

Elections and the Management of Diversity in Botswana

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Botswana Institute for Development Policy Analysis





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**ELECTIONS AND
THE MANAGEMENT OF DIVERSITY**
IN BOTSWANA

Edited by
MOLEFE B. PHIRINYANE



United Nations
Economic Commission for Africa



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LIST OF ABBREVIATIONS

ANC	African National Congress
BALA	Botswana Association of Local Authorities
BCP	Botswana Congress Party
BDC	Botswana Development Corporation
BDP	Botswana Democratic Party
BEAC	Botswana Economic Advisory Council
BEDIA	Botswana Export Development and Investment Authority
BITC	Botswana International Travel Centre
BIP	Botswana Independence Party
BMD	Botswana Movement for Democracy
BNF	Botswana National Front
BOCCIM	Botswana Confederation of Commerce and Industry Management
BOCONGO	Botswana Council of Non-Governmental Organizations
BONASO	Botswana Network of AIDS Service Organisations
BONELA	Botswana Network of Law and AIDS
BPC	Botswana Power Corporation
BPP	Botswana People's Party
CKGR	Central Kgalagadi Game Reserve
DA	Democratic Alliance
DCEC	Directorate on Corruption and Economic Crime
ECA	(United Nations) Economic Commission for Africa
EISA	Electoral Institute for Sustainable Democracy in Africa
EMBs	Electoral Management Bodies
FDI	Foreign Direct Investment
FES	Friedrich Ebert Foundation
FPK	First people of the Kalahari
FPTP	First–Past-The-Post
HLCC	High Level Consultative Council
IDEA	Institute for Democracy and Electoral Assistance
IEC	Independent Electoral Commission
IFSC	International Financial Services Centre
IMF	International Monetary Fund
JSC	Judicial Service Commission
LEGABIBO	Lesbian, Gay and Bisexual Society of Botswana
LEGCO	Legislative Council
NAC	National AIDS Council
NACA	National AIDS Coordinating Agency
NGOs	Non-Governmental Organizations
PEEPA	Public Enterprises Evaluation and Privatization Agency
PPADB	Public Procurement and Asset Disposal Board
PR	Proportional Representation
SACP	South African Communist Party
SADC	Southern African Development Community
SOE	State Owned Enterprise
UB	University of Botswana
UDC	Umbrella for Democratic Change
WUC	Water Utilities Corporation

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EXECUTIVE SUMMARY

Good governance has come to be the prerequisite for foreign direct investment in developing countries. While the definition of good governance remains disputed, its fundamental elements are generally agreed. These include: free, fair and transparent elections; an effective system of transfer of power; predictable laws; protection of citizens' rights; equality before the law; a stable macro-economy; observance of the rule of law; an efficient and effective public service, an accountable and transparent government; the existence and protection of media freedom; and a vibrant civil society. This executive summary presents a synopsis as well as some recommendations of the study on Elections and the Management of Diversity in Botswana that was part of a wider study carried out in several sub-Saharan Africa countries in 2011/12.

This study is part of a broader project that seeks to measure progress towards good governance in Africa. The study involved different strategies for data collection. These strategies include literature review, focus group discussions and the use of self-administered questionnaires predesigned by the Economic Commission for Africa. The questionnaires targeted people who are experts on the subject matter being studied.

On whether the Constitution protects and promotes diversity and minority interests, those who thought it 'mostly' does made 37.5% while those who thought it 'sometimes' does accounted for 30.8%. 22% indicated it 'rarely' or 'not at all' protects and promote minority rights. Only 9.2% said it 'always' does. These views were supported by some participants of the People with Disabilities Focus Group Discussion (Serowe, 03/11/2011) who argued that they do not have access to the Constitution because it is not written in Braille. The urban minority ethnic group focus group discussion (Gaborone, 08/11/2011) raised the issue of unequal treatment of ethnicities in the Constitution. They argued that the reforms to sections 77, 78 and 79 of the Constitution did not go far enough. Suggestions were raised that *Dikgosi* from all ethnic groups must enjoy equal status in *Ntlo ya Dikgosi* and that other languages must be recognised and be introduced in elementary education. The issue of language remains debatable and perhaps needs to be discussed further for the nation to reach consensus.

The Expert Panel considered political parties to have unequal access to electoral resources. Asked if political parties have equal access to electoral resources, 52.5% said 'Not at all', 25% 'rarely' with only 15.8% saying 'sometimes' and 6.7% 'mostly'. The responses indicate the imbalance characterising the political parties' competitiveness with regard to access to electoral resources. In addition, the People with Disabilities focus group discussion (Serowe, 03/11/2011) raised the issue of the advantages of incumbency that are enjoyed by the Botswana Democratic Party (BDP). Participants argued that the access by the governing party to state media and other electoral resources gives them undue advantage over other parties.

The Expert Panel largely felt that the composition of government leadership represents all segments and diverse interests by a combined narrow margin of 51% while 47% held contrary opinions. 40% 'agree' that the leadership is representative of all segments, and 11% 'strongly agree' while 39% 'disagree', 8% 'strongly disagree' and only two percent 'neither agrees nor disagrees'. This indicates that while there is some representation of diverse groups in government, minorities are not adequately represented in decision-making bodies. Another finding is that there is no link between ethnicity and political party affiliation. Asked whether political parties are formed and mobilise electoral support on sectarian identity, 42.5% of the Expert Panel members chose 'disagree', 25.8% 'strongly agree', 20% 'agree' or 'strongly agree', and 11.7% 'neither agree nor disagree'. Many of the leaders of the various political parties are from the various ethnic groups in the country. Notwithstanding that, the electoral support of the main opposition party, the Botswana Congress Party (BCP), is concentrated in the constituencies inhabited predominantly by minority ethnic groups such as Okavango, Chobe, parts of Central District (Bobirwa, Tswapong, Palapye) as well as Moshupa in the south.

Botswana's political process is considered free from the influence of sectarian identity groups by most of the Expert Panel members. 43.3% 'disagree' and 'strongly disagree' that sectarian identity groups dominate the country's political process; 33.3% 'agree' or 'strongly agree', while 23.3% 'neither agree nor disagree'. Sectarian sentiments are also not considered a feature of political campaigns. 52.5% 'disagree' that sectarian sentiments characterise political campaigns of parties. 15.8% 'strongly disagree' while 17.5% 'agree' and 'strongly agree' with the sentiments. Another 14.2% 'neither agree nor disagree'.

The electoral system was perceived as inclusive and representative of diverse groups. The difference between those who felt so and those who did not was only 6.7%. Those who felt the electoral system

promotes inclusion and representation of diverse groups made 43.4%, and those who 'disagree' and 'strongly disagree' made 36.7%, with 20% neither agreeing nor disagreeing. That more than a third of the respondents disapprove of the inclusiveness of the electoral system, has implications on the choice of the electoral system, of which a national debate has been intense of late, particularly in the media. Even more significant is that most respondents felt that the electoral system promotes inclusion. The urban ethnic minorities focus group discussion (Gaborone, 8/11/2012) also expressed the view that the electoral system is suitable for Botswana but stated that it needs some improvement to be more effective. These perceptions by the Expert Panel are consistent with the confidence they expressed on the electoral system as discussed below.

When asked about the credibility of the electoral system 43.3% said it was 'anchored in the electoral law and largely acceptable', 21.7% said it was 'anchored in the electoral law and acceptable', making a total of 65% who perceive it as credible. However, 7.5% and 27.5% saw it as 'anchored in the electoral law and totally unacceptable' and 'anchored in electoral law and largely unacceptable' respectively. Although those who perceived the electoral system as credible made 65%, it was a significant drop from 78.9% in 2007 and 79.3% in 2001. However, the still high approval rating of the electoral system contrasts with views that the electoral system discriminates against women and minor parties, and also distorts (in favour of larger parties) the proportion of votes won when translated into seats won. The First Past The Post (FPTP) electoral system is generally accepted as credible. However, to reach consensus on the voting system a national referendum should be carried out on the matter to let the electorate choose their preferred voting system.

The credibility of the electoral management body (EMB) was viewed as questionable by the Expert Panel. 35% accepted the legitimacy of the EMB as manager of the electoral process. 40.8% regarded the electoral authority to be under the influence of the incumbent government/ruling party, compared to 33% in 2007. The deterioration in perceptions of the EMB by experts indicates growing concerns about the manner in which the Secretary of the Independent Electoral Commission (IEC) is appointed. Voter registration was perceived as credible, transparent and well conducted by the majority of the Expert Panel. 84% indicated that the voter registration was 'mostly' or 'always' generally credible and accepted by all as being transparent and well conducted. Only 2.5% felt 'rarely' and 1.7% 'not at all', with 11.7% choosing the 'sometimes' option. The IEC introduced the continuous registration after the 2004 general elections that have enhanced the registration and maintenance of the voters register. Most significantly, 60% of the Expert Panel considered national elections to be mostly free, fair and transparent and 23.3% thought they were 'always' so. Only 7.5% thought they were free, fair and transparent only sometimes; 4.2% thought 'rarely' and 5% indicated 'not at all' free, fair and transparent.

The Expert Panel viewed the judiciary's role as part of the electoral governance positively. It was perceived as above corruption by 10% of the respondents, and 'largely free from corruption' by 42.5%. 23.3% considered it as independent from external influence, while 33.3% said it is largely independent. 30.8% viewed it as 'somewhat independent'. Only 7.5% rated it as 'hardly independent' and 5% viewed it as 'fully independent'. Although the use of litigation to resolve election disputes and other related matters is expensive, it is still the accepted mechanism for resolving electoral problems. 48.3% of the Expert Panel agrees that election disputes are usually managed to the satisfaction of political parties. Another 15.8% strongly agree, 20% neither agree nor disagree, while 13.3% disagree and 2.5% strongly disagree. However, the rural political parties focus group (Palapye, 03/11/2011) suggested that the government should establish an election adjudication body that would be cheaper and faster than the current judicial process in resolving electoral disputes.

Nationally the representation of women in parliament dropped from 20% to eight percent in the 2009 general elections far below the 50% threshold suggested in the SADC Protocol on Gender and Development. On the participation of women in politics, 43.4% of the Expert Panel felt that women 'do not at all' or 'rarely' play a major role in party politics, while 31.7% thought women 'mostly or always' play a meaningful role in party politics. 25% thought they 'do so sometimes'. With regard to the youth in Botswana, lack of financial resources to finance their campaigns for political office, due to unemployment and Tswana culture, imposes limits on their opportunities' and undermines their involvement in politics. Some minority ethnic groups face a disadvantage in the electoral process, in particular the Basarwa. Historically, Basarwa have been marginalised from politics through the lack of financial resources, poor education, and general poverty. Currently there is no Mosarwa member of parliament (MP) in Botswana, nor has there ever been.

This study has developed a number of recommendations drawn from the analysis of the data. These are listed below.

LIST OF RECOMMENDATIONS

For the Constitution to be seen to be inclusive of all the diverse groups and interests in the country, it is recommended that:

1. The constitution must be made available in Braille, particularly in order to be accessible to all people with a sight impaired disability.
2. Government should facilitate further debate on the language policy.

In order to level the playing field for competitive politics, and avail more meaningful political choices to citizens, we recommend that:

3. Government should introduce public funding for political parties.
4. Electoral affirmative action through funding for candidates among women, people with disabilities and Basarwa candidates during primary elections be considered.

To enhance the representation of all segments and diverse interests in government leadership, and to make the electoral system more responsive to the needs of minority groups in the country, it is recommended that:

5. An affirmative action strategy must be adopted to cater for minorities in the electoral process. This could include reserving a specified percentage of seats for women, people with disabilities, youth and any particularly disadvantaged ethnic groups (especially Basarwa).
6. The Government should introduce tax deductible giving for companies and individuals that support civil society organisations in order to address the problem of lack of funds among civil society organisations.
7. Advance voting should be reintroduced and extended to people with disabilities, the infirm, as well as introducing online voting to curb long queues.

To address the concerns about the credibility of the electoral system, it is recommended that:

8. A referendum should be held to determine the voting system that the country should adopt among the three broad categories of First-Past-The-Post (FPTP), Proportional Representation (PR) and Mixed Systems.
9. A referendum should be conducted to enable the country to decide how they want their President to be elected, directly or maintaining the status quo – leaving things as they are without change.

There are increasing concerns about the independence of the electoral management body from the incumbent government, in particular with regard to the appointment of the Secretary. To address these concerns it is recommended that:

10. The responsibility for the appointment of the Secretary should be removed from the President and allocated to the Commission.

Concerns relating to the efficacy of the judiciary in relation to the adjudication of election disputes could be addressed by:

11. Establishing an election adjudication body that would be dedicated to dealing with election disputes, so that they can be less expensively and more accessible. This could be done by strengthening the electoral management body to handle the additional responsibility, or by setting up a separate body altogether.

CHAPTER I: CONTEXT: HISTORY AND POLITICAL ECONOMY

Molefe B. Phirinyane

INTRODUCTION

The objective of this chapter is to set the stage for this report *Elections and the Management of Diversity in Botswana*. This chapter gives a brief overview of the development of the state in Botswana, by giving an overview of pre-colonial and colonial influences on its institutional set-up. It assesses several important topics that will be explored at length in the report, including the social composition of the state and its diversities; Botswana's constitutional, economic and political history; constitutional development; and economic development. The chapter then assesses the political history of the state, including assessments of the character and structure of the postcolonial state; the inheritance elite and successor regime; party politics and political culture; the configuration of ethnic and other diversities; the character and structure of civil society; the external African and the extra-African globalizing factors in the development of the postcolonial state; and the unfolding contradictions of the postcolonial state.

SOCIAL COMPOSITION OF THE STATE AND ITS DIVERSITIES

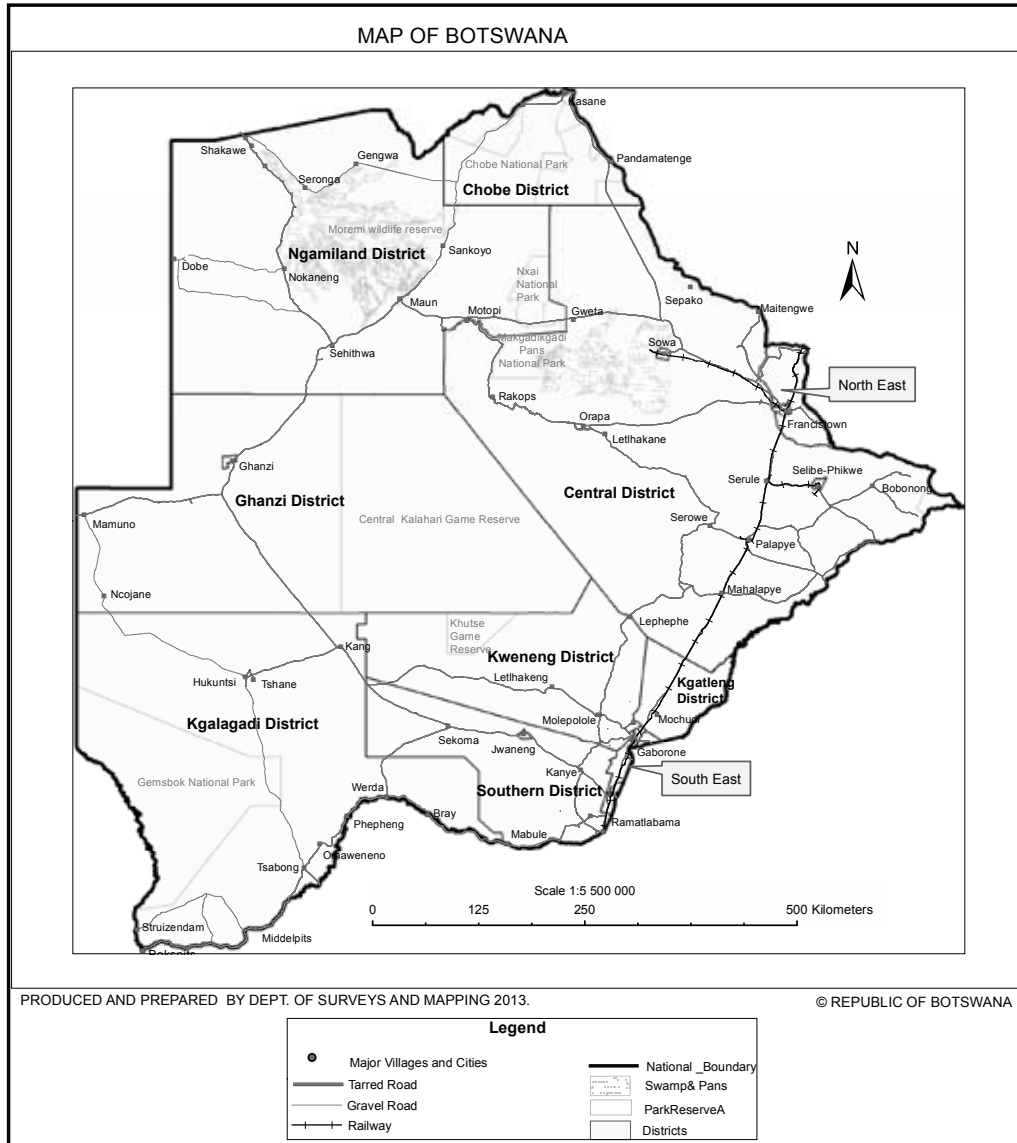
Botswana attained independence from Great Britain in 1966. Geographically landlocked, the country is located in southern Africa, sharing borders with Zimbabwe to the east, South Africa to the south, and Namibia to the west and north-west with a short border with Zambia in the north (see Figure 1.1 overleaf).

The social composition of the population of the country is diverse with numerous ethno-linguistic groups. Among the ethnic groups found in Botswana are the Kalanga, Basarwa, Herero, Basubiya, Bambukushu, Babirwa, Batswapong, Ndebele, Bamangwato, Bakwena, Bakgatla, Bamalete, Batlokwa, Barolong, Bangwaketse, Batawana, Bakgalagadi (various tribes identified by the region they reside in) and Bayeyi, as well as people of European and Asian descent.

Historically, the Tswana polity was fragmentary. Neighbouring tribes used to fight among themselves. While pre-independence Botswana (then the Bechuanaland Protectorate) was threatened with the spectre of being forcibly assimilated into South Africa, post-independence Botswana faced a different challenge. Botswana gained independence at a time when the Southern African region was in the midst of liberation wars in South Africa, South West Africa (renamed Namibia after independence), Mozambique, Angola, and Rhodesia (renamed Zimbabwe after independence). All these countries were dominated by aggressive racist regimes. The aggression of the minority regimes was nothing new as earlier in the history of pre-colonial Botswana, three tribal leaders, Chief Khama of the Bamangwato, Bathoen of Bangwaketse and Sebele of Bakwena negotiated for protection from the British and their request was granted in 1885 when the territory was declared a British Protectorate, then known as the Bechuanaland Protectorate. The Protectorate's capital was located in Mafikeng just outside the territory in South Africa; thus Botswana was not really a colony but one of the three High Commission Territories, the others being Basotholand (later Lesotho) and Swaziland. The British applied indirect rule in Bechuanaland, in which case they did not have direct contact with the communities but ruled through the local chiefs. Because of the limited involvement of the British in the Protectorate, colonialism had a limited impact on Tswana polity and custom. This approach left an intact culture that was later incorporated into modern governance at independence, and has resulted in a stable democracy (Phirinyane, *et al.*, 2004).

The fragmentation of Tswana polity is understood within the context of how pre-colonial Tswana states dealt with dissent. Historically four of the eight Tswana speaking ethnic groups in Botswana, the Bakwena, Bamangwato, Bangwaketse and Batawana originate from one tribe, the Bakwena. Ngwato and Ngwaketse had a political dispute with their elder sibling, Kwena, and broke away into different tribes that were later named after them. The Bamangwato were to later fragment again when the older sibling to Khama I, Tawana, broke away and moved north with his followers and settled in the Maun region. Sometimes those who rebelled

Figure 1.1: Map of Botswana showing administrative districts



Source: Department of Surveys and Mapping, Gaborone

and broke away often found themselves in another Tswana state that also demanded loyalty from them and coerced them to settle in a part of the country designated by the state or were deported and their property confiscated (Maundeni, 2002: p 110).

At the time the Bechuanaland Protectorate was established, large swathes of territory were controlled by the Tswana-speaking ethnic groups. As a result, the administrative districts of Botswana as they appear today were established along tribal boundaries that were established during the colonial era (see Figure 1.1). The North East, Chobe, Ghanzi and Kgalagadi districts were established on the former Crown Lands.

The eight Tswana ethnic groups were originally referred to in the Constitution as the principal tribes while the rest were not given a similar status. This arrangement was perceived as discriminatory and the Constitution was amended during President Mogae's tenure to do away with the unjust clauses. The following section of this chapter deals with the constitutional amendment in detail. Since the Tswana states were not ethnically homogenous, as illustrated by the many different ethnicities in several of the districts, the modern

state also has a constitutional provision that allows Botswana citizens to settle in any part of the country they like, more so that many have intermarried. Section 14(1) of the Constitution protects the individuals' right to freedom of movement and also grants every citizen the right to settle or reside in any part of the country where they wish.

Ethnicity has played a limited role in the electoral outcomes, with the main political parties having been able to achieve national coverage in their representation. The Botswana Democratic Party (BDP) has always campaigned in all the constituencies in the country and won a majority (see Table 1.1 below). However, the strength of the BDP lies in the affinity for the party amongst the Bangwato of Central District where founding President Sir Seretse Khama originated. One-third of all the country's constituencies are found there. The district is made up of various ethnic groups (Bamangwato, Bataleote, Bakalaka, Basarwa, Batswapong, Babirwa, Bayei, Xhosa, Herero, Bakhurutshe, Bapedi, Bakgalagadi, and several others). The other two main political parties, the Botswana National Front (BNF) and the Botswana Congress Party (BCP), which participated in the last parliamentary elections in 2009, also fielded candidates across many constituencies in the country, 48 and 42 respectively, winning six and four seats respectively. The Botswana Alliance Movement (BAM) which has now merged with the BCP was reduced to a regional party that only won a few council seats in the Ngami constituency. In 2009, under a pact arrangement with the BCP, they won one seat out of the four they contested. Table 1.1 presents the number of seats contested and won by each political party in the 2009 general elections.

Table 1.1: Parliamentary seats contested and won by each party, 2009

PARTY	CONTESTED	WON	PERCENTAGE
BAM	4	1	1.75
BCP	42	4	7.02
BDP	57	45	78.95
BNF	48	6	10.53
BPP	6	0	0.00
BTTO	1	0	0.00
IND	15	1	1.75
MELS	4	0	0.00
TOTAL	177	57	100.00

Source: Independent Electoral Commission, 2009.

The Botswana Peoples Party (BPP) has also lost its national appeal, and its political support is limited to some constituencies around the North East District and the City of Francistown where, historically, most of its leaders come from. Neither the BAM (before it merged with the BCP) nor the BPP have a regional agenda but like all the older and major political parties, they have strong following from among the tribes from which their leaders come. The BPP contested six parliamentary seats but did not win any. There were many independent candidates (15) running for parliament and only one, Nehemiah Modubule (who broke away from the BNF), made history by winning a seat. Modubule later joined the Botswana Movement for Democracy (BMD) that was formed by the BDP defectors in 2010. Historically, independent candidates do not usually win elections in Botswana. It is unclear why Modubule was able to win. Perhaps this supports the anecdotal evidence from some Expert Panel members that they do not necessarily vote for parties but for individuals.

In addition to the 57 elected MPs, there are four Specially Elected MPs, making a total of 61 MPs in Botswana's Parliament. In practice the Specially Elected MPs have always been chosen from the ruling BDP. Chapter V of the Constitution, section 58 (2), stipulates the composition of Parliament, including elected and specially elected members.

BOTSWANA'S CONSTITUTIONAL, ECONOMIC AND POLITICAL HISTORY

(a) Constitutional development

Botswana is a constitutional democracy, with the Constitution having been adapted from Great Britain at independence. The Constitution is generally respected and regarded by all citizens as the supreme law of the country. As is the case in other countries, the Constitution of Botswana is not a perfect document and continues to undergo important improvements. One of the important amendments relates to sections 77, 78 and 79 which recognised only the then so-called eight principal tribes and granted them the right to permanence of membership in *Ntlo Ya Dikgosi* (a gathering of traditional leaders, formerly called the House of Chiefs). These were the eight Tswana speaking tribes of Bakwena, Bangwaketse, Bamalete, Batlokwa, Bamangwato, Barolong, Bakgatla and Batawana whose recognition by the British Government was entrenched in the Tribal Territories Act of 1933. The chiefs from these tribes were given the status of *ex-officio* membership of the House of Chiefs, which conferred permanence to *Ntlo Ya Dikgosi*. The other members of the *Ntlo Ya Dikgosi* were elected for a five year term from the four former Crown Lands of Ghanzi, North East, Chobe and Kgalagadi districts which are inhabited predominantly by minority ethnic groups. In addition, three members known as Specially Elected Members were appointed and could be from any tribe. Altogether there were 15 members of the House of Chiefs. The constitution was amended in 2005 to make it tribally neutral. The constitutional amendment provides for the former Crown Lands to appoint a chief to *Ntlo Ya Dikgosi* on a permanent basis or for a renewable five year term. The membership to *Ntlo Ya Dikgosi* also expanded from the then 15 to 37 members.

Section 15 of the Constitution provides for protection from discrimination. The constitution of Botswana prohibits discrimination of any kind against any persons in the country. Specifically, section 15, sub-section 3 of the Constitution of Botswana describes discrimination as:

... affording different treatment to different persons, attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description (Constitution of Botswana, section 15(3))

It appears that sections 77, 78 and 79 of the Constitution contradict section 15(3) as Nyathi-Ramahobo and Reteng (The Multicultural Coalition of Botswana) observe. In support of this view from the representatives of the minority ethnic groups' activists, perceptions from the Expert Panel study also indicate that most of the respondents (46.7%) felt that the Constitution respected diversity and minority rights. Those who felt that the Constitution does 'not at all' and 'rarely respected' minority rights made 22.5% (see Table 1.2). A significant number (30.8%) felt that minority rights were 'sometimes respected' by the Constitution. These divergent views among the Expert Panel members generally reflect the views of the general population with regard to the constitutional amendments referred to above. Some focus groups also share the same opinion with the Expert Panel members. Participants during the focus group for People Living with Disabilities (Serowe, 03/11/2011) argued that the Constitution excludes some of them as it is not written in Braille for those who are blind to access it. Two other focus group discussions (FGDs), the urban minorities (Gaborone, 08/11/2011) and the urban women in politics (Gaborone, 10/11/2011) stated that the political system excludes marginalised groups (on gender and ethnicity), and that the Constitution should be reviewed with a view to accommodating them.

Notwithstanding the dissatisfaction expressed by members of Reteng concerning their perceived discrimination, they have not politicised ethnicity but continued to wage a peaceful struggle. As the Tswana proverb goes, *ntwa kgolo ke ya molomo* meaning the greatest battle is by word of mouth, a longstanding characteristic of dispute resolution in Botswana is for disagreements to be settled through negotiation. Mackenzie (1884) cited in Maundeni (2002: 115) observed that "...while the Tswana sometimes fight with their spears, they decidedly prefer to do so with their tongues, and are indeed much better qualified for the latter warfare than for the former."

There are two other probable reasons why minority ethnic groups are pursuing their struggle through peaceful means.

- One reason could be that they have confidence in the state institutions for recourse as was shown in the Wayeyi's successful court action against Government (see Reteng, 2007). Furthermore, many respondents had shown some confidence in the Constitution itself (see Table 1.2) and the allure of the incremental Constitutional changes that to some extent have given meaningful, though not completely satisfactory, changes.

Table 1.2: The Constitution protects and promotes diversity and minority interests

	Frequency	%
Not at all	15	12.5
Rarely respected	12	10.0
Sometimes respected	37	30.8
Mostly respected	45	37.5
Always respected	11	9.2
Total	120	100.0

Source: Author, derived from Expert Panel responses

- Secondly, it is possible that minority ethnic groups, who are also part of the elite in Botswana, understand that war does not pay and that should there be violence in the country they too have a lot to lose – economically. As will be shown later in the immediate subsection below, the distribution of wealth in Botswana is not ethnically based *per se* but it is based on economic class.

(b) Economic development

At independence Botswana was ranked among the least developed countries of the world. Today the country is ranked among the upper middle income countries. Botswana's ascendancy to an upper middle income ranking is often attributed to prudent economic management (Nordås, *et al.*, 1998; Acemoglu, *et al.*, 2001; Harvey and Lewis, 1990; United Nations, 2004). Botswana's economic success has a lot to do with the history of how the Tswana managed their resources than the luck of having found vast mineral resources. That is, what mattered most to Botswana's economic success is her state culture, not just the mineral fortune the country is bestowed with. Botswana is seen as a developmental state in comparison to predatory states that characterise most of Africa (Taylor, 2005; Maundeni, 2002). Maundeni (2002) demonstrates that since independence Botswana has had a dramatically different development experience from that of retrogressive Zimbabwe. All this, Maundeni asserts, is due to the different Shona and Tswana pre-colonial state cultures.

The pre-colonial Tswana state culture promoted the centrality of the state and subordinated all religious and social power. The centralisation of state power was later perpetuated by the BDP at independence, and influenced state-civil society relations, as well as the nature of decentralisation, as illustrated in Chapters III and V. Tswana chiefs wielded both religious and social power and there were no parallel institutions that had power in the realms stated above (Maundeni, 2002). Tswana politics subordinated civil institutions to the states, and centralised social power in the state (Maundeni, 2002).

In the 1965 general elections, the Botswana Democratic Party won a landslide victory – 28 out of 31 parliamentary seats contested – and were therefore mandated to form a government and also design the new national Constitution. Modern institutions of governance such as parliament, councils, village development committees and land boards were introduced, and the chiefs were appointed chairmen and/or *ex-officio* members of local-level bodies. Through this process the BDP led government was able to blend old and new state elites, and in essence “inherited an indigenous state culture which it used to construct an indigenous developmental state” (Maundeni, 2002: 126).

Botswana is noted, by Taylor (2005: 44), as one of the developmental states in Africa “that have recorded respectable levels of economic development”. A deliberate effort was made to build a strong and efficient central state in which key civil service positions were filled with able people who were kept there for considerable lengths of time (Good, 2002). At independence, Botswana's first President, Seretse Khama, argued in support of a gradualist approach to localisation until there were sufficient numbers of trained citizens, asserting that “We would never sacrifice efficiency on the altar of localization” (President Khama cited in Picard, 1987: 205). This approach pervaded all sectors of the state including the management of limited

resources and foreign aid. The building of a capable state was focused particularly on finance and planning (Good, 2002). Evidently the post-independence state was intent on the continuation and modernisation of the pre-colonial strong developmental state. Botswana's legacy of developing strong state institutions is one of the factors that account for her exceptional economic performance. The ability to finance the development expenditure from diamond wealth is another.

In the post-independence era, the government used the funds accrued from minerals to embark on large scale infrastructure development (Nordås, *et al*, 1998). During the first three years of the National Development Plan 1968-73, two thirds of government expenditure was spent on infrastructure development. Moreover, the government was cautious not to accept aid that would encumber the national budget with projects that are determined by the donor at the expense of local needs. Instead, aid was integrated into the macroeconomic planning framework of the country (Nordås, *et al*, 1998). This came from a deliberate strategy from the government that aimed at ensuring rapid growth and financial sustainability.

While acknowledging the strides made in the country's economic development, Good (2002) argues that Botswana's economy has produced deep inequalities of property and incomes that pose a threat to the future stability of the political economy. Historically, there have been gross inequalities of wealth and income distribution in Botswana. Tswana societies were sharply hierarchical, with the chiefs and their inner circles at the top, followed by commoners and serfs¹ at the bottom respectively (Good, 2002). For example, the Bamangwato had large capitals, and in the 1800s their state apparatus was developing rapidly and "a system of socio-economic stratification was instituted based on domination and servitude" (Good, 2002: 71). Cattle in Tswana society were individually owned and were both a status symbol and a means of wealth. The cattle industry grew during the colonial era due to both a common interest by the elite and the colonial administrators who wanted to see agricultural production being modernised (Good, 2002). The acquisition of cattle varied between the chiefs, headmen and the serfs, with royalty acquiring the cattle through fines and appropriation of strays. The serfs were incorporated in the cattle industry only as herdsmen. Good, (2002) states that colonialism helped provide new resources for enhanced cattle production that also consolidated cattle ownership in few a established hands. As the individualisation of ownership of boreholes in the 1930s became common among the Tswana states, disparities between the socio-economic groups became more apparent. There were members of the community who became very wealthy and acquired serfs as cattle herders. The herdsmen were very poor and most of them were Basarwa; a phenomenon that still prevails in modern day Botswana.

(c) Political history

Botswana is a politically stable country. Since independence there has never been the political unrest or civil war that characterises many developing countries. As discussed in sub-section (b) above, political stability is a continuation of the pre-colonial political heritage. Good (2002: 69) expressly states that rapid economic growth and political stability were achieved through:

...the supportive interrelations between an open market economy and a system of elite democracy, successfully blending 'traditional' and modern elements, and offering a range of fairly free and meaningful political choices.

At independence, democracy was not really a new phenomenon. The *kgotla*² was central to Tswana polity and social life and this unique institution was carried over into modern governance. There is a Tswana proverb, *mafoko a kgotla a mantle oitbe*, which means that it is perfectly fine to state one's opinion in the *kgotla*. The *kgotla* has been likened to the Athenian *polis* and the consensus-seeking Big Man system in Papua New Guinea (Good, 2002).

However, there are perceptions that the *kgotla* has been used as a means of social control much more than for democratic participation in matters that affect society (Holm and Molutsi, 1988; Good, 2002). In most cases, consultations by senior government officials and government ministers at the *kgotla* are not

1 Mainly the Basarwa/San and Bakgalagadi.

2 Traditional public forum where public affairs are discussed; presided over by the chief;

about getting new ideas about development projects. Instead it is about how policies and programmes developed by the technocrats should be implemented. It has also been argued that participation in the *kgotla* is determined by social hierarchy, with the chief's uncles talking first to build consensus, and the commoners speaking last only to buttress an opinion formed by the earlier speakers (Good, 2002).

CHARACTER AND STRUCTURE OF THE POSTCOLONIAL STATE

(a) The inheritance elite and successor regime

The Bechuanaland Protectorate was governed by the 'colonial masters' through a system known as indirect rule in which the chiefs were supposed to be autonomous, but were also in fact controlled by the colonial district administration (Picard, 1987:46). The chiefs rejected the reforms as they felt their powers were being usurped by the colonial administration. The struggle for power between the chiefs and the colonial administration continued until independence. Towards independence, the British modernised their colonial administration and introduced a salaried clerical administration. Picard (1987: 48) notes that there were concerns that prompted reforms in Bechuanaland, and these included:

- the ill-treatment of Basarwa/San by the Tswana,
- the amount of tribal money held by the chiefs, and
- the use of unpaid labour by the chiefs.

The treatment of the Basarwa by the Tswana indicates an underlying problem of subjugation and dispossession that perhaps is also manifest in modern politics in which Basarwa are not represented in Parliament, and of all societies they are the poorest. Tribal Treasuries were introduced in 1943 and these required "an institutionalized administration" (Picard, 1987: 53). When Lord Harlech became High Commissioner for Southern Africa in 1941, he noticed the lack of implementation of the policy of indirect rule and instead issued proclamations that restored the chiefs' powers, but left the colonial administration with the right to intervene in tribal affairs (Picard, 1987: 53). Some influential chiefs retained the ability to influence colonial administration, and Picard (1987: 53) argues that, "This continuity of traditional influence would affect politics after independence in 1966 ... [p]atterns of political control developed at the district level after 1934 would continue to be used after independence."

The continuity of pre-independence politics into the post-independence era was largely due to the continuity in the political leadership that straddled both epochs. Morton and Ramsay (1987) indicate that as from the 1950s a new breed of leaders emerged who were mostly educated and wealthy. These new leaders took control of the new advisory and legislative bodies created by the British (Morton and Ramsay, 1987). Key among the new institutions was the Legislative Council (LEGCO) that was established in 1960. Within three years of its establishment Batswana used it effectively to craft the new state architecture. This happened despite the fact that the Legislative Council was established amid heavy criticism, and prolonged arguments against its viability, by the colonial administration (see Morton and Ramsay, 1987).

Membership of the LEGCO was established along racial lines. The Africans could only be members if they were already members of the African Council. Thus, they were elected by the African Council whereas Asians and Whites earned membership through direct elections, allowing only British citizens so as to exclude South Africans (Morton and Ramsay, 1987). Ten members each were required from the north and south of the country. The LEGCO is considered to have paved the way for independence as nationalist parties emerged and criticised the racist structure of the LEGCO. The Bechuanaland Peoples Party (BPP) was the first to emerge, followed by the Bechuanaland Democratic Party (BDP). The BPP rose to fill the void left by the Federal Party (formed in 1959) and the Bechuanaland Congress Party (BCP) which both suffered from lack of leadership when Leetile Raditladi accepted a Government post, and Kenneth Koma left for further studies in Russia. Some of the BPP leaders who had political relations with the African National Congress (ANC) in South Africa, were critical of the LEGCO and *bogosi* (chieftainship) and found themselves isolated.

The BDP emerged in 1961, perceived as an offshoot of the ailing Federal Party, and the moderation in its rhetoric was encouraged by the colonial Government. Prominent among the members were Seretse Khama

(Tribal Secretary of Bangwato and their uncrowned chief, as well as a member of the LEGCO) and Quett Masire a southerner, who both proceeded to become the first President and Vice President respectively after Botswana gained independence in 1966 (Morton and Ramsay, 1987). Many of the BDP members were former civil servants, teachers, and had administrative experience.

(b) Party politics and political culture

Political parties' membership in Botswana is open to all citizens irrespective of their social, ethnic, academic or economic background. There is, however, a tendency for people from the same region and/or ethnicity as the founding leader of a political party to gravitate towards a similar political party. For instance, it is commonly known in Botswana that the BDP stronghold is the Central District where one of the founding members, Seretse Khama came from. Another example is the BNF's superiority in the Southern District especially during its leadership under former chief of Bangwaketse, Bathoen Gaseitsiwe. Despite this observation, it is important to state that both the BDP and the BNF have never been accused of promoting tribalism. The two parties are represented nationwide while the BPP and the Botswana Independence Party (BIP), have been reduced to regional parties with no support beyond their home constituencies.

