Republic of Botswana

Democracy, Civil Society and Governance in Africa
The Case of Botswana
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1. **Background**

The first DPMF Conference on Democracy, Civil Society and Governance in Africa was held in Addis Ababa in December 1997. The second conference, scheduled for 7-11th December 1998 is a follow up to this first conference and its objectives have been outlined as follows:[1]

- to assess and evaluate the progress of democracy and good governance in specific African countries the so called early starters – Senegal, Cote d’Ivoire, Benin, Ghana, Kenya, Tanzania, Zambia, Zimbabwe, Botswana and Mauritius.
- to develop comparative criteria for such assessment of the progress of democracy and good governance.
- to involve senior civil servants and politicians is serious discussions with civil society group (six) and researchers on this important issue.

This specific paper is a contribution to the above conference. Consistent with guidelines on the preparation of case studies for this conference paper addresses the three conference objectives outlined above.

2. **Defining Democracy and Outlining a Criteria for Measuring Progress with Democratization**

Although pursuit of democracy remains one of the preoccupations of many modern societies, its definition continues to be problematic. Part of the problem with defining democracy has to do with the fact that real democracy is an ideal towards which many nations are indeed aspiring. It is not an absolute concept.

However, an examination of the literature suggests some key features worth noting. These are the features, which we have used as criteria in measuring progress in Botswana. Thus, a democratic policy is one with the following features:

- Responsive and participatory democracy – in a democracy, the government is responsive to popular will. It appreciates the fact that it is there to serve the people, and thus has to be responsive and sensitive to their views on issues of major concern to them. By and large the regime should make all attempts to ensure that people have an input in whatever decisions are made.
- Respects human rights – most preferably, these rights and freedoms have to be enshrined in the constitution and such a constitution has to be respected by the regime.
- Civil Society has to have the space and freedom (i.e. legal and political space), to exist and to organize freely without fear of discrimination.
- There has to be rule of law – decisions of the courts have to be respected even in situations where they have decided against the state.
- Free and Fair Elections – free and fair elections have to be held periodically. This period has to be provided for in the constitution to ensure that no one, can or will decide otherwise. In a democracy, the will of the people should form the basis to

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1[1] See AIDE-MEMOIRE, DPMF Conference II
govern. Elections are one important mechanism through which this will is expressed in a democracy.

- Presence of a viable and effective opposition. A democracy without an effective opposition is a weak democracy.
- A free and independent press must be part and parcel of any democracy. Otherwise the checks and balances necessary within such a system will be lacking, and where they are lacking, corruption becomes the order of the day, and human rights abuses get trampled upon.

The above criteria or elements constitutes the minimum of what has to be in place for a country to qualify as democratic. This is the yardstick we have applied in assessing the progress Botswana has made so far.

3. **Introduction**

The 1990s will go down in the history of Sub-Saharan Africa as representing a significant period indeed. “In the years 1987-1997, 22 African countries organized national elections with some kind of competition for the first time. Accordingly, a total of 38 – more than three-quarters of the 48 Sub-Saharan nations have now held such elections at national level and may be regarded as in some sense, democratic” (SIDA, 1998:23).

In Southern Africa, the end of one party rule in countries like Malawi, Tanzania and Zambia, as well as the end of minority rule in South Africa and Namibia have all marked the ushering in of this new era of hope and renewal. Although DRC, as well as the violence and anarchy which followed the May 1998 elections in Lesotho have been notable setbacks in the region, there is still reason to believe that the democratization wave which has been sweeping the region since the 1990s has not lost momentum.

Botswana is a unique case in Sub-Saharan Africa. It is perhaps one of the few countries that upheld a multi-party democratic system at a time when many countries in the region were either under military or one party regimes. This does not mean however that the new democratization wave sweeping Sub-Saharan Africa during the 1990s has left it untouched. As we shall seek to demonstrate later in the paper, the 1990s in Botswana have marked a significant period too. During this period, important political developments have occurred in Botswana. Political competition has intensified; the franchise has been extended to eighteen-year-olds, an independent electoral commission has been set-up, etc. Actually the story of Botswana’s democracy is largely a story of positive developments.

4. **The Traditional Political System**

Many researchers today have come to appreciate the fact that the notion of democracy does not lack roots in Africa. Therefore, any effort which is aimed at understanding the process of democratization should not just start at independence as customarily is the case. This is the focus of this section.

Therefore present day Botswana became a British protectorate in 1885; the country was inhabited by several ethnic groups. Most of these are Tswana speaking groups such as the Bangwato, Bakwena, Balete, Batawana, etc. There are also some non-Tswana speaking groups such as the Bakalanga, Basubiya, Bayai, Bambukhushu, Basarwa, etc. Each of these
groups had its own traditional political system. Here we focus on the political system of the majority, the Tswana, since they are the most dominant numerically and culturally.

The various Tswana groups were each headed by a chief whose position was hereditary and ran along the male line. Chiefs exercised extensive authority over their subjects. A chief was “a ruler, judge, maker and guardian of the law, repository of wealth, dispenser of gifts, leader in war, priest and magician of the people” (Schapera, 1970:2). Unlike with the liberal democratic system which is based on a separation of powers, the traditional political system was designed differently. Power was fused in one office, that of the chief.

Despite this fusion of power, there were limits and responsibilities that went with his powers. Practice recorded from Botswana’s past, as well as some cultural expressions shed light on what was expected of the chief as he exercised his authority. First, the chief ruled with the guidance of and in consultation with his advisors. Most of these were from the royal family although some respected village elders also qualified to provide such advice.

