to hear that ministers awarded themselves such huge housing allowances at a time when the economy was generally perceived to be out of shape. In this instance, the minister quoted from a booklet which was extremely difficult to find, and researchers struggled with limited success to secure copies of the booklet from which the minister quoted, exposing the difficulty of securing government publications.

Section 92 of the constitution empowers parliament with a vote of no confidence on the executive, which is supposed to supervise the bureaucracy and run the country. Furthermore, parliament is empowered to initiate commissions of inquiry into any matter and into any government department. It was under this provision that the minister of education instituted an inquiry in 2005 into the affairs of the University of Botswana, which an opposition MP accused of corruption and maladministration. In addition, the president was obliged to institute a presidential inquiry into the allocation of state land after an opposition MP alleged wrongdoing by ministers and maladministration by officials. Both reports were published in 2004 and were debated in parliament and in the media.

A crucial element of political representation in Botswana concerns equal representation in terms of constituencies – that is, there is the requirement that each MP has a constituency of more or less equal size in population terms:

The requirement is to have constituencies whose number of inhabitants is nearly equal to the population quota as is reasonably practicable (see section 65(2) of the constitution). The population quota for the 2002 exercise was 29 825, but this is supplemented with cultural and geographical considerations. The quota was defined to mean the number obtained by dividing the number of inhabitants of Botswana ascertained by reference to the latest comprehensive national population

census by the number of constituencies into which the country is divided.<sup>38</sup>

The demarcation of constituencies is generally preceded by public hearings in *kgotla* meetings and individual submissions.

Representation also concerns the number of political parties represented in parliament and the number of seats they control. The Democracy Research Project (DRP) has established through opinion poll surveys in 1999 and 2004 that the majority of the citizens prefer that most political parties should be represented in parliament and that the president should be directly elected.<sup>39</sup> In the 1999 election, 12 political parties contested but only three won representation in parliament. Similarly, in the 2004 election six parties contested and only three managed to send representatives to parliament. It should be pointed out, however, that the two opposition parties which control 13 of the 57 parliamentary seats have a joint popular vote of 41.78% due to the way in which the first-past-the-post (FPTP) system works.<sup>40</sup> While the popular vote of the two main opposition parties is significant, a FPTP electoral system means that this does not translate into more seats. One party – the BDP – has therefore always controlled over two-thirds of the parliamentary seats, qualifying Botswana for the label of a one-party predominant state.

However, a change of electoral system to proportional representation (PR) would still leave most of the small parties outside parliament as their popular vote is extremely low: 2.78% for the Botswana Alliance Movement; 1.87% for the BPP; 0.77% for New Democratic Front; and 0.02% for the Marx, Engels, Lenin and Stalin Movement (MELS) in the 2004 elections.<sup>41</sup>

Increased representation of opposition parties is often interpreted to mean a strong parliament and a strong opposition – factors that might help contribute to the consolidation of democracy – but a strong opposition bench (short of an opposition takeover) is only possible by weakening or subtracting from the back bench. Increased representation of the opposition can, however, also be realised through cooperation or unity, suggesting that the opposition and parliament could be strengthened without necessarily having to change the electoral system.

Another observable element of inadequate representation in Botswana concerns gender and other marginalised groups such as the youth, those living with disability, and the San. In particular, gender, disability and youth have not been taken seriously in Botswana in terms of issues of parliamentary representation. For example, women – who constitute 51% of the population – are represented by only seven females in parliament: four are full ministers and a fifth is an assistant minister. The sixth woman is the deputy speaker and the seventh is chief whip. Morna notes ‘the drop in women’s representation in parliament in Botswana, host country of the SADC Secretariat, from 18 percent or 4/44 in 1999 to 11.1 percent or 7/63 in 2004’.<sup>42</sup>

In contrast, there are eight retired soldiers in a cabinet which features only five women and no San or people living with disability. Representation should have a social dimension so that disadvantaged groups can enter parliament and other public institutions in reasonable numbers. Fair representation would imply that no section of society (whether businessmen or retired soldiers) is privileged or allowed to dominate an elected institution at the expense of other social groups. There may be a need in Botswana for quotas and reserved seats for marginalised groups.

In an effort to promote gender development, the government through the Women’s Affairs Department of the Ministry of Home Affairs has revised existing policies and has introduced new strategies and policies to promote and encourage gender development and equality in terms of participation in economic activities, political empowerment, and access to resources, management and leadership positions. Included here is the review of the Citizenship Act of 1982 and the National Policy on Women and Development (1996). Such moves are important in contributing to the democratic development of the country.

There are various women’s organisations, for example Emang Basadi, which aim to promote equality and women’s rights. The government also works closely with other gender equality promoting institutions such as the United Nations (UN), which has its Convention on the Elimination of All Forms of Discrimination Against Women, and SADC, which has its Declaration on Gender and Development (1997).



But representation also involves holding representatives accountable; that is, ensuring that the public has a clear understanding of what parliament does and is doing, that representatives make reasonable visits and consultations with their constituencies, that representatives hear and speak on behalf of their constituencies, and that representatives get funding for constituency-based projects. On the first score, parliament has made serious efforts towards taking itself to the people:

It amended the Standing Orders to allow Members to debate in both English and the vernacular which has attracted more people to frequent parliamentary debates. In 2003 and 2004, the Speaker and his deputy conducted 173 *kgotla* meetings in different parts of the country informing people about the role of parliament and sparking debates nationally. In addition, parliament has also made itself accessible to school visits. Furthermore, parliament hosted the youth parliament in 2004 and invited young people from different parts of the country to converge in the Chamber and debate issues.<sup>43</sup>

Parliament also invites the business community to attend the reading of the budget speech and to sit in during its debating. Such efforts help to make parliament accountable to the business community.

Parliament is, however, prevented by the constitution from exercising direct oversight control over the armed forces. Rather, this function is in the hands of the executive. 'The Botswana Defence Force (BDF) Act, provides that the appointment of members of the Defence Council is the prerogative of the President.'<sup>44</sup> In the same manner, the Defence Council reports to the president rather than to parliament. In short, the civilian oversight over the armed forces in Botswana is performed by the executive and not by parliament. The BDF Act also provides that the Defence Council is a statutory body and not a parliamentary committee. This has served to exclude opposition MPs from its membership. The current members of the Defence Council include: the minister of presidential affairs and public administration who is also former attorney general; the minister of foreign affairs and international cooperation, who is a former commander of the army; the minister of finance and development planning; the minister of

works and transport; and an MP. However, any MP can ask a question related to the Defence Council or to the management of the army, and the responsible minister is obliged to answer as long as the response does not compromise the security of the country.

### **THE JUDICIARY**

An illustration of the independence of the judiciary in Botswana was the imprisonment of the personal advisor to the president who was jailed for two days for contempt of court. The chief justice is convinced that the Botswana constitution provides for an independent judiciary, the major function of which is to ensure that parliament and the executive conduct their work according to the dictates of the constitution and other laws of the country, to pronounce on the rights of the people and to settle intractable disputes between the parties.<sup>45</sup> But those who believe that government does not respect the rule of law cite delayed implementation of court orders and the disregard of recommendations from the ombudsman.

It should be noted that even if the country operates a democracy, the constitution does not explicitly state that Botswana is a democratic republic – and this may be exploited to reverse democratisation. However, the chief justice<sup>46</sup> is not worried by such omissions because section 34(1) of the constitution places limits on the period that a single president can rule, and section 65(A) establishes an independent electoral commission, both of which entrench democratic politics.

For instance, the Judicial Service Commission (which comprises the chief justice who is the chair, the attorney general, the president of the Court of Appeal, the chairman of the Public Service Commission, a person appointed by the president, and a member of the law society) appoints members of the IEC whose duty it is to supervise and conduct elections. However, all members of the Judicial Service Commission (except one) are appointed by the president.<sup>47</sup> The consolidation of democracy is not promoted when the overwhelming majority of members of such an important institution are appointed by the president alone.

The constitution provides for fundamental human rights and empowers the judiciary to protect them:

In Chapter II (section 3) which follows immediately after the establishment of the Republic, the Constitution lays down and grants to the people in Botswana fundamental rights and freedoms of (a) life, liberty, security of the person and protection of the law; (b) freedom of conscience, of expression and of assembly and association; and (c) protection for the privacy of his home and other property from deprivation of property without compensation.<sup>48</sup>

The constitution also grants the executive powers to prosecute, to arrest and detain, and to acquire property under various laws.<sup>49</sup> Thus, executive powers have the inherent potential to endanger fundamental human freedoms. This is despite the fact that the Botswana constitution, to some extent, keeps executive powers in check. For instance, section 18 provides that:

... subject to the provisions of subsection (5) of the section, if any person alleges that any of the provisions of sections 3 to 16 (inclusive) of this constitution has been, is being prejudiced to any other action with respect to the same matter which is lawfully available, that person may apply to the High Court for redress. Section 18(2) provides that the High Court shall have original jurisdiction (a) to hear and determine any application made by any person in pursuance of subsection (1) of this section; or (b) to determine any question arising in the case of any person which is referred to it in pursuance of subsection (3) of this section.<sup>50</sup>

The constitution therefore also empowers the judiciary to be a guarantor of freedoms, rights and properties of the people. The chief justice assures the Batswana of judiciary activism, observing that 'the courts are inclined to go into the substance of the complaint rather than be bogged down by procedures', and that 'the courts have adopted an attitude that constitutional provisions granting rights should be interpreted generously and limitations to such rights be interpreted restrictively'.<sup>51</sup> Furthermore, Botswana's 'courts and judges have powers to review the exercise of statutory powers by members of the executive and their officials on an



application by an aggrieved person, to ensure that the action taken is truly for the purpose for which it was granted and not for ill motives'.<sup>52</sup>

Without hesitation, the courts have struck down laws that are, for instance, discriminatory on the ground of gender.<sup>53</sup> Failure to allow an accused person to have an adequate and real chance to hire a lawyer of his or her choice has been disapproved of as resulting in an unfair trial, even though the action of the magistrate resulted from the consideration that it was necessary to give the accused a trial within a reasonable time to satisfy his other constitutional rights.<sup>54</sup> Ministerial action to list properties in Gaborone Township as residential only when their owners conducted business on them was struck down as *ultra vires*, the law giving the minister the powers to list any property for change of usage.<sup>55</sup> These are some examples of the wide-ranging decisions given by the courts to protect constitutional rights or to review abuse of statutory powers.<sup>56</sup> These cases show that the courts in Botswana have not hesitated to rule against the parliamentary acts, against executive action or rulings of lower courts, or even against the chief justice<sup>57</sup> in order to protect the rights of the people.