Although party politics replaced traditional leadership, the gravitation of party followers to leaders from their regions shows the deep seated inclination to support leaders from the same ethnic groups as the electorate. In particular this is revealed in the popular support of the BDP and the BNF which in their earlier years of existence were led by chiefs from the respective tribes that gave them the electoral support. However, Seretse Khama, as mentioned above, had nationwide networks among teachers and government administrators, as well as being the (uncrowned) chief of the most populous tribe in the country, made him very popular countrywide. This has led to a one-dominant-party system in which other political parties compete, but there is only one that wins elections, and those with overwhelming majorities. Because of these overwhelming majorities, coupled with the First Past the Post (FPTP) electoral system that has worked to the advantage of the biggest party, the BDP-led Government has been able to promulgate laws with limited or weak opposition.

(c) The configuration of ethnic and other diversities

Botswana, like most other African countries, is made up of a diverse peoples. Originally there were the so-called principal tribes recognised by the Constitution while the rest were not specifically mentioned. Although these have been dealt with by constitutional amendment there are still some nagging challenges. Most of the minority ethnic societies reside in distant settlements away from the towns or urban centres where most services are found. Furthermore, all the former principal tribes host district capitals. In large districts such as Central, North West, Kweneng and Ngwaketse, smaller villages mainly inhabited by minority ethnic groups used to get their services from the district capital situated some hundreds of kilometres away. This used to be a disconcerting problem for many rights groups and opposition parties in the country. However, the Government's commitment to decentralisation of service delivery manifested through the creation of Sub-district offices and Sub-land boards in these areas has alleviated some of these problems. After the Second Presidential Commission on Local Government Structure in Botswana 2001, chaired by Pelonomi Venson, the government further introduced more institutions of decentralisation located in some places that had hitherto not had any service delivery stations. This matter is discussed in detail in Chapter III subsection (b) The extent of decentralisation.

People with disabilities are another population sector that for a long time was not well catered for in Botswana. However, a few years ago an office for people with disabilities was established in the Office of the President to cater for their interests and needs. In Botswana, putting an office under the Office of the President is prestigious and also shows the seriousness Government attaches to a programme or office if it is attached to the highest office in the land.

(d) The character and structure of civil society

Civil society in Botswana has for many years been known to be weak and docile. However, as Maundeni (2004) observes, the definition of civil society is contentious. Some, as he argues, limit it to Non-Governmental Organisations (NGOs), others include churches and trade unions, while some include businesses as well. For the purpose of this chapter, the definition used will be all-inclusive to mean all non-state organisations.

Civil society in Botswana presently depicts a mixed picture of docility and vibrancy depending on which sector of civil society one is looking at. The business community, organised under the Botswana Confederation of Commerce, Industry, and Manpower (BOCCIM) is an influential entity, not least because of its members' command of capital in the local economy, but also because of their common interest in commerce with the top bureaucrats and politicians. Through the High Level Consultative Council (HLCC), a consultative forum chaired by the state President, BOCCIM has through the years been able to influence major policy decisions. Some of these include the establishment of the privatisation agency, known as the Public Enterprise and Evaluation Agency (PEEPA) as well as the HLCC itself (Dewah: 2007). Besides the HLCC, interaction between BOCCIM and the Government is through the biennial BOCCIM Northern Conference, which is usually attended by government Ministers, Permanent Secretaries of all government ministries and the President, who usually gives a speech at the conference.

There are other civic organisations such as Emang Basadi (women's organisation), Reteng, First People of the Kalahari (FPK), and Ditshwanelo (The Botswana Centre for Human Rights) that have been influential. The Botswana Council of Non-Governmental Organisations (BOCONGO) is the umbrella body for non-governmental organisations and does sit in the HLCC. Several laws that affect women's rights have been amended through the initiative of Emang Basadi. Ditshwanelo has also on a number of occasions championed the cause of minorities, such as ethnic minorities and gay rights, for instance. Lately other sectors of civil society have become very active and influential. In particular the labour movement became assertive after the new Public Service Act of 2008 was put into force that allowed public officers to go on strike. In mid-2011, the public sector unions organised a country-wide strike that lasted for over two months. The trade unions even rallied medical professionals and teachers to join the strike. The public officers' strike took an unprecedented twist when the trade union leaders coalesced with opposition political party leaders to call for regime change. Apparently this action seemed like 'copy cat' behaviour as it occurred at the time when there were popular uprisings in North Africa in which unpopular regimes were removed from power. The regime change attempt in Botswana failed dismally but the strike action has shown the potential influence organised civil society can achieve. After a prolonged strike leading to weeks of interrupted service delivery in the public sector, the Government presented a bill in Parliament that swiftly came into law declaring teachers, veterinary officers, and diamond sorters and cutters and medical professionals to be members of essential services, thereby barring them from striking.

The other civic organisation that has also shown some strong organisational capabilities that many other organisations lack is Reteng. This coalition of ethnic minority organisations is headed by people such as Professor Lydia Nyathi-Saleshando, the Deputy Vice Chancellor of the University of Botswana. Reteng has been able to publish their arguments online through their website for wider circulation. As indicated earlier in this Chapter, Reteng continues to wage a relentless campaign against discrimination against ethnic minorities. The amendment of sections 77, 78 and 79 of the Constitution of Botswana were made after several sections of the population, particularly members of Reteng, agitated for change. The other civic organisation, the First People of the Kalahari (FPK), coalesced with Survival International based in the United Kingdom in a campaign in which they alleged that the government forcefully removed the Basarwa from the Central Kalahari Game Reserve (CKGR), which they claim as their ancestral land. Due to the differences of opinions between the FPK and Survival International on one side and the government on the other, the former won the support of Ditshwanelo (a human rights organisation) which later withdrew its support due to differences relating to the tactics applied by the FPK. The matter was taken to the High Court in 2006 where the government lost the case and Roy Sesana (the leader of the FPK) and his co-appellants were granted leave to stay in their ancestral land.

The scenarios presented in the preceding paragraph depict a civil society characterised by different managerial capabilities and resource endowment. Some organisations such as FPK have been able to forge strategic alliances with international organisations while others such as Ditshwanelo have been able to build capacity and reputation over time.

(e) The external African and the extra-African globalising factors in the development of the postcolonial state

Botswana is a member of many international organisations such as the United Nations and its specialised

agencies, the Commonwealth, the African Union (AU), the Southern African Development Community (SADC), the World Bank, the International Monetary Fund (IMF) and the Southern African Customs Union (SACU) to name a few. These regional and international institutions influence governments in many areas such as the management of the economy, governance, and social and political development.

Of particular interest are the Bretton Woods institutions (the IMF and World Bank) as they have had significant influence on Botswana's macro-economy and public sector management. Some of Botswana's most influential people have served in the Bretton Woods institutions in different capacities. Former President Festus Mogae was an Executive Director of IMF Anglophone Africa from 1976 to 1980, and also served as a member of the Joint Development Committee of the World Bank and IMF from 1989 to 1990. Before joining politics in 1992, Mogae served in various influential positions such as Governor of the Bank of Botswana, Permanent Secretary in the Ministry of Finance and Development Planning, and immediately after joining politics was Minister of Finance and Development Planning. The late Baledzi Gaolathe, who was Minister of Finance and Development Planning at the time he passed away, once served as Alternate Governor of the World Bank's Board of Governors from 1976 to 1992 as well as being a member of the IMF Board of Governors from 1997 to 1999. The current Governor of Bank of Botswana, Linah Mohohlo, also served in the IMF in the mid-1990s and was appointed Deputy Governor of the bank shortly after her return in 1997 (Irving, 2004).

The association of Botswana's key architects of its economy with the Bretton Woods institutions is intertwined, and it goes without saying that the influence of the institutions on Botswana's macroeconomic management is very significant. The technical assistance given by these institutions improved the capacity of the government's macroeconomic management (Nordås, 1998). The government of Botswana is committed to a free market economy, and has implemented Performance Management Systems with a view to transforming the public service into a lean, efficient customer-friendly public service. The move to liberalise the economy through privatisation, corporatisation and commercialisation is geared at increasing private sector participation in the economy. Marobela (2008) argues that the influence of the World Bank on Botswana's public sector management is geared at enshrining neo-liberalism in the country's economy. And with these initiatives that the Government of Botswana undertook at the behest and advice of the World Bank, the benefactor is foreign capital through the process of globalisation (Marobela, 2008). Globalisation is perceived as the incorporation of developing economies into the global economy that is dominated by developed countries and their private capital.

Botswana has been a liberal democracy since independence, and has been in pursuit of economic liberalisation ever since. Good governance is at the top of the government's agenda. So far, Botswana is ranked highly by many of the international institutions such as the Mo Ibrahim Foundation, Transparency International and Business Monitor International, to name but a few. Overall Botswana is ranked 3rd on the 2011 Ibrahim Index out of 53 African countries. Out of the four categories that make up the Ibrahim Index, Botswana ranks highly (see Table 1.3).

Although Botswana has maintained the same ranking as in the 2010 Index, the actual performance for three of the categories registered a decline with the exception of the Safety and Rule of Law category that remains unchanged. Participation and Human Rights dropped from 4 to 5; Sustainable Economic Opportunity from 2 to 4; and Human Development from 5 to 6. Overall Botswana maintained its previous position at number 3. Botswana's rankings by the World Economic Forum slumped from 76th out 139 countries in 2010 to 80th^h out of 142 countries in 2011.

The Government of Botswana takes these rankings seriously and the Minister of Finance and Development Planning, Kenneth Mathambo, stated in the Budget Speech that a Cabinet Subcommittee has been setup to look into the matters that were pointed out as having cost the

Table 1.3: Botswana ranking in each category of the Ibrahim Index

2011 Ibrahim Index of African Governance	
Categories	Botswana's Rank
Safety and Rule of Law	2
Participation and Human Rights	5
Sustainable Economic Opportunity	4
Human Development	6
Overall Ranking	3

Source: 2011 Ibrahim Rankings

Government its previous rankings (GoB, 2012). The commitment of the Government to the international rankings indicates its desire to attract more foreign direct investment (FDI). Minister Mathambo stated categorically that "...Botswana's future growth can only be sustained through more rapid expansion of the private sector that is internationally competitive and *integrated into the global economy*" (emphasis added) (GoB, 2012: 12). To prepare itself for globalisation, the government has developed a strategy to achieve this goal. The strategy involves:

- privatisation
- outsourcing and divestiture
- reduction of the size of the public sector, and
- commercialisation

The government adopted a Privatisation Master Plan in 2005 which seeks to identify parastatals suitable for outsourcing and divestiture. On the other hand, the Botswana Economic Advisory Council (BEAC) seeks to reduce the role government plays in the economy. This has been achieved in part by a reduction of government expenditure and net lending from 45% of GDP in 2008/09 fiscal year to 36.4% in 2011/12 (GoB, 2012: 12). Commercialisation, which involves hiving off the government functions and activities that could best be undertaken by the private sector, has been embraced. This will also help in the reduction of the public service and the wage bill by 5% annually until 2015, including the freezing of new posts that will be carried forth in the current financial year, 2012/13. The implications of Botswana's quest for globalisation are discussed in the section below.

THE UNFOLDING CONTRADICTIONS OF THE POSTCOLONIAL STATE – FOR THE STATE AND SOCIETY

Globalisation is associated with the Western aid agencies, IMF, and World Bank's requirements for democratisation and economic liberalisation. According to Mkandawire (2005) globalisation is difficult to define. However, Conteh-Morgan (2006: 88) defines globalisation "as the exercise of transnational hegemonic power ... This manifestation, organisation, and exercise of power is reflected in the decisions, actions, or 'impositions' of International Financial Institutions (World Bank and IMF, and the World Trade Organisation), as well as advanced industrial nations." These impositions do not usually serve the interests of the poor African countries but the rich Western powers (Marobela, 2008; Conteh-Morgan, 2006; Mkandawire, 2005; Abrahamsen, 2001).

Many developing countries want integration into the global economy, which in fact is a strategy of the West for opening up and securing global markets for their multinational companies. The Government of Botswana understands this very well, hence the determination to shrink the public sector and enhance private sector development. Both democratisation, epitomised in the good governance agenda, and economic liberalisation are regarded as key to sustainable economic growth.

Although the Botswana economy has been very successful and hailed by many as a shining example for Africa, it is the inherent structural inequalities that are perhaps disconcerting. In spite of the mineral wealth the country is bestowed with, "inequalities of wealth and income are particularly severe" (Good, 1993: 203). In December 2011, unemployment stood at 17.8%, a slight increase from 17.5% in 2005/06 as indicated in the Labour Force Survey (GoB, 2012). Some analysts perceive this scenario as a result of the manner in which the economy is structured, which is "to suit the interests of international mining capital" (Marobela, 2008: 1). However, poverty in Botswana is not dependent on ethnicity but as Selolwane and Shale (2008) observed, it is class based. For instance, according to the Central Statistics Office (now Statistics Botswana) 2008 Poverty Map Report, the Chobe, North East and Kgatleng (the only Tswana speaking district of the three) districts have the lowest poverty headcount of 20-30% each. The Chobe and North East are predominantly inhabited by ethnic groups that are commonly regarded as minorities in Botswana. Other districts that are arguably predominantly Tswana speaking such as Central, Kweneng, and Southern have higher district level headcount of 30-40% and 40-50% respectively. Most of the poor in Botswana are found

among the Basarwa and other remote area dwellers as these are the poorest of all in the country (Good, 1993: 230). Remote area dwellers are usually a mixture of ethnicities but suffer the disadvantage because of their physical and economic isolation from major towns and villages. Basarwa are probably the only ethnic group that is particularly affected by poverty more than any other.

What these factors indicate is that the loose usage of the term/concept of 'minority ethnic groups' has to be revisited as to who these really are. In fact, it is ironic that Bakalaka are often counted among minority ethnic groups (see Nyati-Ramahobo, 2008; Reteng, 2007) yet on the contrary Selolwane and Shale (2008: 5) go further to show that they are among the dominant tribes in both the ruling and main opposition parties. There is anecdotal evidence that the Bakalaka are one of the economically dominant indigenous groups in the country, with many of them highly educated, owning big businesses, and also involved in commercial ranching in the western parts of the Central District. While some of the originally 'Tswana' speaking ethnicities such as the Batlokwa, Balete and probably the Barolong are numerically less than some of the so-called minority ethnic groups, such as the Bakalaka they are not included among the minorities. So, minorities cannot be defined only by a singular factor of numbers but, in addition to numbers, minorities in this context refers to groups of people with a common identity, and who face some disadvantage in terms of social recognition and access to economic, cultural and political power.

Women, for instance, are not only disadvantaged economically but also culturally due to a patrilineal society. According to Tswana tradition, women could not inherit property such as cattle and homesteads and therefore their means of accumulation of wealth were limited. In a court case that is set to change the predicament of women, Justice Key Dingake passed judgement in October 2012 that overruled traditional practices and would allow women to inherit property. In the long term the judgement carries much hope for women but in the short term, there are many women who would still be suffering the consequences of historical gender discrimination. Whereas the cost of running an election campaign is estimated at a minimum of about P150, 000³ (approximately US\$20,000), their socio-economic status means that women are greatly disadvantaged in competing for elective office compared to their male counterparts. Women, people with disabilities and the Basarwa are underrepresented in Botswana's governance institutions, especially Parliament, largely because of the structural disadvantages they encounter in life. Some have blamed the electoral system for the under representation of minorities, but in Botswana that may just be a small part of the problem. Even if the electoral system was to be changed the socio-economic barriers would still remain insurmountable. More targeted interventions, for Basarwa, women and people with disabilities, such as affirmative action that includes financial assistance would most likely yield better results than changing the electoral system.

CONCLUSION

The modern Tswana polity has inherited and adapted many of its features from the traditional Tswana polity. The characteristics of the Tswana polity predate the colonial epoch. A developmental state, consensus building, and negotiations to resolve political problems remain the hallmark of Tswana political characteristics that were adopted in the modern day politics. Also, the subordination of civil society to the state has been practised from pre-colonial times up to this day. Tswana polity was fragmentary but this was eliminated during the colonial period, and Tswana polity has remained stable ever since. All these characteristics mentioned above have contributed to a docile society and a stable non-violent political system. Botswana consists of multi-ethnic communities that enjoy some constitutional protections such as the freedom of movement, association, and speech. There are nevertheless some contested rights, especially those for minorities; women, people with disabilities, youth and ethnic minorities.

In spite of the contestation of minority rights, party politics in Botswana is not largely influenced by ethnicity. All the main political parties represented in Parliament, the BCP, BDP, BMD and BNF enjoy widespread national support. However, almost all of these parties have their strongholds in the regions or places from where their founders and/or leaders originate. Historically independent candidates have not done well in elections in Botswana. Nehemiah Modubule set a record in the 2009 general elections by being the first person to win a parliamentary seat as an independent candidate. The constitution of Botswana

3 Interview with Thabo F. Masalila, Executive Secretary of the BDP.

continues to be improved through some amendments. The latest and most significant changes to the Constitution were the amendment of sections 77, 78 and 79 that attempted to make the Constitution tribally neutral. Some sections of the population nevertheless still feel aggrieved that the reforms did not go far enough to exterminate ethnic discrimination. In particular, the aggrieved parties feel that the establishment of the former principal tribes as *ex-officio* members of *Ntlo Ya Dikgosi* gives them a different status from the rest who are elected into membership. The lack of publication of the Constitution in the national and other languages, as well as in Braille was also perceived as discriminatory. Despite these shortcomings no group has ever considered taking up arms to fight for its rights. But as the Setswana adage goes '*ntwa kgolo key a molomo*' – they have resorted to legal action, such as when the First People of the Kalahari took their grievance to court.

Botswana is noted for prudent economic management, and this attribute is believed to have originated in the pre-colonial Tswana state culture of a developmental state. Also, the ability of the BDP-led government to blend the traditional and modern elements of governance have been noted as some of the success factors in Botswana's governance record. However, pre-colonial Tswana economies were built on domination and servitude that resulted in social and economic classes across society. Basarwa as a population group were the most severely affected by this situation. Except for the Basarwa as a population group, poverty in Botswana cuts across ethnicities and is largely a class issue than ethnic problem. Civil society in Botswana remains largely weak due to the traditional subordination of society to state institutions. There are a few civil society organisations such as Emang Basadi, Ditshwanelo, FPK, BOCCIM, and the labour movement that have shown some resilience by fighting for the rights of their members, or influencing policy.

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CHAPTER II: METHODOLOGY

Khaufelo Raymond Lekobane

INTRODUCTION

This chapter outlines the various approaches used, and all the steps followed, in conducting the study *Elections and the Management Diversity in Botswana*. It also provides a brief introduction of the objectives of the project as well as the challenges realised in carrying out the study. The primary objective of this project is to establish the mechanisms for monitoring performance in various dimensions of the capable state in Botswana through a systematic collection and analysis of qualitative and quantitative data using selected key indicators. The methodology of this study involved the use of four research instruments: the Methodology Workshop, the Expert Panel survey, Focus Group Discussions, and the desk-based research. The methodology followed, the Expert Panel survey instrument, and the focus group selection, were designed by the United Nations Economic Commission for Africa

THE METHODOLOGY WORKSHOP

The methodology workshop was held on the 6th October 2011 in Gaborone. Invitees to the workshop were people targeted as potential respondents through the expert panel study (see below). The objective of the workshop was to launch the study where all essential explanations about the purpose of the project and the instrument used to collect data on the opinions of the expert panel was made. Although having invited close to a hundred people only 40 attended the workshop. Many cited work commitments as the impediment for them to attend.

THE EXPERT PANEL STUDY

The objective of Expert Panel study was to obtain the individual participants' opinions and feelings about the nature of elections and the management of diversity and governance in Botswana. The expert opinion instrument had two parts. The first part dealt with a set of specific questions directly related to elections and management diversity in Botswana whilst the second part dealt with general indicators for monitoring progress towards good governance which were covered in the previous Africa Governance Review studies. A total of 120 experts were selected. The Expert Panel members were selected through 'purposive sampling technique', whereby experts were chosen from a list of previous AGR studies for continuity and other members were selected from a wider community and relevant stakeholders based on their knowledge and experience on electoral governance and the diversity management issues of Botswana and governance generally. The characteristics below were used for selecting the panel members.

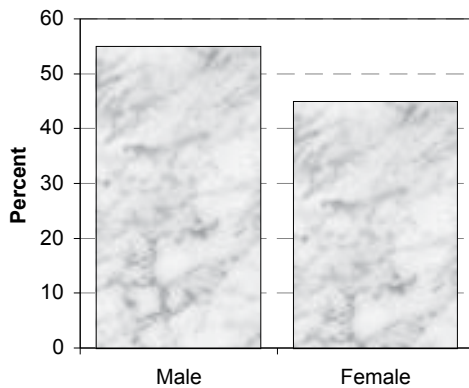
- (a) Age of respondent was 25 years and above.
- (b) Education, field of training and occupation: panel member should have at least first degree, preferably in liberal arts, social sciences or law.
- (c) Social status: some political leaders e.g., MPs without first degrees were also included in the panel.
- (d) Interest in the nation's affairs.
- (e) Relationship with political parties and the government.
- (f) Familiarity with elections, electoral processes, and diversity management.

(g) Citizenship/nationality.

(h) Ethnic, gender, religious and geographical representation.

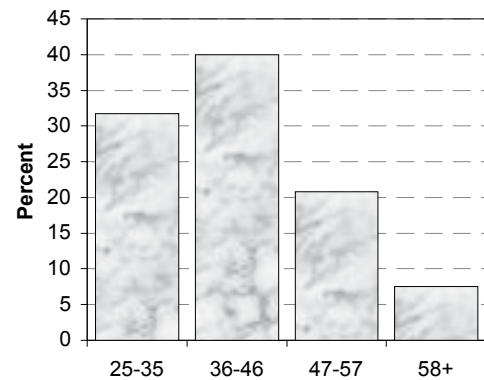
Figure 2.1 depicts the distribution of the Expert Panel respondents by gender. Males accounted for 55% of the respondents and females accounted for the remaining 45%. The youth (25-35 years) accounted for 31.7% of the Expert Panel respondents, whilst the middle aged (36-46) accounted for the bigger share of 40%, followed by the age category 47-57 years accounting to 20.8% and the remaining 7.5% is accounted

Figure 2.1: Distribution of Expert Panel respondents by gender



Source: Author computed from AGR III dataset

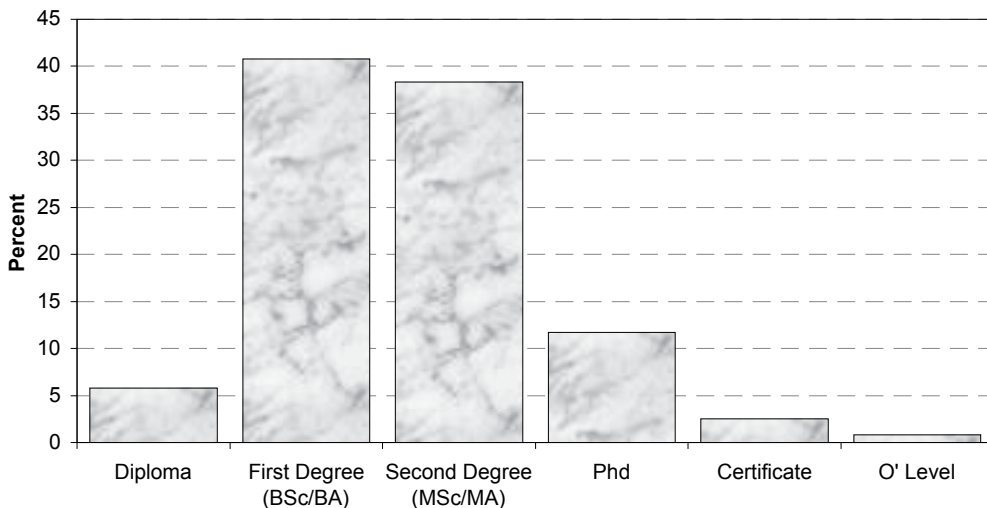
Figure 2.2: Distribution of Expert Panel respondents by age groups



Source: Author computed from AGR III dataset

for by those aged 58 and above (Figure 2.2). In relation to education level, the majority of the Expert Panel respondents had first degrees (BSc/BA) and second degrees (MSc/MA). Those with first degrees accounted for 40.8% whilst second degree holders accounted for 38.3%; followed by PhD holders accounting for 11.7%, Diploma (5.8%), Certificate (2.8%) and lastly O' level accounting for only 0.8% (translating to one individual).

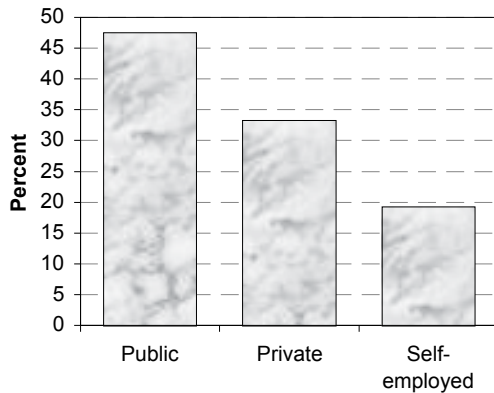
Figure 2.3: Distribution of Expert Panel respondents by education level



Source: Author computed from AGR III dataset

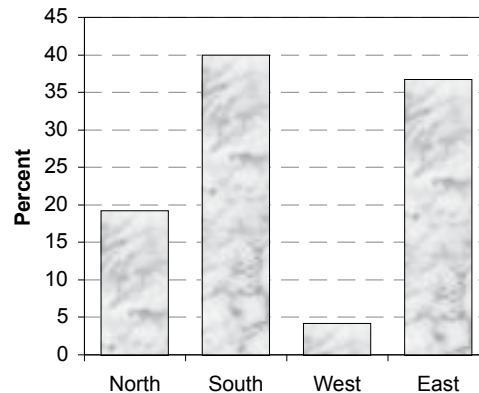
The individual with O 'level was included in the survey because he is a councilor. The study also selected panel experts from different sectors of employment. Figure 2.4 depicts the distribution of the Expert Panel respondents by sector of employment. About 47.5% of the Expert Panel respondents were from the public sector whilst 33.3% were from the private sector. About 19.2% of the Expert Panel respondents were self employed (Figure 2.4). Another important variable that was considered when selecting the Expert Panel respondents is the place of origin. About 40% of the respondents were from the South, followed by 36.7% from the East, 19.2% from the North and lastly 4.2% from the West.

Figure 2.4: Distribution of Expert Panel respondents by sector of employment



Source: Author computed from AGR III dataset

Figure 2.5: Distribution of Expert Panel respondents by place of origin



Source: Author computed from AGR III dataset

DATA COLLECTION

Data was collected using the questionnaire designed by the Economic Commission for Africa (ECA). Participants during the Expert Panel seminar were given the questionnaire before the survey for familiarization with the instrument. The questionnaire was completed between late 2011 and early 2012. The questionnaires were mailed to the experts with stamped, self-addressed envelopes. The data collection took longer than expected since most of the selected experts failed to complete the questionnaire and those who did took a longer period of time. To compensate for the uncompleted questionnaires the Team had to find matching replacements which also took some time to complete and return.

DATA PROCESSING AND ANALYSES

Upon receiving the questionnaires from the experts, each questionnaire was checked for completion and consistency and to detect any errors and follow ups made immediately. The questionnaires were then coded, since the codes did not appear on the instrument. Coding was done by the research assistants and checked by the supervisor. Two research assistants were engaged for the data entry exercise which took about 10 days. The Statistical Package for Social Scientists (SPSS v.19) was used for both data entry and analysis. Data analysis comprised mostly of frequency tables as requested by ECA.

FOCUS GROUP DISCUSSIONS

The objective of the focus group discussions (FGDs) was to obtain the participants' opinions and feelings as a group about the nature of elections and the management of diversity and governance in Botswana. The aim of the FGDs was to stimulate free discussions, fresh ideas and insights about the subject matter. The FGD instrument complemented the Expert Panel survey by targeting specific social interests and groups, and eliciting their views on the issue of elections and management diversity in Botswana. The guide questions were provided by ECA and had two sections: (a) Elections and the management

of Social Diversity and (b) Elections and the variety of conflicts in Africa. Five types of groups were identified and selected for interview. Two sets of groups were selected from each category, one being urban and another from a rural village. BIDPA researchers conducted the focus group discussions in both Gaborone and the rural areas. The groups consulted included: the Caucus for Women in Politics (Gaborone) and women in a rural village of Moshupa; two youth groups, one in Gaborone and another in Mabutsane; Reteng (ethnic minorities) in Gaborone; ethnic minorities in Hukuntsi; society for people with disabilities in Serowe; people with disabilities in Gaborone; representatives of political parties in Palapye; and another in Gaborone.

THE DESK RESEARCH

The desk-based research instrument was used to extract information from secondary and primary sources including government documents and gazettes, electoral management bodies, available documentation from political parties and civil society organizations, publications at the local, national and regional levels, text books, journals, newspapers, magazines and periodicals, and other relevant sources. The instrument had six components; (i) Elections and management diversity (ii) Democratization process, political pluralism and diversity management in the country, (iii) Elections and conflicts in the country, (iv) Electoral trends and experiences of the countries in relation to diversity management, (v) Political elite, electoral and political consensus, violence and diversity management, and (vi) Best practices in the electoral process and diversity management in the country. The instrument was also used to supplement the survey from the Expert Panel and focus group discussions.

THE VALIDATION WORKSHOP

The Validation Workshop was held in Gaborone on the 20th September 2012. It was organised as a breakfast seminar in order to attract most people before going to their work places. Invitees included political activists, the media, academics, and members of the expert panel. The objective of the exercise was to validate the findings of the draft report amongst the experts and other knowledgeable members of society. Feedback received from the workshop was incorporated into the study.

STUDY LIMITATIONS AND CHALLENGES

There were some challenges that the BIDPA team encountered in the data collection process. These included resistance from selected experts refusing to disclose some required information, claims of fear of victimization, and failure to complete and return the survey instrument. Most selected experts were unwilling to disclose their party membership for fear of victimization. Again the law of Botswana does not allow civil servants or people working with parastatals to be actively involved in politics. Some experts did not want to disclose their ethnic origin, arguing that in Botswana that is not necessary. The second factor that contributed to the delay in data collection was the low response rate in returning the questionnaires, resulting in many follow ups on experts to complete their questionnaires. Some of the experts had to be replaced due to a complete non-response. As for the focus group discussions, it was very difficult to independently contact organizations outside Gaborone without having to go through their head offices in the capital. Many of these organizations insisted on contacting their branch offices, or members, themselves. Sometimes this resulted in BIDPA not having the opportunity to choose who could be part of the FGD. However, many of the participants in the FGDs liked the process and made meaningful contributions, while some misunderstood the purpose of meetings and expressed some of their personal problems unrelated to the matter at hand. Whenever this happened the BIDPA team reiterated to the respondents the objectives of the FGDs, and where possible advised people where they could get help.

Some respondents among the Expert Panel members refused to state their ages and political parties. On age many said they just do not want to, while on political parties they said they do not vote for parties but individuals. That is, if a good candidate is running under the ticket of a particular party they would vote for him or her. If another party has a better candidate they will move their allegiance to it. Because of the

refusal to disclose one's political party membership or support, it became difficult for the research team to know (and accordingly balance) the political affiliation of the Expert Panel members as required by UNECA.

CONCLUSION

The sample population for this study was based on purposive sampling. The study sampled citizens of Botswana aged 25 and above with an interest in governance matters., UNECA suggested, however, that the sample must all have degrees, one participant was selected without a degree on the basis that the said participant was an elected civic leader. In all, 120 people made the study sample and the majority of these were males, youth (25-35 years) dominated; and predominantly from eastern Botswana with an urban bias. Several challenges led to delay in completion of the study. These challenges included the following: the compilation of the expert list which took longer than expected as those selected had to be willing to participate; secondly most selected experts were unwilling to disclose their party membership for fear of victimization; thirdly there was low response rate in returning the questionnaires, resulting in a great deal of follow up of experts to complete their questionnaires, and so some of the experts had to be replaced due to non-response.

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CHAPTER III: STATE, SOCIETY STRUCTURE AND PROCESS OF GOVERNANCE

Gape Kaboyakgosi

INTRODUCTION

This chapter focuses on the structure and governance processes of the state in Botswana. It addresses a number of issues in this regard, including: major institutions influencing the country's culture, economy and politics; the forms and types of state structures; the rules of political succession; the types of interface between the state, private for profit and not for profit organisations; the implications of diversity for the emergence of sub-national identities; the character or differentiation of Botswana's civil society; and state structure, with particular focus on traditional governance institutions, the extent of centralisation, citizenship in a plural state, pressures for political federalism, devolution or decentralization and constitutional provision or conventional arrangements for power-sharing.

THE CHARACTER OF THE STATE

Botswana is a democratic developmental state. The state is at the centre of socio-economic change and actively directs it by promoting national development through policy interventions guided by the National Development Plans (NDPs). Botswana's developmental state structure is unique as it has been able to formulate successful policies aimed at developing infrastructure and economic growth. The state supports capitalism as a mode of production. The government promotes private investments by national and multinational corporations, creating profit-based public enterprises and an environment conducive to the private sector is operating and thriving (Edge, 1998). Whereas the country was extremely poor at independence, the discovery of diamonds in Orapa in the 1970s highly strengthened the country's fiscal position, with the result that Botswana's government took a central position in the development trajectory of the country. It built the primary, secondary and tertiary education institutions, clinics, hospitals, roads and other social and economic infrastructure.

(a) Traditional governance institutions

Bogosi or chieftaincy, has led the various tribes within the nation long before the onset of the protectorate status of the country. To date, *bogosi* remains one of the predominant institutions of governance in the country, albeit with a reduced status. Some of the functions that *bogosi* held have been transferred to the modern democratic institutions. However, *bogosi* still retains relevance, and *dikgosi* (chiefs) command respect and authority within their communities. Chiefs are often regarded as the embodiment of their tribes' identities, the custodians of tribal culture and values. President Khama, himself a tribal leader, sees culture as a unifying factor and expressly stated that "My Government's position is that our arts, culture and heritage must be celebrated nationwide so that we can all truly enjoy our unity in diversity" (GoB, 2008: 4). As a traditional institution, *bogosi* can play a major role in contributing to the successful management of diversity in the country.

(b) The extent of centralisation

The Government's commitment to decentralisation is attested to by many scholars (see Olowu and Wunsch, 2004; Sharma, 2000; Reilly, 1983). However, the Government of Botswana views decentralisation "not as a means in itself, but as an instrument or tool that helps the state achieve other objectives to which it [decentralisation] contributes" (GoB, 2003: 400). The government has, over the years, been concerned about the need to decentralise service delivery and decision making to local areas so that decisions are made closest to where they are needed. In 2001 President Mogae appointed a commission to seek ways of strengthening

local government. The Commission produced a report entitled Report of the Second Presidential Commission on the Local Government Structure in Botswana 2001 (GoB, 2001). The recommendations of the Commission were presented to Government, and the Government response was articulated in Government White Paper No. 1 of 2004. Among the accepted recommendations, the White Paper suggested the need for a comprehensive Decentralisation Policy covering all sectors of government, which need was articulated in National Development Plan 9 (NDP9).

Initiatives were undertaken to implement the accepted recommendations and the then Ministry of Local Government undertook a process towards the development of the policy. To date however, the process has not been completed. The report mentioned above was preceded by the First Presidential Commission on Local Government Structure in the early 1980s. The 1980s report strengthened the councils and land boards by removing *dikgosi* from their membership and thereby strengthening the elected officials' position and further entrenched the place of democratically elected institutions in society. Efforts have thus been made to professionalise the operation of land boards, with aspiring members making formal applications and appointments being made by the Minister of Lands and Housing. Land board members are no longer elected at the *kgotla* as it used to be in the past.

To enhance administrative decentralisation, the government established Administrative Authorities, of which currently four are operational in the villages of Molepolole, Serowe, Maun and Kanye. In a further effort to decentralise service delivery, there are currently over 61 service centres countrywide, where a group of villages is clustered together to access services from one village in their vicinity. Government has also approved the establishment of 19 new additional sub-districts to improve service delivery. These have had the impact of relieving the public from travelling long distances to access necessary services. Of the 19, only Mogoditshane/Thamaga Sub district is operational due to the financial recession. The Ministry of Local Government is, however, exploring options for the Sub Districts being started with the limited resources that are available.

Government has also re-centralised some services that were decentralised. To this effect, two critical areas have been transferred from the councils: 1) primary health care has since been mandated to the Ministry of Health, and 2) water and sewerage to Water Utilities Corporation (WUC), a parastatal company. In the case of primary health, the argument used to support this decision is that Government has realised that health services can be provided more efficiently if they are coordinated from the centre. It must be noted however that not all aspects relating to health have been transferred to the Ministry of Health as both public health and sanitation services are still the responsibility of local authorities.

In the case of water provision, some confusion needs to be sorted out between local authorities and WUC pertaining to who is responsible for sewage disposal in the rural areas. Secondly, over the last decades, the country has undergone a substantial increase in population growth and standard of living. Recognising that many of its existing policies and organizational structures for the water and sanitation sector may no longer meet the needs of its current citizens, the government undertook a review of its water and sanitation master plan. That review, completed in 2006, made many recommendations for reform. The National Water Master Plan Review in 2006 recommended that a series of institutional reforms were required within the water sector, amongst others, the separation of water resources management from water service delivery. These are needed to meet the increasingly complex challenges facing Botswana in the development of water resources, the supply of water, and overall management of the sector. Based on these recommendations, the government initiated a comprehensive effort in April 2008 to upgrade and extend water and wastewater services throughout the country. It is however important to note that local authorities will still be providing public water in other areas of the country, as well as managing primary education and primary roads.

