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COMPARATIVE ASSESSMENT OF DECENTRALIZATION IN AFRICA: BOTSWANA DESK STUDY

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Authored by: Amy R. Poteete
Concordia University
Montreal, Quebec, Canada

And

Bashi Mothusi
University of Botswana
Gaborone, Botswana

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Implemented by:

ARD, Inc.
PO Box 1397
Burlington, Vermont 05401
Telephone: 802-658-3890
Fax: 802-658-4247
Email: ardinc@ardinc.com

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acronyms and abbreviations

BALA	Botswana Association of Local Authorities
BAM	Botswana Alliance Movement
BATLA	Botswana Association of Tribal Land Authorities
BIAC	Botswana Institute of Accounting and Commerce
BCP	Botswana Congress Party
BDP	Botswana Democratic Party
BLLAHU	Botswana Land Boards and Local Authorities Health Union
BLP	Botswana Local Police
BMD	Botswana Movement for Democracy
BNF	Botswana National Front
BNPC	Botswana National Productivity Centre
BOCCIM	Botswana Confederation of Commerce, Industry, and Manpower
BOCOBONET	Botswana Community Based Organisation Network
BOCONGO	Botswana Council of Non-governmental Organisations
CBO	Community-based Organization
CBNRM	Community-based Natural Resource Management
DANIDA	Danish International Development Agency
DCEC	Directorate of Corruption and Economic Crime
DLGF&PS	Department of Local Government Finance and Procurement Services
DLGSM	Department of Local Government Service Management
DPSM	Department of Public Service Management
GCC	Gaborone City Council
GICO	Government Implementation Coordination Office
IDM	Institute of Development Management
IUCN	International Union for Conservation of Nature
LA	Local Authority
LAFU	Local Authority Finance Unit
LAPAC	Local Authorities Public Accounts Committee
MFDP	Ministry of Finance and Development Planning

MLG	Ministry of Local Government
MP	Member of Parliament
NDP	National Development Plan
NGO	Non-governmental Organization
RAO	Regional Agriculture Office
RSG	Revenue Support Grant
SEMP	Specially Elected Member of Parliament
SIDA	Swedish International Development Cooperation Agency
SNV	Netherlands Development Organization
TAC	Technical Advisory Committee
UB	University of Botswana
USAID	United States Agency for International Development
VDC	Village Development Committee
WUC	Water Utilities Corporation

EXECUTIVE SUMMARY

Botswana is a unitary state with a highly centralized political and administrative system. The government recognizes four types of local authorities: local councils, land boards, tribal administrations, and district administrations. The first three are statutory bodies; the fourth houses field officers of the central government ministries. All four operate on a relatively large territorial scale. Although smaller-scale institutions are involved in local governance, there is only one tier of multi-purpose local government with a statutory foundation.

None of the local authorities has significant authority. The centralization of financial and human resources limits the ability of local authorities to exercise their formal powers. Most—but not all—councilors and land-board members are elected, and the courts and procedures for financial audits provide additional mechanisms of accountability. Party discipline limits the accountability of individual elected officials to local constituents, and even more severe obstacles to local, public accountability arise from overlapping jurisdictions and a general lack of transparency. Inadequate fiscal and personnel resources, limited career opportunities for staff, overlapping jurisdictions, and problems in information management constrain the capacity of local authorities.

Recent changes in local government structures and current proposals involve centralization as well as decentralization. If anything, the movement towards centralization seems more pronounced. Past reforms have emphasized deconcentration through the creation of smaller-scale administrative units, such as sub-districts and sub-councils. The government has shown interest in further deconcentration, but has rejected reforms that would devolve meaningful power to local authorities. The proportion of elected councilors relative to appointees has increased since independence and the government has approved the introduction of the secret ballot for land-board elections. But the current administration opposes other reforms to strengthen the democratic character of local authorities.