In addition, Botswana operates the principle of binding precedent, which empowers the courts to shape the law. Fombad notes that the judicial function of legal interpretation and application 'has a quasi-legislative effect, creating precedents that must be followed in subsequent cases with similar facts. This process of [judicial legislation] in both common law and statutory interpretation contributes to legal development'.<sup>58</sup> Drawing comparisons with England and the United States, Fombad notes that 'besides the enduring impact of the doctrine of binding precedent, judge-made law has often intervened in areas where the government has been unwilling to ask for legislation or has been too slow to propose new measures. This is also true in Botswana'. So the courts have also made law, exercising functions normally reserved for the legislature, in order to promote the consolidation of democracy.

It is therefore evident that Botswana's courts have exercised their independence to protect the constitutional rights of the citizens. They have provided checks on the excesses of both central and local government, and employers. However, courts in Botswana have no power to nullify

sections of the constitution itself.<sup>59</sup> This means that the courts will enforce all sections of the constitution, even if some are expressly discriminatory or defective. For example, the courts must follow contradictory but worthy principles, both laid down in *Dow v Attorney General*. The first is that 'the Botswana courts must interpret domestic laws in such a way that is compatible with the state's responsibility not to be in breach of international law as laid down by law creating treaties, conventions, agreements and protocol within the UN and AU'.<sup>60</sup> The second is borrowed from English law and is also affirmed in the *Dow v Attorney General* case, where Oliver of Aylmerton is approvingly quoted saying, 'as a matter of constitutional law of the UK, the royal prerogative, whilst it embraces the making of treaties, does not extend to altering the law or conferring rights upon individuals or depriving individuals rights which they enjoy in domestic law without the intervention of parliament'.<sup>61</sup> The courts therefore limit their intervention when it comes to altering sections of the constitution.

### **POLITICAL PARTIES**

Political parties emerged in response to processes which the Protectorate government initiated to prepare the territory for independence. Recommendations of a constitutional review commission appointed for this purpose led directly to the formation of the pan-African Botswana People's Party (BPP) in 1960. The BPP opposed the chairmanship of the protectorate resident commissioner and the limited Legislative Council, campaigning instead for a full parliament with a speaker and for a republic.<sup>62</sup>

The BPP was formed by politicians who had previously been excluded from Tswana state politics and who had been engaged in South African mass protest politics but were expelled and banned from that country. The BPP sought direct participation in the constitutional process and in the process leading to the construction of the post-colonial state. However, its nationalism, which was based on the mobilisation of public protests, did not blend into a pre- and post-protectorate Botswana where colonial exploitation had been effectively prevented and where the only working class was the migrant labourers in South African mines, farms and industry. As such, the chiefs and Botswana Democratic Party (BDP)

nationalist politicians used conservative constitutional proposals to expose, isolate and destroy the populist mass-based parties.

Like other constitutionalist political parties elsewhere, the BDP was formed in 1962 and participated constitutionally in the process of reforms and modernisation of the post-colonial state and of the Tswana states. The final constitutional conference was called in London in early 1966 (it was common practice in the former colonies to do this outside the country concerned). Significantly, the last constitutional conference took place after the BDP had already formed the post-colonial government following a landslide electoral victory against the BPP in 1965, winning 28 out of 31 seats.<sup>63</sup>

Unlike the constitutional processes in other African countries where populist nationalists had been dominant, the holding of the final constitutional talks after the BDP had won state power in the Botswana case reduced the bargaining power of the populist pan-African BPP. Thus, when Botswana political elites met in London to finalise the independence constitution in 1966, the political landscape already favoured the BDP state and a concentration of power in an executive presidency. Thus, the BDP won both races: designing of the national constitution and occupancy of state power.<sup>64</sup>

The Botswana National Front (BNF) was formed in 1965 and has since become the main opposition party. However, opposition parties are generally characterised by interminable intra-party faction fighting and internal splits.<sup>65</sup> The fragmentation of the opposition has meant that the ruling BDP has enjoyed dominant – if not wholly unchallenged – status since independence.<sup>66</sup> In addition, feeble organisational structures and poor capacity to promote alternative policies weaken the opposition parties. Furthermore, the failure of opposition parties to unite and their propensity to split has denied them the possibility of unseating the BDP from power. This has meant that Botswana is, and has been since 1966, a *de facto* predominant party system. The incumbent BDP has won each and every election by a clear majority.<sup>67</sup> It is only really at the local level where the opposition has made some meaningful inroads into the BDP's power base (as shall be shown in the chapter on local governance).

## **THE ELECTORAL SYSTEM AND GENDER**

The IEC was set up in 1997, its first commissioners were appointed in June 1998,<sup>68</sup> and the commission had its first experience in conducting a general election in 1999. The main debate in terms of elections in Botswana is whether the country needs electoral reform. More specifically, it might also be asked where these calls for reform are coming from. This section presents research findings which illuminate the call for electoral reforms and discusses possible alternatives.

Four main reasons are given in support of electoral reforms in Botswana:

- The existence of a predominant party which has ruled the country for the past 39 years is perceived as a negative indicator for the growth of democracy in Botswana. Here the suspicion is that the FPTP electoral system is a contributory factor to the existence of a predominant party.<sup>69</sup> An often suggested reform is to abandon the FPTP system in favour of the PR electoral system.<sup>70</sup> However, more recently there has been growing uncertainty as to whether the PR system would in fact offer an effective remedy to the predominant party system.<sup>71</sup> Doubts have arisen because South Africa operates a PR system and yet also suffers the dominant party factor. This is despite the effective operation of the PR system in South Africa.
- The other commonly cited factor in support of electoral reform is the fact that there are huge disparities between the popular vote and the seats allocated to the different parties. For instance, in 1989 the ruling BDP obtained 65% of the popular vote and this was translated into 91% of the parliamentary seats. In 1994, the BDP received 55% of the popular vote, which the FPTP electoral system converted into 91% of the parliamentary seats. This trend of biased awarding of seats continued when in the 1999 general election the BDP received 54% of the popular vote but managed disproportionately to win 83% of the parliamentary seats, while in the October 2004 general election the BDP had a popular vote of 52%, and the FPTP system converted this into 77% of the parliamentary seats. The FPTP system therefore leads

to vote wastage. The argument here is that proportionality as measured by the popular vote is an important element of representation. Effective representation is compromised if there are huge disparities between the popular vote and seats won.

- Undoubtedly, the FPTP electoral system as it has been applied in Botswana marginalises women and promotes male domination. This is evident from the fact that very few women were elected through the FPTP system in the last two general elections of 1999 and 2004. Even though Botswana is a signatory to the SADC protocol on 30% women's representation, the country has found it extremely difficult to meet that challenge. It should be noted that India, which also uses the FPTP system, has successfully reserved parliamentary seats for marginalised groups without compromising the quality of the election and without changing the electoral system.<sup>72</sup> Botswana therefore has two choices on the matter of equal gender representation: either to introduce PR, or to maintain the FPTP system with a provision for reserving certain seats for women and other marginalised groups.
- Botswana practices a parliamentary system with a strong and dominant executive. In fact, save for the parliamentary electoral process, Botswana runs a dominant presidency whose election is indirect. Its parliament at 61 members is too small to effectively balance the power of the presidency, with over 20 senior and junior ministers. In addition, most senior parliamentarians from the ruling party are also cabinet ministers and this effectively silences their parliamentary voice. The primary electoral reform which has been suggested is that the president should be directly elected in correspondence with the huge powers he/she possesses. However, it is not clear how such a move would strengthen parliament and allow it to provide checks and balances.

In summary, the political system in Botswana is stable. The constitution embeds the executive in parliament and makes parliamentary majority a

requirement in the approval of policies, development plans and so on. Attempts have been made to broaden representation, even though gender and other marginalised groups are still inadequately represented. The judiciary performs oversight of the other state institutions; however, the independence of the judiciary is still in doubt as the overwhelming majority of Judicial Service Commission members are appointed by the president alone.



## CITIZEN PARTICIPATION AND GOVERNANCE

Citizen participation is one of the integral features of any well functioning liberal democracy. Some of the questions that this chapter explores are: What form does citizen participation take in the case of Botswana and what is the role of civil society in citizen participation? It should be noted that civil society in Botswana has alternatively been characterised as inactive with minimal influence on public policy,<sup>73</sup> or as promoting dialogue with government.<sup>74</sup>

Carroll and Carroll argue that 'civil society was almost nonexistent in Botswana in the late 1980s, but it developed extraordinarily rapidly in size and influence in the 1990s'.<sup>75</sup> Civil society in Botswana had grown and developed such that 'by the end of 1999, [it] consisted of approximately 150 indigenous NGOs, around 50 community based organisations, some 23 trade unions, and a handful of business associations'.<sup>76</sup> Balule<sup>77</sup> observes that since its emergence in the 1980s, the private media in Botswana has generally played its watchdog role satisfactorily, and investigative journalism has in the past exposed corruption in government, mismanagement, human rights abuses and other miscarriages of justice.