Decisions affecting the tribe were made at a village assembly called the kgotla. The kgotla is a traditional meeting place. Some of modern researchers from the West have referred to it as the traditional parliament. On major political decisions, the chief was expected to (after due consultations with those who qualified to be consulted) “go to the kgotla to announce his likely decision and hear the public reactions” (Holm, 1996:99).

Another writer has summed up the role and the significant of the kgotla as follows:

In short, the traditional assembly was, still is, a public forum for the Botswana leaders and their subjects to announce laws and discuss matters affecting the village. In addition, the villagers had the opportunity to air their views. This exercise could probably be regarded as some form of participatory democracy in that an atmosphere existed where the people could exchange their views and could influence final decisions affecting the polity at large (Mgadla, 1998:5).

It has to be noted that participation at the kgotla was limited to elderly males from the tribe. Women, the youth, and people from the dominated tribes such as the Basarwa were not allowed to participate.

There are Tswana expressions which spell out the way a chief was expected to behave. These are as follows:

1. “Kgosi ke kgosi ka batho” – means, “a chief is with the consent of his people”. Through this idiom, it is clear that chiefs were expected to be accountable to those they led.
2. “Mafoko a kgotla a mantle othle” – means literally that “all words spoken at the kgotla are beautiful”. This one means that anyone who spoke at the kgotla had to be given a hearing without exception because all issues discussed at this forum were to be heard – were important. This implies that there was a recognition that everyone had the freedom to air his views at the kgotla, no matter how unpopular such views could have been.
3. “Mmualeba o bua la gagwe” – means “everyone is entitled to their own views/opinions no matter what they are”. This is very much the same as the one referred to above.
5. The Plight of Chiefs Under the British Protectorate

British Protectorate brought with it significant changes to the traditional system of governance. For example, Holm (1996) has noted that “During the colonial period (1885-1965), the British made some attempts to change Tswana political and social structures in a democratic direction. They sought to give the kgotla more power vis-à-vis the chief by using it to appoint chiefs and to constrain and depose ineffective ones”. According to Mgadla, “The protectorate administration also gave advisory people the opportunity to complain against individual dikgosi. In 1916 for example, Sechele II was forced to accept three councilors to help him rule the people because the people recognized his administrative inefficiency” (Mgadla, 1989:51). Chiefs were also stripped of some of their powers. For example, by 1910, chiefs could no longer try murder cases, or grant mining concessions.

6. Independence and the Role of Chiefs

After independence, the new Botswana Democratic Party Government did not abolish chieftainship as an institution as was the case in some other African countries such as Guinea or Tanzania.

Through the Chieftainship Act of 1965 and the subsequent Act of 1987, the state further stripped the powers of chiefs, some being given to the newly created land boards; district councils, and customary courts. This stripping of powers of chiefs meant overtime that chiefs were gradually reduced to civil servants, and their powers formal regulated. However, the government is aware that chiefs still wield a lot of authority within their communities.

Even after weakening the institution through using various mechanisms, the government still had to decide how to accommodate this institution within the modern political system. Thus, shortly after independence, a House of Chiefs was created. This institution is purely advisory. It has no legislative powers. It has to be noted that during the colonial period, chiefs served in an advisory capacity through the so-called Native Advisory Council. Not all chiefs belonged to the National Advisory Council. Even today, not all chiefs are members of the House of Chiefs. According to the Act, paramount chiefs of all the “principal” tribes are members of the House of chiefs. In addition, there are four elected members and the specially elected members of the House. The notion of “principal” tribe has become quite contentious in Botswana. So controversial has been the concept that Parliament has finally agreed to amend the sections of the constitution affecting this issues after members of other tribes labeled the constitution as discriminatory and undemocratic.

In concluding this section, it is important to note the following. First, and more importantly, democracy as a concept is not alien to Botswana’s political culture. The system we just described, through limited in terms of who could participate, had some elements which are currently emphasized by the democracy movement. As Dingake (1998:49) has so aptly noted, “Tswana Policy had democratic elements, such as free speech, fairness and tolerance”.

Second, the kgotla as a physical place is still a defining features of almost all villages in Botswana. Its traditional role of providing a forum for consultation has continued. Those who were traditionally excluded from participating in kgotla deliberations such as members of enslaved tribes, women, and the youth are now allowed to participate. Both elected officials and civil servants use the kgotla from time to time either soliciting views of the communities
on proposed developments, or informing communities about any issues they consider is of relevance to their lives.

Although the House of chiefs is purely advisory and has no legislative powers, chiefs have the task of enforcing customary laws while the modern court system enforces the modern laws.

7. **Independence and the Introduction of Parliamentary Democracy**

Botswana has a parliamentary democratic system established in 1966 when the country attained independence. For many years following independence, the country was among the very few countries in Sub-Saharan Africa which maintained a West-minister type of constitution, with a multi-party democratic framework entailing the holding of elections every five years. The system has also been characterized by a universal suffrage, a separation of powers between the three major organs of government, namely the legislature, the judiciary and the executive, and the rule of law. The Botswana constitution has an entrenched bill of rights guaranteeing among others, the right to association, free speech, equality before the law, freedom of political activity.

Over the years, Botswana has received international acclaim for a democratic system which was seen by many as effective. This acclaim, which often culminated in such labels as the “shining model” of democracy etc., came about because of the following:

1. Since independence and the introduction of her democratic system of government, Botswana has maintained these institutions. When some countries either fell into military rule, or one-party systems, Botswana remained a multi-party democratic system. She has never suspended the constitution.
2. Botswana has had multi-party elections every five years as provided for in her constitution. These elections have largely been seen as free and fair.\(^2[2]\)
3. The country has maintained a relatively clean human rights records.