Improvement in service delivery is the most important stated motivation for local government reform—whether centralizing or decentralizing. Advocates of decentralization hope for cost savings, more efficient service delivery, and reductions in red tape that might generate political dividends as well as economic development. Centralizing reforms are regularly justified with reference to limitations in local capacity, problems of mismanagement and corruption, and the need for redistribution in light of the uneven distribution of natural resources and economic activities. A wariness of awakening identity-based politics discourages the breaking up of large districts. The existence of councils controlled by the opposition contributes to the government's reluctance to devolve authority to the councils in particular. Reforms are further complicated by the large number of local institutions and central government ministries with a stake in local government, and their tendency to resist any change in the allocation of authority across institutions.

1.0 The Country Context

1.1 POLITICAL BACKGROUND AND STRUCTURE

Botswana gained independence from Britain in 1966 as a unitary state with a somewhat modified executive within a parliamentary system. National and local elections have been held in 1965, 1969, and every five years subsequently. To date, the Botswana Democratic Party (BDP) has won every national election with a large legislative majority. The combination of a dominant party system, a unitary state, and a parliamentary system has produced a highly centralized political system.

Botswana is highly centralized despite the relatively low level of centralized state building before or during colonial rule. The British declared the Bechuanaland Protectorate largely for geopolitical resources and had little interest in developing a territory that appeared to have limited economic prospects. Indirect rule operated through a system of tribal reserves associated with the Tswana *merafe* (singular: *morafe*) or polities. The *dikgosi* (singular: *kgosi*) or hereditary traditional leaders had considerable discretion in the administration of their territories as long as they did not challenge the interests and prerogatives of the British. Thus, the system of colonial rule was fairly decentralized. Some *dikgosi* would have preferred a federal system based on the *merafe*, but were out-manuevered during constitutional negotiations in the 1960s (Mokopakgosi, 2008). At independence, districts replaced the tribal reserves. Unlike the pre-colonial *merafe* or the colonial-era tribal reserves, however, the post-colonial districts have very little autonomy, as this report will demonstrate.

Botswana is a dominant party system.¹ The BDP achieved a position of electoral and legislative dominance in the self-government elections of 1965. Its electoral support began to erode in the 1980s. Over the past two decades, the BDP's vote share has fluctuated between 57.2 percent (1999) and 51.7 percent (2004). The BDP has continued to dominate the legislature throughout this period because the main opposition party, the Botswana National Front (BNF), imploded in 1998, and the opposition vote has not yet reconsolidated. The first-past-the-post electoral system severely punished the divided opposition in 1999, 2004, and 2009.

Parliamentary systems with majority governments favor centralization of power in the hands of a strong executive. The centralizing dynamic is reinforced in Botswana by modifications to the parliamentary system that weaken the dependence of the executive on the legislature and electorate. As in the typical parliamentary system, Botswana's National Assembly elects the head of government—known as the President—and has the legal authority to dissolve the government through a vote of no-confidence, while the President has the legal authority to dissolve the assembly and hold early elections. Botswana's system of government differs from the typical parliamentary system in three respects: (1) the head of government also serves as the head of state; (2) the President need not be—and typically is not—an elected member of parliament; and (3) the cabinet typically includes “specially elected” (i.e., nominated) Members of Parliament (SEMPs) as well as directly elected Members of Parliament (MPs). These

¹ As discussed below, on-going changes in the party system threaten the BDP's dominance.

deviations from standard parliamentary arrangements weaken the link between elections and the government and strengthen the executive relative to the legislature. The President's discretionary authority encompasses the appointment and dismissal of cabinet members, judges, directors of agencies, and directors of parastatals; decisions about whether to launch commissions of inquiry or publish their recommendations; and even the circumvention of standard procedures (Good, 2008; Holm and Darnolf, 2000; Molomo, 2000).