(c) Pressures for political federalism, or decentralization

Botswana, as a modern democratic state, has not experienced overt calls for federalism. While many of the political parties have called for devolution, including calls that have also come from some ruling party members, none have so far been made directly or otherwise for a federal state. The increasingly vocal Botswana Association of Local Authorities (BALA) has been questioning the implementation model of decentralisation that is seemingly preferred by government. BALA is a voluntary organisation composed of individual councillors, and chief executive officers of councils. To BALA, the re-centralisation of primary

health brought into question the commitment of the state to decentralisation. While government justified this in terms of bringing in more accountability and efficiency, an earlier study by the Office of the Auditor General has shown that even central government run facilities are highly lacking in efficiency. This puts into question the logic of centralisation on the basis that local government institutions are inefficient. But there are benefits to be derived from centralising specific services such as health.

For a small country like Botswana, the government realised the importance of taking advantage of economies of scale by buying medications and other supplies in bulk from suppliers. The Central Medical Stores (CMS) in the Ministry of Health procures medical supplies and then distributes countrywide. However, overall, there are long-standing problems of nurses refusing to work in remote and rural settlements (Phirinyane and Kaboyakgosi, 1999), which was resolved by recentralising their recruitment under central government through the then Department of Local Government Service Management (DLGSM). The government has also recentralised the human resource management of local authorities' employees in the new Public Service Act of 2008. According to this Act all local government and central government employees belong to a single service and can be deployed where the government deems necessary. Whereas this development has the advantages of flexibility, there is a potential weakness in that local authorities chief executive officers may lose control over their human resources as transfers can be effected from the centre without due regard for reconciliation between their organisational strategic plans and human resource plans.

(d) Citizenship in a plural state

Citizenship is fundamental to the enjoyment of certain rights and freedoms which are the basis of a liberal democracy. Nationality embodies the basic relationship between the state and an individual, and is of great significance in defining and guaranteeing rights such as the right to political participation. These rights, guarantees, or other social services provided by government are not equally accessible to refugees, non-citizens and those considered as immature to exercise them responsibly (Selolwane, 1998).

Women's rights have made certain advances in Botswana even though the representation of women in the national assembly is still very low as there are no obligations from the electoral system for the government to adhere to any level of representation. A watershed moment in the matter came through a lawsuit brought by Unity Dow who questioned the state's refusal to grant citizenship to her children. Married to an expatriate, Dow questioned the constitutional provision that denied women the right to pass their nationality onto their children if they were married to non-citizen men. Essentially the Constitution was not only endorsing patriarchal values in Botswana by doing so, it also openly denigrated the right to citizenship by females in the country. Certain provisions of the Citizenship Act were declared unconstitutional by the court and the decision was regarded as a political landmark that demonstrated that the Constitution of Botswana guarantees equality between the sexes (Nsereko, 2004, Lentswe La Lesedi, 1995).

One issue that has haunted modern democratic Botswana is the question of citizenship rights for the Basarwa. The insistence by some amongst the Basarwa that they ought to be left to live in what they refer to as their 'ancestral land', particularly in the Central Kalahari Game Reserve, has led to frequent confrontations with government. While none of these has been of the nature of open warfare, it has nevertheless attracted negative publicity for Botswana internationally. Theirs has definitely demonstrated the nature of fractured citizenship. Upon winning their court case to stay within the CKGR, some of the Basarwa were left without drinking water as government refused to provide it, arguing that it was not obliged to do so. In a country with over 95% of citizens with access to potable water, such action by government seemed vindictive, and some international celebrities at the instigation of Survival International were threatening to campaign against Botswana diamonds as a result.

Sexual minorities also face discrimination in Botswana as the Penal Code does not recognise homosexuality. In recent times, Government refused to register the Lesbian, Gay and Bisexual Society of Botswana (LEGABIBO) formally, citing the illegality of the issues that LEGABIBO advocates. Such refusal, which is consistent with government's refusal to distribute condoms to male prisoners, perhaps represents the Government of Botswana's stance against gay rights. In order to challenge this stance by government, the Botswana Network of Law and AIDS (BONELA) has stated its intention to sue the government. While LEGABIBO had long made its intentions clear about challenging government's stance on the registration issue, the matter is attracting interest in other sections of society. On August 31st 2013, for instance, the Evangelical

Fellowship of Botswana had filed a 'friend of the Court' or '*amicus curiae*' brief against LEGABIBO's court challenge. As it stands, both the preliminary arguments and the main application will be heard in the first quarter of 2014.

(e) Constitutional provision or conventional arrangements for power sharing

There has never been a need for power sharing in Botswana as there is a legitimate electoral process and system that are recognised by all political parties in the country. Neither the electoral system in particular nor the Constitution in general was designed with power sharing in mind. With the FPTP electoral model, the Constitution places the responsibility on the political parties contesting state power to devise the means of running the country. There are no mechanisms designed for managing the diversity of the nation. At constituency level, groups such as women or the youth have to contest as robustly as anyone else to win the right to represent that particular constituency in Parliament. Minority groups thus often suffer such disadvantages as resource asymmetries for campaigning (in the case of women, the youth and Basarwa), and thus end up having lesser representation than possible.

Where Botswana could have had the means to influence the Constitution in their favour is in the ratification of the SADC Gender Protocol, which suggests that women have to constitute at least 30% of members of parliament sitting in the national assembly. However, Botswana has not ratified the SADC Gender Protocol. Similarly there is no protocol for ethnic minorities and the youth, or affirmative action.

Parliamentary representation in Botswana is not necessarily conducted on an ethnic basis. For instance, members from ethnic groups originating in certain parts of the country have periodically contested and won in a different region. The MP for Francistown East, Tshelang Masisi, who originally comes from Moshupa, in the south has repeatedly won in the northern city of Francistown, an area that is predominantly Kalanga. Similarly, Nehemiah Modubule, from the Central District has continually won in Lobatse in the south. However, this is easier to achieve in urban settlements where populations are highly mixed and liberal than in the usually conservative rural areas.

MAJOR CULTURAL, ECONOMIC AND POLITICAL INSTITUTIONS OF CURRENT GOVERNMENTAL PROCESS OF THE COUNTRY

The state of Botswana is made up of the three arms of government: the legislature, the judiciary and the executive. These three arms should ideally be separate in both their organisational and operational terms. The legislature is made up of elected members of parliament and four specially elected members of parliament. These four are selected by parliament after elections. While the Constitution does not say they have to come from the ruling party only, all past specially elected members of parliament have come from the ruling party.

The judiciary on the other hand is made up of judges, magistrates and traditional leadership. This arm of government exists to dispense justice. Often the judiciary is described as a dual system since it operates on the basis of Roman-Dutch law side by side with traditional or customary legal systems, the basis of which is Tswana customary law.

The executive arm of government consists of government ministries, their departments, regulatory organisations, independent oversight organisations and state-owned enterprises (SOEs). The executive arm is headed by the President. Cabinet Ministers, as part of the legislature, traverse the legislature and the executive.

Ntlo-ya-Dikgosi (formerly called the House of Chiefs), together with traditional leadership in general is another important set of actors in the affairs of the state. It serves an advisory role to the National Assembly and the Executive in matters that directly affect their tribes or culture as they are the custodians of culture and traditional values. *Ntlo-ya-Dikgosi* has been useful in promoting national political stability that has eluded some African countries that on attaining independence hastily abolished traditional institutions in the name of modernization. Traditional leaders owe their existence as an institution to pre-independence authority. *Bogosi* (chieftainship) is mainly hereditary, usually by eldest male children of the royal families. Unlike politicians, traditional leaders are often regarded as unifying factors in their districts.

Traditional leaders fall under the jurisdiction of two ministries; the Department of Tribal Administration under the Ministry of Local Government and Rural Development, and under the auspices of *Ntlo-ya-Dikgosi*

in the Ministry of Presidential Affairs and Public Administration. As public servants, traditional leaders are required to be apolitical, consistent with government requirements that no public officer should play an active role in politics. That requirement notwithstanding, Botswana's history has examples of Paramount Chiefs who abdicated their thrones for party politics. Among these are Sir Seretse Khama of the Bamangwato, who became the first President of the modern republic of Botswana under the BDP ticket and Bathoen Gaseitsewe, Paramount Chief of the Bangwaketse who led the opposition Botswana National Front as its President and Member of Parliament. Tswana Moremi of Batawana also abdicated his seat to join politics, initially as a BDP MP but later defected to the BMD. The current President, Ian Khama Seretse Khama, who is Paramount Chief of the Bamangwato has not abdicated his position as chief. Whereas traditional leadership is mostly associated with tribal territories, the urban centres of Botswana also have chiefs who are recruited from ordinary citizens. The main function of urban traditional leadership is to administer customary law.

Botswana has many economic institutions. They include State Owned Institutions (SOEs), public private partnerships, regulators and some government departments. At the centre of Botswana's economy is the Bank of Botswana which serves as the economic and financial advisor to government. Notable among the many public owned enterprises is the Botswana Development Corporation (BDC). The BDC is government's investment arm, whose main aim is to facilitate state engagement in business activities that citizens may be ill prepared to engage in. BDC has played a significant role in support of private sector development in Botswana.

The Botswana International Trade Centre (BITC) is a SOE mandated by an Act of Parliament to encourage, promote and facilitate the establishment of export-oriented enterprises and selected services which will result in economic diversification, rapid economic growth and creation of sustained employment opportunities. BITC came about through the amalgamation of the International Financial Service Centre (IFSC) and the Botswana Export Development and Investment Authority (BEDIA). It is an Investment Promotion Authority that acts as a focal point for export development in line with economic diversification. This is one of the key strategies that government has put in place to reduce the country's reliance on mineral resources particularly diamonds (still the primary source of revenue in Botswana) (Othata and Seleke, 2008). Another important player is the public-private partnership commonly referred to as Debswana (short for DeBeers-Botswana government partnership). Debswana is a diamond mining corporation that was formed solely for the purpose of mining Botswana diamonds. Diamonds have, through Debswana, come to form the bedrock of Botswana's economy contributing a major component of the GDP and being the largest single earner of foreign exchange for the state coffers.

FORMS AND TYPES OF STATE STRUCTURES

Botswana has adapted a parliamentary type of government, modelled on the Westminster parliamentary system. The legislature currently consists of 57 elected MPs and four specially elected MPs, the President, and the Attorney General. The head of state, the President, is elected from within the party with the majority of members of parliament, and thus, like in other Westminster-type states, the President is not directly elected. However, in Botswana the President does not undergo sessions of 'question-time' where other members of Parliament can interrogate him.

Political competition in Botswana is through a multiparty democracy that has been running continuously since independence. Botswana has adopted the First Past the Post (FPTP) electoral system which has implications for representative democracy. Firstly, the system gives rise to clear mandates since the elections always return a single winner. Such a winner will always be the one clearly meant to represent the constituency. However, in many instances, some of the margins between the winners and losers in the elections are very thin, meaning that even though it is clear who the winner is, the system tends to leave out many people with a representative not of their choice.

Botswana is a unitary state, with local government structures as the second tier of government. The nation has a unicameral legislature, the national assembly, responsible for making laws. Complementing the national assembly is the *Ntlo-ya-Dikgosi*. *Ntlo-ya-Dikgosi* is made up of traditional rulers and elected traditional leaders. Its role is to advise on matters relating to tribal, cultural, and land matters, as well as the administration of justice through customary courts. Currently Botswana has 28 local authorities consisting of

12 land boards, 10 district and four urban councils. Large district councils have been divided into sub-district councils to bring services closer to the people. These local authorities are, in essence, extensions of central government implementation strategy – they were not designed as agencies of political devolution. They exist to manage primary education, sewage reticulation, refuse collection and other related matters.

RULES OF POLITICAL SUCCESSION

Political succession is a subject that has recently gained prominence in Botswana, with presidential succession particularly central to these debates, while succession at other levels of the political spectrum are hardly ever discussed. In Botswana, MPs can have as many terms as their electorate re-elect them. For example, the MP for Molepolole South, Honourable Daniel Kwelagobe, who joined parliament in 1969, is still a member. Councillors may also have as many terms as they win elections. The situation is starkly different when it comes to the issue of presidential succession.

Prior to 1998, when a constitutional amendment on presidential succession was enacted, the Constitution did not bestow presidential succession on the Vice President. The founding president of the Republic of Botswana, Sir Seretse Khama had ruled from 1966 until his death in 1980 (14 years). His successor, Sir Ketumile Masire ruled slightly longer, from 1980 until 1998 (18 years). President Festus Mogae, upon whom the new limited tenure was first introduced, ruled for exactly a decade, 1998 – 2008. The current President, Ian Khama Seretse Khama, is on his first term and is expected to leave office at the end of his second term if his party wins the next elections in 2014.

Enacted in 1997 and implemented in 1998, the amendment to section 35 of Botswana's Constitution now means that the Vice President is a certainty to ascend the presidency when the incumbent retires or dies in office. Whereas prior to 1998 parliament was the institution that selected the next president, the legislature has now removed itself from that equation by amending section 35 of the Constitution (Maudeni, 2005: 87). The President, by selecting his deputy, also indirectly selects the future President, for the law clearly bestows the future presidency on the sitting Vice President.

There is an apparent link to electoral governance stemming out of political succession. One is the issue of announcement of election date. As the President is mandated to announce such a date, it remains advantageous to the ruling party, as their leader would always have advance knowledge of when such elections are to be held. However, any advantages are tampered by the expectation that elections in Botswana are to be held every five years and no less than 60 days after the dissolution of parliament. Furthermore, general elections in Botswana have always been held in October of the year in which they are due.

THE INTERFACE BETWEEN THE STATE, PRIVATE SECTOR AND SOCIETY

State-society interfaces occur in a number of ways. The traditional *kgotla* system, where residents gather to air their views or otherwise interact with leaders is a carry over from colonial times. Since 2010, the government has also made another innovation in state-society interactions, the *dipitso* ('consultations' or 'meetings'). Through the *dipitso*, government ministers responsible for various portfolios facilitate dialogue between themselves and communities to gather views relating to those matters. The potential of the *dipitso* to democratise society is great. However due to their relative newness, it is not as yet opportune to judge their efficiency at enhancing participation.

The Government of Botswana has a number of means of interacting with the private business sector and non-governmental organisations. The interface of government and organised business interests occur mostly between government agencies and the Botswana Chamber of Commerce, Industry and Manpower (BOCCIM), which is an umbrella body of private businesses in Botswana. The High Level Consultative Council (HLCC) which is headed by the country's President, is another body through which the state interfaces with different interests. Through the HLCC, on which sits all permanent secretaries, government ministers and selected heads of government departments, BOCCIM and other umbrella bodies, government consults business as many as four times a year and sometimes more if there are special HLCC meetings. The purpose of these meetings is to resolve a wide range of issues which constrain the performance of the economy. The Botswana Council of Non Governmental Organisations (BOCONGO) on the other hand is a recognised body with which

government engages on matters concerning civil society. Another way in which government and business interact is through the National Business Conference (NBC). The NBCs are biennial gatherings facilitated by BOCCIM, where government and the private sector discuss challenges facing businesses. For example, the last NBC, held in 2012 discussed the issue of implementation challenges facing Botswana.

IMPLICATIONS OF DIVERSITY AND HOMOGENEITY FOR THE EMERGENCE OF SUB-NATIONAL IDENTITIES

There is growing public debate about ethnicity in Botswana. Arguably the single most marginalised of Botswana's ethnic groups, the Basarwa have taken centre stage in these debates (Mogwe and Melville, 2012; Werbner, 2002). Overall, the Basarwa tend to be underrepresented in decision making structures, and arguably the lowest access to economic resources, including land.

Tactics used by aggrieved ethnic groups include challenging government in court, drawing their plight to international audiences and even reporting the government to the United Nations (Kaboyakgosi and Marata, 2012). Mother tongue instruction in public schools, particularly at primary school level has been of particular importance in the ethnicity debates in Botswana, and championed by amongst others, the Bakalaka and Bayei. The exclusive use of Setswana and English as mediums of instruction (to the exclusion of other languages as mediums of instruction) is traceable to government's policy, at independence, of promoting the use of Setswana as a national language ostensibly as a means of nation building. Critics of this policy argue that children from non-Tswana speaking ethnicities face unfair disadvantages in the learning environment as the use of a child's first language as the medium of instruction at the initial stages of education is known to be beneficial (Adeyemi, 2008). Critics also argue that their children are losing their right to be educated about their histories, customs, values and culture. The argument further goes that not only are their children affected, but the quest for homogeneity is costing minority ethnic groups many other rights such as their group rights to land, representation in *Ntlo Ya Dikgosi* and, the right to enjoy their languages and culture on radio and television (Reteng, 2007: 1).

Notwithstanding the foregoing analysis, the South African experience offers a counter-argument due to the contradictions in the multilingual South African education system. Firstly, educational institutions do not use the learners' mother tongues as languages of instruction. Secondly, parents prefer their children to be taught in English but many teachers are not adequately trained to teach in English. English is the most preferred language "for the globalised world of economic possibility is symbolised by English" (Mgqwashu, undated). This idea is supported by the argument that language policy takes into account the mobility of people around the globe,⁴ especially in a globalising world. Individuals would prefer to be taught in a language that can enable them to find jobs, and be able to communicate with the outside world. Not only is the use of mother tongues problematic at the upper levels of the education system, finding qualified teachers to teach at elementary level is also problematic (Mgqwashu, und; 7).

Wright (2000) cited in Mgqwashu shows a drastic decline of students at UNISA registered for all African languages from 25000 in 1997 to 3000 in 2000 at undergraduate level. At postgraduate level, enrolment dropped from 511 to 53 in the same period. Mgqwashu states that other institutions recorded annual declines of 50%. South African blacks were oppressed and their languages excluded from the education system, and only used as a divisive tool against them by the state, but once they had an opportunity to rectify the matter, other considerations took precedence. Thus the South African model or language policy presents potential lessons on potential challenges on the use of multiple languages. For instance, weekly air time distribution on TV in 1998 was skewed towards English which took 91.5% of the total weekly air time while Afrikaans took 5.66%, and all the nine African languages took only 2.29% (Mgqwashu, undated).

Despite the growing interest and intensity of the ethnicity debate in Botswana, the matter has, overall, been handled amicably. The distribution of economic resources has continued to follow the national planning approach, where natural resources found in all areas of Botswana are used for the benefit of the entire nation rather than for those tribes only where the resource may be located. Consequently one may as well argue that the government of Botswana has, to a greater extent succeeded in building a one-nation-state. This does

not however mean there are no challenges. For instance, there are groups within the nation that complain of under-representation such as the Basarwa, the youth, people with disability and women, who complain of imbalances within government structures.

LINKAGES BETWEEN POLITICAL ELITE AND THE MASSES

Botswana has many political parties, the majority of which are inactive. Prior to the 2009 elections, there were as many as 30 political parties registered in the country (Kaunda, *et al*, 2008), of which only eight registered for the national elections in the 2009 elections. In spite of the large number of parties, only four have parliamentary representation. These are the BDP, BNF, BCP and the newly formed BMD. Of these four, the BMD, a splinter party of the BDP did not contest the last elections, and thus remains untested electorally. At the time of writing, the BNF and the BMD had combined forces and formed a party known as the Umbrella for Democratic Change (UDC). While only the BDP was able to field candidates in all the 57 constituencies in the country, the rest of the parties, also appear to have wide presence and appeal. For parties with no parliamentary presence, the picture is different. The Botswana Peoples Party is highly restricted to Francistown and the North East district, whilst MELS's political activities are restricted to the urban centres, and, on the whole, seem to have very little appeal as their electoral performance, though increased in last electoral cycles is negligible to be considered a credible challenger to the governing party.

The unionization of public sector employees heralded a new era in public sector employees-government labour relations. Botswana's Public Service Act of 2008, allowed public sector employees to unionise, and also allows for public sector trade unions to be recognised as legitimate representatives of public servants in the collective bargaining process. Prior to this they were just staff associations, a provision that made it difficult for the unions to mobilise support. Through interpreting the Public Service Act of 2008 trade unions were able to hold Botswana's largest industrial action in 2011. At the same time, opposition parties took advantage of the strike and pushed their agenda as evidenced by the fact that people started talking about regime change, which was not the original reason why public servants went on strike.

THE CHARACTER AND STRUCTURE (DIFFERENTIATION) OF THE COUNTRY'S CIVIL SOCIETY

Botswana has NGOs representing diverse interests, be it education, business, health, HIV/AIDS, the environment, workers, and gender. The Botswana Council of Nongovernmental Organizations (BOCONGO) promotes and coordinates NGOs and builds the capacity of its members (Mokomane, 2008). BOCONGO was registered in 1995 by the Registrar of Societies with the main objective of strengthening the NGO sector through coordination, facilitation, advocacy and capacity building of their members (BOCONGO, 2013). BOCONGO's governance structure consists of the General Assembly, made up of paid up members, the Executive Committee appointed from the members, and the Secretariat which is the implementing arm of the Council. The Secretariat is headed by the Executive Secretary who is assisted by professional staff.

Botswana's civil society tends to concern itself mostly with service delivery. Civil society tends to fill service provision gaps left by government agencies by complementing the state. Some civil society organisations, appropriately labelled Aids Service Organisations help the Government to fight the HIV/AIDS pandemic. Through their various umbrella organisations such as the Botswana Network of AIDS Service Organisations (BONASO), Botswana Christian AIDS Intervention Project, and the Botswana Network of Law and AIDS (BONELA), ASOs are directly involved in aspects of policy making, including agenda setting and particularly implementation and monitoring and evaluation. These organisations are also represented at the level of Botswana's highest law making body as relates to HIV/AIDS, the National AIDS Council, which has been chaired by former President Mogae, a task that later fell to former Vice President Mompoti Merafhe, who held the position until he retired.

Civil society has also contributed to the electoral process by collaborating with the Independent Electoral Commission (IEC) to promote civic and voter education. Emang Basadi (a women's association) which has been very active in politics and has benefited from its lobbying and group pressure efforts, encouraged women to register and vote in the 2004 general elections. In 2003, ahead of the 2004 general elections, Emang Basadi organised empowerment workshops for aspiring women candidates from all political parties

contesting for elections. The 2004 statistics show that 311 265 registered female voters, compared to 239 148 registered male voters (IEC, 2004). It also encouraged political parties to champion women's issues and concerns (Mokomane, 2008). Other civil society organizations such as Ditshwanelo (Centre for Human Rights) have been at the forefront against human rights abuses particularly those of minority ethnic groups. Ditshwanelo has spearheaded the fight against HIV/AIDS, gender, good governance and the strengthening of civil society.

Although having some limitations in performing their functions, civil society organizations have challenged the government of Botswana, particularly for its handling of minority groups issues. Prior to the 2004 general election, issues of ethnic minorities gained momentum. The rights of Botswana pertaining to life, security and protection of the privacy of people's homes and property as contained in Chapter 2 (section 9) of the Constitution of Botswana, has dominated the domestic and international arenas (Maundeni, 2008).

THE ROLE OF THE STATE IN THE DISTRIBUTION OF PUBLIC RESOURCES AND SOCIAL SURPLUS

Botswana has been credited for its prudent management of resources, particularly revenue from the diamond industry which is the primary source of revenue for the country. After independence the state took control of the country's natural resources so that they were not controlled by any particular group and ensured they were used for the benefit of the whole nation. Most of the economic resources such as minerals and tourism sites are located in the eastern and northern parts of the country. The east and south east have larger population concentrations than the west and south west due to higher rainfall and better soils for arable farming.

The urban areas have the best educational facilities such as tertiary educational services and private schools. Healthcare in Botswana has improved over the past 10 years. But just like education, the best facilities such as referral hospitals, private clinics, laboratories and the best-trained personnel are found in the main urban centres (Mosha, 1998).

CONCLUSION

Botswana maintains a system of checks and balances where the judiciary, legislature and executive form the three arms of the state. Parliament, however, tends to operate with some inbuilt disadvantages in relation to the executive. The successful blending of traditional systems of governance with modern democratic institutions is one of the explanatory factors for Botswana's stability. The model of presidential succession is causing a lot of debate in Botswana, with two opposing camps, those advocating for direct presidential election and those advocating for the status quo taking centre stage. A number of mechanisms for the state to interact with the civil society, the business sector and society in general exist. The HLCC, BOCONGO, national business conference and various *dipitso* have come to supplement the *kgotla* system as a way that government reaches out and exchanges views with the nation. While the efficacy of these might remain to question, they are undoubtedly innovations in state-society relations.

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CHAPTER IV: THE DYNAMICS OF COMPETITIVE PARTY POLITICS

Keneilwe Sadie Mooketsane

INTRODUCTION

This chapter addresses the dynamics of competitive party politics in Botswana. This is done through several subsections in the report, which includes the nature, character and functions of political parties; resource allocation and the BDP domination; political affiliation and the freedom of association specially; elected members of parliament and councillors; the status and role of opposition parties; electoral behaviour (of the political parties, ethnic groups and electoral management bodies); internal democracy and party primary elections; the nature of political campaigns and the issue of diversity; relationship between form and type of government and development and dynamics of competitive party politics; party politics and formation of cabinets; the electoral system and competitive politics.

THE NATURE, CHARACTER AND FUNCTIONS OF POLITICAL PARTIES

Political parties form an integral part of a functional democracy. They aggregate and convey political interests and serve as the link between citizens, parliament and government (IDEA, 2007). Randall (1988) in IDEA (2007: 42) identifies the main functions of political parties as to:

- (a) endow regimes with legitimacy by providing ideologies, leadership or opportunities for political participation or a combination of all three;
- (b) act as a medium for political recruitment, thus creating opportunities for upward social mobility;
- (c) provide opportunities for the formation of coalitions of powerful political interests to sustain government (interest aggregation)
- (d) have major influence on policies as a result of devising programmes, supervise policy or mobilise people to undertake self help activities; and
- (e) maintain political stability in societies able to absorb increasing levels of political participation by new social forces generated by modernisation.

Botswana has four political parties represented in parliament. Even though there are many political parties in the country, The constitutionally guaranteed freedoms of expression, assembly and association are observed. Hence, the process of registering a political party in Botswana is fairly simple and free. Political party registration is regulated by the Societies Act which stipulates the requirements of registration and the conditions under which a society can be registered or deregistered. Registration mainly requires that the registering society should have a constitution that governs its existence and behaviour.

The various political parties in Botswana advocate for various ideologies. The BDP is a centre right party, the BCP centre left, the BNF leftist while the relatively new BMD appears to be centre left. While political parties are formed on the basis of beliefs, interests and ideology, a number of political parties have been formed as a result of party splits, the BCP and the BMD being particular examples in this regard. As a result, the political ideologies of such parties may not be significantly different from the parent parties they defected from. The desire for economic growth, national unity, and sustainable development is a common factor among the political parties.

Other factors influencing formation and organisation of political parties include resources and relations with other political organisations. Such relationships are based on shared values and may have an influence on policy development, international relations and development of party structures. Political parties in Botswana

do identify and relate to international political groupings and political parties in the region and abroad that have shared values and common political ideologies with them. The BCP is a member of the International Socialist Movement and through it has a relationship with the Labour Party of the UK and the African National Congress (ANC) in South Africa (interview with Dumelang Saleshando, 8th May 2012, Gaborone).

The BNF also belongs to the International Socialist Movement and appears in their website under their Observer Membership status, while the BCP does not. The BNF is also associated with the ANC and the South African Communist Party (SACP). From interviews held with the BCP President, Dumelang Saleshando, and BNF's Publicity Secretary, Moeti Mohwasa, both the BCP and BNF are social democratic parties in their ideological orientation. The defectors who eventually founded the BCP introduced the social democratic programme to the BNF in 1994. In line with this political ideology, both parties have advocated ethnic minority rights; minority languages; support the trade union labour movement and collective bargaining rights; free access to education, health, workers' compensation and so on. The BNF President, Duma Boko, has overtly supported gay rights while the BCP is not open on its stand on the matter.

On the other hand, the BMD identifies with the Liberal International Movement and through which, it has a link with the Democratic Alliance (DA) in South Africa and the Liberal Democrats in the UK (interview with BMD Donald Koogotsitse, 9th November 2011, Gaborone). An interview with Thabo Masalila, a political activist of the BDP, indicate that the BDP does not have formal party to party relations with any political party. The relations they have are with ruling parties in order to avoid any perceptions of interference in the affairs of other states. The BDP's relations with foreign political parties are not based on shared ideological orientation but the mere fact that they are in power. However, the party is cultivating relations at party level with the Social Democrats in Denmark (interview with Thabo Masalila, November, 2012, Gaborone). The benefits derived from these relationships have been on capacity building and training though not financial. Masalila indicated that ideologically the BDP is somewhere between social democracy and liberalism in view of the welfareism it pursues. It is, however, surprising that the BDP, which is a conservative party in practice, claims a social democratic ideology. The BDP's conservatism is attested to by its emphasis on stability, support of traditional leadership and recently expanded *Ntlo-ya-Dikgosi* membership, commitment to voluntarily reduce the size of government, and privatisation.

The BDP led government's opposition to gay rights, criminalisation of prostitution, incremental increases of minority rights at the compulsion of court orders, and resistance to trade unionisation of public sector employee associations are indicative of conservatism. It is arguable that the BDP has an ideological identity crisis, but has used its incumbency well to atone for this. The party has been able to carefully blend some elements of social democratic programme with conservatism and have effectively outmanoeuvred the long-time opposition social democrats, particularly the BNF. The BDP-led government's significant welfare programmes leave the opposition with few alternatives to offer the electorate, having successfully blended these with conservative social values that resonate with a conservative Tswana culture.

RESOURCE ALLOCATION AND BDP DOMINATION

The BDP has indeed grown and stayed a strong party. It has been in power for 46 years and it is better resourced and better organised. The following are some of the factors that have helped keep the BDP in power: the electoral system in use, a good record of the party in power; political patronage; private financing of parties, and fragmentation of opposition parties resulting in a weak parliament dominated by one party (Sebudubudu, 2010). Furthermore, the BDP continues to win elections because of party unity, cohesion, visionary and mature leadership, as well as convincing and implementable policies (Good, 1996). The BDP enjoys a competitive edge against other parties due to both incumbency and the already mentioned advantages. According to Rukambe, *et al*, (2010:14), "the power of incumbency, access to resources and the politics of patronage are central to the success of the party". Some of the benefits of being an incumbent party include the use of state vehicles and access to the state media (Somolekae, 2005).

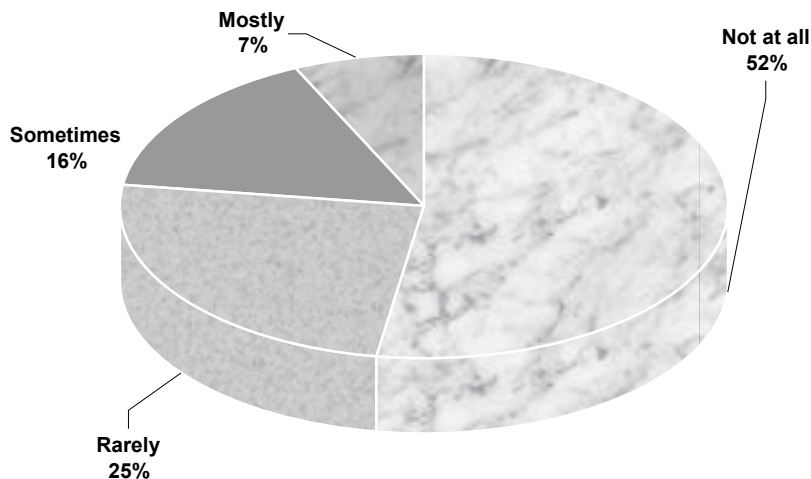
Cabinet ministers, essentially ruling party politicians, are able to gain political benefit from official engagements. Typically a cabinet minister who travels on duty can use his time there to address political rallies or attend to other constituency needs. This means that he or she would cut travel and lodging costs he or she would have otherwise incurred. Additionally they benefit from media coverage that comes with being a

minister. The issue of incumbency giving the BDP undue advantage in elections was articulated by one of the focus groups, the Rural Disabled (Serowe, 3rd November 2011) who argued that the BDP has better access to and makes use of government media and other resources.

Even before the outcome of the 2004 elections was known, the BDP had already secured one parliamentary seat and nine council seats (Sebudubudu and Osei Hwedie, 2005). The single parliamentary seat that was returned unopposed, in the Serowe North constituency, was not due to lack of resources but lack of a credible competitor to take on the popular candidate and tribal leader in the area, Seretse Khama Ian Khama. In comparison to the other political parties, the BDP also owns an office complex that they rent out to arguably the biggest cellular phone company (Mascom Wireless) in the country, a fleet of vehicles, a full time secretariat and some support staff. This makes it better organised and resourced as compared to opposition parties which mostly rely on volunteer staff and membership contributions only.

By the same token, it has to be noted that the BDP has the support of private companies and is able to attract members with resources and retain their support. Since independence the BDP had the support of chiefs, leading farmers, teachers, businessmen and women, and also received foreign aid (Molomo and Mokopagosi, 1991). This has put the BDP ahead of others and the opposition has never been able to close the gap. Figure 4.1 shows the Expert panel views on the parties' access to electoral resources.

Figure 4.1: Political parties have equal access to electoral resources



Source: Author, derived from Expert Panel responses

Expert Panel members confirmed the notion that political parties do not have equal access to electoral resources as expressed in Figure 4.1. When asked whether political parties have equal access to resources the majority of the respondents said 'not at all', a quarter said 'rarely', and a minority said 'sometimes' and 'mostly'. This means that 78% of the respondents expressed certainty that there is inequity in access to electoral resources. The responses indicate that there is need for equal access to resources to enhance the electoral and democratic process. Lack of funds is by far the most daunting challenge for opposition parties. The problem is further exacerbated by the lack of a provision for political party funding. Even though the performance of opposition parties has improved over time their financial status has not significantly improved. Saleshando (interviewed at Gaborone, 8th May 2012) attributed the opposition parties' poor financial standing to their inability to lure business people into their membership. He indicated that the government is the largest source of business in Botswana therefore some business owners would be reluctant to support opposition parties openly for fear of being victimised. Public funding of political parties would strengthen competitive politics and empower the financially constrained parties to compete fairly.

POLITICAL AFFILIATION AND THE FREEDOM OF ASSOCIATION

Belonging to a political party may be useful in raising visibility, campaigning and mobilising electorates. However, it is not the only viable route to electoral power. There is a provision for independent candidates to stand for elections in Botswana. Section 35 of the Electoral Act both gives guidance on nominations of parliamentary and local government candidates and makes provision for individuals to stand for elections as independent candidates.

Standing for elections as an independent parliamentary or council candidate has been practiced for some time in Botswana. In 2009, in an unprecedented elections outcome 15 out of 176 nominated parliamentary candidates were independent candidates while 132 of 1413 council nominees were independent candidates (EISA, 2010). Quite often, most independent candidates are individuals who defected from political parties for various reasons, mostly disagreements or disgruntlement over internal party election outcomes. Independent candidates are usually perceived as opportunists as they tend to return to their parties after winning the seats (Molomo and Molefe, 2005).

Whether electorates in Botswana vote for individuals or parties remains arguable. Somolekae (2005) stated that Botswana has a free mandate system which means that electorates vote for individuals and not parties. As such elected candidates can defect to other parties and still retain their seats. Contrary to this view Molomo (2005) opines that electorates in Botswana vote for the party and not an individual. He argues that party members rally behind nominated candidates and that electoral support is reduced when candidates resign from a party. These two conflicting views are at the core of the controversial floor crossing issue which has been on the policy agenda for more than ten years.

There are no legal hindrances to political party operations as well as little or no regulation of political party operations. If anything political parties are hindered by their very own processes, poor access to resources and weak organizational structures. A study done in 2005 on the matter could not find evidence to suggest that the legal environment in Botswana constrains the development and operations of political parties (Somolekae 2005). It is nevertheless desirable that certain practices such as state funding of political parties be undertaken to avoid anticompetitive processes and corruption. Public funding of political parties would also level the political playing field. Opposition parties have constantly lobbied for public funding of political parties, albeit unsuccessfully. Besides a number of political activists and analysts who have cited lack of political funding as problematic, the issue was also raised in all the focus group discussions. Though opposition political parties have constantly lobbied for public funding of political parties, government has so far not seen it fit to fund political parties through public means. Not only is the matter important due to unequal access to financial resources by political parties, it is also one of the major impediments to contesting for political office especially for members of the various minority groups such as women, the youth, and the Basarwa.

Even though some parties like the BPP seem dominant in specific areas, party membership is not bound by ethnicity or geographical boundaries. Membership or following is open to all and there is no deliberate effort to exclude any groups of people. No significant trends in terms of political party affiliation and ethnic origin have been established.

SPECIALLY ELECTED MEMBERS OF PARLIAMENT AND COUNCILLORS

The constitution of Botswana, section 58(2)(b) provides for nomination of four specially elected members of parliament. The idea is to bring in members who may bring special skills into parliament. The Minister of Local Government and Rural Development also nominates about 100 additional councillors. The provision for specially elected members is subject to abuse as observed by some respondents in the study. The rural political parties' focus group (Palapye, 3rd November, 2011) participants stated that, "government has used this privilege to reward loyal political activists who lost in the general elections, a practice which has a negative effect of neutralizing the opposition". Other focus group discussions, for example, the Urban Youth and Rural and Urban People with Disability, showed that participants were also unhappy with the government's use of the special nominations. One of the participants stated "the specially elected vote is misused; it could be used to get somebody with a disability to represent others with disabilities" (Rural People with Disability, 3rd November 2011). Most women also felt that special nominations could be used to increase the number of women in parliament.

The special nominee provision has also been used to dilute the popular vote. Despite election outcomes, the President is able to reverse the wishes of the electorate by bringing in someone who the electorate had voted out of power. In 1969 Sir Ketumile Masire lost the elections to Bathoen Gaseitsiwe but was later brought to parliament through the specially elected member token. In 1984, the late Peter Mmusi lost to Kenneth Koma, but was similarly brought back to Parliament. In 2004 Margaret Nasha lost to Dumelang Saleshando but was also brought back to Parliament as a specially elected member. While the foregoing examples are about national level nominations at the local level, the BDP leadership took an unprecedented step when after the 2009 elections, they nominated opposition councillors as well.

The delimitation of electoral boundaries is provided for in section 64 of the Constitution of Botswana. According to Molomo (1998), it is important that delimitation of constituencies be undertaken with utmost impartiality as it can otherwise be made to coincide with areas of party strength, disadvantaging opposition parties. Members of opposition parties have decried the constituency delimitation process, indicating that it favours the ruling party and prejudices opposition parties. According to Mokwape (2012), delimitation always favours the ruling party and prejudices opposition parties, and that there is a need for an independent and credible delimitation commission. Osei Hwedie and Sebudubudu (2004) also indicate that delimitation of constituencies tends to benefit the ruling BDP which is largely entrenched in the rural areas.