Botswana’s multi-party democracy has always been dominated by one political party, i.e. the ruling Botswana Democratic Party (BDP). The Table below shows that the BDP has won most of the seats in Parliament since independence. It also shows that its monopoly of power was only broken in the 1994 elections when the then major opposition party – the Botswana National Front (BNF), won 13 out of 40 seats. The additional four members included 3 nominated ones and the attorney general.

<table>
<thead>
<tr>
<th>Year</th>
<th>Party</th>
<th>BNP</th>
<th>BPP</th>
<th>BIP/IFP</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965</td>
<td>BDP</td>
<td>28</td>
<td>3 (10%)</td>
<td>0</td>
</tr>
<tr>
<td>1969</td>
<td>BDP</td>
<td>24</td>
<td>3 (10%)</td>
<td>1 (3%)</td>
</tr>
<tr>
<td>1974</td>
<td>BDP</td>
<td>27</td>
<td>2 (6.5%)</td>
<td>1 (3%)</td>
</tr>
</tbody>
</table>

\(^2[2]\) The opposition has not always been happy with these elections often claiming that the ruling party was in the habit of rigging them. However, evidence to confirm these allegation have never been provided.
1979  29 (91%)  2 (6%)  1 (3%)  0   100%
1984  28 (82%)  5 (15%)  1 (3%)  0   100%
1989  31 (91%)  3 (9%)  0  0   100%
1994  31 (67.5%)  13 (32.5%)  0  0   100%

* Note that we have excluded other smaller parties which contested in the elections but failed to get parliamentary seats.

Also the BIP and IFP merged in the 1990s to form IFP but BIP is an old party with a presence in the Northwest District.

While the Botswana National Front was making inroads, the BDP has over the years been losing ground. According to Table 2 below, the support the BDP lost went to the BNF. This is the only party that has been growing since independence.

Table 2 Percentage of Popular Vote by Party

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<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>BDP</td>
<td>80.4</td>
<td>68.4</td>
<td>76.6</td>
<td>75.2</td>
<td>67.9</td>
<td>64.7</td>
<td>54.5</td>
</tr>
<tr>
<td>BNF</td>
<td>-</td>
<td>13.5</td>
<td>11.5</td>
<td>12.5</td>
<td>20.5</td>
<td>26.9</td>
<td>37.3</td>
</tr>
<tr>
<td>BPP</td>
<td>14.2</td>
<td>12.1</td>
<td>6.6</td>
<td>7.4</td>
<td>6.6</td>
<td>4.5</td>
<td>4.1</td>
</tr>
<tr>
<td>BIP/IFP</td>
<td>4.6</td>
<td>6.0</td>
<td>4.8</td>
<td>4.3</td>
<td>3.0</td>
<td>2.4</td>
<td>3.6</td>
</tr>
<tr>
<td>OTHERS</td>
<td>0.8</td>
<td>0.0</td>
<td>0.5</td>
<td>0.2</td>
<td>2.0</td>
<td>1.5</td>
<td>0.5</td>
</tr>
</tbody>
</table>

8. The Break-up of the Opposition (BNF)

Due to the growth in its support base, many saw the BNF as either a possible winner in 1999 or substantially increasing its seats in parliament. However, in April 1998, at its annual congress, the BNF got engulfed in a serious power-struggle. This struggle finally culminated in the formal break up of the party in June 1998 and the formation of the Botswana Congress Party (BCP). All but two of the 13 members of parliament originally belonged to the BNF defected with their seats to the BCP. It is now the official opposition in Parliament. This situation was also replicated at local government level. Out of a total of 140 councilors which the opposition BNF had in 1998, 83 defected to the newly formed BCP.

The cause of the split is complex and can be the subject of a long study. Suffice to say here that the genesis of this problem is (at least according to press reports) back to 1977 when the party held a congress to elect a central committee. A group of veterans of the party many of whom had lost the primaries leading to the 1994 elections, did not get positions in the central committee. Meanwhile, it was clear to many BNF members as well as other political observers that the BNF must be headed for victory in the 1999 elections. On losing the chance to be included in the central committee, the members formed a pressure group within the party, which came to be known as “the concerned group”. Since the formation of this group (outside the formal party structures), there was an intensification of the internal bickerings within the BNF. This provided the basis for the physical violence which engulfed the congress held at Palapye in April 1998. Following the physical violence, attempts at the reconciliation of the worrying factions proved futile. Only law suits and counter suits became the order of the day culminating into a split.
It is too early to know what the effect of all these developments will be on the democracy of this country. However, what is certain is that the presence of the BNF and BCP will definitely split the vote and pave the way for getting more seats for the ruling BDP. A few bye-elections have already been held since the split and the winner has been the BDP even in previously opposition wards. Certainly, the country headed for a one-party dominated situation, which is almost graduated after the 1994 elections.

The dominance of the BDP continues and as Nengwenkhulu (1989) noted; “this dominance of the BDP has almost effectively negated the acclaimed value of the multi-party system by making unnecessary the liberal notion of politics as a process of bargaining and accommodation between political parties. Botswana is a de facto one-party state.”

Apart from the disintegration of the major opposition, Botswana’s democracy has had another key weakness. There has been a proliferation of opposition parties in the country. For a population of about 1.5 million people, there are about 11 political parties.