Two constitutional amendments in 1998 further weakened the link between elections and government formation and strengthened the power of the executive. The first eliminated the need for the parliament to elect a new President in the event that the sitting President should resign or die in office, as had happened upon the death of President Seretse Khama in 1980. Following the 1998 amendment, the position would now be automatically filled by the sitting Vice President. The second amendment introduced a 10-year term limit on the presidency. Both amendments became operational in 1998, when President Q.K.J. Masire resigned more than a year before elections were due, thus guaranteeing that his Vice President, Festus Mogae, would become the next President. Ian Khama ascended from the vice presidency to the presidency in 2008, upon the expiration of Mogae's term in office. This combination of new provisions allows sitting presidents in effect to choose their successors. As such, it represents a further centralization of authority.

1.2 CURRENT STRUCTURE AND INSTITUTIONS OF DECENTRALIZATION

The government recognizes four types of local authorities: councils, land boards, tribal administration, and district administration.² Village development committees (VDCs) and, more recently, community-based organizations (CBOs), act as important authorities at a smaller territorial scale. All of these local entities have been involved in past programs of decentralization and will be affected by any future decentralizing reform. In fact, competition among rival local entities with partly overlapping authority contributes to poor coordination of local government activities and makes effective decentralization more difficult to achieve. We describe the councils in the greatest detail, but also provide background on each of the other local institutions.

The Local Government (District Councils) Act of 1965 and the Township Act of 1965 provide the legal foundation for multi-purpose district, township, and city councils. Although the specific set of responsibilities has changed over the years, all three types of councils are responsible for setting development priorities, overseeing local infrastructure development, and delivering a variety of services. (See Section 2). Among other things, the councils are responsible for road development and maintenance, the provision of several essential services, waste management, recreational facilities, the regulation and licensing of some types of commercial activities, the management of labor-intensive public works, and physical planning. As detailed in Section 2, the councils have very little discretionary authority as control over policy and budget remains at central ministry offices. Consequently, the councils are essentially elected bodies charged with the delivery of services as mandated by the central government.

² Most observers would not consider district administration to be a local authority, but the government classifies it as such.

District councils represent mostly rural areas. There were nine district councils from independence until 2006, when the Chobe District Council was established. The government has designated four townships (Lobatse, Jwaneng, Sowa Town, Selebi Phikwe) and two cities (Gaborone and Francistown) to promote mineral and economic development. The councils vary tremendously in territory, population, and resources. At one extreme, the Central District Council is responsible for approximately a quarter of Botswana's land area (147,740 square kilometers) and population (more than 500,000 people) (Meyer-Emerick et al., 2004). Among the district councils, South East has the smallest territory (1780 square kilometers) and Chobe has the smallest population (just over 18,000 residents in 2001). The township and city councils manage much smaller territories, although the cities actually have more residents than many of the districts. Socio-economic conditions also differ markedly among councils, giving rise to important disparities in the potential for local resource generation.

Most councils, like the National Assembly, consist of both directly elected and "specially elected" (i.e., nominated) members; all members of the Sowa Township Council are "specially elected." Council elections coincide with national parliamentary elections. Shortly after the general election, the Minister for Local Government appoints the "specially elected" councilors. In 2009, the total number of councilors per council ranged from seven (all nominated) in Sowa Township and 10 (eight elected plus two nominated) in Chobe District to 174 (140 elected + 34 nominated) in Central District. The number of appointed councilors can and does change even between the decennial delimitation exercises.

The township and city councils are not subordinate to the district councils. Instead, the towns and cities have been excised from the jurisdiction of the district councils, so that the three types of councils operate independently of one another. Thus, the councils represent the one and only tier of elected, multi-purpose, sub-national government in Botswana.

The councils, as (largely) elected, multi-purpose, sub-national governments, have greater authority and democratic legitimacy than the other local authorities. The Tribal Land Act of 1968 provided for the creation of land boards as (largely) elected special-purpose regulatory bodies. Land-board elections are not linked to parliamentary and council elections and are quite informal, as discussed in Section 2. The land boards are responsible for land administration, including its allocation, the settlement of disputes, the development and implementation of regulations governing land use, and the implementation of national policies related to land. Although tribal administration has considerable cultural legitimacy, at least for some Botswana,³ it is not elected and its (formal) operations are largely confined to the administration of customary law. *Dikgosi* were included as (ex officio) members of both the district councils and the land boards when these local authorities were established, but lost representation on both bodies by 1993. They continue to play an important role as moderators of *kgotla* meetings, the traditional community, public fora, where government officials present new policies and seek (carefully managed) feedback on proposed policy changes.