### **ASSOCIATIONAL LIFE**

There are several civil society organisations (CSOs) that play an active role in the country's life. The major and most active democracy and human rights CSOs in Botswana include Emang Basadi (a CSO that advances women's rights), labour organisations, Ditshwanelo (a human rights organisation), and the media (especially the private media). Osei-Hwedie and Sebudubudu observe that 'primarily, groups advancing the rights of women, labour and minorities have emerged as strong "pressures" on government and politicians ...'.<sup>78</sup> CSOs, they note, usually advance the interests of their members 'through advocacy, lobbying, coalition building and petitions', as well as through 'personal contacts, seminars and workshops, the news media and pamphleteering'.<sup>79</sup> CSOs have realised some achievements. For instance, Emang Basadi in particular has not only

put women's rights on the agenda since the Beijing Conference, but it has also won some concessions from government, resulting in the amendment of laws that discriminated against women. The government 'commissioned a nation-wide study to review all laws that discriminated against women, and ratified international instruments forbidding gender-based discrimination'.<sup>80</sup> Moreover, Emang Basadi has been successful 'in transforming Botswana's political landscape and culture, and in increasing the number of women in active politics'.<sup>81</sup> Furthermore, more women have been appointed to decision-making positions, including the judiciary. Emang Basadi's efforts have in part led to the enactment of tougher laws against rape, and the abolition of marital power in relationships. The latter point is a big step in the direction of advancing gender equality.

Similarly, Ditshwanelo and labour organisations have put human rights and worker's rights, respectively, on the agenda. According to Taylor: 'Ditshwanelo provides a very good watchdog service and has been critical of the government on a number of occasions.'<sup>82</sup> Through its lobbying efforts Ditshwanelo managed in 1999 to 'obtain a stay of execution for two men' on death row.<sup>83</sup>

Partly as a result of efforts by Ditshwanelo, 'the San have also become active in spearheading their demands for their rights to land and their traditional way of life. They have [also] been helped by Survival International, which has publicised their plight in the Western world and forced government to wage a public campaign to justify their removal from the CKGR [Central Kalahari Game Reserve]'.<sup>84</sup>

The influence of the private media in promoting good governance was felt mainly in the 1990s when it exposed cases of corruption.<sup>85</sup> Good argues that 'mismanagement in the Ministry of Local Government and the BHC [Botswana Housing Corporation] came to light through public controversy fuelled by good investigative reporting in the independent press'.<sup>86</sup> In addition, it was pressure from the media that led to the suspension of the tabling of the Mass Communications Bill in parliament, which was aimed at regulating the media.<sup>87</sup> Although the private media perform this important function, the relationship between the government and the private media is not always cordial. The government accuses the inde-



pendent media of bias towards opposition parties.<sup>88</sup> An illustration of this might be the 2005 Gaborone North-West Constituency by-election when the *Mmegi* newspaper endorsed the candidature of an opposition candidate, against the BDP's candidate who had a rape case pending before the courts. But the newspaper claims it did so on principle and not because it was aligned with the opposition.

### **CITIZEN-GOVERNMENT RELATIONS**

As a liberal democratic polity, Botswana has a number of structures and organisations through which citizens participate in the political process. One of the main structures, and possibly the most important, of citizen participation in Botswana is the *kgotla*.<sup>89</sup> The *kgotla*, which is presided over by the village chief, is a traditional meeting place, or what can be called a village parliament which allows for frank and public exchanges of views on non-partisan and mostly developmental issues. In this sense, *kgotla* can be addressed by civil servants, ministers, sitting councillors and members of parliament, especially when they want to consult the public on an issue of national importance. But, as we shall show in the next chapter, the *kgotla* is losing its centrality.

It is also not clear to what extent policy makers incorporate the views of the public following consultation meetings that are framed on the Setswana custom of *therisanyo* (consultation). As much as the IEC,<sup>90</sup> Maundeni<sup>91</sup> and Osei-Hwedie & Sebudubudu<sup>92</sup> appreciate its importance and usefulness in promoting citizen participation – and it is open to all as far as attendance is concerned – they also identify factors which militate against the *kgotla* as a structure of participation. Primarily, these factors include apathy or dwindling attendance at *kgotla* meetings by villagers, and 'the silence of female participants – or ... the reluctance of women' to take part actively in the *kgotla* discussions, as opposed to their male counterparts.

Political rallies, another platform of citizen participation, suffer from apathy as well. Politicians are partly to blame for this because instead of 'concentrating on the issues contained in their election manifestoes at political rallies, rallies are characterized by rhetoric, trading of insults, name calling, and exposure of problems afflicting other parties'.<sup>93</sup> Such political utterances drive away members of the public.

Citizens also participate through elections. Every five years all those who are 18 years and over (including those outside the country) can exercise their right to vote into political office their representatives in council and parliament, and thus indirectly contribute to the making of laws. Since 1965, nine multiparty elections have been held. However, this form of participation is hampered by apathy, which is a major problem facing Botswana's democracy.<sup>94</sup>

In the context of the DRP 2002 study and its findings, the IEC held a number of *kgotla* meetings and workshops with the purpose of stimulating more participation in the electoral process and educating the potential voters on the value of registering and voting in elections.<sup>95</sup> In addition, the IEC worked in partnership with 'many organisations such as the Directorate on Corruption and Economic Crime, the National Aids Coordinating Agency, the Botswana National Youth Council, Emang Basadi and other NGOs by participating in their seminars, workshops, conferences and fairs where accurate information on the electoral process was provided'.<sup>96</sup> All these measures were meant to persuade people to vote in the 2004 elections. But those election results show that some 421,272 people voted out of the 552,849 who were registered (76%).<sup>97</sup>

Another form of participation which falls under elections is that of referendums. Examples include the 1997 national referendum which reduced the voting age from 21 to 18, allowed citizens resident outside Botswana to vote and established the IEC.<sup>98</sup> The other example is the 2001 referendum which resulted in some judicial reforms.<sup>99</sup> But referendums are also affected by apathy, with only 17% of those eligible to vote taking part in the 1997 referendum.<sup>100</sup> Maundeni observes that 'the 2001 Referendum meant to reform the judiciary suffered the worst voter apathy when less than five per cent voted, authorising legal reforms that were going to affect the silent 95 per cent majority who did not take part'.<sup>101</sup> The foregoing evidence suggests that apathy is a key problem constraining the consolidation of democracy in Botswana.

#### **CHALLENGES FOR THE NON-STATE SECTOR IN GOVERNANCE**

The only area where citizens actively participate is through the media, both government and privately owned. The government media consist of

a television station (Btv), which by 2006 was only five years old, two radio stations and a free daily newspaper, the *Botswana Daily News*, which has the largest circulation. The private media, which enjoys relative independence from government, comprises *Mmegi* as the only daily, several weekly newspapers, and two private radio stations. In the period leading up to late 2006, government radio in particular has become one of the key instruments of citizen participation. It hosts public debates and runs phone-in programmes that allow members of the public to have an input.

In addition to these participatory forums there are a number of CSOs which encourage citizen participation. These organisations facilitate participation as they run workshops for their members and clients, and the leaders of such organisations use their contacts to lobby politicians and civil servants as a way of influencing public policy.

However, the absence of issue-based politics in Botswana limits the extent to which civil society is able to fill the void left by Botswana's divided opposition parties. Most CSOs prefer, and are encouraged by government, to stay out of party politics. This enables them to approach issues in a non-partisan manner, which has been interpreted as weakness. For instance, John Holm<sup>102</sup> observes 'the narrow Tswana view of politics' as one of the primary factors working against the influence and institutional capacity of CSOs in Botswana. But non-partisanship should not be interpreted to mean less influence on public policy, as CSOs have had enormous influence particularly on gender and other human rights issues.

Lekorwe<sup>103</sup> blames a lack of knowledgeable individuals in the administration of CSOs and the powerful state which dominates political interaction as reasons for the weakness of CSOs in Botswana. But it should be remembered that Emang Basadi has drawn its membership from Botswana's most talented women, some of whom have doctorates in women studies, law, human rights and so on. (Dr Ataliah Molokome who became attorney general in 2005 was once the director of Emang Basadi. She has been assisted by other university lecturers such as Dr Onalenna Selolwane and Dr Gloria Somolekae). In addition, male analysts have a tendency to belittle CSOs, many of which are female led.

In summary, citizen participation has largely been through the media exposing corruption and keeping the government in check, and CSOs which criticise specific government policies and lobby politicians to amend discriminatory laws such as the Citizenship Act. Participation through voting in general elections and referendums has been declining, prompting the IEC to commission a voter apathy study, which provided useful information and generated voter education activities for the 2004 general election.

## LOCAL GOVERNANCE

Local governance is about institutions, processes and mechanisms that are used to promote locally based decision-making and community participation. Local governance is expected to facilitate the acquisition of authority and resources to enable local governance to be transparent, responsive and accountable to citizens in service delivery. This chapter will show the evolution of local governance and the battle against centralisation in Botswana. The chapter also analyses the involvement of public sector associations in weakening local control, and explores the declining levels of community participation in the local decision-making process.

### **LEGISLATIVE AND INSTITUTIONAL FRAMEWORK FOR LOCAL GOVERNANCE**

Botswana has a single tier of democratic local government, comprising nine rural councils and five urban ones. This 14-council local government structure was established in 1965 and became operational in 1966. Local councils have the same legal status irrespective of size. No major reforms have been implemented to decentralise the governance system to adapt to political, social, economic, and globalisation opportunities and challenges which seek to empower local democracy. While the Botswana Association of Local Authorities (BALA) sees this as a problem, other civic organisations see it otherwise.