STATUS AND ROLE OF OPPOSITION PARTIES

The role of opposition parties is to provide an alternative government, provide checks and balances, protect the interests of the nation by ensuring that those in power do not abuse that power, and in the process enhance democracy. The strengths and successes of opposition parties in Botswana have been underplayed, while their weaknesses have been exaggerated. According to the BCP party president (interview with Dumelang Saleshando, 8 May 2012, Gaborone) opposition parties have made a positive contribution to the country's policies and development. He indicates that some developments such as the founding of the Botswana Defence Force, the introduction of Setswana in parliamentary debates, the old age pension, and some electoral reforms including the formation of the IEC were ideas initiated by opposition parties. He further stated that opposition parties have been able to stop the government from proceeding with policies that would not have been beneficial to Botswana. The draft HIV/AIDS policy could have been passed but had to go back for further consideration due to issues raised by members of the opposition.

Notwithstanding the successes noted above opposition remains weak. One of the challenges facing Botswana's democracy is the lack of a strong and credible opposition. Some have interpreted this as a sign of bad leadership and poor conflict management within political parties. The most impressive performance of opposition parties was in the 1994 polls when the BNF managed to win 13 out of 40 parliamentary seats with 37% of the popular vote. The party's performance did not improve and actually declined over the years due to splits and factions which meant divided votes hence a weak opposition against the BDP.

Opposition parties are ill-organised and lack resources, affecting their viability and their electoral performance. Lack of public funding of political parties also means that the political playing field is not level. The financial constraint faced by the opposition parties is well reflected in their failure to field candidates in some regions. The lack of finances results in parties overtaxing their members of parliament and councillors through mandatory contributions to support party activities (Saleshando interview, 8 May 2012, Gaborone).

The splitting of political parties is the greatest threat to opposition political parties in Botswana. The ability to manage internal differences and disputes is a key area of need for political parties in the country. Party splits go as far back as the early 1960s when the BPP split led to the formation of the Botswana Independence Party (BIP). Apparently the leadership had differences on the use of money and resources (Somolekae, 2005). The BCP was formed as a result of a split from the Botswana National Front in 1998. Eleven members of parliament and 100 councillors defected from the BNF to the BCP. The founder of the BNF, the late Kenneth Koma, later defected from the party to form the National Democratic Front (NDF). After the death of Koma, the NDF later joined the BCP to become one political party. On the other hand, the Botswana Movement for Democracy was formed in 2010 following some irreconcilable differences within the ruling party.

Opposition parties have in the past attempted to collaborate in order to effectively challenge the BDP. These efforts were not without challenges. In 1994 the BNF, BPP, and BPU came together to form the People's

Progressive Front. The coalition collapsed prior to the elections when the BNF pulled out claiming it had not been mandated by its members to enter into the collaboration. In 2004, the BNF, the BPP and the BAM contested elections as a pact (EISA, 2010). Prior to the 2004 elections, the BNF pulled out of cooperation talks with the BAM and the BPP when the two parties chose the pact model over the alliance model which the BNF preferred. The 2006 party unity talks also collapsed.

As a way to present better opposition, opposition political parties, the BCP, BPP, BNF and BMD came together in an effort to face the ruling party as a united front in the coming elections in 2014. However, the unity talks collapsed in December 2011 after about eight months of unfruitful deliberations. One of the reasons advanced for the failure of the talks was that the parties could not agree on the division of constituencies among themselves. The opposition unity talks were later convened in an effort to resuscitate them. However, the BCP made a deliberate decision not to be part of the talks or opposition unity indicating that after consulting its members the party concluded that it would not be part of the process. The other three parties proceeded with unity talks and eventually registered an umbrella political party called Umbrella for Democratic Change (UDC) that is duly registered with the Registrar of Societies. The decision by the BCP not to be part of the umbrella has caused conflict and uncertainty among members of the opposition. Some members of the opposition doubt the viability of the cooperation project without the BCP while others doubt if the BCP alone has the ability to challenge the BDP. Even though the jury is still not out regarding the current form of cooperation, history indicates that cooperation initiatives of the opposition in do not have a history of success..

Vote splitting is a historically big challenge to opposition electoral victory in Botswana. The opposition had a chance of winning five more constituencies in 2009 than it did, if it had contested on a unified front in those constituencies. The combined poll of the opposition in those constituencies was greater than that of the BDP. In the event the ruling party won all five with narrow margins due to the FPPT nature of the electoral system.

ELECTORAL BEHAVIOUR

Although the Tswana speakers collectively are dominant, Botswana does not have one single dominant ethnic group. According to Sebudubudu and Molutsi (2009) none of the existing ethnic groups is dominant over others in terms of political, social or economic aspects. Unlike other African countries, Botswana has not experienced any militant ethnic divisions or rivalries. Botswana have generally been a united nation. This however is not to suggest that they are a homogeneous group.

In Botswana, electorates do not necessarily vote along ethnic lines, although such patterns are developing as illustrated in Chapter V. The ruling party and the main opposition have shown similarities in ethnic composition of their parliamentary candidates drawn mostly from the four dominant groups: Bangwato, Bakalaka, Bakwena and Bangwaketse (Selolwane and Shale, 2008). However, it has also been noted that the opposition has narrow regional support drawn from minority non-Tswana ethnic groups, while the ruling party enjoys wider support from the majority Tswana tribes where the largest constituencies are found (EISA, 2010). The EISA reports suggest that opposition parties are mostly elected by ethnic minority groups, validating the view that ethnicity plays a role in voting patterns, but to a limited extent as the ruling party has also won many constituencies inhabited by minority ethnic groups.

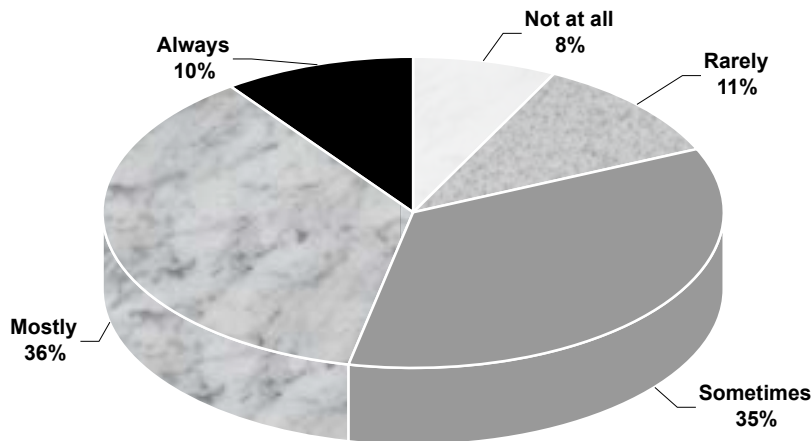
There are some ethnic minority civil society groups which represent the interests of various ethnic minority groups such as the Society for the Promotion of *Ikalanga* Language (SPIL), Pitso ya Batswana, Kamanakao Association, First People of the Kalahari (FPK), and Reteng Multi Cultural Group. These groups help keep the government in check in ensuring that there is equity. At a focus group meeting one of the respondents criticised other focus group participants for supporting the ruling party (Urban Ethnic Minorities Focus Group Discussion, Gaborone, 8th November 2011). This was an indication that some ethnic minority groups have a perception that opposition parties represent their interests better. The respondent stated that “interest groups do not realise their common interests when going for elections, they tend to focus on their political affiliation and cannot make an impact if they are not well organised”. Another respondent in the same group lamented that “our political system does not represent everyone – marginalised groups are usually excluded” (Urban Ethnic Minorities Focus Group

Discussion, Gaborone, 8th November 2011). The discussion expressed a sense of discontent and a feeling of exclusion.

While the Constitution does not distinguish tribes as major and minor, feelings of ethnic superiority and inferiority are still present among some people in Botswana. From a focus group discussion conducted with ethnic minority groups representatives it became apparent that there is need for policies that ensure that there is provision for marginalised groups. The (Urban Ethnic Minorities Focus Group Discussion, Gaborone, 8th November 2011) recommended that the Constitution should be reviewed to eliminate any discrimination on the basis of ethnicity.

On voting, the respondents presented balanced views on whether voting preference by the electorate is largely determined by the programme and agenda of the political parties. Figure 4.2 below indicates that respondents feel that voting is mostly influenced by political party agenda and programme to some extent but not largely. A nearly equal number of respondents felt that party programme and agenda does sometimes influence voting preferences. Furthermore, Figure 4.2 shows that on a plurality (considering 'mostly' and 'always'), party programmes and agenda do influence voter behaviour.

Figure 4.2: Voting preferences by electorate largely determined by programme and agenda of political parties



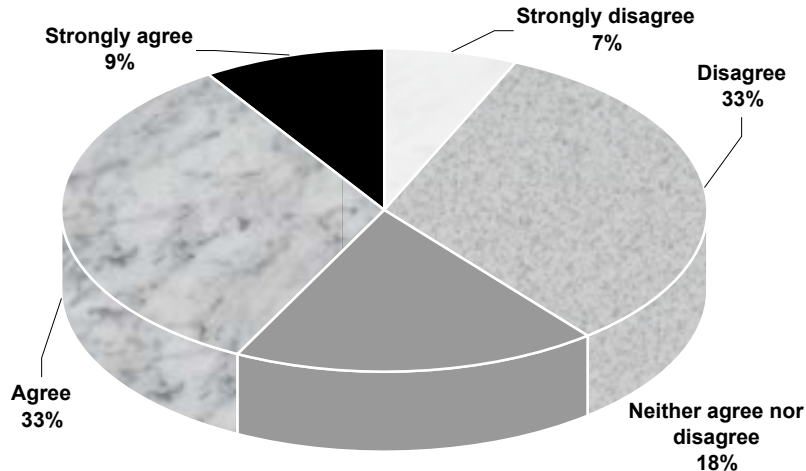
Source: Author, derived from Expert Panel responses

It had become common for urban councils to be won by the opposition while the BDP remained popular in the rural areas. There are arguments that the chiefs are likely to be BDP loyalists since they appear under the government's payroll. According to Molomo (2004) in some areas people vote according to the sentiments of their chief. However, he further argues that this may not be a widespread phenomenon. In the 2009 general elections, the urban/opposition and rural/BDP trend was broken with the BDP winning 22 of the 30 seats in the Gaborone City Council and the BCP only seven. The BNF performance declined from 16 in the 2004 elections to one seat in 2009. In Francistown the BDP won 11 council seats while the BCP got seven and one independent candidate got one. In the town of Selibe-Phikwe, both the BCP and BDP got seven seats each, in Lobatse the BDP got a majority, and came second to BNF in Jwaneng with a difference of one seat only. At parliamentary level the BDP won four of the five Gaborone city constituencies, one of the two in Selibe-Phikwe, and all three constituencies in Francistown, but lost the one in Lobatse. Of the 11 urban constituencies in the country the BDP lost only three. Yet at the same time, the BDP lost some rural constituencies including Ngami, Okavango, Chobe, Kgalagadi North and Kgatleng East to the BNF (Independent Electoral Commission, 2009).

Figure 4.3 shows a near equal proportion between those who view the composition of government leadership as representative of all segments of diverse interests and those who do not think so. This could be an indication that there is some, but not adequate, representation of ethnic minorities in decision-making

bodies. It also suggests that a deliberate effort must be made to bring ethnic minorities on board, into the leadership of government.

Figure 4.3: The Composition of government leadership represents all segments and diverse interests



Source: Author, derived from Expert Panel responses

INTERNAL DEMOCRACY AND PARTY PRIMARY ELECTIONS

As agents of democracy, political parties should be seen to be democratic. One way of ensuring democracy within political parties is through participation at various levels of party structures and decision making. Elections are another way through which democracy can be dispensed. Maintaining internal democracy within parties has proven to be a challenge. Efforts to maintain internal party democracy have in some cases resulted in the disintegration of parties.

Most, if not all political parties in Botswana have suffered lack of internal democracy to varying degrees. The lack of democracy affects the political parties differently and the way political parties handle it is also different. Primary elections are a key element through which parties can dispense democracy. Nonetheless primary elections have become a source of conflict and splits within the political parties. Molomo and Mokopakgosi (1991) noted illiteracy of the masses and party cadre, lack of resources, and weak or total absence of management structures as factors that contribute to a lack of internal democracy in Botswana.

Policy making in the BDP is dominated by the party president, whereas the national congress, which is the highest decision making body, does not play a significant role but endorses decisions by party leadership and senior bureaucrats (Lotshwao, 2011). Internal democracy was again a minor consideration when the then President Festus Mogae overlooked long standing members of the BDP and appointed Lieutenant General Ian Khama as Vice President, who then had to retire from his position as commander of the army.

Policy making in the BDP is dominated by the leadership with little or no input from the masses. The BDP President has been accused of being averse to dialogue and overly sensitive to dissenting voices within the party (EISA, 2009). Vocal parliamentary backbenchers have been threatened with recall from parliament, while others have had abusive language hurled at them by the party leadership (Lotshwao, 2011).

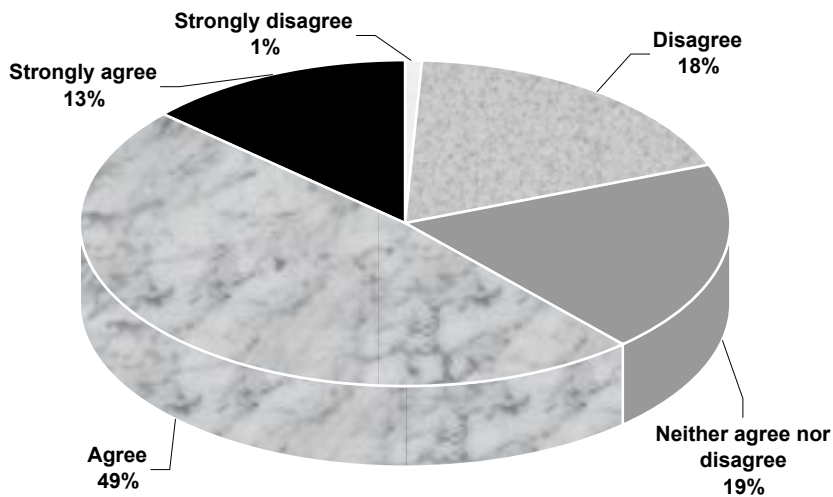
Accusations of intolerance to divergent opinion are not peculiar to the BDP. In 2012 when some members of the BMD youth defected back to the BDP they equally accused the party president, Gomolemo Motswaledi, of dictatorship. The BNF president has also been accused of dictatorship tendencies as well, in particular with regard to how he handled disputes relating to party cooperation talks. Nonetheless it is important to note that "for internal democracy to exist a culture of tolerance of debate and dissenting opinion by the party leadership is a necessary precondition" (Lotshwao, 2007, cited in Lotshwao, 2011: 106). One of the focus group participants shared her sentiments on internal party democracy, stating that "there is no internal democracy in political parties, they want to know your family name first before allowing you to stand

for elections” (Rural Disabled Focus Group discussion, Serowe, 3rd November 2011).

Political parties in Botswana largely lack the ability to manage internal disputes. They use different approaches to handling disputes. The leadership of the BDP has made efforts to avoid divisions and keep the party together. The former president, Sir Ketumile Masire, at some point suspended central committee elections in order to avoid open confrontation and division of the party during the Merafhe – Kwelagobe faction disputes.

Figure 4.4 below shows that the majority of the Expert Panel members agree that political parties do practice internal democracy in the election of party candidates for general elections, with those who disagree being a minority of fewer than 20%.

Figure 4.4: Political parties practice internal democracy in the election of party officials and party candidates for general elections



Source: Author, derived from Expert Panel responses

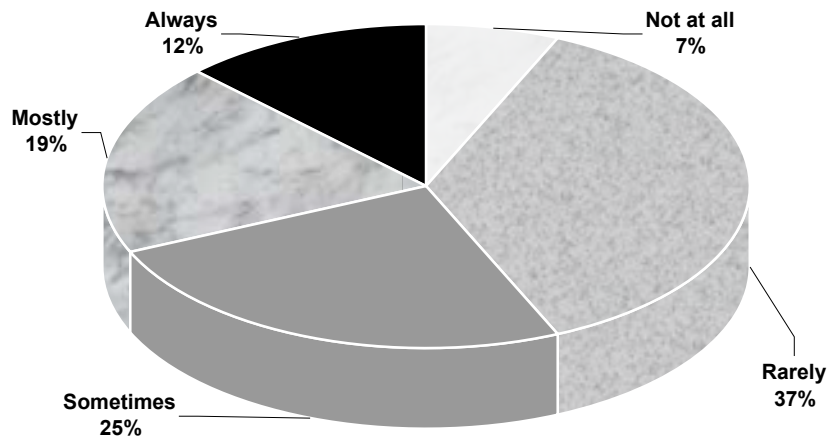
In terms of primary and general elections, it is important to observe that Botswana has a relatively conservative culture. Traditionally, women are not expected to lead. To show that discrimination is engrained in the Tswana culture there is even a saying that “*ga nke di etelelwa pele ke manamagadi*” (meaning women are not supposed to take leadership positions). This has resulted in women not believing in themselves as leaders. Such a culture creates stereotypes and discourages women from standing for elections. There is need for more effort to empower women to give them equal opportunities.

A 2009 report by the Parliamentary Development Unit states that the Constitution of Botswana could be linked to the under-representation of women in politics. Two reasons are proffered for this, including that the language used in the Constitution is masculine, and the Constitution does not mention the word “women” neither does it use the term ‘she’ but repeatedly uses the term ‘he’. Furthermore, the Constitution does not make any provision for quotas that ensure women’s representation in publicly elected institutions at any level. Women from various political parties in the Urban Women Focus Group Discussion (10th November, 2011) suggested that the Constitution should be amended to include gender equity issues. They were also of the view that laws need to be reviewed to ensure the inclusion of women.

Of the 63 Members of Parliament only five, including the Speaker of the National Assembly, are women. This is far below the 30% espoused by the United Nations. The fact that the government of Botswana has not signed the SADC Gender Protocol could be interpreted as an indication that the government is not committed to promoting and protecting the rights of women. Indeed this sentiment is supported by women who met during the various focus group discussions held. For instance, in Gaborone participants lamented that “there is no political will to include women” (Urban Women in Politics FGD, Gaborone, 10th November 2011). Botswana has not taken any deliberate legal measures to improve representation of women in elective bodies

and as such women remain largely underrepresented in decision-making bodies. Figure 4.5 below shows that a plurality of 43% of the Expert Panel members felt that women do not play a major role in party politics. Those who felt that sometimes women play a major role in the electoral process made 25%, a combined total of 31.7% felt women ‘mostly’ and ‘always’ play a major role in party politics. These perceptions show that women still lag behind in playing meaningful political roles.

Figure 4.5: Women play a major role in party politics



Source: Author, derived from Expert Panel responses

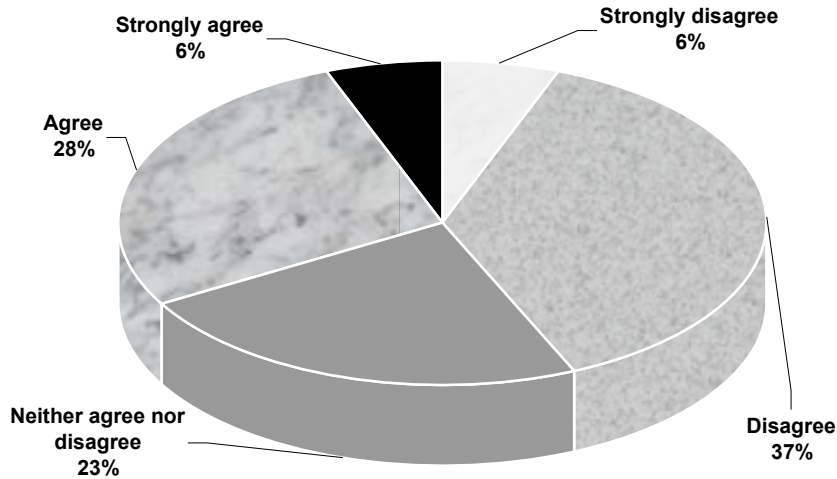
None of the political parties in Botswana has effectively promoted participation of women, youth and ethnic minorities. However, there is provision for women and youth wings within most political party structures and most recently the BMD has been making considerations for people with disabilities. Nonetheless the environment has not allowed these groups to prosper in politics.

Paradoxically women vote more than men. 230 000 women registered to vote in 2004 compared to 200 000 men (Sebudubudu and Osei Hwedie, 2005). In 2009 there were 403,000 women registered to vote while only 320,000 men registered (Ntibinyane, 2011). One respondent at a focus group discussion shared the same sentiments indicating that the “Majority of the electorates are women but they do not vote each other into power. This is a result of our culture. Our society does not accept women in positions of leadership particularly in politics” (Rural Women FGD, Moshupa, 18th November 2011). Another stated: “our culture has been a barrier to development of women in politics and has disadvantaged them in reaching their full potential in positions of political leadership” (Rural Women FGD, Moshupa, 18th November 2011).

Parties need to take deliberate measures to encourage the participation of women, youth, ethnic minorities and people with disabilities. Women face several challenges that hinder them in actively taking part in politics. Some women in politics indicated the following as some of the challenges they face: lack of funds and resources to run political campaigns, lack of political education on the part of voters and the politicians themselves, lack of confidence in women to stand against men, lack of support from women counterparts, discrimination on the basis of gender from male politicians and the community at large, competing demands between politics and household chores (Women FGD discussions, Moshupa 18th November 2011 and Gaborone 10th November 2011). Furthermore, they indicated that women fear rejection by society that could come as a result of their open talk associated with politics. During campaigns men use harsh and derogatory words against each other as well as against women. This makes most women shy away from politics. Focus group participants emphasised the need for affirmative action to ensure the inclusion of ethnic minority groups in the political processes.

Political parties in Botswana have not been highjacked by any particular sectarian identity groups. The majority of the Expert Panel respondents indicated that sectarian identity groups do not have considerable influence in the country’s political process (see Figure 4.6 below). The views of the Expert Panel members show that indeed politics in Botswana is not based on ethnicity, religion or culture.

Figure 4.6: Sectarian identity groups have considerable influence in the country's political process



Source: Author, derived from Expert Panel responses

Other members of the sample, however, feel that certain groups should be allowed some group representation in parties and at the national level. One of the participants in the focus group discussion said, “The BCP has provisions for ethnicity, if they were elected into power people of different ethnicities would be included in decision making and [be] appointed to positions of power without any discrimination” (Urban Disabled Focus Group Discussion, Gaborone 4th November 2011). A representative of the BMD also confirmed that they had a member of the ethnic minorities in their executive committee (Urban Political Parties Focus Group Discussion, Gaborone). The BNF takes the issue of ethnicity seriously and promises to take it up should it take power. The BNF constitution states that its government will ensure the enactment of legislation to protect the ethnic and linguistic minorities and to guarantee their collective participation in public life, the cultivation of their own cultures and the use of their own languages (BNF Constitution, 2005).

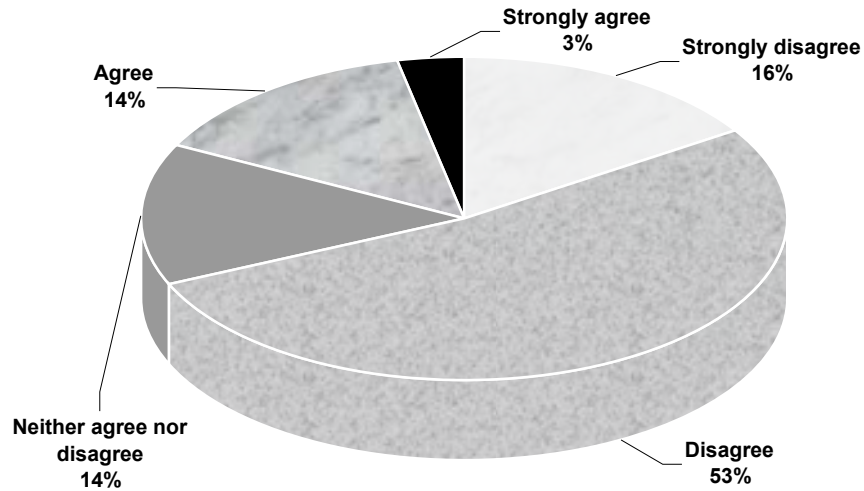
THE NATURE OF POLITICAL CAMPAIGNS AND THE ISSUE OF DIVERSITY

Botswana has not made any significant strides in addressing issues of ethnic minorities particularly the Basarwa. The Basarwa are not adequately included in the democratic processes, neither are they adequately represented in governing bodies such as Parliament, *Ntlo Ya Dikgosi*, or cabinet. So far no deliberate efforts have been made to ensure that they are included in governance matters despite the negative publicity that the country receives due to its failure to address the issue.

Botswana is largely a Christian nation (although the state is secular) but political parties have not been seen to be using religion to gain political mileage neither are the parties segregated according to religion. While politicians may choose to visit various churches to pass on political messages, there is no particular inclination towards specific churches. Some political parties have developed strategies of dealing with religious matters. The BCP Central Committee has a secretary for religious affairs whose duty is to deal with all matters pertaining to religion, and in particular to mobilise various religious denominations. Furthermore, his/her role is to familiarise religious groups with the party's policies and inculcate tolerance amongst the religious groups and assist in the formulation of the party's policy on religious matters (Article 3.4 of the BCP Constitution).

Political rallies become common when elections get closer. Parties hold rallies and house to house campaigns. Representatives (candidates) advertise themselves through placards, banners, billboards and other media including radio and TV. The campaigns are not ethnic, racial or religion based as shown in Figure 4.7 below.

Figure 4.7: Political Party campaigns are usually marked by sectarian sentiments

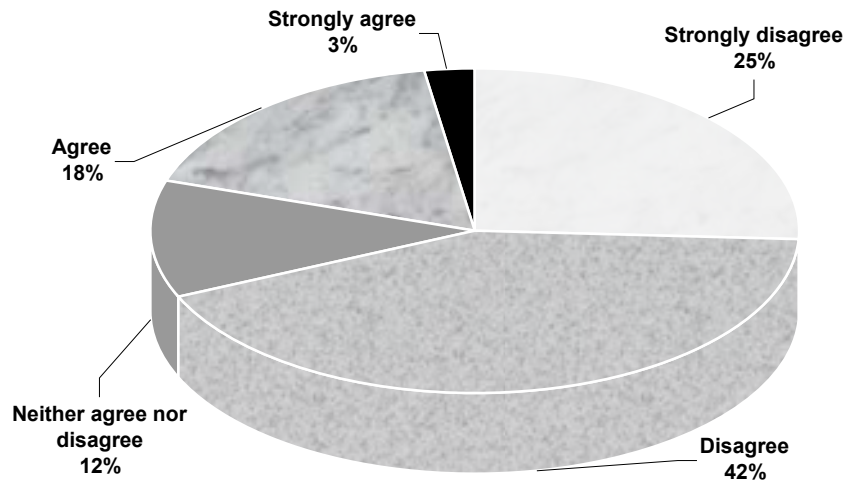


Source: Author, derived from Expert Panel responses

The majority of the respondents disagree that political campaigns by parties are usually marked by sectarian sentiments, 16% strongly disagree, 14% agree, 3% strongly agree and 14% neither agree nor disagree. The figures confirm that ethnicity, race, and religion are not major issues in political mobilization in Botswana.

Asked whether political parties are formed and mobilise electoral support on a sectarian identity basis, a majority of over 67% disagreed (see Figure 4.8). This further asserts the view that ethnicity, religion and sectarian identity play a minimal role in party politics. Only 21% thought sectarian identity does play a role.

Figure 4.8: Political Parties are formed and mobilise electoral support on sectarian identity basis



Source: Author, derived from Expert Panel responses

CHECKS AND BALANCES, PARTY POLITICS AND FORMATION OF CABINETS

Although Botswana uses a parliamentary system of government, the president has significant powers. Some of the focus group participants lamented the perceived excessive powers wielded by the President adding that he is not directly elected by the electorate (Urban Youth Focus Group Discussion, Gaborone, 10th November 2011).

The majority of the Expert Panel members (59%) felt that at the barest minimum there are significant

constitutional checks and balances (Table 4.1). Only 7.5% felt that there are very few or no checks and balances. A third of the respondents felt the checks and balances were limited.

There are constitutional checks and balances entrenched in the state architecture. The overlaps between the executive and the legislature as well as the President's role in the appointment of judges, both factors alluded to in Chapter III, account for the 33% who feel the checks and balances are limited. The overlaps are an inherent characteristic of the Westminster system. However, as for the President's role in the appointment of judges, perhaps there is a need to improve on the process to make it more transparent and reduce the influence of the president on judicial appointments.

The Cabinet in Botswana consists of the President and Vice President, Ministers and Assistant Ministers, with the Attorney General and Permanent Secretary to the President as *ex-officio* members. The formation of the Cabinet in Botswana is mandated in the Constitution. Sections 42(1) and (2) warrant the President to appoint Ministers and Assistant Ministers, while subsection 3 states that Ministers should be appointed from among the Members of Parliament. The constitution provides for the appointment of not more than four persons who are not members of parliament to be appointed to cabinet. Since there has never been a change of government, the BDP has been the only party that appoints cabinet .

The independence of the executive branch is doubted by the youth focus groups in both the urban and rural areas. The youths felt that the executive should be separate from the legislature if it is to be independent (Youth Focus Group Discussions, Mabutsane 26th November 2011, and Gaborone 1st November 2011). Since the President appoints members usually after the general elections, it is widely believed that the President tends to bargain with the MPs for their support on his preferred candidates for those to be nominated Specially Elected MPs. Those MPs who support him would be considered for a cabinet position. This reduces resistance to his choice on the grounds that most MPs would support him in anticipation that they might be the ones appointed to cabinet. Cabinet positions are also used as a bargaining chip by the President to reward those who tow the party line on important matters that have been put to a vote. Those who have shown tendencies to dissent in the past have usually been sidelined when appointments are made. This intimidatory practice emasculates the National Assembly of the power to hold the executive accountable.

Although cabinet selections in Botswana are made to be as regionally representative as possible there is no law that compels the President to consider ethnic, gender or any other form of representation when forming cabinet. All the three presidents, Sir Ketumile Masire, Festus Mogae and Ian Khama, under whom factions have existed have ensured that members from both factions are included in the appointments. This practice of appeasement in the BDP, after divisive internal competition in the primary elections, has kept the party fairly well managed compared to the opposition parties that do not have spoils to share.

ELECTORAL SYSTEM AND COMPETITIVE POLITICS

Botswana has adopted the FPTP electoral system which is premised on the winner takes all concept. This system is favoured because it is simple to implement. It ensures a close connection between the voters and their representatives, hence geographical accountability (Rukambe *et al.*, 2010). The system has been in place since independence and has bred complacency, stability and fear of the unknown.

The FPTP electoral system has been criticised for its tendency to distort a party's popular support in relation to seats won, but rather promotes a dominant party system. The system is not representative, in terms of proportionality, and therefore does not give a true reflection of the electorate's interests. For example, in 2009, the BDP had 53% popular vote which converted to 77% of the parliamentary seats. Other weaknesses of the FPTP include the exclusion of minor parties from fair representation, exclusion of minorities from fair

Table 4.1: Constitutional checks and balances

	Frequency	%
No checks and balances	2	1.7
Very few checks and balances	7	5.8
Limited checks and balances	40	33.3
Significant checks and balances	51	42.5
Full checks and balances	20	16.7
Total	120	100.0

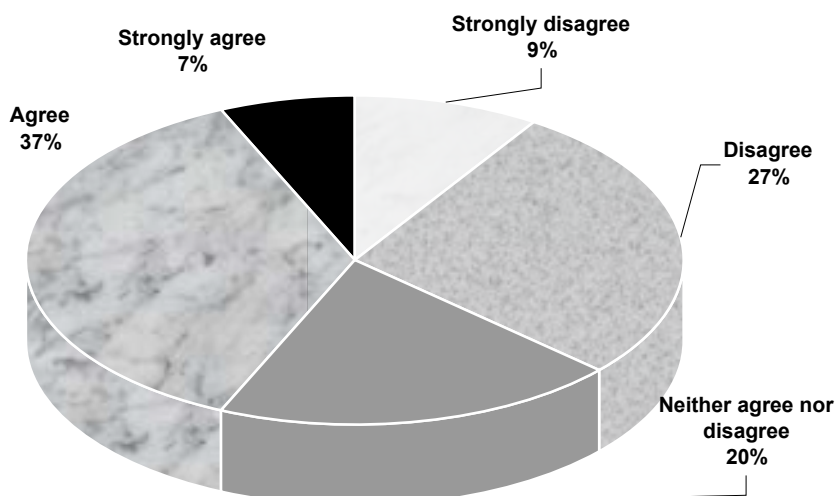
Source: Author, derived from Expert Panel responses

representation, exclusion of women from Parliament, being unresponsive to changes in public opinion and open to manipulation of electoral boundaries.⁵

It became apparent from the focus group discussions that women feel that the current electoral system does not accommodate them. Instead it prevents women from obtaining positions of power (Urban Women Focus Group Discussion, Gaborone, 10th November 2011). Some of the women made reference to Tanzania where they say the country also uses the FPTP but also has special seats reserved for women. Some of the issues raised by the focus group participants include the following: proportional representation is a complex system which may not be understood by many; there is need for direct election of the president; the electorate does not understand how the system works hence numerous spoilt votes; the system needs to be improved to include other groups.

Figure 4.9 highlights the Expert Panel's perceptions on the electoral system's impact on diversity. The Expert Panel's opinion, however, differs from those of the women and youth FGDs as illustrated in Figure 4.9.

Figure 4.9: The electoral system promotes inclusion and representation of diverse groups



Source: Author, derived from Expert Panel responses

37% of the respondents agree that the electoral system promotes inclusion and representation of diverse groups, 7% strongly agree, 27% disagree, 9% strongly disagree while 20% neither agree nor disagree. This is contrary to the views that women, youth and ethnic minorities are not adequately represented in political processes discussed above. However, the margin between those who agree and/or strongly agree, against those who strongly disagree and/or disagree is just 7% which is narrow.

Molomo (2005) recommends that Botswana adopts a combination of Proportional Representation (PR) and FPTP to correct the imbalances of the latter electoral system and enhance democracy. To be really certain what people want, as to whether the country should use a PR or FPTP electoral system, it would be best for this matter to be decided by a national referendum. The views of the Expert Panel suggest that the electoral system cannot be entirely blamed for lack of inclusion and representation of minority groups. The implication of this is that answers for lack of inclusion can also be found elsewhere and not entirely in the electoral system, at least as far as Botswana is concerned.

CONCLUSION

Political parties form an integral part of Botswana's democracy. Formation and registration of political parties is free and straightforward. The government has provided an environment conducive for parties to freely

5 <http://aceproject.org>

engage and participate in the electoral process and politics in general. However, political parties continue to face some challenges, among other, lack of funds, inequity in access to resources, failure to maintain internal democracy and weak organizational structures. Opposition parties have contributed to the country's policy making but their successes are often overshadowed by their glaring weaknesses. Opposition remains weak, fragmented and poses limited challenge to the dominant BDP. The BDP is better resourced and managed when compared to opposition parties. As the incumbent party the BDP enjoys benefits such as support from business, access to media and access to other state resources. The BDP and opposition parties face challenges in maintaining internal party democracy and in including women, youth and the Basarwa in their political processes. The government has not taken any deliberate measure to include women in elective bodies, and as such women remain largely underrepresented in decision-making bodies. The same is equally applicable for youth, ethnic minorities and people living with disabilities. Respondents did not express any strong opinions as to whether the composition of government leadership represents all segments and diverse interests.

Electoral behavior is not based on ethnicity, religion or culture. Respondents indicate that voting is influenced by the programme, and agenda, of political parties. It is still unclear as to whether electors vote for political parties or individual representatives. Some scholars and politicians are of the view that the current electoral system needs to be reviewed. The greater number of respondents, 44%, were however of the view that the electoral system promotes inclusion and representation of diverse groups. However there is a narrow gap between those who agree that the electoral system promotes inclusion and representation of diverse groups and those who disagree. It is therefore recommended that the issue goes to a referendum for the citizens to choose their most preferred electoral system.

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CHAPTER V: THE DYNAMICS OF ELECTORAL GOVERNANCE

Molefe B. Phirinyane

INTRODUCTION

This chapter addresses the dynamics of electoral governance in Botswana. Specifically it looks at the arrangements for electoral governance and wider issues affecting electoral governance, including: the electoral management bodies (a role played by the independent electoral commission); the electoral system and electoral law; constituency delimitation; voter registration; voter education; the organisation of general elections; the role of domestic and international observer and monitoring teams; the election dispute adjudication mechanisms; the mutual impact of electoral governance and diversity on each other and its consequences on competitive party politics; and the government process; and the environment of electoral governance, as well as constraining and enabling factors.

ELECTORAL GOVERNANCE

The laws and regulations governing the electoral process in Botswana are enshrined in the Constitution (sections 61 – 69) as well as the Electoral Act of 1998. The Constitution sets the broad parameters within which elections are to be conducted. It determines the structures governing the electoral process in Botswana: the Independent Electoral Commission (IEC), the Delimitation Commission, Secretary to the Independent Electoral Commission, and constituencies. The constitution also lays some requirements for the franchise and also spells out qualifications for election to, and disqualification for membership of, the National Assembly. On the other hand, the Electoral Act deals mainly with the operational and regulatory aspects of the electoral process.

ELECTORAL GOVERNANCE ISSUES

(a) Electoral Management Bodies (EMBs)

The IEC was established through the electoral reforms that were carried out in the country as discussed in Chapter IV. The composition of the IEC as stipulated in section 65A of the Constitution consists of seven members made of: the Chairman (a Judge of the High Court), a legal practitioner, both of whom are appointed by the Judicial Service Commission (JSC) as well as five other members recommended to the JSC by the All Party Conference. Appointment to the IEC is for a duration of two five-year terms coinciding with two five-year electoral terms of members of parliament. The Chairman is also subject to the same conditions of tenure as the other members. However, the Constitution is silent on whether the members are eligible for reappointment when their term expires or at some later time in life. A person may be barred from IEC membership if they have been declared insolvent or bankrupt in any Commonwealth country and/or if they have been convicted for dishonesty anywhere in the world.