The most important smaller-scale institutions are the Village Development Councils (VDCs) and Community Based Organizations (CBOs). The VDCs were established by a presidential directive in 1968 (Fortmann, 1983). These non-statutory, voluntary bodies are supposed to act as local

³ It is difficult to gauge support for *dikgosi* and the Tribal Administration precisely because it is a non-democratic institution.

partners with the district councils and district administrations in the development and implementation of development projects. As part of the Revised National Policy for Rural Development, the government decided to revitalize the VDCs by ensuring that they are reconstituted every two years and changing their composition to include representatives of CBOs as well as individuals elected at the *kgotla* (Government of Botswana, 2002). The incorporation of CBO representatives, however, has not yet been implemented.

CBOs have gained importance through Community-based Natural Resource Management (CBNRM). CBNRM enables local communities in designated wildlife-rich areas to gain management rights over natural resources and benefit financially from wildlife-based tourism activities in their area—but only if represented by a CBO that is legally registered in accordance with the Societies Act. Not all registered CBOs are involved in CBNRM or other forms of local governance. CBNRM and similar programs, however, represent a form of decentralization to special-purpose bodies that are *not* part of government. As such, CBOs are seen as competing with statutory local authorities, especially the councils (compare Ribot, 2003).⁴ Although the inclusion of representatives of CBOs on VDCs (Government of Botswana, 2002) may strengthen both bodies, CBOs and VDCs cannot substitute for elected, multi-purpose local governments below the district level.

Most government agencies have field offices in the district administration. Most districts, for administrative purposes, correspond with the boundaries of the district councils, although there were separate administrative districts for Chobe and Ngamiland in the North West District long before the Chobe District Council was established in 2006. Some ministries and agencies, however, are not represented by the district administration. The Ministry of Agriculture, for example, maintains a separate network of Regional Agricultural Offices (RAOs), and its agricultural regions cut across district boundaries.

1.3 HISTORY AND STATUS OF DECENTRALIZATION REFORMS

Currently, there are opposing political, financial, and administration dynamics pushing for decentralization *and* centralization. Some councilors, civil society organizations, and other local interests are concerned with local government as a vehicle for democratization, but democracy is not the primary motivation for the central government. Instead, the government created local councils, land boards, and VDCs—and has partnered with CBOs—to extend the reach and penetrative capacity of the state, stabilize support for the BDP, improve service delivery, and promote economic development. In pursuing these several goals, the government has demonstrated a consistent preference for centralized administration over the decades. Past decentralization reforms typically involved deconcentration and delegation. Devolution has been rare, limited, and—to the extent that it occurs at all—subject to reversal (Poteete, 2009).

Most local institutions were established between 1965 and 1970. By the end of the 1970s, the government already felt the need for institutional reforms. The Government Paper No. 1 of 1981 on Local Government Structure in Botswana represented a response to the Report of First Local Government Structure Commission in 1979. These reviews led to the creation of sub-districts in the largest districts to improve service delivery. The district administrations created field offices

⁴ Discussed in more detail in Section 4.

in the sub-district headquarters. These were essentially acts of deconcentration. There was no real change in funding for local authorities or coordination across the various local institutions. Additional reviews were conducted in the 1980s (Egner, 1987) and by the Ministry of Local Government, Lands, and Housing in 1993, but did not lead to further institutional changes.

Individual districts have initiated some changes. The Central District Council, for example, decided in 1998 to reorganize its operations around sub-council committees (Meyer-Emerick et al., 2004). The sub-councils correspond to the administrative sub-districts and involve councilors elected from wards within those sub-districts. Each sub-council must elect a chair and vice-chair, and is responsible for administering the sub-council territories, making management decisions about service delivery. The sub-councils do not replace the full council, but are sub-ordinate to it. The full council remains responsible for coordination of sub-council activities. This arrangement reduces the need for travel and meetings in the district headquarters, and increases citizen access to councilors (Meyer-Emerick et al., 2004).