Political parties definitely have a key role to play in a democracy. Dingake (1998) has identified three functions of political parties in a democracy. Firstly, “political parties provide the machinery within which differing political views can be formulated and translated into concrete programmes. This affords individuals the chance to take part in policy making process. Secondly, political parties represent various shades of opinion in society. . . Thirdly, the function of political parties is to govern if they secure the necessary majority at an election” (Dingake, 1998:3).

Not many political parties in Botswana can fulfil all of these roles. They tend to be small, regionally based and with very limited capacity to organize and to articulate a viable programme which voters can compare with that of the ruling party. Thus, the choice that voters are presumed to enjoy in a liberal democracy is severely limited by this reality. In addition, apart from its own internal problems, the opposition in Botswana suffers some structural disadvantages as well. For example, Radio Botswana and The Daily News are government controlled media. This naturally gives the incumbent party an advantage over the opposition. Moreover, the type of electoral system has always favored the ruling party to the detriment of the opposition. In the last election, in 1994, for example, the ruling party got 54.5% of the votes. The opposition got (combined total) 45%. The figure for the opposition in parliament was only 35.3% in 1989 and yet its representation in Parliament was only 90%. These are distortions which come about because of the winner takes all kind of electoral system.

9. **Civil Society and Democracy in Botswana**

The concept of civil society has become one of the catchwords in discussions of democracy and governance in Africa. Though understood differently by different users, we are using it in this paper to refer to the realm of “voluntary self-generating and organized non-state organizations” (Molutsi, 1995:5). Liberal democratic theory essentially assumes a dichotomy between the political sphere, which is associated with a struggle for political power, and civil society which constitute the source of mandate for those in the political sphere to govern. In this situation, the state is seen as the mediator of the various struggles from different civil society groups.
However, this situation is not straightforward as commonly projected. As already observed, “a distinction between the political and civil is theoretical and methodological rather than real. The two concepts are dialectically interlinked” (Molutsi, 1995:54).

Focus on civil society and state relations are a recent development in African politics. It can actually be traced to the 1980s when it was realized that the state failed to deliver what was expected of it, ‘development’. Activists and, to some extent, the donor community started to advocate for the shrinkage of the role of the state and focus on civil society which offered a possible alternative structure outside the over-burdened and ineffective state. The neglect of the role of civil society in political discourse has also been evident in Botswana. This is partly indicated by the very limited empirical studies on the role and structure of civil society in Botswana’s democracy.

Oslen (1994) has categorized the Basarwa civil society groups into three:

1. Groups which emerged and developed as primary self-help organizations established to promote the welfare, interests and beliefs of their members. Among these are churches, burial societies; social and sporting clubs and youth organizations.
2. Politically active organizations which in addition to providing services to member, particular minorities, or vulnerable groups, actively seek to influence government policy. Included in these are trade unions, women’s rights groups, environmental action groups, and international human rights organizations.
3. The ad hoc or issue specific groups which emerge spontaneously in reaction to a particular issue of concern. Included here were the environmental groups which came about in the Northwest district of Botswana following government’s plans of dredging of the Okavango.

In the same piece, Olsen has rightly pointed out that this categorization is not rigid. For example, ad hoc groups do become permanent and also that the mandate of groups can change. Perhaps a good example here is the women’s NGO coalition. This group came about after women’s groups learnt (through rumor, and this was never officially confirmed) that the government was contemplating to conduct a referendum to solicit views of the nation on whether or not the discrimination of women should be made lawful. The government had lost a case in which a women married to an American citizen had challenged the constitutionality of the Citizen Act in denying automatic citizenship to children of Botswana women who are married to foreign men. The government lost the case. The coalition has remained even after the issue has been settled and deals with other issues pertaining to the advancement of women have been made.

10. **State-Society Relations in Botswana**

A study conducted in 1994 by Holm, Molutsi and Somolekae in 1993/94, concluded that civil society in Botswana was weak in relation to the state and that civil society in general was primarily concerned with promoting the interests of their members and not so much with their relationship with the state. For many years, the state in Botswana projected the civil society organizations as the ideal castigating those who seek to influence policy. They were labeled either as promoting foreign interests, or as infiltrated by the opposition. The same study also

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noted another interesting feature of state-society relations in Botswana. The Botswana state has on a number of occasions initiated the formation of civil society organizations. This is common among farmer groups as well as civil service groups such as the Botswana Civil Service Association or the Botswana Teachers Union.

As Molutsi (1995) rightly concluded, “through this corporatist strategy, the state has appropriately defined the role and functions of each organization and circumscribed these such that it becomes easy to label and isolate others as political. This strategy succeeded form many years because the state was a primary source of finance for these organizations. However, the effect of this strategy was that the state systematically denied itself a chance to hear the voice of the people.”

The state also used the law at times to frustrate or to make difficult the initiatives and activities of these groups. For example, Trade Union office bearers used to be forbidden by law to work full-time for the Unions. Also, before the 1992 Amendment, the minister could appoint his representative to sit in all executive meetings of the Trade Unions. All Trade Unions seeking to affiliate to an International Federation had to seek the minister’s permission. For many years, Botswana did not sign the ILO conventions. Strikes and demonstrations by teachers, students, and trade unions and other civil servants were illegal. However, since 1997 alone, the state has ratified over 12 ILO conventions. The biggest challenge now is to incorporate these international laws into the constitution.

The classification of organizations into political or apolitical is problematic. However, past experience shows that in Botswana. Most organizations including burial societies, sport and religious organizations have focused more on their internal issues and programmes and have not engaged the state at policy level. That is why we have classified them as political. The exception has been women’s groups.