With the enactment of two pieces of parliamentary legislation – the Local Government (District Councils) Act, 1965 and Townships Act, 1965 – local councils (rural and urban) were established, marking the first step towards democratic government. The acts of parliament provided the framework under which local government authorities operate. Section 28 of the Local Government (District Councils) Act of 1965 states that: ‘It shall be the duty of a council to perform the functions it is required to perform and otherwise exercise its powers so as to secure and promote the health, order and good government of the area for which it has been established.’ These parlia-

mentary statutes grant enormous powers to the local authorities on issues such as land allocation, spearheading infrastructural development activities (such as building primary schools and health clinics), collecting stray livestock, recruiting personnel for the district and so on.

District councils in Botswana are responsible for delivering a wide range of local services and functions, namely primary education, primary health care, community development, provision of potable water in rural villages, and construction and maintenance of un-gazetted roads. Other responsibilities carried out mostly by urban councils include sewerage and sanitation, land-use planning, construction and planning control, fire services, refuse collection and disposal, and public libraries. These statutory responsibilities are provided in the local government legislation and other auxiliary instruments.

The local government system in Botswana consists of district councils, land boards, tribal authorities and district commissions, all of which are independent from each other. However, local government is not a product of the constitution, and parliament has enacted laws aimed at reducing the employment and other powers of local authorities. It is in this sense that BALA was formed to resist the downgrading of local government. BALA views the absence of constitutional safeguards for the existence of local government as a serious limitation which should be corrected. It notes that the absence of constitutional protection has exposed local councils to undue ministerial interference, while at the same time compelling them merely to implement the core policies of the governing party with little local input.

Sustained pressure from BALA led to a 2001 Presidential Commission on Local Government Structures. The commission recommended the inclusion of local government in the Botswana constitution, the establishment of executive mayors / chairpersons with hiring and firing powers over staff, and the devolution of more powers to local authorities.<sup>104</sup> However, the Botswana government rejected these recommendations.

The SADC Local Government Conference in 1999 had also recommended common standards which member countries should take to enshrine local



government provisions in their national constitutions. Even independent authors on local government such as Miller observe that local government bodies should 'have independent existence and should enjoy strong safeguards against arbitrary action by central authorities'.<sup>105</sup> BALA, and comments coming out of local democracy workshops, continue to claim that lack of constitutional protection is undermining local governance:

While parliament make[s] laws that created and restricted district and town councils, MPs behave as though they supervise councillors and the ministry of local government issues guidelines and approves all policies made by local authorities. Above all, the ministry of local government controls the staff of the council, fix[es] charges at clinics, schools and all other services. Such central government control constrains representation in the sense that councillors do not make any serious policies that affect the local residents.<sup>106</sup>

The above were views expressed by local stakeholders at a local democracy workshop for the Southern District in 2005. (The workshop brought together over 100 local leaders from different institutions such as district councils, the police, hospital authorities, land boards, youth organisations and so on).

It should be noted that district councils and other district-based authorities lost the battle of control to central government partly due to trade union pressure which called for the centralisation of certain functions. An illustration of this is found in powers related to education and the employment of teachers. Since the 1970s, public trade unions such as the Manual Workers' Union and public associations such as the Botswana Teachers' Union (BTU) pressurised central government to pass legislation through parliament, transferring some functions and powers away from local authorities and from district-based central government institutions:<sup>107</sup>

Previously, Botswana had a decentralised system of employment where each administrative district used to hire, train, promote, transfer and fire its own teachers. The system was such that once teachers found themselves in a particular

district they could only transfer within and not outside it. In short, district education officers had absolute transferring powers over teachers and the ministry was hardly involved. This districting system of employment was such that those who were initially posted to the remotest administrative districts worked there for the rest of their teaching lives and those who were posted to the towns lived there permanently.

The Botswana Teachers' Union has always been opposed to the districting system of transfers that permanently placed some teachers into remote areas. It conceived of a transfer system in which there would be centralisation of employment, and where transfers would cut across districts and towns. The overdrawn struggle over transfers between the BTU on the one hand, and district education officers and the ministry of education on the other hand, finally led to the reluctant establishment of a Unified Teaching Service in 1976 and its replacement by the more centralised Teaching Service Management in the 1990s and onwards. Such reformed management of transfers and of the teaching service, were major achievements by the teachers' union.<sup>108</sup>

Thus, public associations and unions opposed the districting system of employment that favoured local authorities and district-based central government institutions. Centralisation, which the unions sought and which BALA opposed, was sometimes perceived as excessive central government controls. To date, local government employees are hired, promoted, trained, transferred, disciplined and fired by a central government institution (the Unified Local Government Service), leaving the individual local councils with no powers over the movement of their staff. This means that transfers occur regardless of the local situation, even if the local authority would prefer to retain the employee.

#### **FISCAL DECENTRALISATION AND RESOURCE DISTRIBUTION**

Fiscal autonomy is one of the main tenets for ensuring local democracy and local autonomy.<sup>109</sup> It is, however, absent in the Botswana set-up. BALA is unhappy with this arrangements and gets its inspiration from fiscal autonomy theories:



The president of BALA intimated in 2006 that councils were poor in service delivery because they were controlled from Gaborone by the ministry of local government. He observed that such centralised control over projects and budget, caused delays and poor service delivery ... However, the general perception of the local democracy workshop was that the district council is highly corrupt and that this was the major reason for poor service delivery.<sup>110</sup>

The above quotation is taken from a report based on discussion at a local democracy workshop held in the Kgatleng District in 2006, which was organised by BALA and which brought together different local stakeholders. While the president of BALA blamed centralisation for delays in the delivery of services, the local democracy workshop participants blamed delays on corruption at the district council.

It is true that local government institutions have neither taxation powers nor budgetary independence. Funding for Botswana local authorities can be grouped into two sources of revenues: internal (within the jurisdiction of the local council) and external (outside the jurisdiction of the local council). Internal sources of revenue account for less than 30% of funds available to most local councils in Botswana. Internal sources include, among others, abattoir fees, cemetery fees, health clinic fees, community centre fees, rents, sale of property, service levies, and so on. These are small and insignificant sources which hardly raise any meaningful revenue, and they are meant to compel councils to be dependent on central government, thereby limiting their chances of financial manoeuvre. The issues of how local government is funded and the adequacy of the funding are critical in understanding local autonomy and local democracy in any country or political system. But issues of corruption and districting (as discussed earlier) are also critical in determining how much power to decentralise.

The bulk of local government finance comes from central government. In the case of the Gaborone City Council, for instance, out of a total budget of P55,879,990 in the 1995/96 financial year, grants amounted to P29,354,000 or 53%.<sup>111</sup> While this was a relatively balanced state of affairs, the situation has become less balanced. Central government grants increased to P40,897,000

or 63% out of a total budget of P64,991,210 in the 1997/98 budget year,<sup>112</sup> and it increased further to P71,621,340 or 72% in the 2000/01 financial year.<sup>113</sup> Thus, even the largest city in the council is heavily disempowered in terms of raising its own revenues, compelling it to be dependent on central government. BALA is strongly opposed to such an unbalanced situation and calls for local empowerment by ceding taxation powers to local authorities. BALA believes that such financial dependency serves to constrain rather than promote democratic local governance. However, it is clear that central government is not willing to cede some of its important taxes to the municipal authorities. The 2001 Presidential Commission on Local Government Structure in Botswana recommended reforms in the financial regime for local government and this too has been ignored.

In 1993 a Task Force on Local Government Finance proposed a formula for revenue sharing between central and local government.<sup>114</sup> The formula would, among others, take into consideration each local council's unique circumstances. For example, factors such as population, expenditure needs, fiscal capacity and revenue efforts could be the criteria for determining each council's share of the national revenue. Independent scholars such as Wallis and Dollery observe that '... local government must have both the revenue-raising and institutional capacity to administer local regulations and provide genuinely local public goods'.<sup>115</sup> According to media reports, BALA president Kentse Rammidi decried government's hegemonic role in local governance.<sup>116</sup> He is quoted as saying that '... councils merely operate as divisions within the Ministry of Local Government' and that concentration of power in the ministry 'makes it difficult for us to do certain jobs'.<sup>117</sup> The Botswana government sees such observations as ways of indirectly introducing federal government in a unitary system.

#### **POLITICAL REPRESENTATION AT LOCAL LEVEL**

This section argues that local representation exists and has some presence even though it is constrained by many factors, including insufficient powers. According to the Local Government Act, a city mayor or council chairperson has no executive powers and is not directly elected by the residents. A council chairperson or mayor is elected by other council members and serves for a minimum of one or two years, as individual

councils may deem appropriate. The party with the majority of councillors caucuses to designate a candidate, and support him or her in the full council election. However, there are instances where there is conflict between the national party leadership and local councillors on the matter. For example, in Kgatleng District Council the BDP councillors caucused and designated candidates for chairperson and deputy, but some members rebelled, colluded with opposition councillors and elected rebel elements to those positions. The party headquarters initiated moves to reverse that election, without success, indicating the decisive bottom-up democratic action by local councillors.

Elections for local government representatives are held concurrently with national elections, and BALA feels strongly that this is another way of subordinating local politics to national politics. In addition, local government elections are conducted according to wards, which are determined by local government structures in accordance with central government policies, rules and guidelines. The criteria for demarcation of boundaries are, *inter alia*, population size, geographical area and accessibility.

#### **GENDER AND LOCAL GOVERNANCE**

Marginalised communities, the youth, women and people living with disabilities are not adequately represented in the local government structures in Botswana. Women in local government structures are under-represented, accounting for less than 21% of councillors in district, town and city councils.<sup>118</sup> This is despite the fact that in the 2004 local government elections, 162 women stood for election as council candidates. In addition, only 7% of the chairpersons and mayors are women. Between 1994 and 1999, the proportion of women councillors increased from 15% to 23%, but in 2004 it dropped to 21%.