The decentralization reforms currently under consideration flow from the *Report on the Second Presidential Commission on the Local Government Structure in Botswana 2001*, known as the Venson-Moitoi Report after the committee chair. The committee was tasked with reviewing all local authorities from the perspective of improving service delivery. The commission called for strengthening the councils, for instance, by providing greater financial resources to enable the councils to meet their responsibilities in the provision of primary health care and road maintenance. A number of recommendations involved greater devolution of authority. For instance, the report recommended that councils should be given more expansive responsibility for primary education.

Responses to the Venson-Moitoi Report have been piecemeal and uneven. A formal response appeared in the Government Paper No. 1 of 2003. Amendments to the Local Government (District Councils) Act and the Township Act in 2004 increased the term of office for mayors and deputy mayors and barred specially elected councilors from voting on the selection of the council leadership. The recommended creation of the Chobe District Council occurred in 2006. The white paper committed the government to consolidation of the Local Government (District Councils) and Townships Acts, with the inclusion of new provisions allowing for and defining the mandate of sub-council committees (Government of Botswana, 2003, pp. 5–6). In 2009, the government hired SKL International to draft a decentralization policy and a plan for its implementation. Whereas the proposed legislative changes only affect the councils, the decentralization policy will affect all government ministries. The draft consultancy report was delivered in February 2010 and, at the time of writing, was under consideration by government.

None of the recent changes have involved the devolution of authority. Some changes, such as those related to the election of council chairs, enhance democratic accountability within the councils. Most, however, only involve deconcentration. Other recent changes, including the centralization of water provision and primary health care, directly contradict the Venson-Moitoi Report.

2.0 Intermediate Outcomes

2.1 AUTHORITY

All local authorities—with the exception of district administration—were created through Acts of Parliament rather than by the country’s constitution and, as Hope (2000) explains, “... consequently, they have no inherent competence derived from the constitution” (p. 524). This arrangement limits the authority of local authorities because they exist at the mercy of the Minister of Local Government and the Minister of Lands and Housing. Legally, these two ministers have the authority to recommend to Parliament to suspend or abolish any district/urban council or land board if they deem it appropriate to do so (Hope, 2000; Dipholo and Mothusi, 2005). In fact, when making submissions to the Second Presidential Commission on the Local Government Structure, council representatives and members of the Botswana Association of Local Authorities (BALA) lamented the fact that councils “*can be abolished at any time without recourse to the public*” (Government of Botswana, 2001, p 12 italics in the original). Abolition of councils seems unlikely, but there is precedent for the creation of new councils. The declaration of townships and the establishment of town councils in the mining communities of Jwaneng, Selebi Phikwe, and Sowa Town meant that the Southern and Central District Councils lost authority over these resource-rich areas. More recently, the creation of the Chobe District Council in 2006 reduced the territorial jurisdiction of the North West District Council.

Ever since their creation in 1965, district, township and urban councils have been charged with responsibility for providing primary education, health and sanitation, construction and maintenance of ungazetted roads, rural water supplies, administration of markets, parks, cemeteries, formulation and enforcement of by-laws, construction and maintenance of abattoirs, and other tasks (Local Government District Councils Act of 1965 and Township Act of 1965). The scope and functions of the councils increased over time to include social and community development programs, self-housing projects, remote-area development program, fire extinction and prevention, as well as physical planning (Government of Botswana, 2001). On the other hand, the government decided to transfer health services and rural water supplies to the Ministry of Health and Ministry of Minerals, Energy, and Water Affairs respectively in 2009. Even though it has been argued that the main objective is to improve service delivery, the move can also be viewed as a blow to the process of decentralization.