11. Women’s NGOs and Democracy in Botswana

Among the groups that the state initially excluded and labeled are women’s groups. There are basically the two kinds of these groups in Botswana, the veteran old organizations such as the YWCA, or Botswana Council of Women. These have been dealing with purely welfare matters for decades and they enjoyed a good relationship wit the state.

Then during the mid 1980s, radical women’s groups entered the political scene. Examples here included Emang Basadi, and Metlhaetsile. From the onset, these organizations set out to challenge the state on policy issues. Emang Basadi was formed in 1984 to pressure the government to repeal all legislations which were discriminatory against women. At first, the reception was bad. Overtime, Emang Basadi together with other NGOs, began to network and push as a united front. When not much progress was being made, the groups under the leadership of Emang Basadi switched focus to a political agenda. The organization came up with a political education project to sensitize women about their political rights, encouraging them to vote for candidates who are committed to addressing the issues and concerns of women. This strategy seems to have worked.

Summing up what they considered to be gains in the 1994 elections, a newspaper editorial stated as follows:
There are 4 women in parliament, compared with 40 men, that is roughly 9 percent. In the last parliament there were two women against 38 men, and that was about 5 percent of the seats in the legislative body. On the face of it, the women’s gains in parliament are modest, but in percentage terms the representation has increased by almost 100 percent. Not bad for an institution whose majority of members held women in contempt a mere five years ago. What is even more important is that the attitudes of decision-makers towards women are changing. In just 18 months women have succeeded in convincing their male counterparts that they have an equal right to our national heritage . . . (The Gazette; 1st February, 1995).

In addition to the above, a leading women feminist and in fact a founder of one of the leading women’s groups (Methlaetsile Women’s Center) was appointed to the bench in mid 1998 as a judge. This is a recognition of women’s talents, and their rights. To others though, this has been seen as having the potential to weaken the women’s organizations through the corruption of their leaders. Others gains made have been recognition and closer working ties with the government, and the latter has committed itself to repealing all discriminatory legislations. At present the government is seized with results of a major study which reviewed all laws discriminating against women. Tougher laws on rape are now in force. Two weeks ago, the president of the country launched the National Gender Framework.

The women’s organizations made these gains due to the following factors.

Firstly, the international climate which has been quite favorable and provided a push and platform for women’s issues. Secondly, the availability of donor resources which provided the means for the NGOs to mobilize and strengthen their capacity. Actually, without the donor resources, women’s groups and other NGOs in Botswana wouldn’t be able to function. Almost all of them are reliant substantially on donor resources.

The third factor in the success of the women’s groups has been the availability of a cone group of educated and committed women who provided leadership and who have worked as volunteers to bring these organizations to where they are today.

12. The Envisaged NGO/CBO – Policy

During the 1990s, there have indeed been some major transformation in the political landscape of Botswana. Not only has there been a softening of attitude on the part of the government which has made efforts to accommodate the so-called “political groups”. It has now gone a step further and has thus stated that in the current National Development Plan (NDP 8), which was adopted by parliament is 1997, during this plan period as NGO/CBO policy will be formulated. This policy will define the parameters of cooperation with NGOs. This process is already underway. In June 1998, the background paper on this issue has been submitted to the Rural Development Council and the reception has been good. This initiative is being co-ordinated by the Botswana Council for Non-Governmental Organizations.

It is too early to judge what the effects of the policy on NGO/Government relations will be. What is certain though is that a mere recognition of the need for some kind of collaboration means that the state accepts that it can no longer choose some NGOs and excludes others. However some people are already stating that if NGOs are not careful, they will find themselves either co-opted or manipulated by the state. Before the policy actually takes off, we can only speculate.
13. The Issues of “Good” Governance in Botswana

According to Leftwitch (1996:15) good governance as a concept can be understood in two ways. The first is “the narrow administrative, or managerial” view. He has also suggested that “a system of good governance in this limited administrative sense, therefore, would consist of a set of rules and institutions (that is, a legal framework for development) and a system of public administration which is open, transparent, efficient and accountable” (Ibid:15). Such a system provides a favorable environment for the private sector to play a leading role in development. The second way in which the notion of good governance has been understood is that good governance means democratic governance. This meaning is much broader than the technical meaning. It combines the technical ‘efficiency’ and democratic politics. The essential ingredients of this democratic polity have been considered to be the following: “competitive party systems, regular free and fair elections, an independent judiciary, a free press and the protection of human rights” (Leftwitch, 1996:16). For the purpose of this paper we have adopted this definition of Leftwitch. This section will therefore begin with an evaluation of the Botswana political system on the basis of both the technical/administrative and political criteria.

14. Public Sector Management in Botswana: Good Governance?

Botswana is widely regarded as a country that has been successful in its development efforts. At independence, Botswana was one of the poorest countries in the world with a per capita income of about US$60.00. By then, the country had only 22 university graduates. More Botswana were working outside the country than inside the country, particularly in South African and the then Rhodesia. In the whole country, only 8 kms of roads were tarred. The country was administered from South Africa, in Mafikeng, and educational and health facilities were very limited. Actually, the colonial administration had largely left provision of education to the few church groups within the protectorate. A key features of Botswana’s colonial history is that the country suffered acute neglect during its protectorate status. Even taking into account the fact that colonialism was never about development of local people anyway, the country’s neglect stands out as distinct. Part of this neglect was the result of the fact that Bechuanaland Protectorate (as Botswana was called then), was going to be annexed by South Africa at some later date. By independence therefore, the country did not even have a capital city (was administered from Mafikeng), the country relied primarily on Aid from Britain to finance both the recurrent and development expenditure.