These results indicate in part that male candidates have a higher success rate than their female counterparts in local government elections. The proportion of women in political leadership, either as mayors/ chairpersons or deputy mayors/ chairpersons dropped from 21% in 1999 to a mere 14% in 2004. Thus, local government in Botswana has traditionally been, and continues to be, male dominated.

### **TRADITIONAL LEADERSHIP AND LOCAL GOVERNANCE**

Tribal leadership (chieftainship) is not elected and is not part of the membership of local councils. However, local government boundaries are consistent with tribal territories designated by the British colonial administration. Chiefs of different tribes became custodians of ethnic boundaries, culture and traditional laws. They still possess influence over their subjects, and their popularity is in part due to their close proximity to the local communities.<sup>119</sup> Over the years the powers of traditional leaders have been eroded and transferred to elected councils and land boards. In Botswana chiefs are barred by law from participating in party politics.

Traditional leaders are the most visible and accessible of all local authorities in Botswana. According to Chief Linchwe II, 'chiefs are ... amongst the best placed individuals for social mobilization'.<sup>120</sup> Traditional leaders still command goodwill and respect from local communities in Botswana;<sup>121</sup> however, the *kgotla* system has lost its participatory nature as residents generally fail to attend meetings:

The Kgatleng District Council local democracy workshop noted that Full Council, Village Development Committee (VDC) and ordinary *kgotla* meetings are commonly poorly attended. Chiefs reported that the public does not attend even if people are present in their homes. It was revealed that HIV / AIDS day is usually attended by churches and school children only. Even business people do not attend business forums. The workshop observed that public transport in the district was very poor and contributed to poor attendance of these forums. In addition, some workshop attendants felt that meetings were a waste of time as these forums did not discuss anything directly important. Others reported that chiefs and councillors talk for too long, denying people the right to air their grievances and that people were left with little choice except to stay away from such meetings. It was also reported that Full Council and VDC meetings attract allowances for those elected and yet the public is expected to attend for free. Furthermore, it was observed that local officials addressed

public meetings in the English language which the public hardly understood. All these factors contributed to poor attendance of meetings and constrained widespread participation.<sup>122</sup>

Local forums are thus losing their legitimacy and this denies the local residents the chance to air their views.

In summary, local governance operates under laws drawn up by the national parliament and regulations drawn up by the Ministry of Local Government. The extent of control is such that even MPs have been seen to behave as if it is their function to supervise local councillors. This is resented by BALA, the association for local authorities. The association also objects to the fact that administrative staff of local authorities are appointed, trained, promoted, disciplined and fired by central government institutions. Mayors and district chairpersons interpret such arrangements to mean disempowerment, and this has prompted them to call for more local autonomy. However, clients of local authorities view mayors and district chairpersons as corrupt and incompetent. To exacerbate matters, participation in local governance matters has dwindled in Botswana, with even traditional authorities and the *kgotla* no longer attracting large followings.

## THE ECONOMY AND CORPORATE GOVERNANCE

This chapter analyses the economy, assessing in particular its contribution to the consolidation of democratic governance. The chapter starts by looking at the role of the state in the economy, noting its dominance in the area of mining and its use of the budget to try to address issues such as economic diversification, unemployment and HIV / Aids. The chapter also considers the role of the private sector, noting its contribution to tourism.

### **THE ROLE OF THE STATE IN ECONOMIC MANAGEMENT**

The discovery of diamonds and the transfer of mineral rights from tribal authorities to the central government in the late 1960s transformed Botswana from being one of the poorest countries in the world to one of the fastest developing nations, and availing resources to all regions of the country. Botswana's economic growth has been consistently high. Between 1966 and 1995, Botswana's per capita gross domestic product (GDP) grew from about P1,682 to P7,863 (US\$2,850) in 1993/94 constant prices:

Overall, the economy continued to record a strong positive growth during 2004/2005. In real terms, GDP grew significantly by 8.3% in 2004/2005, compared to a growth rate of 3.4% recorded during the previous year. This revises the average growth rate for the first three years of NDP [national development plan] 9 to 5.3%, which is higher than the estimate of 4.7% in the Mid-Term Review of NDP 9.<sup>123</sup>

Foreign exchange reserves increased substantially from P24.26 billion in December 2004 to P34.7 billion in November 2005. In US dollar terms, the foreign exchange reserves increased from \$5.7 billion to \$6.2 billion over the same period.<sup>124</sup> Real GDP in 1993/94 prices grew by 5.7% (P19.3 billion) in 2003/04, compared to 7.8% in 2002/03.<sup>125</sup> Botswana therefore has the financial resources to finance aspects of its democratisation process for a reasonable period of time, such as funding its local government system.



The 2006 budget highlighted a net surplus 'in the overall balance of payments of P5.2 billion in 2005, compared to a deficit of P232 million in 2004'.<sup>126</sup> Thus, the Botswana state continues to enjoy surplus resources that it uses to intervene in the society and economy. Government total revenues and grants, for example, increased by 13% from P14.3 million in 2002/03 to P16.2 million in 2003/04. This increase was attributed to the growth of customs revenue and VAT, which increased by 43% and 25% respectively.<sup>127</sup>

It should be appreciated that budgetary prospects were not good in the last three years, giving the impression that the economy faced difficulties. For instance, the budget for the year 2003/04 indicated a deficit of about P78.3 million. What was worse was that that deficit was much smaller than the P1.4 billion deficit experienced in 2002/03.<sup>128</sup> There was therefore evidence that the economy was significantly slowing down and this could have influenced the negative perceptions that our survey recorded.

Minister Gaolathe also indicated in his 2006 budget that the mining growth rate was 18.2%, compared to a country growth rate of 0.2% in 2003/2004. As expected, the major contributors to Botswana's impressive economic growth rate over the years have been the mining (6.9%) and non-mining sectors (5.1%). This contrasted with the manufacturing sector which recorded a negative growth of 0.5%. Botswana is the second largest producer of diamonds (by value) after Russia in the world.

On the one hand, high mining growth is likely to strengthen the arm of the state, which owns mining rights and earns part of the revenue. On the other hand, revenue from the mining sector has been invested in building urban centres, developing government structures and social infrastructure, promoting rural development and supporting local government. Infrastructure such as roads and bridges facilitates the movement of people. In addition, mineral revenue has been invested in the establishment of public corporations to provide services and facilities not provided by the private sector, including housing, electricity, telecommunications and financial services. Unfortunately, public corporations are neither directly subject to electoral voting by the local communities nor to market forces, and this exposes them to inefficiency and unresponsiveness. However,



more state intervention in the economy and society is planned, as the following quotation indicates:

In order to accelerate the rate of economic growth, some major public and private sector projects are planned to be implemented in the next five years. These projects include: increasing capacity of the Morupule Power Station at an estimated cost of US\$600 million or about P3.2 billion; construction of Mmamabule Export Power Station, costing about US\$5 billion or P26.6 billion; investment of about P6.5 billion by De Beers and Debswana on projects, such as the construction of the Diamond Trading Company (Botswana) and Orapa III plant; and the implementation of the overall government development budget for the remaining part of NDP 9 that is estimated to cost about P21 million in current prices.<sup>129</sup>

The state therefore intends to invest more into the economy to increase the capacity of electricity generation for the local economy and for export, as well as to expand diamond mining and the relocation of the diamond trading company.

Debswana, a joint partnership between De Beers and the government of Botswana, operates the diamond mines. Although such concentrated ownership of diamond mines may be detrimental to consolidating democratic governance in the sense that it is monopolised, it may be argued that it is the nature of diamond mining that ownership has to be centralised to discourage illegal trading. The mines are equally shared between De Beers and the Botswana government. In the 1990s, the mining sector contributed about 35% to GDP (diamond mining constitutes 91% of the mining sector), 41% to government revenue and about 5% to formal sector employment.<sup>130</sup>

The government operates a progressive personal income tax system which aims at equitable distribution of the tax burden. Company taxes were reduced and the local currency was devalued in order to make Botswana attractive for private investment.<sup>131</sup> VAT was introduced in July 2002 in

order to broaden Botswana's revenue base. However, an opposition MP successfully tabled a motion limiting VAT and making a range of essential goods and services VAT exempt so that they could be affordable to more people. In the 2006 budget, VAT was reformed to exclude a good number of essential foods and agricultural equipment. In addition, although it was reported that there have been improvements regarding tax payment compliance, this is a major challenge facing the tax system.<sup>132</sup> There are, for example, indications of non-compliance in VAT,<sup>133</sup> particularly in terms of under-reporting of output taxes and overstatement of input taxes. The newly established Botswana Unified Revenue Service (BURS) is aimed at addressing these challenges.

Government intervenes to counter inflationary pressures. The rate of inflation in Botswana was stable between 2000 and 2004. The annual inflation rate was recorded at about 6.6% in 2001 compared to 8.5% in 2000 (the highest rate of inflation was recorded in 1992 at 16.1%).<sup>134</sup> In 2004 the annual inflation rate was 7% compared to 9.2% in 2003. However, with the devaluation of the pula and increases in fuel prices, the inflation rate increased from 6.3% in May 2005, to 7.1% in June 2005<sup>135</sup> and to 11% in November 2005.<sup>136</sup> But the 2006 budget speech notes that domestic inflation averaged 8.6% in 2005 compared to 7% in 2004, and predicted lower rates of inflation.

The government sets the interest rate. In 2004, the interest rate in real terms ranged between 6% and 8%.<sup>137</sup> Commercial banks' average prime lending rate was 15.75%, and the average nominal return on commercial bank loans ranged between 21.5% and 22%. In 2004, total borrowing decreased from 14.2% to 11.8%, with households representing 55% of total credit. During 2004, household borrowing increased by 18.6%. Private sector borrowing slow-down was attributed to the decrease in government expenditure through development projects.