Land-boards were originally established under the then-Ministry of Local Government, Lands and Housing but now fall under the Ministry of Lands and Housing. The land-boards have the:

power to make grants of land under customary or common-law tenure for residential, commercial, industrial, arable or grazing purposes; to cancel grants of land rights under certain conditions; to impose restrictions on the use of land; and to hear disputes from subordinate land boards. (Hope, 2000, p 524)

Prior to the creation of land boards, the role of land management and allocation was the prerogative of the chiefs.

The district administration, which is headed by the District Commissioner, mainly “exercises delegated authority from the central government and performs a central coordinating role in the

decentralized district-level planning and development” (Sharma, 1999, p 73). Even though the District Commissioners are administratively responsible to the Ministry of Local Government (MLG), they are appointed by the President to be the eyes and the ears of the central government at the local level (Lekorwe, 1998). They are the overall coordinators of all developmental projects and programs at the district level.

As providers of essential basic amenities, district/urban councils are mandated to prepare and implement District/Urban Development Plans, which have to be in harmony with the goals set by the central government as well as the priorities set in the National Development Plan (NDP). Despite councils being given the nominal power to prepare development plans, the final decision regarding projects that can and cannot be undertaken during a given plan-period is the prerogative of the central government. The rejection of local proposals is usually explained on the grounds that there are no funds or that the council has no capacity to undertake a project of the magnitude stated in the project memorandum. As Dipholo and Mothusi (2005) state:

Simply put, the government gives responsibility to local authorities for district level planning and yet maintains that the overall responsibility on matters of development planning remains with the centre. Financial control and detailed administrative supervision have always been used to ensure that local authorities dance to the music played by the centre (p 50).

It is clear from the foregoing that development planning is to a great extent the preserve of central government employees. The same can be said of all by-laws proposed by the councils. Although the Acts establishing councils empower them to make by-laws, they must be submitted to the MLG for scrutiny and approval before they can be used. The minister has the power to amend, approve or reject the proposed by-laws and is not compelled to give any reasons for his/her actions. The councils do not even have the authority to enforce their by-laws. Council by-law enforcement officers have to call upon the Botswana National Police to confiscate property, issue tickets, or take any other action to enforce council by-laws.

The limited authority of local authorities in Botswana is also demonstrated by the fact that it is the MLG that provides policy direction to the former on issues pertaining to governance, community development, social services, primary infrastructure provision, district development planning, coordination, policy formulation, and legislative reviews and development. The Ministry also mobilizes resources (i.e. human, finance, technology and otherwise) and assigns and transfers them to the local authorities (Ministry of Local Government, 2009).

2.2 AUTONOMY

In an attempt to facilitate the operations of all local authorities, in 1996 the central government introduced an intergovernmental-grant system in the form of transfers to local authorities based on district requirements and their affordability by the national government. Submissions from sub-districts are consolidated into one council budget and forwarded to MLG. All the budgets from district and urban councils are then consolidated and form part of the ministry budget which is then submitted to the Ministry of Finance and Development Planning (MFDP).

All local authorities are heavily dependent on the central government for financial and human resources even though they are empowered by the Acts establishing them to raise their own revenue. Their main sources of revenue—such as property tax (rates) (in urban areas only),

interest on money deposited in bank accounts, rentals, trade licenses, clinic fees, sewerage-connection and service fees, abattoir fees, water charges, service levy (e.g. collection of garbage), and others—enable councils to generate approximately 10–29 percent of the revenue that they need to perform their duties and responsibilities (Government of Botswana, 2001). The local government tax, which used to complement the aforementioned sources of revenues, was abolished in 1988, further weakening the financial muscle of the councils (Somolekae, 1998; Sharma, 1999). The shortfall is covered by the central government through the Revenue Support Grant (RSG). This heavy dependence on the central government gives it the leeway to control local authorities on issues pertaining to financial resources. This dependence is magnified by the lack of clarity of the revenue-transfer process. It has been stated that:

The **extent of financial dependency of local authorities** on central government continues to be an unclear process crowded with a series of directives from the centre. The procedures, formulae and deciding points of all subventions to the local level need **to be made more transparent**. (Government of Botswana, 2001, p. 6 emphasis in the original)