Botswana’s achievements today are considerable. She is now classified by the World Bank as a middle income country, her per capita income stands at around US$27000. She has never experienced an economic crisis. She has no external debt to worry about.

All these achievements have been attributed to two main factors. The first is “luck” or good fortune which is evidenced by the discovery of large diamond deposits shortly after independence. The second is the quality of public sector management, including the role of the political leadership. Aid has also been cited as another key factor.

As we have stated in the earlier sections, Botswana’s poverty and inadequacies at independence went beyond the scarcity of financial resources and skilled manpower. The country also lacked the institutional infrastructure for development. The small civil service inherited at independence had been geared predominantly to the maintenance of law and order. It was inadequate for the demanding development agenda of the new government.
During the first ten years of independence, massive institutional infrastructure was created in the form of parastals and ministries (see Parson, 1984 and Somolekae, 1998). The country established a planning machinery which has evolved to be the pillar of Botswana’s success in development. This planning system described in detail by a World Bank team (1984) and by Somolekae 91998) has been characterized as follows: “It emphasized fiscal discipline, the expansion of the revenue base, and securing value for money” (MFDP, 1986:1-1). From as early as 1996, the government recognized that it could not do everything hence adopted a policy that accommodated and left room for the private sector. The Ministry of Finance and Development Planning is responsible for the overall co-ordination of planning. It alone negotiates for foreign aid. Each ministry in Botswana has a planning unit. This does not mean that the ministry of Finance plans for other ministries. Its role is to coordinate. Other ministries also have an input. However, because it has final responsibility over how government money is used, it has a bigger role. Only this ministry for example can negotiate for aid, and when such commitments have been secured, the Ministry of Finance signs on behalf of the government. In addition, aid in Botswana has been fully integrated into the National Planning System. There are no separate or parallel structures handling and planning for aid resources. This is in contrast to the situation in many African countries where a proliferation of stand-alone projects has been the norm. Centralization of planning has been done primarily to prevent the proliferation of stand-alone projects (see for example, Van de Walle and Johnston, 1996; Carlsson, Somolekae and Van de Walle, 1997) and the maximized aid co-ordination and effectiveness.

In addition to the above features, the Botswana planning system has been characterized by discipline. Only projects which are in the plan and have been approved by parliament, can be implemented. Most importantly, planning and budgeting are integrated. This has always ensured that noting is implemented whose recurrent cost implications have not been adequately evaluated.

The above planning system has been quite effective. In fact many writers on Botswana attribute Botswana’s development success to the effectiveness of this system (see for example, Harvey and Lewis, 1990; Maipose, Somolekae and Johnston, 1996). At the center of this system has been an effective bureaucracy which had the technical expertise necessary to draw plans and to effectively implement them. In fact the bureaucracy in Botswana has become so powerful that some have wondered about the implications of this to the country’s democracy in the future. The writer has commented elsewhere Somolekae (1993) that this situation has effectively meant that the power of elected officials to make policy has to some extent been usurped by the bureaucracy. The power of the bureaucracy has also been accompanied by a lack of vibrant civil society. Until the late 1980s, not much input into policy making was coming from these groups despite the fact that in theory this system is decentralized and highly participatory. Journalists have always complained that the public sector is not transparent in its operations. Recently, the Vice-President announced the creation of press officers in different ministries to facilitate the flow of information. It is possible that such a move might lead to a much open and transparent system.

15. The Ombudsman Office

A recently created institution is the office of the ombudsman. Due to complaints from members of the public about the way the bureaucracy works and interacts with them, the office of the Ombudsman has been set up to provide a forum for the people in a lodging complaints about the public service. Since it is a new institution, it would be premature to
make any judgment about its effectiveness. However, it represents yet another milestone in improving the institutional development of the country.

16. **The Directorate of Corruption and Economic Crime**

For many years, it was assumed or generally believed that corruption was not a problem in Botswana, or that even if it existed, it was quite limited. However, the late 1980s, and early 1990s, press reports indicated that the problem could be much more than it has been anticipated. In addition, various government commissioned investigations into operations of such parastatal as the Botswana Housing Corporation (BHC) showed that the problem could be much greater than initially though. Consequently, the Directorate of Corruption and Economic Crime was set up in 1994. According to Good (1994:114) though

> Corruption and mismanagement in Botswana is relatively pale and restricted. It is entirely an elite phenomenon . . . it is not systematic to the whole of the political economy as in Zaire. . . Nor is it as epidemic, afflicting the whole society such as in Nigeria, and there is decidedly no ‘culture of corruption’ as exists in Brazil. Its significance lies in contrast with the generally reputable and efficient government performance preceding the 1980s. . . Responsibility and accountability have been seriously reduced within the top most levels of the government but, to date, many state institutions and most citizens remain untarnished.

Four years after its establishment, the Directorate has concentrated on both investigating this crime and raising public awareness. Its chief executive has been quoted as saying that by its very existence, the directorate has started to deter corruption in Botswana. It might be too early to judge actually more so that some press reports have revealed that some members of the public feel that the Directorate is growing the “big fish” and focusing on small criminals. May be such anxieties are unfounded. What is clear though is that the truth is hard to establish.