The IEC is independent and regulates its own work and proceedings. Decisions in the Commission are arrived at through a vote of those present and forming the legally required quorum of four, including either the Chairman or the legal practitioner. The Commission is constitutionally responsible for:

- The conduct and supervision of elections of the members of the National Assembly and local authorities;
- Giving instructions to the Secretary of the IEC;
- Ensuring that elections are conducted freely and fairly, as well as efficiently and properly; and
- Performing any other function prescribed in an Act of Parliament (section 65A (12)).

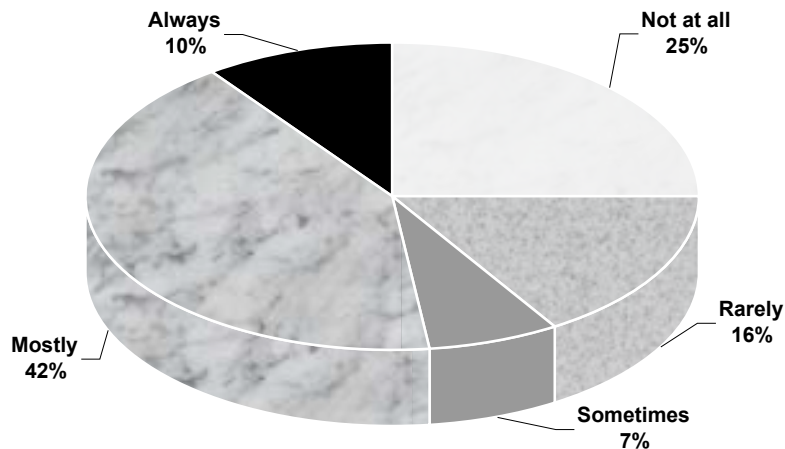
The IEC is served by the Secretary, who is appointed by the President. The conditions for one becoming Secretary of the IEC are similar to those of the Commission members except that the Secretary is required to be a citizen of Botswana. His tenure is constitutionally guaranteed until the age of 65 years. However, the Secretary may be removed for incompetence (which may result from various causes such as infirmity, etc) or for misbehaviour. Constitutionally, the President will initiate a process for his removal by appointing a tribunal consisting of a judge and at least two other members who hold or have held a high judicial office. According to the Constitution, removal can only be with a recommendation from the tribunal.

The design of the IEC as an electoral management body appears to have been intended for an independent institution that can operate outside anybody's influence. Once appointed the tenure of both the Commission members and the Secretary is constitutionally protected. The Constitution does not provide for diversity management, perhaps because it has never been a glaring issue in Botswana. All registered political parties are members of the All Party Conference that has a role in the appointment process of the members of the IEC. However, in the focus group discussions for political parties (3rd November 2011, Palapye) some of the participants felt that the IEC is not independent. Their argument was that the judges themselves are appointed by the President with recommendation from the Judicial Service Commission. Therefore, they argued, "nobody would bite the hand that feeds them".

The majority (54.1%) of the Expert Panel members felt that the electoral commission is 'independent and fairly competent' or 'independent and fully competent'. Altogether those who had negative views made only 6.7%. A significant proportion (39.2%), however, felt that the electoral commission is 'not independent but fairly competent'. López-Pintor (2000: 173) once commented that "...the electoral authorities in Botswana must be credited with good performance...". This was shortly after the electoral reforms were introduced. If López-Pintor's observation was made even before the reforms could be assessed, and also taking into consideration the perceptions of the expert panel, it is plausible to assume that with the reforms in place, it is highly possible that the IEC is much more efficient than it used to be.

With regard to the procedure for the appointment to and removal from the IEC, the majority (51.7%) of the Expert Panel members felt that the process is mostly and/or always open, transparent and credible (see Figure 5.1 below). Those who felt otherwise (i.e. 'not at all' or 'rarely') are a minority at 49%.

Figure 5.1: The procedure for the appointment and removal to the IEC is open, transparent and credible



Source: Author, derived from Expert Panel responses

Notwithstanding the fact that the majority are positive about the electoral commission's appointments and removal processes, the views of 49% of the respondents are just too many to ignore. While the IEC may be fairly credible, obviously there are a significant proportion of the Expert Panel members who have some perceptions that show the need for improvement in some way. 40.8% of those who 'regard the electoral authority to be under the influence of the incumbent government/ruling party' were the majority followed by those who 'Accept the legitimacy of the electoral authority as manager of the electoral process' at 35%.

It is not surprising then that those who 'Strongly agree' that 'the process of the appointment and removal of electoral commissioners should be handled by an independent non-partisan body' made a whopping 70.8%. These perceptions indicate that there is need for transparency. For instance, one of the focus group discussants suggested that the post of Secretary of the IEC must be advertised and contestants interviewed in public so that there is transparency in their appointment.

Other concerns relating to the independence of the IEC have been noted. Somolekae and Lekorwe (2000) observe that the IEC is placed under the Ministry of Presidential Affairs and Public Administration, which taints its independence. They also argued that the President alone appoints the Secretary of the IEC, thereby leaving room for manipulation of the system by the incumbent government.

(b) The electoral system

As already stated in Chapter III, Botswana uses the FPTP electoral system. The electoral system has favoured the ruling party in as far as the translation of votes won into seats won in Parliament. In terms of inclusivity and representativeness of the diverse groups and interests in the country, this remains to be argued. The FPTP uses a constituency system, and in Botswana constituencies are demarcated according to section 65(2) of the Constitution, which demands that the boundaries of each constituency are to take into consideration the determined population quota, natural community of interest, means of communication, geographical features, density of population, the boundaries of Tribal Territories and administrative districts. With the exception of urban settlements, most settlements in Botswana are made up of a majority of people from the same ethnic groups, resulting in constituencies that largely reflect the ethnic diversity in the country. For instance, many constituencies in the rural areas are populated by people of the same tribes and bear tribal names such as Tswapong North and South, Bobirwa, Kgalagadi, Ngwaketse and Kgatleng, to name a few. Therefore, diverse groups as far as ethnicity is concerned are catered for except for Basarwa who are thinly scattered in several constituencies across the country.

Women, people with disabilities and the youth are not specifically targeted. No Specially Elected Members of the National Assembly has been a person with disability or a youth. The special nomination of Members of Parliament is one avenue through which people with special interests and needs could be brought into Parliament. However, this avenue has only been used to abrogate the votes of the electorate. The preference of the opposition parties for mixed-member proportional representation is however in sharp contrast to the views of the members of the Expert Panel, which show a support for the current voting system (see Table 5.1 overleaf).

An outright majority (65%) of the Expert Panel members found the electoral system to be credible. Those who thought the electoral system was marginally acceptable made 27.5% while those who were sceptical made only 7.5%. The variance in the views of the Expert Panel members and the opposition party leaders and academics on the electoral system could be due to the fact that it is what people are familiar with and have come to understand and accept. Perhaps the simplicity of the system and the effective Government it produces could be some of the factors that have made it attractive in Botswana. Molomo (2005: 41) posits that proportional representation is suitable for divided societies, among which Botswana is not.

EISA (2010) is of the opinion that Botswana should change to PR and follow other SADC countries that have adopted PR. To simply change electoral systems just because neighbours are following it is a weak reason for choosing something as important as an electoral system. An electoral system determines how leaders are brought into power and its choice should be based on what the nation at large wants to achieve. The choice is influenced by the value systems and history of the society or country making the choice. Many of the countries in Africa that have adopted PR are those that had to fight for their independence or are having protracted social and political tensions. Botswana has not experienced any of these problems, and opinions from the Expert Panel (Table 5.1) indicate that the majority are comfortable with the FPTP electoral system.

The voting preferences of the Expert Panel show that 35% of them are 'sometimes' influenced by the programmes or agendas of the political parties. Those who 'mostly' vote because of a political party programme and agenda were 36.7%, that is, only 1.7% more. Those who 'always' vote on the influence of party programmes and agenda made 10%. Many of the Expert Panel members could not provide names of political parties they support arguing that they vote for the candidate but not for political parties. This resonates better with FPTP than PR, as with PR the voter may never actually know the candidate until after the vote has been

Table 5.1: Electoral system credibility

	Frequency	Percent
Anchored in the electoral law and unacceptable	2	1.7
Anchored in the electoral law and largely unacceptable	7	5.8
Anchored in the electoral law and marginally acceptable	33	27.5
Anchored in the electoral law and largely acceptable	52	43.3
Anchored in the electoral law and acceptable	26	21.7
Total	120	100.0

Source: Author, derived from Expert Panel responses

run for political office and thus a large number of capable people are denied the opportunity to exercise their political freedoms (Holm 1989, cited in Holm and Molutsi (1989); López-Pintor, 2000). Critics usually overlook the fact that allowing civil servants to run for political office could politicise the civil service and introduce partisanship in the public service.

On whether the electoral law is adequate for managing diversity 49.2% felt it to be ‘mostly adequate’ and/or ‘fully adequate’. Thirty percent felt it to be fairly adequate, while 20.8% felt it was either ‘grossly inadequate’ or ‘inadequate’. The main challenge with the adequacy of electoral law for managing diversity is that Botswana does not recognise or have group rights in its supreme law, the Constitution. Group rights in this case refer to “a right held by a group as a group rather than by its members severally” (Jones, 2008: 1). In Botswana no ethnic group has political rights as a group but citizens have political rights such as the franchise, only as individuals.

Although group interests are accommodated as demonstrated in the various youth programmes, and gender initiatives to give two examples, it is not so when it comes to political rights.

(d) Constituency delimitation

Constituencies are delimited for elections by the Delimitation Commission established in the Constitution (see Section 64). It can only be established at an interval of not less than five years or more than 10 years. Constitutionally there are two factors, any one of which could lead to the establishment of a delimitation commission, and these are:

- when Parliament has made a decision to increase the number of seats of elected members of the National Assembly;
- after a comprehensive population census has been carried out in the country.

The members of the Delimitation Commission are appointed by the Judicial Service Commission, which consists of a Chairman and not more than four other members. A person may not be appointed to the Delimitation Commission if they are in active politics or have been in politics in the past five years, is a public officer, actively supported a candidate for the National Assembly, and/or has held an office in any political organisation in the past five years. The Delimitation Commission presents its report to the President, as required by section 65 of the Constitution, stating whether any alteration to the existing constituency boundaries is necessary or not. The same section (65(2)) stipulates the requirements for establishing the the boundaries of each constituency, stating “that the number of inhabitants” should be “as nearly equal to the population quota as is reasonably practicable.” The population quota per constituency is derived from dividing the population of Botswana, from a recent census, by the number of constituencies in the country. Section 65(7) also states that the Delimitation Commission shall not be subject to the control of any person or

cast. As suggested in the previous chapter, the most reasonable way to settle the dispute between the proponents of FPTP and PR in Botswana would be a national referendum.

(c) Electoral law

The elections of the National Assembly and the local authorities are governed by the Electoral Act of 1998. The Act deals with various factors of the electoral process such as the preparation of rolls and registration of voters, polling, election expenses and election agents, and elections petitions. The electoral laws of Botswana are fairly comprehensive. Certain aspects of it have, however, been criticised. Civil servants are not allowed to

authority in the exercise of its functions. Upon the submission of its report to the President, the Delimitation Commission becomes dissolved (section 65(8)).

The focus group discussions for political parties and for urban women in politics (Palapye, 3rd November 2011 and 10th November 2011) felt that the dissolution of the Delimitation Commission upon its submission of the report is unfair to opposition political parties and individuals who may feel aggrieved by some of the decisions of the Commission. The dissolution of the Commission, they said, means that there is nowhere one may lodge an appeal on the decision of the Commission.

Although the Delimitation Commission is supposedly insulated from the control of any person and/or institutions, how then are cases of mal-apportionment addressed if they do arise? There are complaints from the opposition parties that the appointment of the Commission is not entirely independent of interference from the Government as opposition parties are not involved in the appointment process. They argue that the Commissioners are likely to favour the authority that appointed them and pays them in their regular jobs. Although the formal rules are clear and credible, it is the informal rules that they fear could derail even the good intentions of the law and procedures.

(e) The voter registration exercise

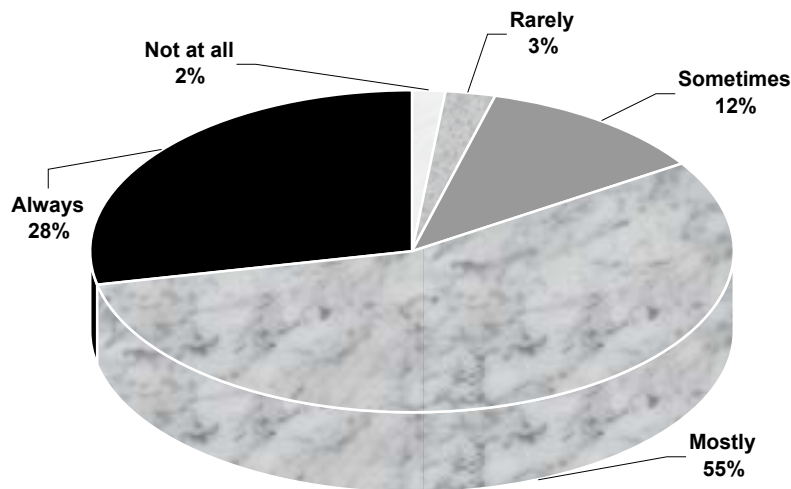
Voter registration is enshrined in the Constitution (section 67) as a right for citizens and including non-resident citizens of Botswana aged 18 years and above. In order to register, individuals have to present themselves physically before a Principal Elections Officer. Part III (sections 7-16) of the Electoral Act deal specifically with voter registration and preparation of rolls. Voter registration is determined by the Commission whenever they decide there is need to create a new voters' roll to obtain an accurate population of voters in any given constituency or constituencies. Section 7(1) of the Constitution stipulates that the Commission shall order and publish in the Government Gazette a general registration period for a specific constituency or constituencies that they would have specified in the order. Often the electoral authority has to carry out registration at a time other than during the general registration period. This is referred to as supplementary registration and is carried out in the same manner as the general registration. Copies of the general rolls are to be made available for inspection by the public at the office of the Principal Registration Officer. The Principal Registration Officer may also determine other places where the rolls can be accessed. Sections 9 and 67(3) (c) of the Constitution provide for absentee balloting through the registration of non-resident citizens. Their registration is then forwarded to the Secretary for incorporation into the roll of the person's constituency.

Potential voters are entitled to vote in the constituency one resides in, where they were born, or last resided if staying outside the country, and to register only in one constituency. The voter registration is semi-automated, with data capturing at registration centres done manually using optical readable forms (OMR) and later scanned for electronic production of voters' rolls. The election data system is linked to the National Registration (*Omanang*) one for verification purposes. The Electoral Act allows for continuous registration for general elections and the IEC constituency offices do have continuous registration in place for any voter 18 years and above. Any eligible voter who may have missed the general registration for some reason may register at anytime during the single life of a Parliament, which is determined by another general election. The majority of the Expert Panel members felt that the registration process is mostly 'generally credible and accepted by all as being transparent and well conducted' (Figure 5.2 overleaf).

Only 4.2% of the Expert Panel viewed the voter registration exercise negatively with the combined total of those who had a positive view making 84%.

The voters' roll is legally required to bear the surname, names, sex, postal address, house number or plot number, national identification card number and the serial number of the registration card given to the voter. These are to be separated according to the polling stations the voters were registered at. Polling stations are grouped into polling districts, which form a constituency. Both the general roll and the supplementary roll are published upon completion, for public inspection. The rolls are then certified after 42 days and 21 days for the general roll and supplementary roll respectively if there are no objections. In the case of an objection the matter is heard before a magistrate's court. Once a writ of election is issued, the Secretary of the IEC shall amalgamate into one roll the last general roll and all supplementary rolls for the constituencies concerned. The amalgamated roll then known as the election roll. The election roll is kept as a permanent record in the form prescribed by the Minister. In the same manner as the other rolls, the election roll will have to be

Figure 5.2: Voter registration generally credible and accepted by all as being transparent and well conducted?



Source: Author, derived from Expert Panel responses

certified in the event that there are no objections, or whenever objections have been resolved. The certified roll is kept by the Secretary, accessible to the public for inspection at no cost. Section 16 of the Electoral Act provides for one to make copies of the roll or take extracts thereof for free.

Voter apathy in Botswana is becoming a growing concern. The Voter Apathy Report of 2002 shows a trend that is not abating. The authors concluded in the report that in Botswana voter apathy is due to:

- An inherited Tswana political culture that restricted competition for political office
- A history of non-liberation politics that failed to stir national sentiments
- A presidency that is excluded from a direct electoral process
- A failure of party politics to attract the common people, and
- A prevalence of long queues during Election Day (GoB, 2002: 4).

Table 5.2 shows the extent of voter turnout across the years. It shows that the last elections in 2009 registered the third highest voter turnout after the 1984 and 1999 elections. Although Botswana does not have presidential elections, it is improbable that the introduction of presidential elections would improve voter participation. While the USA has presidential elections, and fought for its independence it is well known for voter apathy (see Lijphart, 1997; Jackman, 1987). Namibia also fought for independence but is also experiencing voter apathy (see Shitumbapo, 2010). Lijphart (1997: 7) notes that the “salience of issues, attractiveness of political parties and candidates, and political culture and attitudes” do matter in improving voter turnout, as evidenced in the 1995 Quebec referendum on independence that garnered 93.5% turnout. Voter apathy will always remain a dilemma for liberal

Table 5.2: Electoral Statistics 1965-2009

Year	Registered	Voted	%
1965	188 950	140 789	74.0
1969	156 428	92 965	54.9
1974	236 848	95 809	31.2
1979	343 483	147 658	60.6
1984	293 571	227 756	77.6
1989	367 069	250 487	68.2
1994	370 356	281 931	76.1
1999	459 662	354 466	77.0
2004	552 849	421 272	76.0
2009	725 817	555 308	76.5

Source: Independent Electoral Commission, 2009

democracy, yet ironically liberal democracy is the most preferred political system since the collapse of the Soviet Union.

Mfundisi (2005) on discussing electoral apathy in Botswana rightfully stated that the legitimacy and credibility of the electoral process is dependent on the participation of the citizens. In the Voter Apathy survey report referred to above (see GoB, 2002) culture in the case of Botswana where people are not accustomed to competition for political office was blamed for voter apathy. But electoral apathy does exist even in mature democracies that are used to competition for political office such as the USA and the UK. Hence, one can contend that voter apathy has nothing to do with the legitimacy of the electoral process. Botswana has been a practising democracy for 46 years and people are now accustomed to electoral competition but voter apathy seems to be a persistent challenge.

The other problem that many authors seem to ignore is the ineffectiveness of the opposition parties to mount a credible opposition to BDP rule. The opposition was fractious even before elections prior to independence, and they have made several attempts at some form of cooperation ever since, without success (Selolwane and Shale, 2008). While voter apathy is an undesirable feature of liberal democracy in many countries, in Botswana it is exacerbated by the weakness of the opposition political parties for failing to offer meaningful political alternatives. It seems plausible to assume that in Botswana voter apathy is merely a matter of complacency and lack of choice due to a weak opposition.

(f) Voter education

The IEC is in the forefront of voter education. Various modes of communication are stated as the processes through which voter education is carried out, and these include:

- *kgotla* meetings
- institutions and school visits
- stakeholder workshops
- radio and television programmes
- print publications (pamphlets, newsletters, posters, brochures).⁶

The IEC also accepts visits from institutions and provides the services free. The IEC started its public education campaign in 2006/07 financial year, well ahead of the elections, in preparation for the 2009 elections (EISA, 2010). While EISA (2010) commends the IEC for effective public education leading to high turnout for the 2009 elections and low spoilt votes, it is difficult to wholly ascribe the high turnout solely to the success of the IEC educational campaign. On the other hand as Lijphart (1997) has stated, that the attractiveness of candidates is one of the factors that contribute to high voter turnout. According to findings from the Afro Barometer (2008: 25) President Ian Khama's approval ratings stood at a high 88% in 2008 just prior to the 2009 general elections.' It is plausible that Khama's popularity at the time contributed to the high turnover at elections and also to the BDP's performance in the election results. In the 2009 general elections the BDP under Khama's leadership was able to reverse the declining trend of its electoral support by about one percentage point from 52% in 2004 to 53% in 2009 elections. However, this feat seems temporary and the downward spiral of the BDP support will continue as democracy in Botswana matures.

The IEC sponsors and contributes topics to the Botswana Television (BTv) programme known as *Matlbo-a-phage* which hosts political debates on political and election issues. However, the BTv (a Government television station) remains in control of the programme. All political parties have enjoyed wide coverage in the form of interviews in this programme. However, the BMD was denied airtime in the programme in the early days of its formation, but they have since equally participated alongside other parties in the screening of the programme. The IEC also ran television and radio campaigns about the 2009 elections. *Matlbo-a-phage* is widely watched in the country and so far no political party has complained about it, except for the sidelining of the BMD immediately after their split from the ruling party. The Government has been criticised by opposition parties for its control and monopoly over state media (that is print, radio and television). Although parties are allowed participation in *Matlbo-a-phage* the opposition are dissatisfied with the amount

6 <http://www.gov.bw/>

of coverage by state media of their activities in general, for instance political rallies, party congresses and conferences.

(g) The organisation of general elections

The organisation of elections in Botswana is enshrined in the law. The Electoral Act details all the processes and procedures for both national and local elections. Section 52 of the Electoral Act requires ballot boxes to be secured by locks immediately before voting, and the presiding officer to show the box empty to all who are required by law to be present (e.g., party representatives, election observers). The box is to be kept closed and secured until at a prescribed time after elections. However, the ballot boxes are not transparent (such that one can see inside) without having them unlocked, a factor for which Government has been criticised. Elections normally run from 6:30 am to 7:00 pm unless the Secretary instructs otherwise (section 50).

Section 67 lays out the procedure for closing the poll and also for the handling and transportation of ballot materials. The presiding officer at each polling station is charged with the responsibility of sealing the packets into which ballot papers are contained. To ensure transparency, the sealing is done in the presence of candidates and their polling agents as they may wish to attend, who may also affix their own seals as well. The ballot papers are then transported, securely, to the returning officer for safe custody together with the 'ballot paper account' from the presiding officer. The returning officers of the respective constituencies shall keep the documents unopened until the close of the poll. Section 70 provides for the verification of the ballots, as ballot boxes are received from polling stations, in the presence of candidates and counting agents who wish to be there. At the end of the verification process the ballot papers from all the polling stations in a constituency are then mixed together and counted at the constituency headquarters in the manner provided for in section 71 of the Electoral Act. The counting of ballots for local authorities is done at polling district headquarters. These are new 2004 electoral law amendments that were effected during the 2009 general elections.

The regulation of political party activities are contained in Parts VIII, IX, X, and XI (sections 80–154) of the Electoral Act. Political party financing is not promulgated in law. Parties have to secure their own funding, with the ruling party being able to secure disproportionately huge sums of money for their political activities. The undue advantage gained by the BDP over other political parties as a result of its ability and unique position to access funding is discussed further in Chapter VII.

For the 2009 elections the IEC recruited thousands of personnel to man the 490 polling districts in the 57 constituencies. These officers were given training through workshops prior to the commencement of the poll. A total of 547 Returning Officers, 1698 Assistant Returning Officers, 4576 Presiding Officers and 6864 Polling Officers were recruited and given training on their responsibilities through workshops (IEC, 2010). The training for Returning Officers and Assistant Returning Officers is based on the *Guide to Returning Officers in the Conduct of Elections* manual, and the *Guide to Presiding Officers and Polling Officers in the Conduct of Elections* is used to train Presiding Officers, Polling Officers, Police Officers and Polling Agents. Most of the recruited officers were teachers and out of school youths. Out of these 4576 assisted with the registration of voters and 133 supervisors to oversee their work. According to the IEC Report on the 2009 elections their training entailed registration procedures and the electoral law. As indicated earlier in this Chapter, after the registration exercise was completed, the rolls were published and displayed for public inspection for 42 days and 21 days for the general registration and supplementary registration respectively (IEC, 2010: 3).

The law requires the display of candidates' names (arranged in alphabetical order) and their party or individual colours (see section 45 of the Electoral Act). In the event of petitions against candidates or any election petitions, these are addressed in open courts. Petitions are registered with the High Court, which will set the trial dates. If the counting goes on smoothly, as it usually does, results are announced immediately upon completion of the counting process in the presence of candidates, the public and other persons who legally should attend. In the 2009 elections, the IEC reported that in some counting centres the counting was delayed as a result of the officers not following the process (IEC, 2010: 8). According to the IEC Report (2010: 8) 'the ballot paper account of a polling station has to be verified as and when the ballot box of that polling station is received by the Returning Officer,' but this procedure was not followed and resulted in delayed counting. There is no indication that these delays affected the results.

The focus group discussion for people with disabilities (Rural Disabled, Serowe, 3rd November 2011) complained about long queues and also noted that some buildings do not have ramps to provide them with easy access to polling booths. The IEC had noted some of these concerns but did not provide any solutions, especially the provision of ramps in public buildings. As for the long queues with regard to the infirm, such as old and people with disabilities the IEC was also non-committal in their suggested solution in which they implored citizens to use *botho*⁷ and allow them to vote faster.

People with disabilities decry the one day allocated to voting, coupled with the lack of facilities as highly restrictive. A view of the people with disabilities (Rural, Serowe, 3rd November 2011) on the matter was that:

We must be allowed to vote two days before the elections. The electoral officers must come to our houses. ...One day of elections means congestion and long queues. Our care givers have other commitments to spend the whole day in the queue with us. Other voters refuse to allow us to go in front of the queue, saying we must be patient like everyone else. Something must be done to cater for us.

It also appear, however, that the challenges for people with disabilities are deemed as deeper and encompassing the supreme law of the land. People with disabilities (Rural disabled, Serowe, 3rd November 2011) argued that:

The constitution is not accessible to some of us, it is in a format that is not user friendly for us. Information about elections is not accessible. It is not in audio or Braille, therefore some people do not vote for lack of information. *Kgotla* meetings do not cater for people with disabilities, there are no sign language interpreters there. Even political parties do not care about us. There is no effort made to explain party manifestos to people with disabilities. We do not understand what political parties stand for. They must sit with us and tell us their objectives and goals. The IEC needs to interact with us also.

The overall view of people with disabilities is that the weakness of the law of the land with regard to facilitating their participation is in its lack of recognition of the inherent disadvantages in having a disability. People with disabilities' focus group discussions suggested that they should be included in the advance voting together with police officers. However, in a move that shows the electoral management body's commitment to electoral processes' reform, the IEC undertook some initiatives that cater for both people with disabilities and the general population. In 2004 the IEC introduced area specific ballot papers as well as streams in polling stations that have more than 500 registered voters, and has the prerogative to increase polling booths in a polling station to deal with long queues. In the 2009 general elections, the IEC introduced a ballot paper template for the visually impaired that is still under review by relevant stakeholders. In the by-elections held after the 2009 general elections, the IEC piloted a help desk during those elections, and it is likely to be used in the 2014 general elections.

(h) Role of domestic and international observer and monitoring teams

The participation of election monitors in the Botswana electoral process started particularly after the controversial 1984 elections. In 1984 a ballot box was discovered unopened after the election results had been announced, with the ruling party winning the constituency. The BNF lodged a petition with the High Court and a bye-election was ordered. The BNF went on to win the constituency. A more or less similar incident occurred in the Kgatleng constituency in 1989, and a bye-election was also ordered by the court after receiving a petition.

There are two local elections observer bodies in Botswana, the Democracy Research Project (DRP) of the University of Botswana, and the Catholic Justice and Peace Commission. The first to operate was the DRP that observed elections in selected constituencies in 1989, 1994 and 1999, while the Catholic Justice and Peace Commission observed elections in only 16 constituencies in 1994 and eight constituencies in 1999 due to financial constraints (Sebudubudu, 2005).

The IEC invited the international community to assess its conduct of the 1999 parliamentary and local elections. A team of experts led by Zamchiya of Zimbabwe and consisting of Gajadhar of Trinidad and Tobago

7 Botho is a Setswana word meaning courtesy, good manners, respect and in the sense used above empathy.

as well as Butler from the UK carried out the evaluation. The team was sponsored by the British Department for International Development (DFID) and facilitated by the Electoral Institute of Southern Africa (EISA). The experts acknowledged that “...Botswana is a model for good practice in many respects,” but stated that relationships with the SADC Electoral Forum, EISA and other regional bodies would bring benefits to Botswana (Zamchiya, *et al*, 2000: 25). Botswana is committed to ensuring that its elections are monitored. In the 2009 elections there were 1100 domestic and international election observers representing 23 accredited election observer bodies, as well as 12 media houses (IEC, 2010: 76). These included:

- Nurses Association of Botswana
- Organisation of African Instituted Churches
- Diocese of Gaborone
- Botswana Association of Local Authorities (BALA)
- Botswana Electoral Support Network (BESNET)
- African Union
- Embassies (France, Japan, Canada, Great Britain, Germany, Russia, USA, Nigeria and China)
- European Union
- SADC Parliamentary Forum
- Electoral Commissions Forum of SADC Countries (ECF – SADC)
- Youth Health Organisation (YOHO)
- Botswana Network of People Living With HIV/AIDS (BONEPWA)
- Ocean of Hope and Bokopano Support Group
- 1 Care Support Group
- Francistown Network of Support Group
- SADC Electoral Observer Mission
- Zimbabwe Electoral Support Network
- The Lands Followers Apostles Church
- The Centre for Vision with Health
- Botswana Christian Council (BCC)
- University of Botswana
- SADC Council of Non-Governmental Organisation
- Electoral Institute for Sustainable Democracy in Africa (EISA)

International media such as Reuters and AFP were also present. The EISA Technical Team held briefings with observers from the African Union, SADC Parliamentary Forum, SADC Electoral Observer Mission and BESNET (the main domestic observer group) during the 2009 elections and all noted that they freely carried out their activities unrestricted (EISA, 2010). As Sebudubudu (2005) observed, indeed the growing participation of international observers in Botswana’s elections enhances credibility and legitimacy of the elections.

A contact centre was established for the first time in 2009 to facilitate contact between the election observers and other stakeholders. Other international bodies also played a key role. The Friedrich Ebert Foundation funded the training workshops for domestic observers’ orientation. On the other hand the British High Commission and Institute for Democracy and Electoral Assistance (IDEA) sponsored a performance

audit that assessed the 2009 elections at the request of the IEC. Since 1999 when the IEC first conducted general elections, it is their practice to have independent audits of their election processes conducted to assess their election preparedness. The IEC often requests foreign donors to fund the audits due to the high costs of the exercise.

(i) Election dispute adjudication mechanisms

The election adjudication mechanisms are enshrined in the Electoral Act. The rural political parties' focus group discussions (Palapye, 3rd November 2011) bemoaned the costly and lengthy court processes that they get involved in when they want redress on electoral disputes. They recommended that the Government establish an election adjudication body to handle matters of this nature. Another focus group (Urban Youth, 1st November 2011) argued that if one complains of electoral fraud, they also have to pay for the legal costs of the case, which may discourage those with limited resources to lodge legitimate complaints. Incidentally Zamchiya, *et al.*, (2000: 4) made a similar recommendation in their report arguing that the High Court is "too restricted, costly, technical and not very useful where the disputes are urgent". One of the focus group discussants at Palapye stated that it is likely that by the time the High Court concludes a case, too much time would have elapsed, even nearing the next elections, which may render the judgement irrelevant.

(j) Mutual impact of electoral governance and diversity on each other and its consequences on competitive party politics and the government process

Diversity has not impacted negatively on electoral governance in Botswana. Zamchiya, *et al.*, (2000: 3) did allude to the peaceful nature of elections in Botswana and they stated that, "The 1999 elections were not marked by high levels of conflict between the parties, and were generally conducted in a manner consistent with a peaceful and democratic society". The EISA Technical Team also observed after the 2009 elections that the presence of the police, observers, and party agents created a sense of security for the voters (EISA, 2010).

Although diversity has not had any discernible negative impact on elections in as far as violence is concerned, it has had an effect on political party support. Two of the older parties, the defunct BIP (which joined BAM) and BPP enjoy support only in the regions from which their leaders originate. The BPP managed to get only three council seats in the North East District Council, the district from which most of its leadership comes, while BAM got only six in the North West District Council (see IEC, 2010: 59). BAM was able to win a parliamentary seat in the Ngami constituency (in the North West District) through its cooperation with the BCP. Outside the urban constituencies of Gaborone Central and Selibe-Phikwe West, the three constituencies (including BAM's) of Chobe, Okavango and Ngami are in constituencies populated by minority ethnic groups, and were won by the BCP.

Although other scholars such as Molomo (2005) argue that voting is not influenced by ethnicity in Botswana, there are subtle indications of the gravitation of ethnic minorities towards the BCP. For instance in the 2009 general elections the BCP did exceptionally well, even overtaking the BNF and coming second to the BDP in many constituencies which are largely populated by ethnic minorities such as the three Francistown constituencies, Nata/Gweta, Nkange, Bobirwa, Tswapong South and Moshupa. BAM came second to BDP in the Maun East and Maun West constituencies, while the BPP came second to the BDP in Tati East and Tati West constituencies. The gravitation of ethnicities around parties led by their tribesmen has not affected governance in any negative way. In fact, it seems more like a 'homeboy' camaraderie sort of thing than ethnocentrism. But if the BCP is to remain viable and avoid becoming a regional party in the same manner like the former BIP and BPP, the party will have to package its message such that it has a broad national appeal.

However, one of the members of the urban minority focus group discussion participants (Gaborone, 8th November 2011) accused some of his colleagues in the group of voting for the ruling party, which they as minorities, see as perpetuating their discrimination. This matter has been raised in Chapter IV and it is being raised here in relation to political parties' competitiveness.

(k) Environment of electoral governance: constraining and enabling factors

Elections in Botswana are generally considered free and fair by many election observers. Even the opposition political parties usually accept the election results as legitimate. The enabling factors in this regard seem to stem from the transparency of how elections are run. Generally, the rule of law is adhered to and the

political parties actively participate through various means such as in the appointment of members of the electoral commission, unfettered political campaigns, and participation of political parties in the monitoring of elections through their party agents. EISA (2009) noted some electoral problems during the 2009 elections, which in some unstable countries in the region could have derailed the electoral process. These problems included the cancellation of advance voting due to errors on ballot papers printed in South Africa, serious tensions within the ruling party – the President removed a parliamentary candidate and replaced him with his preferred candidate, and the heightened competition between opposition parties after their cooperation talks failed. The stability exhibited amidst such challenges demonstrates Botswana's maturing and entrenched democracy.

However, there are some constraining factors in the electoral governance of Botswana. Paramount among them is lack of party funding and the unequal access to state media by opposition political parties. In many of the focus group discussions, much emphasis was put on party funding perhaps because, as Molomo and Sebududu (2005) observed, political parties play a crucial role in aggregating "... diverse interests in society and developing them into coherent demands and platforms ...". Again, the ruling party may not find party funding to be a necessity because they already have access to state resources through incumbency (EISA, 2010). There are perceptions among the focus group discussants that companies that may want to win favours in the government tendering process may covertly fund the ruling party therefore rendering the playing field uneven. Perhaps the ruling party may just have to accede to calls for party funding if they want to dispel such perceptions and insinuations. The ruling party has always resisted party funding because it gives them an edge over their competitors. It is not surprising that a member of the Urban Minority Ethnic Focus Group (8th November 2011) argued that the elections are free but not fair.

CONCLUSION

This chapter discussed the legal and institutional frameworks as well as operational aspects of elections in Botswana. The constitution establishes both the legal and institutional frameworks. The Electoral Act further states the regulations governing some operational and procedural matters of elections. Elections in Botswana are monitored by international observers as well as being externally audited. These activities have improved the credibility of the elections. The EMB is considered independent and fairly competent by the majority of the expert panel members. Notwithstanding that, an overwhelming majority of the expert panel members felt that the appointment and removal of the electoral commissioners should be handled by an independent non-partisan body instead of the President.

The FPTP electoral system was perceived by the majority of the expert panel members as credible. However, it has also been shown that the opposition parties and some scholars are discontented with the electoral system, preferring instead the PR system. Although the opinion of the expert panel members in favour of the FPTP electoral system is clear, it is nevertheless important to reach an amicable conclusion in the choice of an electoral system, which in this case is a national referendum to decide the matter once and for all.

There is no legal provision for diversity in the electoral laws. However, the delimitation of constituencies takes into consideration factors such as community of interest and natural boundaries that in Botswana more often go along tribal/ethnic boundaries. Few ethnic groups, such as Basarwa, that are not concentrated in any one place are disadvantaged. Also, people with disabilities, women and the youth are also not legislatively provided for. Some FGDs recommended for the introduction of Braille and ramps at polling booths to help those with disabilities in participating in the electoral processes. The adjudication of election disputes is one weak area that needs improvement perhaps through the creation of a separate adjudication body to reduce costs and time, and make the process simpler than it is presently.

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CHAPTER VI: ELECTIONS, DIVERSITY AND POLITICAL VIOLENCE

Molefe B. Phirinyane

INTRODUCTION

This chapter addresses the issue of elections, diversity and electoral violence in Botswana. It covers a number of areas, including: national diversity, parties and electoral competition; the credibility of elections; fairness and transparency; the neutrality of the election management authority; conflicts and contestations in the electoral process; intra-party political violence; inter-party electoral competition, violence and the politics of diversity; and trends in political and electoral violence.