The government is leading the crusade against unemployment. The rate of unemployment was 23.8% in 2002/03. As of September 2004, formal sector employment was estimated at 296,387, an increase from 285,382 the previous year.<sup>138</sup> Some sectors which contributed to this growth in employment include agriculture (16%), manufacturing (8%) and finance

(13%). Regarding financial institutions owned by the government, such as the National Development Bank and Botswana Savings Bank, restructuring was undertaken in order to improve financial performance and service delivery, though there was a loss of jobs during the restructuring process. Job losses also occurred in commercial banks, as competition and the application of technology in the banking system necessitated reorganisation. In the cattle industry, the government advised the Botswana Meat Commission to sell off some of its assets in order to improve financial performance.

During 2004 employment averaged an annual increase of about 3.1%; however, between March 2004 and March 2005, it slowed down to 2.8% a year. There was a total of 462,367 people employed in 2002/03, with 56,000 (9.3%) in self employment and 67,000 (11.1%) either unpaid or working on own lands or cattle posts. This constitutes 76% of the total labour force of 606,827 – not enough to entrench the consolidation of democracy.

**Table 2: Economic indicators, 1999-2005**

Annual average	1999*	2000	2001**	2002	2003	2004	2005
Unemployment rate (%)		15.8				23.8	
Inflation rate (%)	7.8	8.5	6.6	8.0	9.2	7.0	6.5 (March) 11.0*
Real interest rate (prime)	5.9	6.70	9.40	5.56	8.79	7.37	7.88 (Feb)
Nominal interest rates % (prime)	14.81	15.75	15.75	16.75	15.75	15.75	15.75 (Feb)
Foreign exchange reserves (Pula million)	28 852	33 880	41 182	29 926	23 717	24 200	34 610
US\$ (million)	6 229	6 317	5 897	5 474	5 339	5 660	6 309
SRD (million)***	4 538	4 848	4 707	4 058	3 643	3 700	4 406

\* As of November 2005.

\*\* Figures from 2001-2004 are as of December

\*\*\* SRD = special drawing rights of the International Monetary Fund

**Source:** Bank of Botswana Financial Statistics, March 2005.

It is important to note that employment in the construction sector dropped by 15% in September 2004. The slowing rate of employment means that young graduates are unemployed, and this negatively affects the consolidation of democratic governance since democracy cannot consolidate sufficiently if the socio-economic well being of the citizens is not improved. Social welfare policies around employment, housing, education, etc. are therefore important indicators of the extent to which democracy is consolidating.

In order to diversify the economy and create employment, the government introduced various policies, assistance programmes and incentives to engineer growth in the manufacturing sector and to facilitate industrial development. Investors were given financial grants through the financial assistance policy to employ and train workers in return. As a result of financial assistance schemes, the manufacturing sector grew by an average of about 8% a year in the 1980s.<sup>139</sup> Efforts to diversify the economy continue with the establishment of investment promotion agencies such as the Botswana Export Development and Investment Authority (BEDIA) and the Citizen Entrepreneurial Development Agency (CEDA). CEDA was established in 2001 to promote citizen participation by providing soft loans:

Since its inception, CEDA has approved 1364 loan applications valued at P753 million, while approved projects for 2005 were 169, valued at P70 million. The total of approved projects consists of 309 small scale projects, 1055 medium scale projects. These projects are estimated to have employed 7212 people.<sup>140</sup>

While such soft loans add to democratisation, the associated arrears are constraining it. The minister noted:

... I am concerned to learn that a number of beneficiaries of CEDA assistance are in arrears with their loan payments. It should be noted that CEDA was created to be a revolving fund and as such those who benefit from the scheme should pay back so that the agency can assist other Batswana.<sup>141</sup>

Arrears lead to an indebted nation and subvert the concept of a revolving fund, preventing it from helping more people.

Government plays an important role in the economy in that it is the largest employer and investor. However, government's share of formal employment has been slowing down steadily. The slow down is attributed to the government adopting a policy of restraining employment in the public sector, for example, by freezing the creation of new posts, and the non replacement of retired and deceased public officers. Government's share of formal sector employment was about 30.7% in 1991 and 37.1% in 1996, decreasing to 36% in 1999.<sup>142</sup> Employment in government increased slightly from 38.6% in 2003 to 39.1% in 2004.<sup>143</sup> The 2006 budget speech talked of a survey under way and did not release unemployment figures.

### **THE PRIVATE SECTOR**

Private corporate governance is partly regulated by state laws such as the Companies Act, the Banking Act, anti-money laundering regulations, and so on. These pieces of legislation and regulations provide a framework within which private businesses operate. This section establishes the extent to which corporate governance is promoted in the private sector in Botswana.

#### *Finance*

The financial sector is primarily a private sector component. It experienced tremendous growth between 1988 and 1999, particularly with the relaxation of licensing policies by government to facilitate growth of the financial sector.<sup>144</sup> Othata and Seleke stress the importance of corporate governance:

The conduct of companies is ... heavily influenced by the Banking Act, Banking (anti-money laundering) regulations, Proceeds of Serious Crimes Act and the Corruption and Economic Crime Act. The Banking Act, through controlling the conduct of financial institutions, indirectly makes demands on the conduct of other institutions' financial affairs. The anti-money laundering regulations in particular, require financial institutions to demand certain information, behaviour and conduct from customers (including corporate bodies). The regulations also require commercial banks to have anti-money laundering policies, programmes and procedures which include monitoring the use of banking services by customers with the objective of detecting



and reporting suspected money laundering behaviour and activities. The act also empowers the Bank of Botswana, who through the Bank of Botswana Act, are the supervisors of Commercial Banks, to audit the anti-money laundering programmes of banks. The regulations provide for penalties to be imposed on banks and bank employees who fail to meet the requirements of the regulations. The control of money laundering in practice is however proving difficult. The DCEC report that money laundering is a new phenomenon which is not adequately understood by the general public, prosecutors, magistrates and other law enforcement officers. The regulations which were only enacted in 2003, do seem adequate enough but would need to be supported by a rigorous public education campaign.<sup>145</sup>

Such laws and regulations provide the space within which private businesses contribute to the Botswana economy. The liberalisation of licensing policy has resulted in the establishment of additional banks, bringing competition to the commercial banking sector. This in turn has led to an improvement in service delivery (such as the installation of automated teller machines and automated payment systems), thereby increasing the range of services available to customers. Employment in the finance sector grew by 13% in September 2004, compared to 4% in September 2003.<sup>146</sup>

Othata and Seleke also observe that the conduct of business in Botswana as far as good governance and reporting are concerned is influenced by the stock exchange listing requirements and conditions:

The Botswana Stock Exchange (BSE) has an elaborate set of rules governing the conduct of listed Companies. During the financial year 2005/2006, two Companies were threatened with de-listing after failing to file their results within the stipulated period. Unfortunately however, these rules only apply to the listed companies, whilst hundreds of unlisted companies are not affected. Though the absence of major corporate scandals (such as Enron and Parmalat for example)

in Botswana may provide indicators that these regulations are effective, the fact that they have not been updated or amended especially in light of the said corporate collapses may be a weakness.<sup>147</sup>

While financial regulations in Botswana help to ensure integrity of the private sector, at the same time these regulations should not impose a heavy burden on small companies that may find it too costly to meet such requirements.

### *Telecommunications*

In the telecommunication industry, the private sector dominates the use of cellular phones, which has increased due to deregulation. Deregulation also led to more private sector investment in information technology, enabling customers access, for example, to integrated digital networks and internet services. The mobile market has increased by 15%, from 470,793 in August 2003 to 541,672 in August 2004.<sup>148</sup> However, the market for government-owned land-line subscribers decreased from 351,128 to 137,207 subscribers during the same period. In an effort to reach fixed-line subscribers, the government-owned and commercially run Botswana Telecommunications Corporation has embarked on a project targeted at 147 villages in three districts in Botswana. Efforts to liberalise the telecommunications market were continuing at the time of writing, with the establishment of the Botswana Telecoms Authority. More people are likely to be covered by the telecommunications network and this enhances democratisation.

### *Manufacturing*

Manufacturing is primarily private and not government owned (except for the large but stagnant beef industry). As of 2003/04, growth in the manufacturing sector contracted by 0.5% compared to the 3.1% growth recorded in the previous year.<sup>149</sup> The decline is attributed to the reduction in textile and beverages output. It is worth noting that the decline in textile output is said to be inconsistent with reports of increases in textile exports through the Africa Growth and Opportunity Act (AGOA).<sup>150</sup> There were/are allegations of a local textile manufacturing company benefiting under AGAO, importing finished products from China and re-exporting to the



US as Botswana-made textile products.<sup>151</sup> Such private sector practices constrain democratic governance as they add little value to the economy. Growth of the manufacturing sector declined to about 4% a year in the 1990s due to various factors, including the general slow down of the economy and structural adjustment programmes in Zimbabwe, where Botswana's manufacturing (textiles and clothing) exports were mainly destined.

### *Construction*

Construction is to a significant extent a private sector concern in Botswana in terms of ownership of construction companies. With the increase of economic activity in the country, the construction sector also experienced growth; however, most construction projects come from government. The construction boom of the 1980s was mainly due to the implementation of government projects, including the construction of roads and buildings. In addition, an increase in demand for commercial, industrial and residential buildings boosted construction activity in the country.

Employment in the construction sector has fluctuated over the years. In the early 1990s the construction sector's share in total employment was about 32%. However, with the general slow down of the economy and the completion of major government construction and development projects, employment in construction declined sharply in the early 1990s, recovering slightly in 1996/97 with a growth rate of about 2.7% in 1997.<sup>152</sup> In 2003/04 the construction sector grew by 4.9% compared to 0.6% in 2002/03.