17. **Democratic Governance**

As we noted in the earlier part of this paper, Botswana has maintained a multi-party democratic system since independence. To date, there are 11 political parties and a variety of interest groups. However, we also noted that until 1994, the political landscape was dominated by only one key player – the Botswana Democratic Party. Tables 1 and 2 provided the evidence to this effect.

The existence of a multi-party situation will not in itself be an adequate indicator that Botswana’s polity has been democratic. An additional issue concerns the extent to which elections have been free and fair.

As the reader will know, this concept alone controversial and defies easy definition. It has no standard definition. What is clear is that standards for judging an election as free and fair are contextual, and may vary from time to time. As Elkit and Svensson (1997:35) have so rightly observed “. . . Any categorization of various elements of the electoral process should be approached with caution. . .”
The duo provided a checklist which to a large extent can be considered comprehensive. According to this checklist, a free election is one which entails the freedom as well as the opportunity to choose. In this context, fairness, on the one had, “means impartiality, the opposite of fairness in unequal treatment of equals, whereby some people or groups are given unreasonable advantages” (Ibid:35). Given that elections are some form of competition (for power), we find this definition to be adequate.

Of late thought, it is increasingly becoming common to refer to a successful election meaning an election that has succeeded in bringing about a legitimate and therefore acceptable government.

Botswana elections have all been successful, but whether or not they have been free and fair depends on whether you are a member of the opposition, or the ruling party. Despite the successful elections, the opposition parties have complained for many years that the elections were not free and fair. They have alleged outright rigging and cheating. It is even more interesting to note even some ruling party politicians have on occasion challenged results of the elections (see, for example, the 1989 High Court petitions following that election).

A case that stands out is the Tshiano ballot box in 1984. After that election, the leader of the opposition BNF challenged the outcome of the election following his defeat by the then Vice President Peter Mmusi. Dr. Koma alleged that the election had been characterized by a number of irregularities. While the High Court was seized with the matter, an unopened ballot box was discovered at the National Archives where the election material was being stored. Both parties consented, the High Court ordered a bye-election and the Vice-President lost to the leader of the opposition. To the opposition, this incident confirmed cheating, while to some people a possible explanation apart from cheating could have been administrative sloppiness on the part of the presiding officer.

At issue in Botswana’s elections has been that the playing field is not level, and that the election management body was not independent of the leader of the dominant party, the ruling BDP.

For many years the administration of elections was the responsibility of the Office of the President. After numerous complaints of the opposition, and following consultations between the government and the opposition parties, the government introduced a minor change. It created an Office of the Supervisor of Elections, and also located that office away from the Office of the President. That did not help to alleviate opposition concerns. In fact they continued to complain and the then major opposition BNF even threatened to boycott the 1994 elections. Consequently, in 1995 the then President Masire announced some major electoral reforms that he would introduce before the 1999 elections. These were that an Independent Electoral Commission would be set up, the voting age was to be lowered from 21 to 18 and an absentee ballot would be created. A national referendum was subsequently conducted in 1997 and all these reforms have now been effected. The Independent Electoral Commission is already making preparations for the 1999 elections.

The other complaint has been the use of state media, both Radio Botswana and the Botswana Daily News. Opposition parties continue to complain that unless these are turned into some independent media and removed from government, the ruling party will continue to enjoy undue advantage over other parties. The state is reacting to these concerns in the same way they have reacted to the other electoral issues mentioned above. They do not seem to pay
adequate attention to the issue of perception as opposed to fact, and the fact that in politics, perceptions can be as valid as fact and reality. Thus, the status quo seems set to prevail for some time.

18. The Role of a Free and Independent Media

The media has a central role to play in a democracy. Not only does it inform, educate and provide a forum for public debate of issues, it also provided the necessary checks and balances on the activities of the government of the day. It is obvious that, the press can not effectively carry out these functions if it is not free to do so. Free of harassment, or even legislative restrictions.

Until the early 1980s, the private media in Botswana did not play any significant role. Actually the most effective (and therefore important) papers today all emerged in the early to mid 1980s and these include The Botswana Guardian, 1983, Mmegi Wa Dikgang, in 1984 and the Gazette in 1985. Others include the Midweek Sun, The Voice which are latest to appear in the Botswana media scene. We have excluded from this discussion, papers which only existed for a short while (such as The Examiner) despite the fact that they made their own contribution during their short life. All the papers we are referring to here are weekly papers.

As K. Dingake (1998:186) has noted, “The constitution of Botswana provided no explicit protection for freedom of the press. . . The freedom of the press in Botswana is embraced under the freedom of expression. . . basically the freedom of expression relates to the right to hold questions, the right to be informed, the right to inform or to communicate interference (Article 12(2) of the constitution also provides limitations to these freedoms and these include “interests of defense, public safety, public order, public morality, or public health, etc.).” Dingake (ibid.) is of the view that these limitations “are so widely drawn that they have the effect of negating the essential content of the right to freedom of expression” (ibid.: 187).

Because of these restrictions the government has been accused of several acts which are tantamount to harassment of the press. Good (1997:7) has catalogued these acts. He has noted that “An independent press only began to appear in Botswana in the early 1980s, and since 1985 five journalists and two editors, both of the Guardian newspaper, have been deported. . .A Zambian journalist John Mukela, was deported, in August 1987, only two months after being named editor of the Guardian”. Sechele Sechele (1998:419) has argued that

> There are a number of laws in this country which hamper access to information and affect the freedom of the press in a number of ways. These include the Directorate on Corruption and Economic Crime Act. Section 44 of this act – under which a Botswana journalist, Prof. Malema appeared in Court in 1966 – prohibits publication of information relating to an investigation being conducted in terms of this Act. . . It derives pressmen their constitutional rights and freedom to hold their own opinions, freedom to receive ideas and information without interference, freedom to freely communicate ideas and information to the public generally or to any person or class of persons.