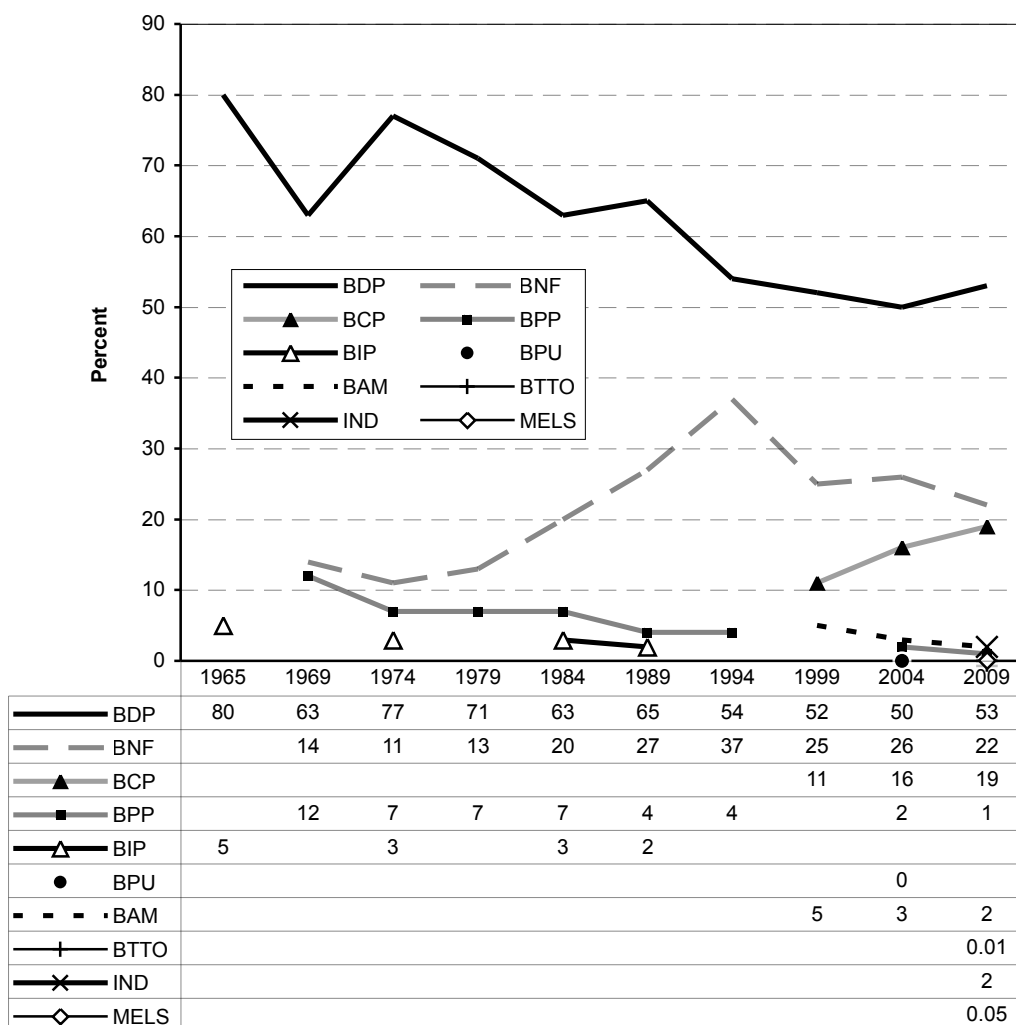
NATIONAL DIVERSITY, PARTIES AND ELECTORAL COMPETITION

National diversity in Botswana has not expressed itself in electoral violence. As stated in Chapter V, Botswana is evidently a maturing democracy, one of the oldest in Africa, and also one of the most stable. The tradition of the *kgotla* alluded to in Chapter I, and the political space and choices afforded the citizenry by the political system compound to strengthen the country's democracy. However, Botswana's democracy is far from perfect and improvements are still needed to make it sustainable. Chapter IV showed that some political parties enjoy the support of ethnic groups from which their leaders come. Although it was indicated that the BCP also enjoys such similar support, they seem to be the only opposition party that has been able to enjoy popular support among minorities across the country, not just from one region. Ironically the BNF has a much longer history campaigning on minority issues but without the success and goodwill enjoyed by the BCP. Besides the minorities' issues, the BCP has been articulate and innovative in presenting its political message (Phirinyane, 2009). The main challenge with regard to national diversity in Botswana relates to women, people with disabilities, and the youth. These latter groups are underrepresented in all political institutions, namely parliament and the councils. There is no political party in Botswana whose electoral candidates have consisted of over 30% being women. Women representing opposition parties have never won a parliamentary seat. The few women that make it to parliament are from the governing party, and most of them make it through the specially elected dispensation.

The ability of the BCP to succinctly relay its message to the electorate and succeed where the BNF has failed explains why the BCP is the second most popular party in the Central District and the North West where there are many minority ethnic groups. Figure 6.1 below illustrates the pattern of electoral support of the political parties since independence.

Figure 6.1 overleaf shows that there is only one political party that registered consistent growth between the 1999 and 2009 elections. Most of the parties' electoral support has been consistently declining, with the BDP making a rebound in the 2009 elections. The BNF registered rapid growth from 1979 to 1994. The emergence of the BCP reversed their growth in 1999 only for their growth to almost stagnate between 1999 and 2004 and drop again in 2009. The BCP has since its formation in 1999 been growing steadily, and at one stage in 2012 became the main opposition party after a number of defections by members of parliament from the BNF. It did not take long before the BMD coalesced with the BNF in 2012 to form the UDC and produced a hung opposition that resulted in an empty seat for the Leader of the Opposition. In 2012 three BNF MPs defected, two of whom joined the BCP and a third defected to the ruling party, leaving the BNF with only three MPs in Parliament. The Umbrella for Democratic Change party (referred to in Chapter III) would face major challenges to become a viable project given that it is a combination of parties with declining popular support (see Figure 6.1). It is posited here that the BDP has approached the issue of national diversity from an overcautious angle. In its objective of homogenising the nation, the BDP was aiming at attaining social and political stability. This goal is captured in former President Mogae's speech when he openly criticised minority rights activists and stated that "... we should avoid setting up exclusive organisations whose membership is

Figure 6.1: Electoral support of political parties, 1965 – 2009 (% of votes)



Source: Independent Electoral Commission (Various)

drawn from one tribe... Our goal of nation building needs to prevail over narrow tribal sentiment.¹⁸ Stability is one core characteristic of conservative parties, and it is shown that the BDP had prized stability over group rights. Social and political stability have largely been achieved in Botswana, and while remaining important, are no longer a priority to the nation. Hence, the growing support for the BCP in constituencies which are inhabited predominantly by minority ethnic groups. Whether the growth of the BCP will be limited to minority regions or it will be able to muster a much wider popular appeal is yet to be seen. Their good performance in non-minority regions such as Ramotswa could be a sign of the BCP's potential national appeal. In Ramotswa the BCP has been able to reduce the electoral support margin between itself and the BDP from 1046 in 2004 to 345 in the 2009 elections.

The executive committees of the other main political parties, BDP, BMD and BNF show a balanced ethnic compositions with the exception of Basarwa who more often than not tend to be excluded. On the contrary, the BCP Central Committee is dominated by people from ethnic minorities, a factor that may be perceived as unbalanced representation by other ethnicities. Ethnicity has not been used in a negative sense by any of the political parties in Botswana. In fact, in the ruling BDP, party insiders are from across ethnic

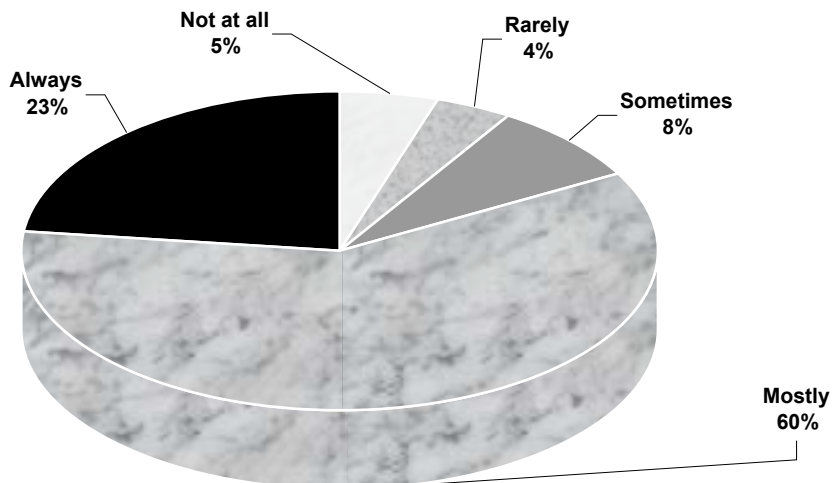
groups. Party insiders refer to party activists whose parents, spouses or close relatives held or hold some position of responsibility and influence in the party that benefits the family member in seeking elective office. Examples of party insiders in the BDP are (not listed in any order): the Khamas, Masisi, Kgathi, Merafhe, Magang, Masire, Segokgo, Mmusi, Mokaila, Kwerepe, Mannathoko, Blackbeard, Seretse, Masalila, Kwelagobe, Balopi, Morake, Molomo, and Temane (the list is not exhaustive). However, some outsiders in the BDP have made significant achievements such as Former President Mogae who was an outsider. Major General Moeng Phetho, another outsider, beat Lesang Magang (an insider and former Youth League president) in the BDP primary elections for the Kweneng East constituency prior to the 2009 general elections.

THE CREDIBILITY OF ELECTIONS: FAIRNESS AND TRANSPARENCY

Sebudubudu (2005) has rightly noted that the credibility of elections in Botswana is enhanced by the participation of both local and international observers. However, there has been some decline of the election observers between the 2004 and 2009 elections. In 2004 there were 59 election observers, both local and international (IEC, 2004) while in 2009 there were 44, of which 12 were the media. Some of the embassies from neighbouring countries in the region and several local non-governmental organisations and newspapers did not turn up for the monitoring of the 2009 elections. The reduction in the number of observers did not affect the credibility of the elections process in any way. EISA (2010) concluded that the elections did not differ from the previous ones in any way in the manner they were conducted and passed them as free and fair.

EISA, however, highlighted some issues that raised concerns with the 2009 elections. These included the participation of women, election materials, counting of the ballot papers, party funding, and use of state resources. The latter two matters have already been discussed earlier in this chapter. The under representation of women in the electoral process was blamed on all the political parties, but not on the elections themselves. EISA recommended that the government should consider a quota of some sort to improve the representation of women. With regard to the counting of ballot papers, EISA felt that the double verification exercise that takes place at the polling stations and the counting centres makes the counting process tedious. EISA (2010: 36) recommended that the counting should take place at the polling station “to avoid any suspicion about and delay in the counting process” and that results should be posted at the polling stations for public access. The use of tin ballot boxes was also criticised by election observers in the 2004 elections and again in the 2009 elections, arguing for the use of translucent ballot boxes. The tin ballot boxes were perceived as denting the transparency of the elections and by implication their credibility. Figure 6.2 presents the perceptions of the Expert Panel members on whether the elections are free, fair and transparent.

Figure 6.2: National elections are free, fair and transparent



Source: Author, derived from Expert Panel responses

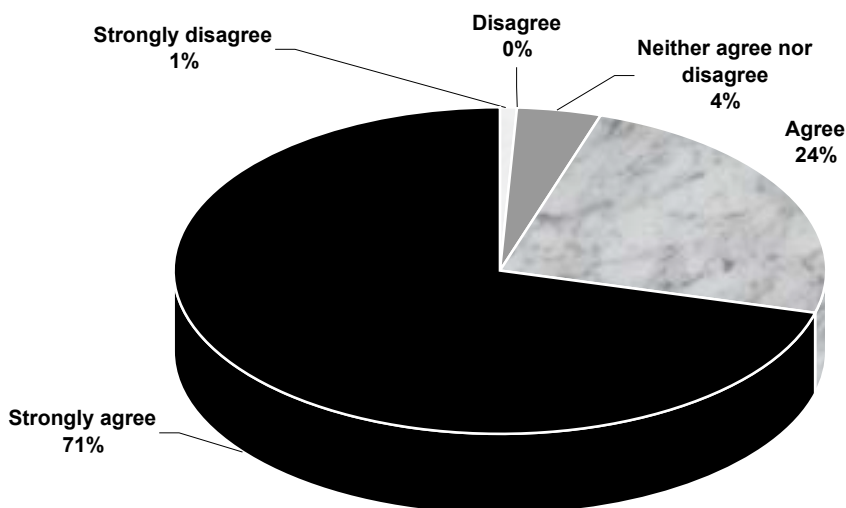
A very high proportion of the Expert Panel considered both the national and local elections to be free, fair and generally transparent (see Figure 6.2 above). 60% of the respondents considered the national elections to be 'mostly' free, fair and transparent. For the local elections the figures were equally high, with 58% feeling local elections are mostly free, fair and transparent. 23% and 24% felt the national and local elections respectively were always free, fair and transparent. These perceptions by the Expert Panel corroborate those of the election observers that elections in Botswana are credible. Implicitly these perceptions portray a positive view of the integrity of the electoral management body.

THE NEUTRALITY OF THE ELECTION MANAGEMENT AUTHORITY

The independence of the IEC is enshrined in the Electoral Act. As indicated in Chapter IV, the Secretary of the IEC is answerable to the Commission and does not take instructions from anybody else apart from the Commission. However, some political leaders feel that the issue of the appointment of the commission should be revisited to make it more transparent and apolitical (EISA, 2010). 65.8% of the Expert Panel members 'strongly agree' that the electoral commission should enjoy autonomy in terms of political, administrative and financial independence, while 28.3% 'agree'. Only 5.9% 'disagree' and/or 'neither agree nor disagree'.

Nine per cent of the Expert Panel members were also of the opinion that the appointment and dismissal of electoral commissioners should be handled by an independent non-partisan body (see Figure 6.3).

Figure 6.3: Appointment and removal of electoral commissions should be handled by an independent non-partisan body



Source: Author, derived from Expert Panel responses

This high proportion shows the enlightenment of the people and their expectation of how state institutions should be run. The government's establishment of the electoral commission was an attempt at the independence of the body that runs elections. But, as indicated in the election observer reports and Expert Panel study, the move away from government control is not yet satisfactory.

CONFLICTS AND CONTESTATIONS IN THE ELECTORAL PROCESS

In all the elections conducted in Botswana since independence, there have never been any that were violent. In their report, the IEC (2010) stated that Botswana demonstrated mutual respect, and that no incidences of violence and intimidation were reported during the 2009 elections. EISA (2010) also confirmed that the 2009 elections, like the others that came before them went on without any violence. However, as indicated in Chapter IV, there were legal challenges in the 1984 and 1989 elections that led to the introduction of election monitors. But these contestations went without violence as the due process of law was followed.

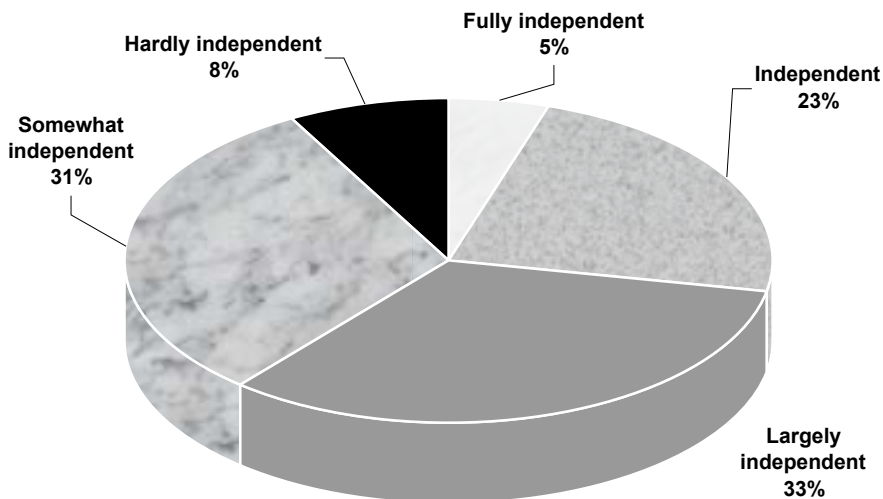
In 1984 an unopened ballot box was found by the staff of the Supervisor of Elections at Tshiamo Polling Station in the Gaborone South constituency that was contested by Kenneth Koma, then president of the BNF, and Peter Mmusi who was at the time Vice President of Botswana. The opposition claimed the discovery of the Tshiamo ballot box was a demonstration of the election rigging that they always complained about (Molomo and Somolekae in Sebudubudu, 2005).

There are two important reasons advanced by Sebudubudu why the BDP agreed to a by-election. First, he says, the discovery of the ballot box was made by the officers of the Supervisor of Elections and not the members of the opposition parties. The BDP's acceptance of a by-election was meant to vindicate themselves of any wrong doing and to show they had nothing to hide and were committed to a transparent election (Sebudubudu, 2005). Another reason is that the BDP also knew that any election outcome from the by-election would not alter the composition of the opposition in Parliament. The constituency had ever since been won by the BNF in the 1984, 1989, 1994, 1999 and 2004 elections until in 2009 when the BDP won all of the Gaborone constituencies except Gaborone Central held by Dumelang Saleshando of the BCP.

Another petition that was brought before the courts was the 1989 petition in which James Pilane of the BNF challenged the election results in a Mochudi constituency that was won by Ray Molomo of the BDP. The Returning Officer was accused of an irregularity by extending the election time beyond that provided for in the Electoral Act. The High Court ordered a re-election that Molomo won by an improved margin of 104 votes from 29 votes earlier (Sebudubudu, 2005). There are other election petitions that were brought before the courts, some of which were successful and others not. However, the important factor is that the courts, as earlier stated by the focus groups in Chapter V are costly, technical, and slow. Sebudubudu (2005) also notes these factors but adds that the courts may help in the promotion of openness in the conduct of elections. But, as the focus groups have stated, these limitations may deny some people access to justice because they cannot afford the legal costs or fail to navigate the technicalities of the High Court and due to their slowness. In view of some of the many challenges, Zamchiya, *et al*, (2000) called for the modernisation of the election petition adjudication process.

Throughout the interviews conducted for the study, there were no accusations levelled against the judiciary associating them with corruption. The majority of the Expert Panel members felt the judiciary was largely free from corruption. Those who felt they were above corruption made 10% while those who thought they were largely free from corruption made 42.5%. Together these made 52.5%, the majority of the respondents. The judiciary's independence from external influence is another important criteria for making the institution an important part of the electoral governance process. Figure 6.4 illustrates the Expert Panel's perception of the judiciary's independence.

Figure 6.4: Judiciary's independence



Source: Author, derived from Expert Panel responses

Although a minority consider the judiciary to be fully independent, the majority consider it to be largely independent as well as being independent (see Fiure 6.4 above). It is not surprising that the opposition politicians have confidently approached the courts whenever they have an electoral grievance. Those who lost their cases accepted the courts' verdict and did not resort to taking the law into their own hands.

INTRA-PARTY POLITICAL VIOLENCE

Although Botswana has not experienced electoral violence, it has had its fair share of intra-party political violence. The one that was dramatic was the BNF debacle in Palapye in 1998. The BNF has at times been an unstable party but the internal conflicts never resulted in violence until the 1998 incident. Factional fighting within the BNF started in 1970 following the Kanye Congress, in which the party lost some members through resignations because the venue was changed without adequate notice (Lekorwe, 2005). Other problems occurred in 1988 when Lenyeletse Koma was expelled for claiming to have written speeches for the party leader Kenneth Koma. In 1993, at the Mahalapye Congress, people complained about how it was run, and in 1997 after the Ledumang Congress the party split into two main factions one led by Klaas Motshidisi and another by Michael Dingake. The latter's group subsequently won the Central Committee elections. The latter group self-styled themselves as the Concerned Group, and they later, after some political posturing, won the sympathy and support of the leader and president of the party Dr Koma (Lekorwe, 2005). Lekorwe (2005) further argues that the Concerned Group used rough tactics to win Koma to their side including allegations that Dingake wanted to take the party away from him.

The ruling BDP has also had internal conflicts, due to protracted factional tensions that ran for a long time in the party. The factional competitions started during the Masire presidency and have persisted through Mogae's and Khama's presidencies. Former President Masire dealt with the factions in a more cautious manner, following a conciliatory approach in which each faction did not lose completely but compromises were made. In order to neutralise factions and not to be seen to be taking sides, Masire appointed Mogae to be his deputy, a move that was not welcomed by some in the party. By being the Vice President it meant that when Masire vacated the presidency Mogae would automatically succeed him. Party stalwart Ponatshego Kedikilwe challenged Mogae for the party chairmanship position. Mogae decided not to stand for the elections and later roped in Khama as his deputy in a move perceived to bolster his position. A consultancy in 1997 by Schlemmer (1997) had also recommended to the BDP leadership that they should bring in Khama to help stabilise the party.

Khama succeeded Mogae as President in 2008 when Mogae's presidential term came to an end. With the transition of the presidency, the factional fights within the BDP worsened. Two factions became more polarised; the Barata-Phathi faction led by Daniel Kwelagobe and Ponatshego Kedikilwe on one hand, and the A-Team led by Mompoti Merafhe and Jacob Nkate on the other. The Kwelagobe/Kedikilwe and Merafhe/Nkate factions evolved, during Mogae's tenure, out of what was known as the North/South divide within the BDP under Masire. The 2009 Kanye Congress became the pinnacle of the struggle for control of the party between the Barata-Phathi and the A-Team factions. Prior to the Congress, party president and also head of state, Ian Khama, decreed that nobody should hold a Cabinet post as well as a party position at the same time. Many, especially in the A-Team, obliged but Kwelagobe declared his interest in running for party chairmanship, upon which he was immediately dropped from Cabinet. President Khama was accused of favouring the A-Team when one of its members, Lesego Motsumi, was allowed to hold her cabinet position while at the same time running against Gomolemo Motswaledi for the post of Secretary General. The Barata-Phathi faction won all the seats in the Central Committee (Lotshwao, 2011) and President Khama responded by nominating 77 A-Team loyalists to various sub-committees of the party (Keoreng and Modise, 2009 cited in Lotshwao, 2011). Gomolemo Motswaledi who had just won the position of Secretary General challenged the actions of the President in appointing additional members to the Central Committee. The media and other authors such as Lotshwao (2011: 107) felt that the President *unilaterally* (emphasis added) appointed additional Central Committee members, whilst Article 30.5 of the BDP Constitution does allow him to do so. Article 33.1, however, allows the President of the Party the right to appoint members of the working committees of the Central Committee. Article 33.1 reads:

There shall be working committees of the Central Committee whose members shall be appointed by the President of the Party from among members of the party in good standing. The President may also appoint an Advisor to each working committee.

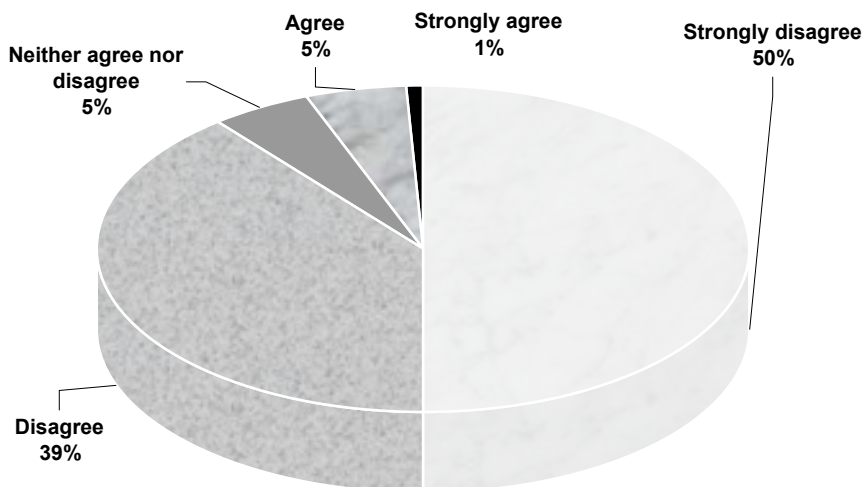
Motswaledi challenged the President's appointment of additional committee members and, with the support of the Barata-Phathi faction, sought legal advice outside the party and published it in the newspapers. In line with Article 34.1.6 of the party constitution, Khama imposed a 60 day suspension on Motswaledi and recalled him as Parliamentary candidate for Gaborone Central constituency. Motswaledi took the matter to the High Court and later the Court of Appeal and in both instances lost the case with costs. The courts based their judgements on the argument that a sitting State President has constitutional immunity from prosecution, even for actions within the BDP (Lotshwao, 2011: 107). In all that the President did, he followed the party Constitution to the letter. In fact, President Khama differs from his predecessors in that he makes his decisions within the confines of the party constitution, while his predecessors based their decisions on traditional practices within the party.

The BDP had experienced internal problems that it could not solve for close to two decades (beginning in the early 1990s) and eventually resulting in the formation of the BMD. The party needed a strong-willed and popular leader to take tough decisions to correct the situation and maintain party cohesion. The President's prerogative of appointing other Central Committee members and members of working committees does allow him to ameliorate conflicts between factions. This prerogative avoids party elections becoming a zero-sum game where losers lose big and winners take all. Scarrow (2005:3) rightly observes that "Party cohesiveness in legislatures contributes to efficient government...". Leading a united party to the polls seems to have been a major consideration of Khama.

INTER-PARTY ELECTORAL COMPETITION, VIOLENCE AND THE POLITICS OF DIVERSITY

Inter-party electoral violence has never occurred in Botswana. Survey results indicate that a total of 89.2% of respondents did not agree that violence is a major feature of political campaigns in Botswana. Of these, 50% strongly disagreed while 39% just disagreed (see Figure 6.5 below).

Figure 6.5: Violence is a major feature of political campaigns



Source: Author, derived from Expert Panel responses

The open air campaigns where political rallies are held have always been provided with security. The security was improved in the late 1990s with the police video recording all political rallies. No political campaign can be held without police permission and opposition parties have never been denied permission to hold their campaigns by the police. Political parties in Botswana are given the political space to conduct

their affairs, albeit with its own limitations. While the opposition parties have accepted to operate within the political space they are allowed by the ruling party, they have made meaningful policy contributions, as indicated in Chapter IV, that make them less likely to resort to violence.

TRENDS IN POLITICAL AND ELECTORAL VIOLENCE

Political and electoral violence in Botswana is becoming increasingly less likely to occur with the passing of time. Botswana's democracy is maturing, and the political space allowed to opposition parties and civil society is likely to widen as they become more assertive and demand more political space. In Chapter V and also in this chapter it has been shown that Botswana resort to negotiations and litigation, as a last resort, to resolve many of their political grievances. It has also been shown in Chapter I that Tswana culture emphasises negotiations over the use of force to resolve differences.

The perceptions of the Expert Panel and the use of the courts by the opponents of government indicate that the courts remain credible and trustworthy. The Government has instituted some electoral reforms, some at the prodding of the opposition parties and some from both the domestic and international election observers. These reforms, although incremental, have obviated differences that could probably have resulted in others resorting to violence to get what they want. The culture of non-violence referred to in Chapter I seems to be the glue that binds the Botswana society together in a non-violent competitive political atmosphere.

However, the Government has to introduce more electoral reforms without prodding, in order to be seen to be more transparent. The adjudication of election petitions is one area that must be looked at with a view to seeing how it can be made more efficient and less costly. It also appears that the number of bodies accredited to observe elections in 2009 dropped from that of 2004. The practice of inviting election observers should continue to ensure the transparency and credibility of the electoral process. The important thing for the nation is to ensure that electoral violence does not start, as prevention is always better than cure.

CONCLUSION

National diversity in Botswana, in particular ethnicity, has never led to violence or any peace-threatening tension. Minorities such as women, people with disabilities and the youth are under-represented in political institutions. However, ethnic minorities, especially those in the north tend to gravitate towards the BCP. Although the BCP seems attractive to minority ethnic groups, the party's campaign message is not premised on ethnicity. The BCP seem to be able to target its message to its audience as they are also successful in areas beyond those occupied by ethnic minorities such as Ramotswa and the urban centres. In fact the BCP is the only political party in Botswana to register consistent growth between the 1999 and 2009 elections, a period spanning a decade. The BDP growth has been declining until in 2009 when it rebounded to make it one of the only two parties that registered some growth in the past electoral decade. The UDC's future is uncertain as it is constituted by political parties with declining popular support. The presence of the BMD in the UDC has not added any significant value as they do not have a proven popular support, especially after the mass defections of its leaders in 2012 back to the BDP.

The credibility of elections is enhanced by the participation of election observers in the electoral process. EISA raised concerns after the 2009 elections, but not much has been done in response. For instance, the metal ballot boxes are still used instead of the recommended translucent ones that could improve transparency, party funding has not been introduced, and the governing party continues to take advantage of state resources. Notwithstanding the above, the Expert Panel members perceived the elections as free and fair. However, the IEC was perceived as not independent especially with regard to the appointment and dismissal of its commissioners. Most Expert Panel members preferred that the commissioners be appointed by an independent non-partisan body.

Elections in Botswana have always been peaceful, with no reported cases of violence since independence. There have been two major challenges of the results that went to the High Court. In both cases the court upheld the BNF petitions and by-elections were ordered as the party requested. The BNF went on to win the one in 1984 but lost the other in 1989. Political parties have confidence in the judiciary, and perhaps this is what obviated violence as the opposition knows that there is effective recourse in the law and judicial

institutions. The Expert Panel also perceived the judiciary to be beyond reproach. Both the expert Panel and the FGDs found the judicial process to be lengthy, complicated and costly, and therefore inaccessible to the ordinary person. Thus they recommended an independent and cheaper adjudicatory body that would be faster and accessible in dealing with electoral grievances.

All major political parties in Botswana, with the exception of the BCP, have had to deal with the challenges of factionalism. The BNF split many times with the most significant split in recent years being defectors forming the BCP in 1998. The BDP had troubles of its own in the run-up to the 2009 general elections that led to the establishment of the BMD in 2010. Inter-party relations have been characterised by mutual respect between parties, especially with the police monitoring the political rallies to ensure there is no violence. Also, non-violence in the political arena could be derived from a long-standing Tswana culture of non-violence and negotiations to solve disputes. This tradition has been adopted and inculcated a non-violent competitive political culture in the modern polity. It is evident that further reforms are needed to sustain the gains made already, and for continual improvement. The participation of election observers should be continued and supported as is already the case.

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CHAPTER VII: THE ECONOMICS OF ELECTIONS

Gape Kaboyakgosi and David Mmopelwa

INTRODUCTION

This chapter addresses funding of the electoral processes in Botswana. It addresses political party funding, the funding of the Independent Electoral Commission (IEC), and provides a cost-benefit analysis of the Botswana electoral process. The chapter focuses on how political parties finance their internal administrative processes, activities and election campaigns. It endeavours to show how the financial and human resource autonomy of the IEC is affected by this, and further how the electoral design and processes are affected.

It further looks at how election resources are used, including the state media and whether the political playing field is levelled to ensure fair political competition amongst political parties in preparation for elections. Finally the chapter touches on matters of class and group inequalities focusing on women, youth and marginalised ethnic groups with particular attention to the Basarwa.

FUNDING OF ELECTIONS

The IEC is an integral part of Botswana's democracy. Financial resources available for the functioning of the IEC are adequate, as the Commission is fully funded through the public budget. The IEC capacity to perform electoral functions is not constrained by funding difficulties because Botswana does not suffer significant fiscal problems. The government has always shown willingness to fund the Commission (Sebudubudu and Osie-Hwedie: 2005).

The IEC also receives financial assistance, support and capacity building or technical assistance from international development partners, including organisations such as the British High Commission, the Embassy of the United States of America, Friedrich Ebert Stiftung (FES) and the Institute for Democracy and Electoral Assistance (IDEA). These partners have variously assisted the IEC. For example, the IEC conducted a performance audit of the 1999 general elections with the assistance of the British High Commission in Gaborone, while the audit of the 2004 general elections was sponsored by IDEA. The Embassy of the United States of America sponsored two workshops in 2005 to evaluate the 2004 general elections (Sebudubudu: 2008). FES started cooperating with the IEC shortly after the 2009 elections which were characterised by low voter turn-out. With the support of the FES, IEC produced a comprehensive study on voter apathy. For the preparation of the 2009 general elections, a nationwide tour was organised to discuss guidelines for transparent elections and to train trainers for election observers (Rukambe *et al*: 2010). As a regional organisation of which Botswana is a member, the Southern Africa Development Community (SADC) is also engaged in Botswana's (and other member states') electoral process through observation. Such observer statuses are meant to ensure that elections are free and fair, free from violence and intimidation. It also ensures that the election results are credible. However, they do not provide any financial assistance to the IEC (Sebudubudu, 2008).

FINANCIAL AND HUMAN RESOURCE AUTONOMY OF THE IEC

The autonomy and functions of the IEC are constitutionally guaranteed. The composition and powers of the IEC and election officials are clearly defined by law. To date there have not been major problems undermining the independence, impartiality or credibility of the authority of the IEC. By and large perceptions are that the IEC is autonomous, non-partisan and credible, the manner of selection of Commissioners is transparent and accepted by all major political parties. The involvement of the All Party Caucus and the Judicial Service Commission (JSC) ensures that there is widespread acceptance (Sebudubudu, 2008). Nevertheless there are implicit challenges with the IEC autonomy, and they include the role of the president in issuing the writ of elections, the president's role in appointing the Secretary of the IEC, as well as the President's role in

appointing the Chairperson of the IEC, since the said chairperson, who is a sitting judge of the high court is a presidential appointee. The dependence of the IEC on civil servants to carry out its duties, and the dependence of the IEC on the state for transportation (Mokgosi, 2012).

ELECTION RESOURCES AND POLITICAL COMPETITION

Fair political competition is the hallmark of a liberal democracy. Sebudubudu and Osie-Hwedie (2005) define political competition as the extent to which political power is contested freely and fairly by political parties within a defined political structure. Political parties need funds to articulate their ideologies, programmes and policies to the electorates. Effective electoral campaigns are contingent upon the availability of financial resources, and these are essential for organisational and strategic planning, manpower training and transportation.

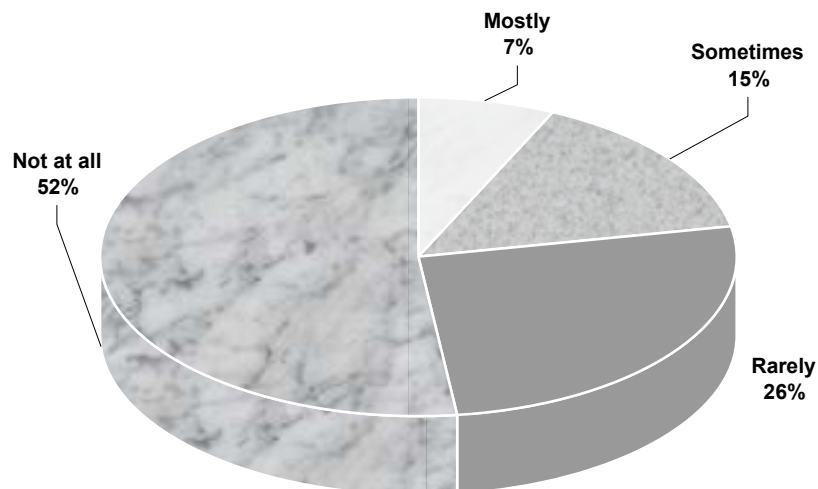
Botswana has no provision for state funding of political parties. Government emphasises that funds should be channelled towards development projects to improve the living standards of citizens. There are no laws that govern parties' access to funding. Parties receive funding from local and international organisations, individuals and private companies without regulation.

The right to vote can be optimally expressed if there is voter education and the opposition, can provide alternative programmes and candidates who are able to articulate their ideas to the electorate (Sebudubudu, 2005). Voters are motivated by uncertainty. Where they feel that their votes will make a difference, they turn out in large numbers and vote. But where the outcomes are predictable, voters tend not to vote (Maundeni, 2005).

There is need for political party funding to ensure effective propagation of their views, campaigns and for them to reach electorates nationwide. Political competition between unevenly matched political parties only entrenches inequalities. Without equal political participation, the scope of democracy is limited. Political competition in Botswana is limited since opposition parties in comparison to the ruling party have less access to some of the vital campaign resources. As shown in Figure 7.1, 78% of the Expert Panel believes that political parties do not have equal access to campaign resources. Of these 52% stated 'not at all' and 26% stated 'rarely'.

Critics of such resource asymmetries in political parties claim that it tends to favour the ruling party, thus reducing the effectiveness of choice available to voters. Overall this state of affairs has the effect of questioning the fairness of Botswana's undoubtedly free elections (Mokgosi 2012).

Figure 7.1: Equal access of political parties to resources



Source: Author, derived from Expert Panel responses

Over the years, opposition parties have expressed their dissatisfaction with unequal access to the state media. Although they have access to state media, the ruling BDP has more access and coverage than any other party. The state media is made of Botswana Television (BTV), Radio Botswana (RB1 and RB2), the Daily News newspaper and monthly magazine *Kutlwano*, which reaches all corners of the country as compared to the private media. In 2009, the Botswana National Front (BNF) filed a complaint with SADC about what they believed to be unfair treatment by state media in covering political campaigns. The party cited the SADC Principles Governing Democratic Elections, which provide for access by all political parties to the state media (Molomo and Somolekae, 2005).

FINANCING OF PARTY ESTABLISHMENTS

While there is very little coverage of campaign financing under Botswana law, section 79 of the Electoral Act states that the election expenses of any candidate should not exceed P20, 000 (about US\$2,500). While candidates are compelled by law to disclose their expenses after the writ of elections, this provision is not strictly enforced. To ensure a level political playing field, a strict code of financial regulation is desirable (Molomo and Sebudubudu, 2005).

The absence of political party funding contributes to opposition weakness. When political parties do not have adequate funds to train their people to articulate party policies and programmes to the electorates, it is democracy that suffers as people are denied the opportunity to learn about the political choices available. Political party funding would allow parties to maintain a certain level of political visibility and to compete effectively in the political arena. The power of incumbency of the BDP makes it attractive for businesses to sponsor it. This sponsorship leads to more resource disparities between the BDP and other political parties. As the law in Botswana does not adequately provide for disclosure of funds, the ruling and opposition parties have traded accusations and counter accusations that the other party benefited from undisclosed sources of funding (Sebudubudu, 2005). Such views have also found support in the focus group discussions; where for instance, the group representing Urban Ethnic Minorities stated that:

The BDP will always have an advantage when it comes to funding since it is the ruling party and organisations want to be associated with them. No party is restricted from obtaining funding as long as they declare it to the nation... (Focus Group Discussion held with Ethnic Minorities – Urban, 8/11/2012, Gaborone)

Similarly a group representing Urban Youth stated that the BDP has more ways to manage electoral loss by its cadres. As they state:

The BDP is endowed with resources. The ruling party has incentives to attract high profile members. If you lose elections you can be appointed an ambassador somewhere. Opposition parties do not have incentives... (Focus Group Discussion held with Urban Youth. 01/11/2011. Gaborone.)