### *Agriculture*

Agriculture is an important aspect of the private sector, but it has been declining steadily over the years, reducing its contribution to the economy and worsening poverty in the society. Botswana has a large cattle farming industry, which constitutes the third principal export after diamonds and copper-nickel. Botswana exports beef to the European Union under the Lome IV Convention through the Botswana Meat Commission. However, the beef industry is susceptible to drought and diseases, such as foot and mouth and cattle lung disease, and these have impacted negatively on rural livelihoods. The continued use of traditional farming methods also

impacts on output, with the agricultural sector recording low growth rates of 1.1% in 2003/04.

The contribution of agriculture to the economy declined from 45.2% of total GDP in 1968 to 3.1% in 1998. Employment in the agricultural sector has dropped from about 39% in 1966 to approximately 16% in the 1990s.<sup>153</sup> Although the majority of households in rural areas depend on the agricultural sector for survival, wages are relatively low and people therefore have little incentive to seek employment in the agricultural sector. There are indications that the Botswana Meat Commission did not perform well during the first half of the financial year June 2004, with a deficit of about P25.3 million.<sup>154</sup>

### *Tourism*

Tourism is a growing component of the private sector. Botswana's wildlife resources and the Okavango Delta have attracted worldwide attention and interest, and the tourism sector is seen as an opportunity to diversify the economy. A tourism policy was developed in 1998 in order to promote a sustainable and environmentally sound tourism industry, as well as to create employment opportunities for communities, especially those living in rural areas.

### **SOCIO-ECONOMIC CHALLENGES**

The fact that the minerals sector continues to play a significant role in the economy creates dangers associated with dependency on one major commodity. Fluctuations in the global diamond market and prices and the general slow down in economic growth worldwide adversely affect the mining industry. Botswana has been affected by these factors in the past and they are likely to affect the mining industry in the future. For example, fluctuations in the international diamond market and changes in prices affected government revenue in the 1980s and in 1998, resulting in stockpiling and a decline in government revenue. Furthermore, there is the natural possibility that diamond reserves will eventually be depleted. Some major factors that impede economic diversification efforts in Botswana are the smallness of the domestic market and high utility costs, rendering the local economy unattractive to foreign investors. Corruption in the public service is also a perceived and real problem. The government

has, however, instituted public sector reform initiatives. For example, reforms in the immigration department stress the timely issuance of work and residence permits, and these two permits were merged into one from 2006. Other reforms include the decentralisation of trade and manufacturing licenses to local authorities, and the simplification of licensing and company registration procedures. The government has also established a Business and Economic Advisory Council to identify, formulate, review and implement trade and investment policies and programmes aimed at inducing growth, creating employment, reducing poverty and diversifying the economy.

Botswana is furthermore faced with major problems related to HIV / Aids, which is spreading throughout the country and adversely affecting the most productive segments of the population. The prevalence of HIV / Aids among 15-49-year-olds stood at 35.4% in 2003.<sup>155</sup> Government has addressed the HIV / Aids problem by developing the necessary infrastructure, including upgrading health facilities, improving access to medication to prevent the spread of AIDS and prolong life, providing the necessary care and support, as well as increasing public awareness on HIV / Aids through the media. Efforts to combat the HIV / Aids epidemic have been undertaken in collaboration with organisations such as the Bill and Melinda Gates Foundation.

Government efforts to fight HIV / Aids have included the introduction of an antiretroviral therapy programme in 2002. Since its inception, 11 sites have been opened to cater for over 11,000 patients. This number has increased to 50,000.<sup>156</sup> Other government initiatives to combat HIV / Aids include hospital-based site programmes, home-based care, prevention of mother-to-child transmission, a short-term plan of action for HIV / Aids orphans, as well as routine HIV testing. The number of orphans under the orphan care programme has increased from 21,109 in 1999 to 47,725 in 2004.

There is also the problem of youth underemployment, particularly of graduates who hold degrees in the social sciences. To address the problem of unemployment, particularly among the youth, and the government has proposed various measures including increasing the number of youth

proceeding to senior and vocational training to 83% by 2009, removing unnecessary barriers to hiring in government, as well as availing financial resources to youth projects. The government has also proposed the double school programme in order to accord the youth education opportunities. As a cost recovery measure, the government proposed the introduction of school fees in secondary schools from January 2006. This was criticised by the Botswana Teachers' Union and opposition parties, as it would interfere with free education. Parents were requested to contribute 5% to the cost of secondary education, but students who are genuinely unable to pay the fees would be exempted (processing them, however, would be a tall order of work).

#### **THE ROLE OF THE CITIZENS IN ECONOMIC POLICY-MAKING AND DEVELOPMENT**

There are various registered trade unions and associations representing different industries in Botswana. These include the Botswana Federation of Trade Unions, Botswana Civil Service Association, Botswana Mining Workers' Union, Botswana Teachers' Union and Botswana Unified Local Government Service Associations. Only trade unions have entered into collective agreements with government and employers. Workers organisations act on behalf of members to consult and negotiate, for example, on issues pertaining to working conditions, unfair dismissal, training, disciplinary action and pay. Employers are encouraged by employment policies to share as much work-related information as possible, in order to minimise conflicts and to facilitate the collective bargaining process. Employees are free to join trade unions and staff organisations/associations to protect and represent their interests at work.

Democratic governance is also enhanced by joint employer-employee consultative committees which were introduced in 1998. The objective of the consultative committee is to, among others, consider terms and conditions of service, advise on methods to improve general working conditions, and improve productivity and staff relations. Over the years there have been conflicts between government and trade unions over issues relating to pay, resulting in strikes. For example, in 2002 there were various strikes in the country including industrial action by teachers, non academic and academic staff and unified local government staff unions. Such

industrial action prompted the government to appoint a commission in 2002 to review and recommend an appropriate pay structure for all public servants.

The government has been promoting citizen participation in the tourism industry, which has grown in the past decade, with the number of tourists visiting Botswana increasing by 217% between 1986 and 1998. A financial scheme has been developed to assist investors interested in tourism. During 2002/03, the tourism sector experienced a slow down with lower arrivals and spending by tourists, but citizen participation in the tourism sector has steadily increased, as shown in Table 3.

**Table 3: Citizen investors in the tourism sector**

Type of ownership	2000	2001	2002	2003	2004
<b>Citizen</b>	102	141	178	202	225
<b>Joint venture</b>	101	110	116	235	138
<b>Non-citizen</b>	128	140	148	168	179
<b>Total</b>	<b>331</b>	<b>391</b>	<b>442</b>	<b>505</b>	<b>542</b>

Source: Ministry of Environment, Wildlife and Tourism, 2005

### **POVERTY REDUCTION STRATEGIES AND ACHIEVEMENT OF MILLENNIUM DEVELOPMENT GOALS**

The rate of poverty has decreased modestly from 39% in 1993/94 to 37.4% in 2001.<sup>157</sup> Earlier, that rate had decreased from 49% in 1985/86. The Botswana government has introduced various programmes to alleviate poverty. These strategies include the destitute allowances, a short term plan to cater for orphans affected by HIV/Aids, an old age pension scheme as well as labour intensive programmes to provide temporary support for loss of income due to drought. It is worth noting that the destitute programme was revised to include rehabilitation through economic empowerment.<sup>158</sup> However, these empowerment measures could also have a negative affect on the economy creating, for example, a dependency syndrome and an unwillingness on the part of unskilled labourers to take up employment due to access to programmes designed to cater for their



economic needs. There is a problem of sustainability of poverty alleviation programmes as some are designed as temporary measures only.

In 2004, the government together with the UN produced the Millennium Goals and Targets report for Botswana through a national consultative process. The goals and targets aim at alleviating poverty or making improvements to poverty, education, equality, empowerment, health, HIV/Aids, and the environment, and address development issues. The Millennium Goals and Targets are also linked to Botswana's Vision 2016 goals.

### **THE NATURE OF PRIVATE-PUBLIC PARTNERSHIPS AND LINKS**

Privatisation is one of the strategies adopted by government to improve productivity, service delivery and competition in the economy. Privatisation refers to the transfer of control and responsibility for government functions and services to the private sector.<sup>159</sup> Privatisation in Botswana has been about strengthening the role of the private sector in the economy and increasing private participation in industrial and commercial activities.<sup>160</sup> The government adopted a formal privatisation strategy in 1990, the objectives of which were to privatise some of the goods and services supplied by government and public corporations, right size and make the structure of the civil service sustainable.<sup>161</sup> The government also took the position that only financially sound public corporations would be privatised. Among other benefits, privatisation was meant to reduce the costs of delivery of public goods and services, expose problems in delivery mechanism, and reduce red tape, bureaucratic formalities and response times. Privatisation would 'improve access to goods and services, and eliminate opportunities for rent seeking'.<sup>162</sup> But there are also negative consequences of privatisation, including disempowerment of businesses owned by citizens, the erosion of social justice and worsening conditions for the poor.

Efforts to improve the performance of public corporations and to introduce competition are continuing. For example, cellular phone firms are competing with Botswana Telecommunication for the supply of telecommunications services and equipment. The Botswana Telecommunication Authority has been established to liberalise the regulatory



framework and encourage competition in the telecommunications industry.

Following pressure from the private sector and from the International Monetary Fund, Botswana developed a privatisation policy in 2000 to expedite the privatisation process. However, the privatisation policy has come under intense criticism from the private media and from the private sector for being outdated and for delays in the privatisation of public corporations earmarked for privatisation some years ago. As noted by the president in his 2005 State of the Nation address, some financial enterprises are characterised by 'lack of financial management and discipline ... as well as cases of poor corporate governance ... in some non-banking institutions ...'. The government has established the Public Enterprises Evaluation and Privatisation Agency in order to evaluate the performance of parastatals as well as to advise on privatisation and commercialisation processes.<sup>163</sup> There is also the Competition Policy aimed at promoting competition and the efficient use of resources in the public and business sector.