In addition, journalists have complained about the National Security Act, Police Act, The Presidential Privileges Act. These are adequately analyzed in Grant and Egner, 1987; Sechele sechele, 1998; Dingake, 1987; Good, 1997.
Other problems are related to the internal problems of the media itself. These have been identified by Secchele (1998:491-420) as “Self-censorship by editors or publishers; poor institutional capacity of the press establishment; professional training of staff or lack of therefore, . . .” The latest friction between government and the press this year had to do with the formation of a press council to regulate the operations of the press. Some in media circles have expressed fears that such a body if it includes some government appointed people will be tantamount to undue interference of government in press matters. Discussions between the two are still going on.


A number of writers on Botswana maintain that the country’s human rights record has been good. The country has enshrined in its constitution the fundamental rights and freedoms, and by large, these have been honored in practice. However, human rights activists in Botswana and some researchers have pointed to the following as dark spots in Botswana’s human rights records.

The first has been the country’s reluctance or refusal to ratify international conventions. Until 1995, “Botswana was a party to only two international human rights instruments; the convention one Elimination of all forms of Racial Discrimination and the African charter on Human and People’s Rights” (Otlhogile, 1996:320). Most of these were only recently ratified. For example, in 1997 alone the government ratified 12 ILO conventions.

The failure to sign these conventions has resulted in occasional backslides and violations, such as, for example, lack of effective protection against gender discrimination; the sporadic infringement of arrest and detention procedures, and restriction of trade union rights. These violations have not, however, raised doubt about the government’s overall attachment to the goal of upholding individual rights but have certainly affected the quality of individual rights” (Otlgogile, 1996:321).

For almost the entire three decades since independence, discrimination of women on the basis of sex continued as one key violation of women’s human rights. Section 15 of the Constitution, while forbidding discrimination on the basis of “race, tribe, place or origin, political operations, color or creed,” did not mention sex. Thus to many people, this constitution therefore entrenched sex-based discrimination. This situation, coupled with the failure to sign international conventions was seen by human rights activists as gross violation of women’s human rights. Accordingly, women’s NGOs made a lot of noise about the situation. Nobody took heed until in 1991 when a woman, Unity Dow took the state to court challenging the constitutionality of the Citizenship Act. She complained that by denying her the right to pass on citizenship to her children on account that she is married to a foreigner (an American) the law was discriminatory. She won the case. Subsequently, the state has also since commissioned a nation-wide study to review all laws that discriminate against women, and also since ratified international instruments forbidding gender-based discrimination. Unity Dow herself is the first female high court judge. Certainly, gender-based discrimination is fast becoming a thing of the past.

A third and equally thorny human rights issue has been the situation of the San people, commonly known as the Bushmen. These people are hunter-gatherers and have a completely different socio-cultural and economic lifestyle to the rest of the population. Their spokespeople and international human rights groups have complained that the land rights of
the Basarwa are persistently trampled upon. The government denies this allegation. The latest controversy concerning the San and the Botswana Government has to do with the resettlement of the Basarwa outside the Central Kalahari Game Reserve. Basarwa activists, with the assistance of Ditshwanelo and the Botswana Christian Council challenge government, claiming that such “forced” relocation intended to create room for wildlife is a gross violation in human rights. The controversy continues and it would be too early to make any conclusion at this stage.

20. **Has Botswana Made Progress in Democracy and Good Governance?**

As we mentioned at the beginning of this paper, the aim of this Botswana case study is to access progress which Botswana has been making in the area of democracy and good governance. Since the topic is too wide and the time allowed for its preparation was essentially less that two weeks, we have had to focus on key areas. We started with developing some yardstick for judging or evaluating this progress. Certainly this has not been easy and as the reader will realize, the situation is not as straightforward as some may assume. The instruction to evaluate progress suggests some linear development, that one can identify real benchmarks to use in such an assignment. However, the benchmarks too can be quiet subjective, and may be contested depending on who is at which side to the debate. For example, while some human rights groups are always painting a negative picture of the human rights situation in Botswana, particularly as it related to the Basarwa land issues, the government and ruling party politicians have a completely different view. This is what complicates any efforts to evaluate the progress of democracy.

Despite these methodological concerns, it has been noted that the picture we have painted of Botswana is largely a positive one. The system has many times been responsive and has tried to accommodate the concerns of those affected where necessary. However, from what we have observed this has depended on the groups concerned, and their capacity to articulate their concerns and to organza. This is quite clear when it comes to the women’s groups. But the same cannot be said of groups such as the trade union movement, which has found it much difficult to get the system to respond. Part of the reason has been that trade union concerns are completely different from gender concerns and they are much more complex to resolve.

Civil society has had the space to operate but the issue has to be looked at from a historical perspective. The current struggles between the press and the government are about space between the two, the press insisting on having more space than government seems willing to give. But the story of the women’s movement has a positive dimension even if at first they experience the labeling and exclusion.

Decisions of courts in Botswana are respected and there is no doubt that the rule of law is very important principle in Botswana’s governance.

Botswana has had successful elections for many years which have by and large been free and fair. However, the system has recently enhanced the credibility of the election process through the creation of an Independent Election Commission. This no doubt strengthen the democratic process.

Unfortunately, the opposition has become weak again because of its recent divisions.
Bibliography