The BDPs prolonged stay in power has afforded it significant financial leverage over the opposition, and it is able to sustain its visibility even outside election years. Due to its continual dominance, the BDP receives sizeable donations from businesses. In 1999 for instance, the BDP received over P2m in donations from undisclosed sources. The covert funding was exposed by the youthful BCP activist, Dumelang Saleshando, then an employee of the First National Bank of Botswana. Saleshando was later dismissed by the Bank for having breached the client's banking confidentiality.

The BDP is nevertheless not entirely dependent on funding from wealthy benefactors. In November 2011 the BDP made over P500 000 in a day during a fundraising dinner. The money was donated by private companies and individuals who attended the dinner. The BDP stated that pledges were done in public therefore there was nothing sinister about the fund-raising. Most of the pledges provided to the BDP, particularly by private companies were made in the guise of thanking the BDP for providing stability and an enabling business environment. Private companies argue that they do not regard the opposition parties as credible and do not want to be associated with them (Gaotlhogwe, 2011).

The donations are not only used for logistical purposes. They are often used for marketing the party

while opposition parties fail to attract funding on such a large scale. On being criticised by the opposition parties for receiving money from secret donors thereby engaging in unfair competition, the BDP countered that the BNF had also received assistance from undisclosed sources in 1994; donations which were later exposed when they internally squabbled over the misuse of donations purported to have been received from the African National Congress in South Africa. The BDP also added that the opposition was free to fundraise from whichever sources they chose (Makgapha, 2011). The risk with unregulated funding is that a party may obtain funding from organisations whose values and principles are adverse to those of Botswana.

While political party funding is unregulated, the opposition parties have found it challenging to raise funds. According to Makgapha (2011), potential sponsors cannot risk their interests by targeting untested small parties. This effectively means that at election time, the BDP comparatively has unrivalled financial strength. Every election year the party has been able to buy a fleet of four wheel drive vehicles to campaign around the country and reach a significant number of voters, sometimes obtaining a vehicle for each constituency, far beyond the capabilities of the opposition parties (Makgapha, 2011).

Efforts to support all political parties during electoral campaigns occurred during the 2004 elections. The country's largest brewery, Kgalagadi Breweries, donated P1 million to political parties that had a parliamentary presence for proportional distribution for the 2004 general elections (Sebudubudu, 2005). However, there was nothing to suggest that this donation would become a permanent feature every election year. Botswana should, therefore, consider introducing state funding for political parties, as democracy is a public good. It is shared by all and is one of the country's main strengths. Furthermore, political parties as public utilities must be capacitated to reach all parts of the country to explain their policies and programmes so that citizens can choose their political representatives knowing very well what they have in store for them. Failure to do so imposes serious constraints on the consolidation of competitive politics in the country (Sebudubudu and Osei-Hwedi, 2005).

CLASS AND GROUP RESOURCE INEQUALITIES

In pre-colonial Botswana, decision-making process involved the chief and a council of elders, made up of the chief's uncles, and the *kgotla* made of commoners whose participation was also valued. Inclusion and exclusion depended on an individual's social status. Women, the youth, serfs and minority ethnic groups were not allowed to participate in *kgotla* meetings. They were marginalised when elders, particularly male and dominant tribal groups, made important political decisions in society (Ntseane, 2005).

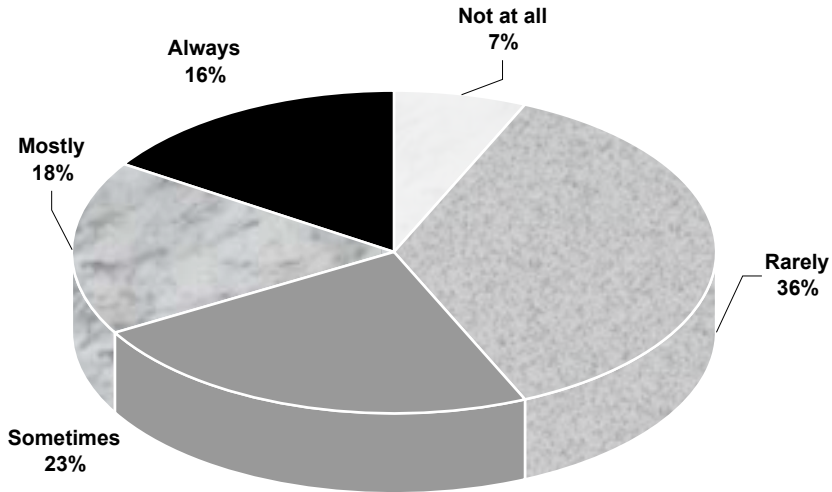
While these exclusionary practices were abolished at independence, group inequalities nevertheless still prevail with regards to women, Basarwa, the youth and people with disabilities. As stated in Chapter I, inequalities of wealth and incomes in Botswana are largely class- and not ethnically based. Among minority groups such as women, many ethnic groups (with exception to the Basarwa), and the youth, there are stark inequalities of wealth. Among the Basarwa, the entire communities are arguably extremely poor. These resource inequities prevent disadvantaged groups from participating in the electoral process as contestants instead of as voters only.

Women

Women remain important to the electoral process as they constitute the majority of voters, supporters and attendees at political rallies of all political parties. According to Sebudubudu and Osei-Hwedi (2005), there were 230,000 women registered to vote compared to 200,000 men in the 2004 elections and in the 2009 general elections 403 000 of 725 000 voters were women. However, women remain underrepresented in parliament, council and other positions of political power. Figure 7.2 below shows that 43% of the Expert Panel is of the view that women do not play a major role in politics, seven percent think 'Not At All' and 37% think 'Rarely'.

The lengthy citation by the rural youth found below is representative of many other groups' views on why women are underrepresented in political decision making:

The main challenge is that women are not eager to stand for political office. Also, "*ganke di etelelwa ke manamagadi pele*" (a Setswana idiom that means females are not meant to lead). At the same time, women

Figure 7.2: *The role of women in politics*

Source: Author, derived from Expert Panel responses

are often the majority of voters, and because of lack of support for each other, they end up not voting for their fellow women. In terms of giving support to women, political parties could decide internally how many women will stand for office and where. Though such support could be given, it is important that women gain the confidence to go out there and make it happen for them (Focus Group Discussion held with Rural Youth, Mabutsane, 26/10/2011).

In SADC, Botswana has the lowest rate of participation and representation of women in politics. The 2009 elections saw a drop in the representation of women in Parliament from 20% to eight percent. The perspective of the Urban Youth Focus Group (Gaborone, 01/11/2012) on this particular matter is that 'women ... are left behind because they do not want to elect other women'. The marginalization of women is strongly rooted in the patriarchal culture of the society in Botswana which excludes women from politics (note that this view is also expressed in the views of the Women's Wings Focus Group and the Urban Youth Focus Group). The majority of women are seriously disadvantaged in attaining meaningful economic power and do not have opportunities to participate in politics or compete for power with their male counterparts as a result of lack of financial resources. Personal wealth comes to play in financing election campaigns as one can not only rely on party funds to finance their campaign. Society does not see women as leaders, and, as a result women do not see themselves as leaders in their own right (Ntseane, 2005).

Youth

The youth currently represent a significant part of the population in Botswana. According to the 2001 population and housing census, the 10–29 age group comprised 43.6% of the nation's population. Despite these statistics, young people remain either marginalised or excluded from the mainstream political, social and economic processes of society (Ntsabane, 2005). Youth also face cultural bottlenecks as Setswana culture largely follows the maxim that youth may be seen but not heard. With their low social status, and equally low economic status, young people face many difficulties in trying to attain political leadership.

Politically active youth are marginalised through lack of financial resources. The youth face huge economic challenges such as unemployment and cannot afford to devote time to politics as a result of lack of financial resources. Although the government has introduced various programmes such as the Youth Development Fund, Construction Industry Fund and Young Farmers Fund, the rate of youth unemployment remains high, thus making it extremely difficult for them to actively participate in partisan politics.

Ethnic minorities

Some minority ethnic groups, and, in particular, the Basarwa do not have equal opportunities to contest for positions of political power due to socio-cultural stereotypes facing them. Historically negative treatment of minority ethnic groups has put them at a distinct disadvantage with a low social status. This discrimination has exposed Basarwa to severe inequality, ethnic discrimination, exploitation, poverty, loss of land and poor education. Basarwa are marginalised from politics through lack of financial resources and inability to organise for collective action. In order to alleviate this challenge, government has taken initiatives to implement programmes such as Remote Area Development Programme (RADP) to take marginalised groups, particularly the Basarwa, out of poverty and into mainstream society to improve their socio-economic conditions. RADP also aimed at reducing poverty in the remote areas through the provision of formal education. Residents of such communities are given special consideration in areas of sponsorship to tertiary education and vocational training. Despite these efforts, the political participation of the Basarwa remains underdeveloped and problematic (Ntsabane, 2005).

Throughout the 1970s and 1980s there has been little evidence of significant participation by the Basarwa in Botswana politics at national or local level. There were no Basarwa councillors or Members of Parliament, even in the Ghanzi district where they are mostly concentrated. In 1989, the pattern of participation of Basarwa in politics changed dramatically in Ghanzi, due to the growing influence of the BNF in the region. Out of 20 candidates running for council seats, seven were Basarwa. At the same time, voter registration increased by 67% in the Ghanzi District due to high participation by Basarwa. Consequently the BNF emerged victorious in all council seats in Ghanzi.^{9,10}

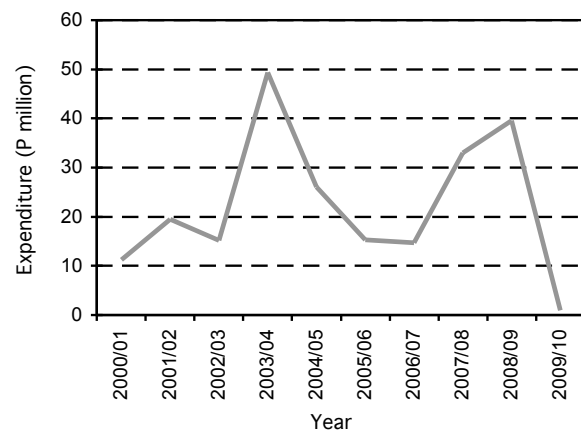
COSTS-BENEFIT ANALYSIS OF THE ELECTORAL SYSTEM

This section presents a cost-benefit (direct and indirect) analysis of Botswana's electoral system. This is carried out along the following framework: (a) violence and conflict, (b) government effectiveness, and (c) public policy outcomes (Menocal, und.). The section presents an evaluation of the direct costs (in monetary terms) of the electoral system, which results from administration activities including among others, registration of voters, design and production of ballot papers, and voter education (Reynolds, *et al*, 2005). However, due to data unavailability only an analysis for the 2004 and 2009 general elections is presented.

Direct costs of elections

Figure 7.3 shows the trends in real election expenditure for the period 2000/01 to 2009/10.¹¹ This period has two phases: phase 1 (2000/01-2004/05) and phase 2 (2005/06-2009/10), which represent periods of preparations for 2004 and 2009 general elections respectively. As evidenced in Figure 7.3 below, phase 1 period is characterised by a consistent increase in expenditure except for the decline witnessed in 2002/03. A maximum of about P49 million was recorded during the year 2003/04. However, following that a decline was witnessed until 2006/07. Thereafter, a continuous increase in expenditure was recorded until it levelled off in 2009/10. Clearly, preparation for elections are

Figure 7.3: Real (2006) IEC Election Expenditure; 2000/01 – 2009/10



Source: Independent Electoral Commission (2004, 2009)

9 www.culturalsurvival.org/publications/cultural-survival-quarterly

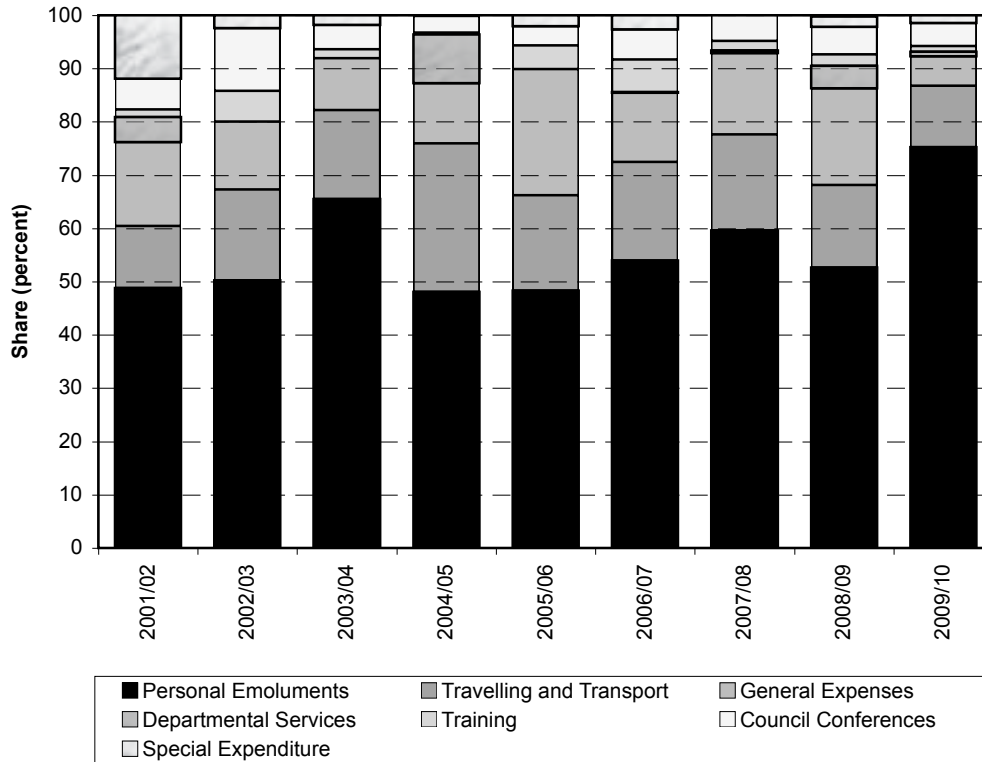
10 Unfortunately data for post-1989 is not available to understand the trend since that year.

11 Actual expenditure for 2004/05 is as at mid December 2004 while that of 2009/10 is at 23rd December 2009.

characterised by increased expenditure. As discussed elsewhere in the book, 95% of this expenditure is government financed, and the question of sustainability comes into the picture. Reynolds *et al.* (2005) note that a “potentially” proportional representation system is cheaper administratively but it depends on history, context, experience and resources.

A further examination of the IEC expenditure components is presented in Figure 7.4, which reveals that personal emoluments consistently accounted for a larger share of more than 40% of the totals. This was followed by travelling and transport, which was, however, outperformed by special expenditure during the first two years of the series. General expenses accounted for the second largest share in 2005/06 and in 2008/09. Other components have accounted for a share below 20% (see Figure 7.4).

Figure 7.4: Share of Election to the Total Expenditure; 2000/01 – 2009/10



Source: Independent Electoral Commission (2004, 2009)

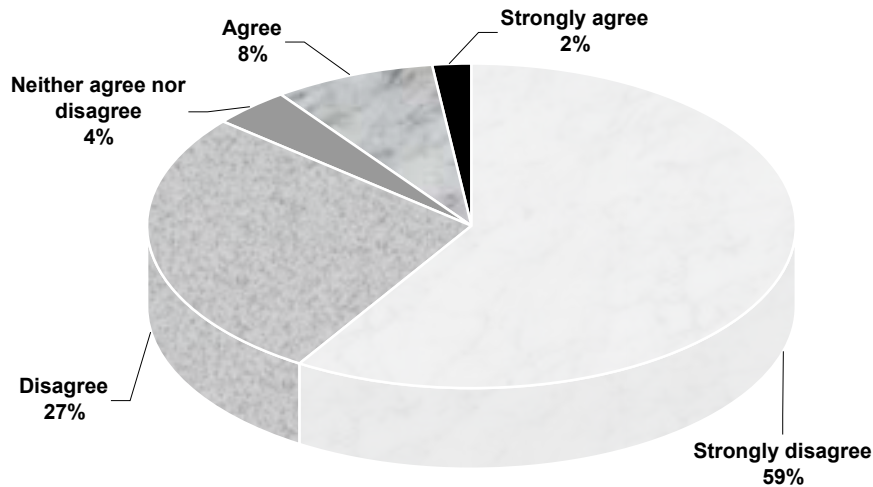
INDIRECT EFFECTS OF THE ELECTORAL SYSTEM

The advantages and disadvantages of the FPTP electoral system which is applied in Botswana have been dealt with earlier. This section, however, deals with the effects of the electoral system. The dominance of the BDP may be traceable to a number of factors. Under the FPTP system, the BDP has continued to attain state power with large, but consistently (albeit some occasional bumps) declining, majorities is not in question. Some, however, still argue that the scenario of voter apathy is attributable to the FPTP system. According to Molomo (2005) the FPTP system encourages and promotes voter apathy since one party dominates the electoral process. Consequently, those who support opposition parties may end up not participating in electoral processes. Such apathy and the large parliamentary majorities by the BDP might mean that the opposition's role of ensuring that the ruling party is held accountable to voters might not be realised. The following sections are a brief analysis of the possible effects the electoral system might have in the country.

Violence and conflict

One of the indicators assessed is 'Violence and Conflict'. Survey results show that 86% disagreed that electoral violence is a recurring phenomena at general elections while 10% felt it is (Figure 7.5). A previous study found that 80% of respondents felt that the electoral system is credible, electoral laws allowed for autonomy of the Independent Electoral Commission, hence its neutrality in conflict resolutions (Phirinyane, *et al*, 2006). About 91% of respondents believed that the national elections are free, fair and generally transparent. Of these, 60% said that this is the case 'mostly', 23% said 'always' while eight percent said 'sometimes'. A similar pattern on the views of experts is observed with regard to local elections with respective shares of 58%, 24% and 10% for 'mostly free', 'always free' and 'sometimes free'.

Figure 7.5: Electoral violence is a recurring phenomenon at general elections



Source: Author, derived from Expert Panel responses

Table 7.1 shows that 39% of expert panel members believe that the electoral commission is not independent but 'fairly competent' to conduct credible elections; and a total of about 54% acknowledged the independence and competence of the commission. Lekorwe and Tshosa (2005) also made similar conclusions about the freedom of the electoral process, especially the voting system. However, they expressed misgivings about the presidency's appointment of the secretary of the IEC as likely to negatively affect the administration of elections.

Table 7.1: Independence of Electoral Commission

	Frequency	%
Neither independent nor competent	5	4.2
Not independent but rarely competent	3	2.5
Not independent but fairly competent	47	39.2
Independent and fairly competent	37	30.8
Independent and fully competent	28	23.3
Total	120	100

Source: Author, derived from Expert Panel responses

Government effectiveness

While "the link between the electoral system and government effectiveness is not straightforward", (Menocal,

und: 6) states that there is a generally held view that plurality systems are more effective as they are seen to be less fragmented than proportional systems, and hence more decisive. Menocal further indicates that evidence of the above held view is however, inconclusive. Menocal makes reference to the study by Lijphart (1999), which covered 36 countries. The study is reported not to have made any “definitive” conclusions about the electoral system (either plurality or proportional representation system) as far as policy making is concerned. That being the case, it may be recalled that Botswana has not changed its electoral system since 1965. Therefore, it is safe to attribute (though not subject to statistical tests) the performance of the government, in terms of policy implementation to this system.

A number of indicators may be used to measure the effectiveness of governance; for instance, regulatory effectiveness, economic growth and the observance of the rule of law. Governance is a broad term encompassing the political and economic dimensions. The Mo Ibrahim Index of African Governance ranks Botswana in Africa, with a score of 76, out of 53 countries that participated in the survey in the continent (Mo Ibrahim Foundation, 2011). The areas assessed were in areas of Safety and Rule of Law, Participation and Human Rights, Sustainable Economic Opportunities, and Human Development (see Table 7.2 below). Furthermore, the country is also ranked the least corrupt in Sub Saharan Africa by Transparency International, with a Corruption Perception Index score of 32 (Transparency International, 2011). Table 7.2 below indicates Botswana’s performance in comparison with other countries.

Table 7.2: Top 5 countries for overall governance performance

Rank	Country	Overall Score	Sustainable			
			Safety & Rule of Law	Participation & Human Rights	Economic Opportunity	Human Development
1 st	Mauritius	82	89	75	79	87
2 nd	Cape Verde	79	87	78	68	83
3 rd	Botswana	76	87	68	68	82
4 th	Seychelles	73	78	67	63	86
5 th	South Africa	71	69	72	64	77

Source: Mo Ibrahim Foundation (2011).

In relation to political governance, Kaunda, *et al*, (2008) found that about 68% of respondents considered Botswana a multi-party democracy, while 51% considered the democratic framework for conducting politics as acceptable. That the country had successfully held nine national elections since 1965 generally demonstrates that there has been good governance (Molomo, 2005).

Regarding economic governance, the views of respondents demonstrate that it has also been beneficial. For instance, more than half felt that the tax system encourages local investment and that government takes effective measures to ensure competition in the economy. Respondents also acknowledged that in Botswana government involves the private sector in policy making. The results confirm findings of previous studies. For example, Kaunda, *et al*, (2008) found that 74% of respondents believed that the Government was promoting sustainable development; implying that under the current electoral system, the country fared well.

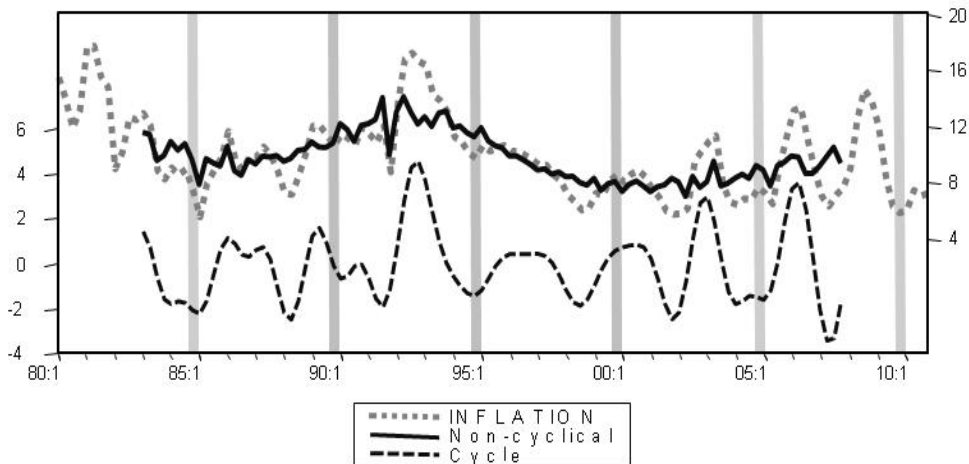
One of the issues to be assessed is that of “incentives to develop candidates as opposed to party-based reputations (Menocal, und.). According to the literature, the assessment can be made at two levels; individual (voter) and national. An assessment at individual level is along the rational voter hypothesis formulated by Downs (1957). According to this hypothesis, individuals make the choice to vote after assessing the costs and expected benefits of their decisions to vote. In this case the costs are the actual outcomes of the previous election period. At a macro level, the assessment is conducted along the political business cycle theory by Nordhaus (1975). This involves an assessment by observing some macro economic variables including unemployment, inflation and interest rates (Mudambi and Navarra, 2000). Of the two assessments, this section focuses on the latter.

Political business cycle theory postulates that politicians manipulate economic policy variables to enhance

the winning of elections while the post election period will be characterised by poor economic outcomes. Thus, prior to elections, both fiscal and monetary policies are expansionary while they contract during the post-election period (Block, 1999). Mixed results have been found pertaining to the existence of the theory by various scholars. Brender and Drazen (2004) report that there exist a large number of studies that provide empirical evidence on the existence of the theory. For instance, Ames (1987) found that during the 1947-1982 period government expenditure increased by about six percent during the pre-election period and about eight percent in the post election period. Remmer (1993) found no evidence of the traditional political business cycle theory in eight American countries considered for the period 1982-1991. Schuknecht (1996) found no election effect on real output, but variations (expansions and reductions) in the fiscal deficit by about seven percent of GDP for countries whose trade share of GDP was more than 50%. Shi and Svensson (2006) found that in 85 countries government fiscal deficit increased by one percent of GDP during the election period.

The pertinent question that we should ask at this junction is: is there evidence of a political business cycle in Botswana? To assess whether there has been any cyclical movement we employ what other scholars have used. According to Faal (2007) most scholars commonly use the Hondrick-Prescott filter to detect the cyclical movement of the considered macro-economic variables. However, the author argues that this filter fails to separate the short term fluctuations that may be interpreted in terms of the economy (which is the cycle) and the errors in measurement. For this reason we used the Baxter-King filter, which in this case breaks the macroeconomic variables into three non-correlated frequency components (See Figure 7.6). The cycle series "...is a series of objects containing the filtered series (cyclical component)," while a non-cyclical series "...is the difference between the actual and filtered series" (Eviews, 2009: 372). The shaded bars are for election quarters, which in this case is the fourth quarter of the years during which elections were conducted in Botswana¹² (i.e., 1984, 1989, 1994, 1999, 2004 and 2009). Except for the 1999 (Q4) Figure 7.6 seems to suggest a declining pattern for inflation prior to election as evidenced in the cyclical component.

Figure 7.6: Quarterly inflation: 1980(Q1) – 2009(Q4)

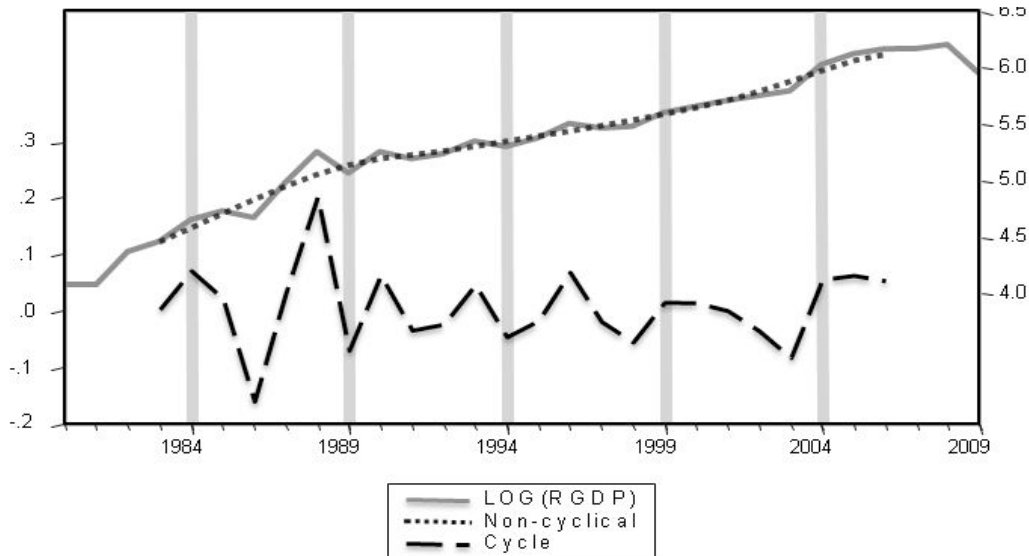


Source: Bank of Botswana (various)

An examination of the trend in economic growth (see Figure 7.7) shows that the economy grew at an annual rate of about seven percent during the period from 1980 to 2009. Real GDP declined in 1980-81 due to the reduced demand for diamonds by industrialised countries, resulting in the decision not to adjust public workers salaries (Matsheka and Bothomilwe, 2000). A closer look at the cyclical movement suggests no established pattern influenced by election periods, signifying that other factors were responsible for the

12 Other elections years are 1965, 1969, 1974, and 1979, which have not been included due to data unavailability of macroeconomic variables for these periods.

Figure 7.7: Trends in gross domestic product



Source: Statistics Botswana

observed growth. Matsheka and Botlhomilwe (2000) reported that the 1989 elections took place under favourable conditions, which marked the country as one of the fastest growing economies in the world. This explains the improved BDP performance in the 1989 elections (see Figure 6.1 on p. 66).

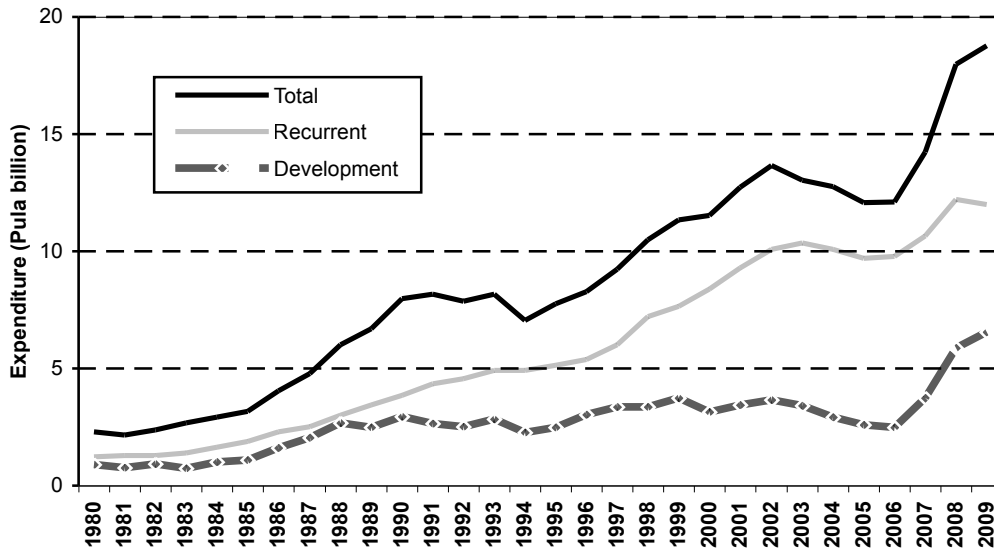
During the 1994 elections the economy experienced a decline in growth, which was attributed to the effects of the world recession (Matsheka and Botlhomilwe, 2000). The economic growth rate declined from about six percent in 1991/92 to less than one percent in 1992/93 and further increased to three and seven percent in 1993/94 and 1995/96 respectively. Even though the economy showed some signs of improvement, the government decided again not to award salary increment in 1994, which happened to be an election year. It is interesting to note that during this election, the opposition Botswana National Front increased its parliamentary seats to thirteen from only three in 1989. This might suggest that voters used the then economic situation to gauge the success of Botswana Democratic Party. In fact, a study by Good (1997) found that about 31% of respondents indicated being guided by the economic situation when voting.

The 1999 elections were conducted under an improved economic environment, with a growth rate of about eight percent. According to Matsheka and Botlhomilwe (2000), other factors that may have contributed to the 1999 election outcomes include (i) the award of salary increases by 25% across the board, while the bottom earners received an increment of 34%, and (ii) the introduction of the then economic programme, Small Medium and Micro Enterprises (SMME), which was meant to assist citizens to establish small businesses. The authors concluded that “there was a case made that economic factors have also played an important part in explaining Botswana’s electoral behaviour” (Matsheka and Botlhomilwe, 2000:45).

Figure 7.8 presents the trend in government expenditure during the period 1980 to 2009. It shows that government expenditure decreased from P2,285m in 1980 to P2,170m in 1981 followed by a consistent rise up to P6,683m in 1989. A constant to increasing trend was observed from 1990 to 1993 before a decline to P7,060m in 1994. A similar pattern was observed from 1995 to 2003 before a decline in 2004. The two years (1994 and 2004) are those during which general elections were conducted. The figure also shows that recurrent expenditure has over time been higher than development expenditure, suggesting that it accounted for larger shares of the total government expenditure.

Figure 7.8 suggests almost non-cyclical movement for this variable, leading to the conclusion that this fiscal policy variable was not manipulated around elections as stipulated in the political business cycle theory. In this case a continuous increase in government expenditure might be due to other factors outside the proposition of the theory especially given that an increase has been observed even during the periods after

Figure 7.8: Real government expenditure (2000 prices); 1980 – 2009



Source: *Financial Statements, Tables and Estimates of the Consolidated and Development Fund Revenues (Various)*

election years and reductions during election years.

CONCLUSIONS

The autonomy of Botswana's electoral management body the IEC is constitutionally guaranteed, and government has always shown commitment to supporting the IEC financially. Other cooperating partners such as the Friedrich Ebert Foundation and International IDEA also support the IEC where needed. The absence of public funding of political parties in Botswana compromises political competition as the parties compete on an unequal basis. The ruling party has many resource advantages over its opposition. This challenge exacerbates the situation of minorities; particularly the youth, women, people with disabilities and Basarwa, all who have to begin at a financial disadvantage. All in all, the electoral system practiced in Botswana, despite its challenges of representation, has been able to lead to many positive outcomes in developmental terms. Added to that, Botswana has, so far, not demonstrated having an electoral/business cycle.

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CHAPTER VIII: CONSTITUTIONAL, POLITICAL AND ELECTORAL REFORM

Keneilwe P. Marata

INTRODUCTION

This chapter assesses constitutional and electoral reforms in Botswana. Many changes have taken place in the country since independence, and these have had a significant impact on the Constitution. The changes are partly due to increased consciousness among Batswana. As such, there has been, of late, a general outcry from all spheres; (legal practitioners, academics, the media and the civic community), that the time might be right for the country's constitution to be reviewed.

CONSTITUTIONAL AND POLITICAL REFORMS

(a) Political succession and term limits

All political systems experience leadership change. While many find it difficult to define political succession, leadership succession involves adherence to some procedures of transfer of power from one regime to another, testing the stability of a political system (Govea and Holm, 1998). In Botswana, change of leadership from the ruling party to opposition has not been experienced as yet. Since independence, the country has been ruled continuously by one party, the Botswana Democratic Party. Leadership succession has only been experienced in the context of change within the ruling party, rather than across political parties.

Botswana has, since 1980, after the death of the first democratically-elected President, experienced leadership succession in a smooth, violence-free manner. Furthermore, a constitutional amendment in 1998 made provision for the automatic succession of the Vice President upon retirement of the President. Section 34(1) of the Constitution of Botswana has since facilitated a succession plan which allows for the automatic succession of the Vice-President to the presidency. However, the argument against the current arrangement is that while it helps in dealing with intra-party stability, it takes away from the electorate, and even Parliament, the right to choose the President. Hence, there is a call by many that the Constitution should be re-visited to provide for direct election of the President.

Findings of the 2005 Afro Barometer cited in Sebudubudu (2005) indicate that 57% of the respondents preferred election of a successor over automatic succession, while 41% felt that automatic succession should be retained. Nonetheless, scholars like Molomo (2000), have questioned the current non-direct election of the President and have made recommendations for reforms in the election of the President. Molomo has gone further to prescribe the exact reform in this regard, which he refers to as the "Two rounds system of the plurality-majority system". He states thus:

In such a system, a candidate who secures an overall majority during the first round of elections is declared a winner. However, if no candidate emerges as a clear winner, the contest enters a 2nd round. Then a "run-off" contest is entered into one or two weeks later to produce a candidate with an overall majority (Molomo, 2000: 106).

The presidential term limit in Botswana has been set to two five year terms. This is commendable in a continent where incumbents often manipulate constitutions to either abolish or extend their term limits. This is a sign of presidential adherence to the Constitution. The system of electing presidents in Botswana has its own critics, the majority of who lament the immense amount of powers enjoyed by a president not elected directly. Nevertheless, it can be concluded that Botswana has, in terms of presidential term limits, added an element of predictability in the transition from one leader to another, such presidential adherence to the Constitution being rare in Africa.

(b) Relationship between executive, legislature and judiciary (separation of powers)

The doctrine of separation of powers is regarded as one of the basic principles of liberal democracy. It is based on the fundamental belief that government has three distinct but overlapping arms; the legislature, the executive, and the judiciary. The basic idea behind separating state powers is to ensure that the same person does not belong to more than one of the three organs of government or that one organ of government does not encroach upon the powers or work of another, or be seen to be exercising the functions of another.

At independence, Botswana adopted the British Westminster system which underscores the existence of three fundamental centres of government power as highlighted above. The constitution of Botswana provides for the separation of state powers into the same three spheres – the executive, the judiciary and the legislature. Constitutionally each of the three branches has its own mandate. Though the Constitution recognises and provides for the separation of powers, it does not require a rigid separation of the different organs of government (Fombad, 2005). This is often seen in the overlapping of powers exercised by some of the organs of the state. For instance, the country's executive is largely drawn from the legislature and, to a large extent those who form the executive arm of government are firstly Members of Parliament. This being the case, Parliament is at the same time expected to be the watchdog of the executive, and provides checks and balances. This would seem a difficult task, especially because the concept of collective responsibility causes the executive to be limited in exercising their role as parliamentarians. As captured in *Progress of Good Governance in Botswana*:

... ministers are appointed from members of parliament who thereafter continue to sit in Parliament while also being members of the executive. They cannot functionally criticise decisions and actions of which they are a part (as ministers and assistant ministers) when they sit as members of Parliament who are supposed to exercise oversight over the executive. (Kaunda, *et al.*, 2008: 102).

Most of the executive powers are vested with the President (section 47:1), who is also an *ex-officio* Member of Parliament. The overwhelming powers of the executive have given rise to arguments that although the legislature is mainly tasked with law making functions, it often just 'rubber-stamps' decisions of the executive (Serema, 2000). This observation was also echoed in focus group discussions where for instance, political party representatives in Palapye (3rd November 2011) argued that "Separation of powers is just on paper and the executive makes all the decisions". A number of reasons, such as lack of access to information are advanced for this state of affairs. The argument goes that as MPs lack adequate information, Ministers on the other hand have access to quality information, including trained personnel, and hence the executive are better placed to make decisions. As such, many have asked whether the legislature is indeed empowered to provide the necessary checks and balances to the other organs of the state, especially the executive.

While the executive may appear to be overly dominant over the legislature, the legislature does exercise certain control over activities of the executive. For instance, section 50(1) of the Constitution states that while Ministers shall be responsible for advising the President, they shall also be responsible to Parliament for all their activities. This, therefore, gives Parliament the right to control executive conduct and to bring them to account, especially through parliamentary question time, as well as during debates on the executive's budget proposal. It nevertheless remains one of the peculiarities of the Botswana parliamentary culture that the president does not face parliament during question-time as is the culture in Westminster parliamentary systems. Only ministers answer questions in Parliament.