Efforts are under way to promote public-private partnerships in the country. However, privatisation implementation is slow; for example, not much progress has been made with efforts to privatise some government functions such as construction, transport, maintenance of government buildings and cleaning services, and refuse collection in local government.<sup>164</sup> Some public corporations such as Air Botswana have been placed on the priority list for privatisation for some time now, but not much has happened.

#### **REGIONAL (SADC) ECONOMIC PERFORMANCE**

Developments in the region are also likely to aid democratic governance in Botswana. Regarding Southern Africa, the region is fairly stable politically, particularly since the advent of majority rule in South Africa and Namibia, and the adoption of peace settlements and peaceful elections in Mozambique and Angola.

'In 2004, the Southern African Development Community (SADC) region achieved a GDP growth rate of 4.2% compared to 4.7% which was expected to have been registered in 2005.'<sup>165</sup> Gaolathe attributed this growth to

business-friendly reforms and sound macroeconomic policies in the region. The highest growth rate of 11.2% was achieved in Angola, while the lowest rate of -5.2% was recorded in Zimbabwe. However, Zimbabwe also recorded a negative growth rate in 2000.<sup>166</sup> The recent political developments and land reform policies adopted by the governing party in Zimbabwe have seen more economic refugees crossing into Botswana and contributing to crime and unemployment there. Southern Africa is also affected by famine, which is being seen in Angola, Lesotho, Malawi, Zambia and Zimbabwe.

There are reports that the SADC Secretariat is undergoing restructuring, together with the development of the Regional Strategic Development Plan, to be in line with the New Partnership for Africa's Development (Nepad) framework and the Millennium Development Goals.<sup>167</sup>

Botswana has established ties with regional and international organisations, including the Southern African Customs Union (SACU) in 1969 and SADC in 1980. Agreements under SACU allow for the free movement of goods within the union (SACU members are South Africa, Namibia, Lesotho and Swaziland). Tariffs apply to foreign goods entering the Southern African market. The SACU agreement was, however, reviewed some years ago to address member concerns about revenue sharing, unfair trade practices, as well as to align SACU with World Trade Organisation obligations, and implementation of the new SACU agreement commenced in July 2004. SACU countries are engaged in different trade negotiations, including the SACU-US Free Trade Area and the European Free Trade Association. Botswana has duty-free exports to the US under AGOA (about six textile and apparel manufacturing companies are exporting to the US).

In summary, government intervention in the economy has been extensive, ranging from partnerships in the high growth-rate diamond mining sector, to power generation, budgetary distribution and monetary policies. The private sector has played an important role in the finance, agriculture, construction, telecommunications and tourism sectors. The government and the private sector have been working together on privatisation policies, even though implementation has been extremely slow.

## CONCLUSION AND RECOMMENDATIONS

Botswana's economy has fluctuated over the years, but its diamond sector has provided crucial resources, which have financed developments in the society. Economic development in Botswana has been accompanied by poor diversification, high poverty levels and high unemployment rates, but also by stable inflation rates and high interest rates. In addition, empowerment programmes have been put in place to help more citizens to uplift their lives, and the HIV/Aids problem has been squarely addressed.

The level and quality of Botswana's democracy remain contested. On the one hand there is the argument that Botswana's democracy has matured and that there is a shared vision. In this regard, Botswana is seen to have a mature liberal democracy which faces few threats. The growing exception, however, is with sections 77, 78 and 79 of the constitution which mention 'eight principal' Tswana tribes, relegating all others to a minority status not worthy of mention in the constitution. However, the fact that these sections have been the subject of a court case and a presidential commission of inquiry shows that something is being done to try to alter the discriminatory clauses.

On the other hand, it is argued that Botswana operates a strong executive which is embedded in parliament and leads the governmental process. The executive draws its members from, and is accountable to, parliament through various institutionalised processes which have been used effectively to enforce accountability. Parliament has, for example, passed motions which have in turn led to the establishment of presidential commissions of inquiry into departments of the executive.

In addition, Botswana has a constitution that empowers the judiciary to uphold constitutional rights and liberties of individuals, to protect property, and to review the actions of the executive and parliament for compliance with the constitution. The judiciary has played that role

competently, exercising the rule of precedence to legislate. Such judiciary actions limit the purported authoritarianism of the presidency. However, while the judiciary has actively intervened to correct executive and legislative action, it has disqualified itself from ruling against discriminatory sections of the constitution, asserting that the legislative role lies with parliament. Thus, Botswana has entrenched parliamentary democracy by ensuring executive accountability, but it has not been able to substantially increase gender representation or to amend the constitution to be tribally neutral and to accommodate marginalised groups.

A crucial factor which affects the debate about the quality of democracy in Botswana is the low level of local government autonomy. The establishment of local government in Botswana was a noble idea, initially accompanied with district-based employment. However, such enormous local autonomy was opposed by public sector unions and associations whose members felt divided and disadvantaged and who called for centralisation, which is currently being challenged by the association of local authorities. Recommendations to entrench the councils in the constitution have not been taken, leaving them at the mercy of parliament and the executive. While local autonomy has been the central issue in recent debates, central government has consistently supported local government financially, enabling it to deliver diverse services to the local communities. However, local communities are dissatisfied with local government service delivery, citing corruption and incompetence by local authorities. For their part, local authorities explain poor service delivery in terms of delays induced by the need for central government approvals of expenditures, as well as the powerlessness of mayors and district chairpersons over the administrative staff who are controlled from the ministry headquarters.

While local residents are happy to elect councillors directly, they are not happy with the quality of representation they get or with the quality of *kgotla* meetings which they are expected to attend. Citizen participation in *kgotla* meetings, elections, political rallies and other forums is poor and declining. Apathy is currently a general problem whenever citizens are expected to attend and participate. Encouragingly, there is growth in civil society activities which serve to hold government accountable and to encourage active public participation in policy making.

The economy has been doing well in terms of growth and generating income for development activities. Revenues from diamonds have been growing steadily, allowing the central government to support various development activities at national and local levels. However, the economy has been doing badly in terms poor diversification, the near collapse of the agricultural sector, the stagnant manufacturing sector, high unemployment and the high levels of poverty. HIV / Aids has added to human suffering even though the government has responded actively and positively.

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## ABOUT EISA



EISA is a not-for-profit and non-partisan non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of relevant government departments, electoral management bodies, political parties and civil society organisations operating in the democracy and governance field throughout the SADC region and beyond. Inspired by the various positive developments towards democratic governance in Africa as a whole and the SADC region in particular since the early 1990s, EISA aims to advance democratic values, practices and enhance the credibility of electoral processes. The ultimate goal is to assist countries in Africa and the SADC region to nurture and consolidate democratic governance. SADC countries have received enormous technical assistance and advice from EISA in building solid institutional foundations for democracy. This includes electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; and enhancing the institutional capacity of the election management bodies. EISA was formerly the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is currently the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

### **VISION**

Promoting credible elections and democratic governance in Africa.

### **MISSION**

EISA's mission is to strengthen electoral processes, good governance, human rights and democratic values through research, capacity building, advocacy and other targeted interventions. The organisation services governments, electoral commissions, political parties, civil society organisations and other

institutions operating in the democracy and governance fields throughout Africa.

### **VALUES AND PRINCIPLES**

Key values and principles of governance that EISA believes in include:

- Regular free and fair elections
- Promoting democratic values
- Respect for fundamental human rights
- Due process of law / rule of law
- Constructive management of conflict
- Political tolerance
- Inclusive multiparty democracy
- Popular participation
- Transparency
- Gender equality
- Accountability
- Promoting electoral norms and standards

### **OBJECTIVES**

- To nurture and consolidate democratic governance
- To build institutional capacity of regional and local actors through research, education, training, information and technical advice
- To ensure representation and participation of minorities in the governance process
- To strive for gender equality in the governance process
- To strengthen civil society organisations in the interest of sustainable democratic practice, and
- To build collaborative partnerships with relevant stakeholders in the governance process.

**CORE ACTIVITIES**

- Research
- Conferences, seminars and workshops
- Publishing
- Conducting elections and ballots
- Technical advice
- Capacity building
- Election observation
- Election evaluation
- Networking
- Voter / civic education
- Conflict management
- Educator and learner resource packs

**PROGRAMMES**

EISA's core business revolves around three main programmes namely: Conflict Management, Democracy and Electoral Education; Electoral and Political Processes; and Balloting and Electoral Services.

**CONFLICT MANAGEMENT, DEMOCRACY AND ELECTORAL EDUCATION**

This programme comprises various projects including voter education, democracy and human rights education; electoral observation; electoral staff training; electoral conflict management; capacity building; course design and citizen participation.

**ELECTORAL AND POLITICAL PROCESSES**

This programme addresses areas such as technical assistance for electoral commissions, civil society organisations and political parties; coordination of election observation and monitoring missions; working towards the establishment of electoral norms and standards for the SADC region and providing technical support to both the SADC-ECF and the SADC-ESN.

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## **BALLOTING AND ELECTORAL SERVICES**

The programme enhances the credibility and legitimacy of organisational elections by providing independent and impartial electoral administration, management and consultancy services. The key activities include managing elections for political parties, trade unions, pension funds, medical aid societies, etc.

### **EISA'S SPECIAL PROJECTS INCLUDE:**

- Local Government, which aims to promote community participation in governance; and
- Political Parties, which aims to promote party development at strategic, organisational and structural levels through youth empowerment, leadership development and development of party coalitions.

### **EISA'S SUPPORT SERVICES INCLUDE:**

- Research
- Publications
- Library
- Information and Communication Technology (ICT).

### **EISA PRODUCTS**

- Books
- CD-ROMS
- Conference proceedings
- Election handbooks
- Occasional papers
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