Even where councils are empowered to generate their own revenue, the charges for the services that they provide must be approved by the Minister of Local Government. Political expediency and pursuit of the goal of equitable distribution of resources have resulted in a situation where councils charge fees which are much below the market rate. For example, all councils are expected to charge a fee of P5.00 (app. US \$0.75) to provide medical assistance in clinics even though the cost of operating such facilities is very high. All councils are under instruction that no citizen should be denied access to medical assistance on the grounds that they cannot pay the required amount. Hence, there is a mismatch between what the councils are capable of raising in the form of revenue and the essential services that they are expected to provide.

When councils prepare their district and urban-development plans, they embark on a local “consultation process.” The views of citizens regarding the projects needed most in their areas are sought at *kgotla* meetings. After the preparation of the plan by councils and its subsequent approval by MLG, councils are expected to submit project memoranda for the projects that they would like to implement in a given financial year. Despite prior approval of projects as part of the development plan, each project memorandum has to provide the justification for the project, the cost, scope, expected benefits to the citizens, how it is related to national goals and other information. The project memoranda are submitted to MLG for scrutiny and onward transmission to the MFDP. The approval process takes a month or two as it goes from one office to the other. After approval, MFDP communicates with MLG, which in turn informs the councils about availability of funds. It is only after approval of funds that councils can invite contractors to bid for the project(s). The tendering and selection process takes approximately three months to complete and contractors take one to two months to move on-site.

Due to the centralized and multi-step process for getting funds approved for their projects, many councils fail to implement and complete all their projects within one financial year. For example, the earliest project memoranda for projects planned for 2010/2011 were submitted after the commencement of the new financial year in April 2010. If the same were approved in May 2010, councils would then be expected to start the tendering process in June 2010, award contracts in September, and then give the contractor up to November to start the project. This leaves the council with four months to finish the project before the financial year ends in March. Since

most projects have a large scope, they are usually carried-over to the next financial year. Failure to complete projects within one financial year has resulted in councils being given fewer funds than they need because MFDP contends that failure to spend the funds within the budget year means that the councils do not have the capacity to spend all funds allocated to them. The procedures that have to be followed are rarely taken into consideration.

The councils and land boards have General Fund accounts in which they can deposit money that could not be spent for various reasons such as these slow procedural requirements and/or lack of implementation capacity. They require the permission of their ministers, however, if they want to utilize funds exceeding ten per-cent of the balance. Council officials, both staff and councilors, believe that this requirement restricts their ability to deliver services while central government officials contend that it enhances accountability and encourages councils to spend prudently all funds allocated to them for each financial year.

Local authorities are not allowed to borrow money from local financial institutions or capital markets without the consent of their ministers. This is mainly because the government has to give security to back the councils' debts. That is, because the government has to pay the loans in the event that councils and land-boards fail to do so, it insists that all financial transactions between local authorities and financial institutions have to be sanctioned by the ministers.

The recruitment, training, promotion, and transfer of all council administrative officers has been the prerogative of the Department of Local Government Service Management (DLGSM), which falls under MLG. The new Public Service Act that went into effect on 1 May 2010 centralizes human-resource management for local and central government officers under the Department of Public Service Management (DPSM), which falls under the Office of the President. The government justifies the centralization of human-resource management and development on the basis that it enables all councils, particularly those in areas far away from the urban centers, to have access to adequately trained and experienced manpower. However, this arrangement also strengthens central government control over local authorities and limits their autonomy. The councils have long complained about unfilled vacancies and, especially, the short tenure of many officials in their posts. Frequent and poorly timed transfers interfere with both project development and implementation (Meyer-Emerick et al., 2004, p. 229). Senior government officials acknowledge the problems associated with frequent transfers, but the new arrangement for human-resource management remains centralized and offers no guarantee of improvements.