(c) The party system, party structure and intra-party democracy

Intra-party democracy is a concept founded on the belief that for democracy in the country to be consolidated, political parties need first to democratise within themselves. What obtains in the party, by and large, extends to what obtains in the country at large, especially in a one-party dominant democracy like Botswana. Intra-party democracy thus means it does not make sense to profess democracy at the national level and not to have it within the structures of political parties (Molomo, 2004).

In Botswana, internal democracy is called for especially within the ruling BDP, seeing that the opposition has failed for the past 45 years to take power from it (Lotshwao, 2011). This call equally extends to opposition parties whose public support has been improving over the years. Demanding democratic practices within political parties ensures checks and balances against bad leadership and lessens instances of party leadership

dominance, which often threatens national democracy. As Mokgosi (2012: 38-39) argues:

... the quality of democracy within certain political parties in Botswana is suspect ... party leaders manipulate primary elections to sideline candidates seen as controversial. As a result, party activists have resigned from their political parties, while others have been expelled from the party.

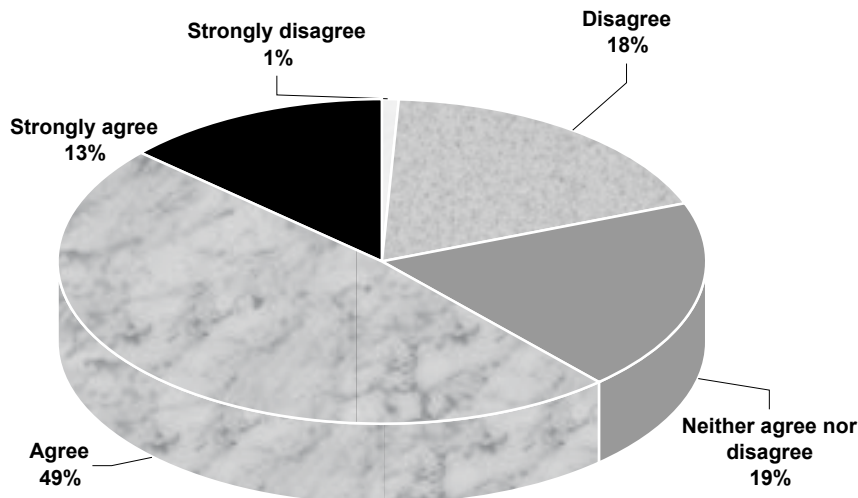
The discontent within political parties in the country is borne from instances where decision making is dominated by few party elites, and 'consultations' at congresses and conferences are often stage-managed. It is necessary for political parties to guard against authoritarianism which causes discontent among members, and leads to the break-up of many a political parties. Left unchecked, lack of intra-party democracy can only serve to weaken such parties.

Another source of weakness for political parties in Botswana is rampant, unchecked factionalism. Factionalism has affected the opposition Botswana National Front (BNF), which split in 1998, leading to the founding of the Botswana Congress Party (BCP). The ruling BDP has also had its fair share of factional politics though these have historically been better managed. Nonetheless, in 2010, discontentment within the ruling BDP led to a number of members leaving to form the Botswana Movement for Democracy (BMD). Echoing the sentiments of those that left the BNF to form the BCP, those that formed the BMD alleged lack of tolerance of different opinions in the BDP. They cited leadership's inability to accept criticism from within and without the party as cause for their decamping.

Political parties have nonetheless made moves to democratise internally, and in different ways. For instance, in 1999, the BDP adopted *Bulela Ditswe*, which empowers every BDP card-carrying member to vote at primary elections. This was an improvement from the previous set-up where instead of party members voting, the "Committee of 18" selected candidates who could stand for party elections. Arguably the party with the most robust internal democracy, which nevertheless leads to grumblings and break ups, the BNF, has historically lived up to its motto of "*Puo Pbaa!*" which encourages straight and open talk within and outside the party. This, however, cannot be said to be totally effective as those that have displayed outspokenness have often faced expulsion from the party.

Figure 8.1 below shows the responses by the Expert Panel to the question on whether political parties do practice internal democracy or not. Sixty-two percent of the respondents believe that political parties have internal democracy; 18% indicated that political parties lack internal democracy and 19% were non-committal, answering 'neither agree nor disagree'. While the 18% that state that parties do not practice internal democracy might appear to be a small number, political parties still need to pay attention as these

Figure 8.1: Political parties practice internal democracy



Source: Author, derived from Expert Panel responses

perceptions indicate that there is still a need to strengthen internal party democracy to avoid further party break-ups.

(d) Civil liberties, human rights and the rule of law

For a long time, Botswana has been praised as a beacon of democracy in Africa, owing to good policies and a sound legal framework of constitutional rights and freedoms. Botswana is party to many international and regional human rights instruments. However, the country often shows limited adherence to these in terms of ratification and domestication (Kaunda, 2008: 160). Non-domestication of these instruments renders them unenforceable because they cannot be turned into national laws which are binding.

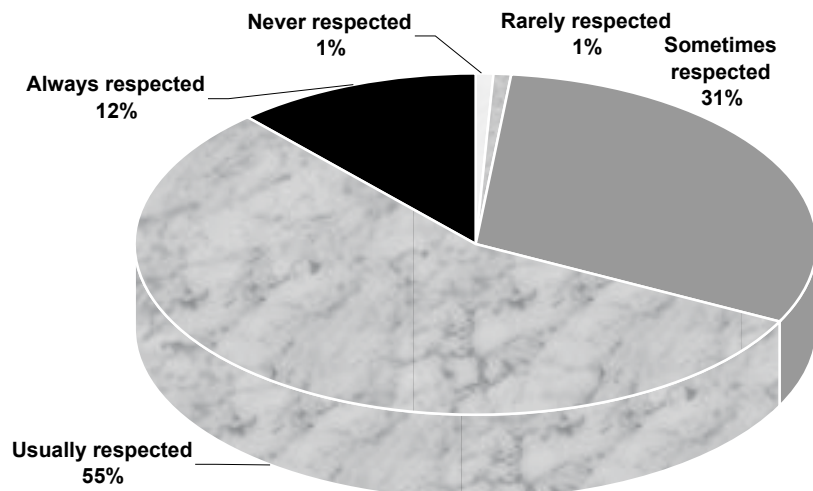
The Constitution of Botswana (section 3), like many other constitutions of the 1960s, contains civil and political rights also known as 'First Generation Rights'. To this extent, the country does observe human rights. However, though the Constitution does provide extensively for civil and political rights, it is silent on the Economic and Social Cultural Rights (ESCR) as well as Developmental and Group Rights treaties. (Mogwe and Melville, 2012).

Mogwe and Melville (2012) further point out that though the Constitution does not provide for certain rights as stated above, laws, policies and practices over time have provided citizens with a practical frame of reference and the expectation that the government will ensure that citizens live a dignified life. While there are gaps in the national and international legislative framework to safeguard human dignity, the national vision of Botswana, Vision 2016 for instance, is premised on the socio-economic advancement of citizens. That government strives to ensure that citizens live dignified lives is evidenced by results shown in Figure 8.2, where a total of 67% of the expert panel respondents believe that government does respect human rights. This however shows a significant decline from the 2008 governance study (Kaunda 2008) where 84% of the expert panel believed government respected human rights. Another decline is realised among those that believe human rights are sometimes (30.8%) or rarely (0.8%) respected. This totals 31.6% while in 2008 it totalled 15%.

The courts of Botswana are considered to be fair and free of political influence and interference, and anyone regardless of their status can be brought before the law and justice (except a president whilst in office.) As such, there is proper adherence to the rule of law in the country. While the costs of court procedures sometimes hinder some people from accessing justice, customary courts services, which are freely accessible to all, help in dealing with many civil cases.

Notwithstanding the good record that the government has on human rights, there are some blemishes as evidenced by reports of police brutality to the citizenry. The ill-treatment of the citizenry by the police

Figure 8.2: Respect for human rights



Source: Author, derived from Expert Panel responses

has also been a cause for concern (*The Midweek Sun*, 2011. 'Botswana Needs a Police Ombudsman'). The administration of the death penalty remains a thorny issue in Botswana's human rights record. Botswana remains one of the few countries in the SADC region that still upholds the death penalty (of the 54 African states, only 26% (14) maintain the death penalty). There has been pressure from the leading human rights group in the country, Ditshwanelo,¹³ for the country to abolish the death penalty, as this is seen as a violation of the right to life.

(e) Freedom of the media and freedom of information flow

The concept of free and fair elections is not just about how votes are cast. It is also about the availability of adequate information about parties, their candidates and the entire election process. Information enables voters to make informed decisions when casting their vote (Fombad, 2002). It is here that the media's role is important in terms of providing information. But this seems a far-off expectation, given that media freedom as well as citizens' access to information in Botswana is not expressly guaranteed in the Constitution. It is merely to be inferred from the general freedom of expression provisions (section 12). The government of Botswana remains non-committed to media freedoms or to the introduction of the freedom of information legislation. Government's non-committal approach to a freedom of information bill has continued in the year 2012, as government has at all costs discredited a bill meant to ensure freedom of information – it has declined discussing and passing it into a law (*The Botswana Gazette*, 2012). It does not come as a surprise that in the recent past, government has been awarded the "Golden Lock Award" which denotes how secretive the government is (Kaboyakgosi and Marata, 2012) and fuels criticism that government has excessive control over the media in particular and the flow of information in general.

Table 8.1 below shows that many of the expert panel respondents believe that government respects media freedoms as only fewer than 40% of them felt negatively about government-media relations. While this is the opposite of what media practitioners feel, it shows that the public may be having different expectations and placing different demands on government and private media. The public has, however, expressed concern through focus group discussions that there is insufficient information availed for the public and a lack of education for the citizenry on how to vote. For instance, during the Urban Disabled Focus Group Discussion (held in Gaborone on 4th November 2011) participants argued that there is need for education as Batswana do not understand political issues.

Table 8.1: Mass media freedom

	Frequency	%
All or MOST important mass media are under the state and/or ruling party control	11	9.2
Freedom of Expression is under constant threat by the government's oppressive and restrictive press laws	25	20.8
Mass Media rights are frequently violated by the government and/or ruling party, but with some protection from courts	32	26.7
Mass media rights are frequently violated by the government and/or ruling party	42	35
Within a completely free environment	10	8.3
Total	120	100

Source: Author, derived from Expert Panel responses

(f) Access to justice

There are strong links between access to justice and democratic governance. In essence, democratic governance is undermined when access to justice for all citizens is absent. According to the UNDP (2004)

13 http://www.ditshwanelo.org/bw/death_penalty.html

report on access to justice, the latter is more than just improving individuals' access to the courts, and governments must also ensure that legal and judicial outcomes are just and equitable. This calls for a strong and impartial judiciary, which is in a position to apply the rule of law impartially and independently.

While all Batswana are subject to the laws of the country, irrespective of position or status, access to justice has some constraints as it can be too expensive and out-of-reach for many citizens. Sometimes it can also be quite slow due to the backlog of cases. Lack of access to information, and ignorance about the justice system in the country, also contribute to many people failing to access the justice system. While the rule of law is advocated for, many people, particularly the poor and uneducated, are incapable of accessing justice due to lack of legal aid and limited legal information.

On the positive side however, Government has, since August 2011, piloted a government legal aid programme functioning under the Attorney General's Chambers. The programme provides free legal service to citizens unable to afford legal fees (Kgologwe, O., *Sunday Standard*, 2012, 'Legal Aid Pilot Project receiving good response from people'). By September 2012, the programme was reported to have assisted over 1000 people in need of legal services. Additionally, legal aid is extended to the public through the University of Botswana Legal Clinic. In light of the above, one can argue that Batswana do have access to justice. A possible challenge with the customary courts is that there is no legal representation in such courts, and if one is unable to argue his or her case well, they may lose a case that otherwise they could have won.

(g) Political affirmative action policies for marginalised groups and interests in the political process

While section 3 of the Constitution of Botswana speaks against discrimination of any kind, some minority groups have not enjoyed full rights for some time. The marginalization of ethnic minorities remains a thorny issue. For instance, both Rural and Urban Minority focus groups (held in Mabutsane 10th November 2011 and Gaborone 8th November 2011), expressed through their focus group discussions that the political system does not represent all as they, the minorities often experience exclusion. They decried the fact that the country's constitution is based on majority rule and so it does not reflect equality, citing instances such as where they are made to adopt the living standards of the major ethnic groups. Nonetheless, there have been significant improvements in the representation of minority groups. For example, ethnic minority groups now do have representation in the House of Chiefs, which used to be the prerogative of the then eight major tribes.

On the other hand, the Government of Botswana has not yet fully recognised the requirement of the SADC protocol on gender – only a few women hold top political positions. The 1997 the SADC Declaration on Gender and Development requires a minimum of 30% representation in parliament to be held by women. While women constitute the majority of the population, there is lack of effective representation of women in the governing structures of political parties and the country in general (Molomo, 2004). Whereas women are the ones often spearheading major political party activities, they are largely uninvolved in party decision-making structures. Cultural stereotypes, informed by the patriarchal Tswana society, have been blamed for the exclusion of women from politics. Women organisations such as Emang Basadi and Women in Politics have been in the forefront in trying to empower women and ensure their involvement in decision making. For instance, Emang Basadi has been instrumental in mobilizing women and also the amendment of the Citizenship Act to make it gender neutral. They have also spearheaded the development of a women's manifesto which recommended to political parties that they must field women candidates for election (Molomo, 2004).

Nonetheless, to date there are many women in top management positions in government which is a milestone in women's empowerment. For instance, the Chief Executive Officers of the eight Government bodies are women, these are: the Directorate on Corruption and Economic Crime (DCEC), Ombudsman, Accountant General, Governor of Bank of Botswana, the Public Procurement and Asset Disposal Board (PPADB), Botswana Development Corporation (BDC), as well as the Attorney General and the Clerk of the National Assembly.

ELECTORAL REFORMS

Botswana has, since independence held elections under the First Past the Post electoral system and this has served the country well in terms of producing a stable government. However, the same system has lately

been questioned. Calls for the review of the electoral system have mainly been coming from opposition political parties and some scholars. The challenge with FPTP is that it gives sole power to the winning party to govern even with a minority of votes, disregarding any closer challenge by the opposition. In other words winner takes all. The system is argued to be exclusionary as it excludes minor parties as well as having a tendency to exaggerate the electoral dominance of ruling parties. It is again criticized as being less conducive to women's participation in the electoral processes (Sokhulu, 2004). These and many other reasons have led to the current on-going debates about electoral reform. The argument is that even though FPTP has served the country fairly well, electoral systems need to be constantly reformed and reformulated to deal with changing struggles and new challenges being faced. Election experts such as Molomo (2000) argue that there is need for Botswana to begin a process of electoral reform. Molomo proposes the adoption of a system that would allocate seats in proportion to the popular vote. Below is a discussion of some of the electoral reforms undertaken in the past with a view to improving the quality of elections in Botswana.

(a) Reforms of the EMB

Election management is an important part of democratization and so election management bodies (EMBs) are an integral part of electioneering through the management of participation by both political parties and individuals in a democracy. In Botswana, the Independent Electoral Commission (IEC), established through the constitutional reforms of 1997, is tasked with the electoral management processes. The IEC is expected to conform to certain expectations. It must be seen to be independent of the executive, must be adequately resourced and must have adjudication capacity. However, there are a number of challenges that make the IEC's credibility and integrity questionable. These include the appointment of the Secretary of the IEC, which is done by the executive, the President in particular. Added to that, that, the President is the one to issue a writ of elections and not the IEC, and the IEC does not have the power to hire or dismiss its own staff. These practices reduce the autonomy of the IEC, which is nonetheless constitutionally guaranteed (Mokgosi, 2012). In support of Mokgosi's (2012) views, the lack of autonomy of the IEC was also highlighted in a number of focus group discussions such as the Urban and Ethnic minorities who argued that as long as government funds the IEC, it will not be independent. They further argued that as long as the President remains the appointing authority of the IEC Secretary, it casts doubt on the IEC independence as the President is not a neutral political player.

(b) Improving election adjudication mechanisms

Botswana's general elections have not been without contestation. Petitions have been put to the courts in the past, requesting them to nullify election outcomes. However, knowing how overwhelmed the courts are, it often proves to be time consuming and costly to engage in such contestations and this leaves many aggrieved candidates giving up on pursuing their cases. The level of elections complaints concerning irregularities of the electoral process necessitates restoration of confidence in the electoral process. This can be achieved through an electoral adjudication body. Election disputes need to be solved quickly and fairly. The IEC should be empowered to deal with electoral complaints in order to avoid delays. However, asked whether election disputes are well managed, results as shown in Table 8.2 reveal that about 64% of the expert panel respondents believe that the courts are doing a good job in managing electoral complaints. Only 16% thought the courts are inefficient in this front.

(c) Access to electoral resources (including media)

The ruling BDP is more resourced than opposition parties. Having been in power for 46 years uninterrupted, the line between party and state resources is argued to

Table 8.2: Election disputes usually well managed to the satisfaction of political parties

	Frequency	%
Strongly Disagree	3	2.5
Disagree	16	13.3
Neither Agree nor Disagree	24	20
Agree	58	48.3
Strongly Agree	19	15.8
Total	120	100

Source: Author, derived from Expert Panel responses

have thinned out as the party is often accused of using state resources for its own activities. For instance, during the recent 50 years anniversary celebrations, the media accused the BDP of using state resources to fund its activities (see *The Monitor*, 2012). In terms of accessing the media, it has been the argument in Botswana's politics that contesting political parties do not enjoy equal access to the media, particularly state-owned media. State media has been accused of being skewed towards the ruling party. Opposition political parties have often come out strongly accused state-owned media, especially Botswana Television (BTV), for showing favouritism to the ruling BDP. These sentiments are echoed by the expert panel respondents as shown in Table 7.1 of Chapter 7, which shows that 53% of respondents see political parties as not having equal access to resources, and another 25% saying they rarely have equal access.

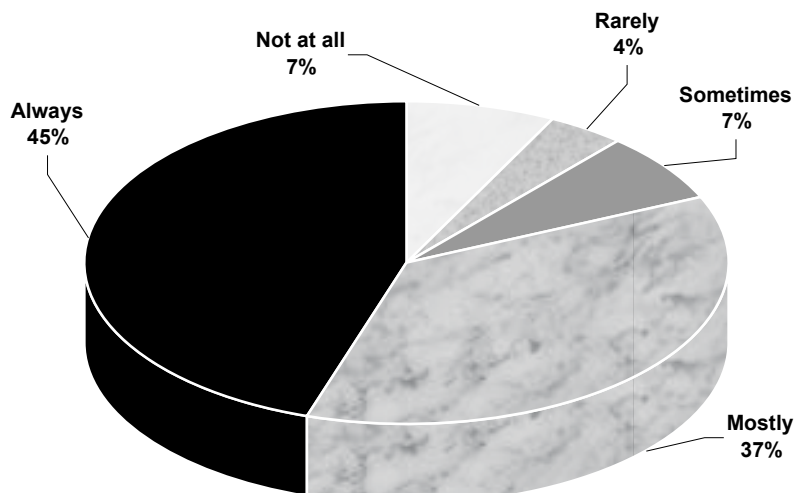
The same thinking transpired through focus group discussions where many expressed concern that while opposition parties do not have access to resources, the ruling BDP continues to abuse government resources, and as such the political playing field is not level.

(d) Role of security forces and their non-partisanship in the electoral process

While elections are expected to run smoothly, be characterised by non-violence, and allow for free and fair competition, certain misconduct may occur even to the healthiest of democracies. Security issues may arise at all stages during the electoral process, be it pre-elections, during the campaigns, during the election itself or post-elections, and so the country must be prepared to effectively deal with security threats at any stage of the electoral process. When security issues crop up, the expectation is for security to be availed to all indiscriminately, and this requires the involvement of public security forces (the police and the army) in the management of elections.

The Botswana Police Service (BPS) and the Botswana Defence Force (BDF) are responsible for providing domestic and external security respectively. The Botswana Police Services are responsible for issuing permits for political rallies, assist all political parties with motorcades, and attend and record proceedings at political rallies with a view to ensuring that everything is done within the parameters set by the country's Constitution. The police and army officers are usually given an opportunity to cast their votes a few days before elections so that they can give all the polling stations their undivided attention on election day. They are to do so in an equitable manner, serving and treating all parties equally. They are expected to be non-partisan and to be impartial in doing so. It is however worthy of note that apart from minor contestations about electoral results, elections have not been a source of conflict in Botswana and there have not been life-threatening tensions such as are a common occurrence in many African states, requiring extreme involvement of the police or the army. Figure 8.3 below demonstrates the responses by the expert panel on the question of non-partisanship of the security forces.

Figure 8.3: Security forces are fair and non-partisan in their role



Source: Author, derived from Expert Panel responses

Asking the expert panel respondents whether security forces are fair and non-partisan in their role in the electoral process, 87.5% reported confidence in the security forces. Only about five percent of the respondents reported displeasure with the services of the security forces during elections (see Figure 8.3).

(e) Civic and voter education and the role of civil society in it

Civic and voter education are necessary for purposes of ensuring that the electorate know and understand their rights, the electoral system, the contestants they are to elect, and how and where to vote. Basically, there is need for the electorate to know and understand their rights and responsibilities, and be sufficiently informed, to a point where their participation in the voting process is meaningful. Voter education is therefore necessary to avoid voter apathy. The need for voter education was emphasised throughout a number of focus group discussions with many placing this responsibility upon government. This makes it necessary for government to ensure that it avails information, materials and anything that could inform voters adequately. While it is mainly the responsibility of government to do this through the IEC, civil society (in the capacity of the media, political parties and non-governmental organizations) is also expected to play a part in helping people understand the voting process.

The IEC, being the main agency in this front is, however, not tasked by law to provide voter and civic education. Nonetheless, it has set this as one of its goals, which makes it the IEC's responsibility to ensure citizens are informed and made knowledgeable on the electoral process and they have produced a handbook entitled *Know Your IEC and Key Electoral Process*. The IEC uses a number of ways to disseminate information such as posters, booklets, radio, television and billboards to encourage the electorate to participate in the electoral process. The IEC also disseminates information through *kgotla* meetings, workshops and seminars, and has of late been sponsoring a BTV programme called *Matlbo-a-Phage*, which discusses political issues and other matters of national concern. Needless to say, the IEC still needs to do more. For instance, it could also start publishing a user-friendly compilation of electoral laws and other text relating to elections and democracy.

Civil society in Botswana should be commended for its effort in providing voter education. Emang Basadi (the Botswana Women NGO) has been the most active in political education, through organizing and running empowerment workshops for aspiring women candidates from varied political parties (www.emangbasadi.bw). The Botswana National Youth Council also has in the past held youth political empowerment programmes (forums and workshops) aimed at sensitizing the youth to vote, as well as encouraging them to engage actively in politics (<http://www.gazettebw.com>).

CONCLUSION

This chapter has discussed constitutional, political and electoral reforms in Botswana summed up as below. In terms of constitutional and political reforms, the following were discussed:

- (a) current automatic succession been questioned, with many calling for the Constitution to be re-visited to allow for the direct election of the President;
- (b) the relationship between the three state institutions (executive, legislature and judiciary) has also been called to check; of particular concern is the relationship between the executive and the legislature: while the courts have been found to be satisfactorily independent, the executive is arguably too dominant over the legislature and this needs to be corrected;
- (c) political parties have been cautioned above of the dangers of lack of democracy within themselves; what obtains within political parties extends to the whole nation and hence the need for political parties to exercise intra-party democracy;
- (d) the government has been commended for upholding and observing human rights. However, the call is to ensure provision of economic, social and cultural rights as well;
- (e) while free and fair elections are necessary for a thriving democracy, they have to go hand-in-hand

with adequate information on political parties, their candidates and the entire election process; this empowers voters to make informed decisions;

- (f) while the rule of law is supreme in the country, and all have access to justice, there is always room for improvement, such as ensuring that customary courts are inclusive of all Batswana, regardless of their age or gender;
- (g) the government has also been called on to tighten up affirmative action policies such as fully recognizing the SADC gender protocol.

In terms of electoral reforms, the following were discussed:

- (a) the IEC has been applauded for doing a good job as the country's electoral management body; the government, however, is cautioned against practices that could erode the autonomy of the IEC such as the appointment of the IEC Secretary which is currently being done by the President;
- (b) though the country's elections have not been marred by contestation, there should be effective election adjudication systems in place and the IEC must be empowered to deal with and resolve any future electoral disputes;
- (c) there has also been a call for fair access to electoral resources, including the media; these should not be enjoyed by the ruling BDP only;
- (d) Botswana's security forces were found to be impartial and non-partisan and finally;
- (e) civic and voter education was found to be inadequate in Botswana, with the IEC being the only institution actively educating citizens by providing civic education. However, this is not part of the IEC mandate and therefore, the call is for many other stakeholders to come on board.

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CHAPTER IX: ELECTIONS AND MANAGING DIVERSITY: POLICY OPTIONS AND A WAY FORWARD

Molefe B. Phirinyane

INTRODUCTION

Botswana like many African countries has a diverse population. The ethnic groups in Botswana have co-existed peacefully alongside each other in spite of the challenges and differences they go through. The peace in Botswana is attributed to the Tswana culture that emphasises negotiations to resolve differences. Scholars such as Taylor (2005) and Maundeni (2002) have noted that the traditional Tswana polity was developmental and that the modern government inherited and perpetuated this tradition into the post-independence state. Also significant is the successful blending of modern and traditional elements of governance, which has also become the hallmark of Botswana's socio-political and economic development.

This study has shown that modern Botswana has different and emergent challenges to those addressed by the founding fathers. Yesterday's answers may not be relevant to challenges that the nation is facing today. While the founding leaders were concerned about nation building and unity, today the citizens are concerned about the quality of governance that concerns issues such as rights, quality of services and efficiency in service delivery. Several of the key issues facing Botswana today are discussed in the sections below. Policy options and the way forward are suggested.

THE CONSTITUTION AND DIVERSITY

The Constitution of Botswana continues to be amended to adjust to changing circumstances. At independence only 12 tribes were recognised in the Constitution, but some amendments have been made to make it tribally neutral. The composition of *Ntlo ya Dikgosi*, although broadened to include more ethnicities, is still a problematic issue that needs to be addressed. Although there are some queries that need to be addressed, the Expert Panel generally felt that the Constitution respects minority interests. The resurgence of demands for minority rights is linked to the cultural renaissance that became popular under the current government.

The one indigenous language policy, of Setswana only, is beneficial in terms of national identity, a practice that has worked well for this country. There are serious risks in introducing languages spoken only in certain regions of the country and not having a national language in a small economy. For instance, to ensure the efficient and effective public service delivery the employees of public institutions should be able to use a common language for purposes of ease of deployment and transfers across the country. Speaking one's mother tongue only, may disadvantage those who come from ethnic groups that have small populations and live in regions where jobs are scarce. Maintaining one national language would curb the problem of people being locked in their regions due to communication problems. The challenges of finding trained teachers to teach the other languages would also be a significant limitation. It is also not economically justifiable for a small economy with stubborn unemployment and high levels of poverty to expend its limited resources on a programme that will not uplift the standard of living for the concerned groups. Below are the recommendations on this aspect:

1. The constitution must be availed in local languages as well as in Braille in order to be accessible to people with disabilities as well (i.e. visually impaired).
2. Government should facilitate further debate on the language policy to provide the nation with an opportunity to decide whether to continue with the one national language policy or not.

ELECTIONS AND DIVERSITY

In Botswana, ethnicity does not play a crucial role in determining election results. Notwithstanding that, all political parties in Botswana have their strongholds in the regions from which their leaders and/or founding leaders come from. However, nearly all of the political parties represented in parliament, the BCP, BDP, BMD and BNF have supporters and are represented across the entire country or in the majority of constituencies as the case may be. There is a nascent trend in which the BCP is gaining more of its support from minority ethnic groups in the north and Moshupa in the south, while on the other hand the BNF support is consistently but rapidly declining except in Kgalagadi constituencies. Why the BCP is succeeding where the BNF has failed may be explained by the fact that many of the BCP leadership come from ethnic minority groups while the BNF adopted the social democratic programme late in its life and was led for a long time by politicians of the Tswana stock that perhaps were not appealing to ethnic minorities.

The study has shown that the youth, women, people with disabilities and the Basarwa in particular are poorly represented in Parliament. There are very few women represented in Parliament and there has never been a Mosarwa in Parliament. While many authors blame the underrepresentation of minorities on the electoral system, the problem of inclusion is not necessarily about the electoral system but about parties or the government establishing a mandatory quota for their inclusion, as well as resolving their problem of lack of funding. As a policy development, the Government should establish a political affirmative action that would also assist the excluded communities with funds to run for office. The other problem with elections is that people with disabilities often have challenges with their mobility to reach, and also queue for a long time at, polling stations. To rely on the compassion of the other voters as proposed by the IEC is not a sustainable strategy. The system of advance voting, that was suspended in the 2009 elections, should be reinstated, and must be made to include people with disabilities and the elderly. This will be consistent with the Vision 2016 pillar of a Compassionate, Just and Caring Nation. Stated below are the suggested recommendations:

3. An affirmative action strategy must be adopted to cater for minorities in the electoral process. This could include reserving a specified percentage of seats for women, people with disabilities, and Basarwa.
4. Advance voting as well as introducing voting online should be reintroduced and extended to people with disabilities and the elderly, to curb long queues.

ECONOMIC DEVELOPMENT

On the economic front, many scholars agree that the economy was, and continues to be well managed due to a deliberate strategy to develop a capable state committed to ensuring rapid growth and financial sustainability. Much of the mineral wealth has been invested in infrastructure development and other key sectors of the economy, such as education, that benefitted the entire nation. Huge expenditures on education created opportunities for access to education by the wider population, thereby, developing the much needed human capital for economic diversification. While the government has been perceived as having managed the economy well, it has been criticised for failing to address unemployment. The country's pursuit of the ideals of a free market economy as well as the capital intensity of mining, which is the most productive sector of the economy is responsible for the stubbornly high levels of unemployment that afflicts the country.

Botswana's development trajectory is hinged on globalisation and foreign direct investment that inversely demand adherence to good governance agenda. Many of the architects of Botswana's economy are closely associated with the Bretton Woods institutions, and have taken the banks' technical advice seriously. At one stage Botswana was even perceived by scholars as having self-imposed the structural adjustment programmes over herself. While FDI is necessary for economic growth, the government needs to review its citizen economic empowerment strategies to cultivate indigenous entrepreneurship and sustainable economic development.

Particular attention must be focused on assisting Basarwa, women, and people with disabilities to take advantage of such schemes. Basarwa and people with disabilities must be given special attention when such programmes are developed. Basarwa have been subjugated for a very long time and as a people are

the poorest and politically weakest of all. If women and people with disabilities from other ethnicities are struggling for recognition then the people with disabilities and women among the Basarwa ethnic group are the worst off. The disadvantages these groups face also limit their participation in the political process. Government welfare programmes and citizen economic empowerment schemes should target these. It is recommended that:

5. Government should develop a more focused/targeted citizen economic empowerment policy with special attention given to Basarwa, people with disabilities and women, instead of a one-size-fits-all type of policy.

CIVIL SOCIETY PARTICIPATION

The Botswana Government views the private sector and the NGOs as important developmental partners. A structured engagement with them has been put in place in the form of the High Level Consultative Council. It is noteworthy that the HLCC was initiated at the behest of the private sector. Through the HLCC and other avenues, both the NGOs and the private sector have been able to influence policy and legislation. The most influential entities have been BOCCIM, Emang Basadi, Ditshwanelo, Reteng, and to some degree First People of the Kalahari. These have been very successful in championing minority rights and creating awareness about human rights. While for some, diplomacy and persuasion has been the key strategies for influencing policy decisions, others have had to litigate to nudge government into action. It is encouraging that when many organisations in Botswana cannot agree with the government, they take legal action instead of resorting to violence. The latter would usually happen where the society has lost confidence in the judiciary. However, the government needs to have a relook at the independence of the judiciary, especially with regards to the appointment of judges to make it more transparent. In order to strengthen civil society participation we recommend that:

6. The Government should introduce tax-deductible giving for companies and individuals that support civil society organisations in order to address the problem of lack of funds among civil society organisations.

POLITICAL PARTIES AND ELECTIONS

Botswana has provided a free environment for political participation. It is easy to form and register a political party in Botswana. Political campaigns are unrestricted but nevertheless need to be authorised by the police mainly for security provision. However, fairness is problematic. The 'playing field' is still uneven due to unequal resource endowment between political parties, with the ruling party enjoying a privileged position, while others are struggling to make ends meet. Additionally, the ruling BDP has the natural advantages of incumbency. Ministers run party errands while on official trips. Added to that the president and his deputy are covered by the state media in all the activities of the ruling party while leaders of the opposition parties are not given similar opportunity. This gives the ruling party undue advantage in campaigning for support.

Incumbency has also been known to extend into sheer patronage where there are weak controls of state resources. Such instances have led to the underdevelopment of capacity in the opposition parties and simultaneous strengthening of the BDP. The unregulated party funding also poses a security risk to the country in a situation where a desperate party may accept funding from terrorists, money launderers or criminal gangs. Public funding of political parties would reduce the individual politicians' burden of having to raise huge sums of money to fund their political campaigns during both the primary and national elections. This would assist women and other minorities who cannot afford the huge sums of money required to run a successful campaign.

Internal party democracy and party primaries are still challenging areas for most political parties in Botswana. Primary elections have become a source of conflict and factionalism across the political divide. Internal conflicts and splits among opposition parties have worked against efforts to unseat the ruling party. Efforts to collaborate have not led to any significant improvements in the performance of opposition

parties except recently with the formation of the Umbrella for Democratic Change. Whilst it may seem as if opposition parties are not making any headway as a credible alternative government, they have made some contributions to the development of the country through influencing public policy at various stages of intervention. Ethnicity has played a minor role in influencing the outcomes of elections. Instead various factors such as political ideology and party representatives also influence the electorate's choice.

Opposition political parties, the Expert Panel members, and FGD discussants, have queried the appointment of the Secretary of Elections by the President. The current arrangement was viewed as compromising the independence of the IEC. Respondents in the FGDs and Expert Panel also criticised the current elections dispute resolution mechanism, arguing that it is lengthy, complicated and costly. They felt that many are denied justice when complaints arise.

This study has also shown that the BDP's popular support has been declining over time. Parties in many mature democracies always win with less than 50% of the total votes cast. As the BDP electoral support declines, another party's support would naturally rise. In this case it appears to be the BCP, which will at some stage, if they maintain their growth, alternate with the BDP in power. Given such a scenario, the failure of the UDC need not cause any consternation as electoral trends are moving in a direction where the electoral system can no longer sustain a one-dominant-party system. The UDC is made of parties with declining electoral support with the exception of BMD which has not been tested electorally, and has lately suffered from defections itself. It is recommended thus:

7. In the interest of deepening democracy (free and fair elections) and state security, the government should introduce political party funding and ensure regulation of this funding.
8. Introduce affirmative action through funding for women, people with disabilities, and Basarwa during primary elections.
9. The responsibility for the appointment of the Secretary should be removed from the President and allocated to the Independent Electoral Commission.

Concerns relating to the efficacy of the judiciary in relation to the adjudication of election disputes could be addressed by:

10. Establishing an accessible election adjudication body that would be dedicated to dealing with election disputes less expensively.

THE ELECTORAL SYSTEM

The FPTP electoral system is often criticised by many for its weaknesses, such as its winner-takes-all characteristic, the disadvantage it carries for minor parties, distortion of seats won against votes won, and others. However, in Botswana the voting system has worked well for the country as attested by the high proportion of Expert Panel members who are happy with the system. It has also been shown, in Chapter VI, that in Botswana, the FPTP voting system has produced a strong government that is able to efficiently implement policy.

It has also been shown that countries that need a PR system are those that have divided societies, of which Botswana is not. Under the FPTP voting system, the BDP led government has been able to build a coherent nation that does not vote along ethnic lines because voting through the constituency system provides for a representative for almost all ethnic groups that have large concentrations in specific areas. Therefore, such a system compels people of different ethnicities to share a common destiny because of the shared values they develop over time. The argument for or against a voting system always revolves around the issue of how people are brought into power, versus outputs or goals that were intended to be achieved with a particular electoral system. For example, should every vote count or it should be an aggregation of the votes cast that matters, as opposed to it being about achieving national goals such as social cohesion and a strong government that can efficiently implement policies?

Scholars too have argued for a system that recognises the advantages of other voting systems such as

the Mixed Member Proportional system as recommended by Molomo (2004). Essentially, there is no better electoral system than the other. What really matters is whether the focus is on processes or outputs. As suggested earlier, any change to the electoral system must be subjected to a referendum for the people to have a say in how they elect their leaders.

Botswana has adopted the Westminster parliamentary system blended with a presidential system in which the party that forms a majority in parliament elects its President. Although some people have called for the direct election of President, it is not the only best way of choosing a leader. In fact, at the nomination stages when the party has decided on its President, voters endorse the party nominee by voting for it at the elections. In a way they have endorsed the President as well. Perhaps what would be helpful under the system is to introduce checks and balances by realigning the processes to countervail the President's powers. For instance, if the President has the power to appoint judges, then there must be a parliamentary ethics committee to review his/her nominees and must have the power to veto the candidate.

It has been posited in this study that the country should be commended for establishing a system that allows for smooth Presidential succession. Succession to high office by an incumbent Vice President, should any mishap befall a sitting President, is dependent on the predictability and stability of a government, both of which characteristics are needed in Botswana, like any developing country, in order to attract more foreign direct investment at the very least.

Resource-constrained developing countries should be circumspect in how they expend their scarce resources, especially on elections that do not in any case bring any substantially different outputs from significantly costly processes. So far, there are no indications for the need to change to a presidential system. However, to further strengthen the electoral system this study recommends that:

11. A referendum should be held to determine the voting system that the country should adopt among the three broad categories of FPTP, PR and Mixed Systems.
12. A referendum should be conducted to enable the country to decide how they want their President to be elected, directly or maintain the status quo.

These two latter recommendations mean that it should not be the politicians who decide for the voter how they want to be elected into power. Instead it should be the electorate who should decide how they want to put their leaders into power or political office.

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