The preceding paragraphs show how key decisions regarding finance and human resources are made by the central government. The central government decides how much money can be made available to the local authorities as well as who can be employed, trained, or transferred from one council to the other. The centralization of decision-making power regarding these two important resources limits the autonomy and overall capacity of local authorities to provide services as well as to plan and implement development projects. Thus, local authorities are still treated as mere appendages of central government despite the additional responsibilities that they have been given during the past few years, their growth in terms of the amount of money that they need and handle, the number of projects they implement annually, and their number of employees (Sharma, 1999).

Despite the high degree of control exercised by the central government over local authorities, it is worth noting that the latter have some power to make decisions on how best they can serve their citizens. For example, in 1998, the Central District Council decided to reorganize its

operations by empowering all of its sub-districts to operate just like fully fledged councils, even though they still had to report to the district headquarters. The sub-councils elected chairpersons and vice-chairpersons to oversee the operations of their localities with the sole intention of ensuring that services are brought closer to the people (Meyer-Emerick et al., 2004). However, the Central District Council was only able to pursue this initiative because the central government approved it; the central government can veto or reverse any council initiative that it opposes.

2.3 ACCOUNTABILITY

Councilors promote the interests of citizens by ensuring that the projects needed in their wards are not only included in the district/urban development plans but are also implemented if funds are made available by the central government. They also place motions before the full council requesting that certain things be done for their constituents, such as provision of potable water, land servicing, maintenance of ungazetted roads, refurbishment of clinics, schools, and other such services. Citizens can assess the performance of councilors by looking at the projects or services that they bring to their respective wards.

All councilors are expected to represent and protect the interests, demands, and aspirations of the citizens who voted them into office. In principle, since they have the power to make decisions on the day-to-day affairs of the council as well as on which projects to undertake during a given financial year, they can be held accountable by citizens. Citizens can take them to task in the event that they fail to deliver these needed services. When a councilor is deemed incompetent, citizens have voiced their complaints during *kgotla* meetings addressed by their MP, the Minister of Local Government, the Vice President or even the President. Sometimes citizens have contacted their MP or other officials directly to seek assistance when their councilor has failed to meet their expectations.

Citizens can, of course, also decide not to vote for the incumbent councilor during the next election. General elections are held every five years in Botswana. The country's constitution allows each citizen to join the political party of his/her choice as well as stand for elections if he/she wants. People who are not members of a political party can also stand for elections as independent candidates even though most candidates belong to a registered political party. Elections are costly to politicians as there is no system of public-campaign financing. Because candidates have to use their personal resources to finance their campaigns, some political parties fail to field candidates in some constituencies. To date, only the ruling BDP has the financial muscle to field candidates in all wards and constituencies.

Despite the historic inability of opposition parties to field candidates in every ward, uncontested wards are increasingly rare; there were at least two candidates in 487 of the 490 council wards in 2009. Competitiveness of the elections varies across wards, but electoral turn-over occurs in both rural and urban areas. In 2009, a striking electoral reversal at the local level occurred in Gaborone, where the BNF lost control of the Gaborone City Council to the BDP for the first time since 1984. The experience of a councilor who was elected to represent Tsogang ward in Gaborone in 2004 offers another example of the power of elections as a mechanism for accountability. The councilor relocated from Gaborone to Mochudi (a village in Kgatleng district) immediately after the election but retained his Gaborone seat and never held any meeting or consulted his constituents on any matter relating to their ward or developments taking

place in the city. The matter was brought to the attention of the city Mayor and Member of Parliament. Just before the 2009 general elections, residents of the ward made it clear to the absent councilor that they had identified someone to replace him and that they were not going to vote for him. When he realized that the residents were serious, the councilor decided to stand for elections in one of the wards in another constituency (in Kgatleng district) thus paving the way for the current councilor of the ward who has also been elected as the first woman Mayor of Gaborone City.

Citizens also have the right to challenge council decisions or activities in a court of law. In practice, however, most conflicts or disagreements pertain to the manner in which tenders are awarded to different contractors. It is common for contractors to complain about these decisions or even insinuate that the award of certain tenders was done in a corrupt manner. Since most of the complaints are usually based on hearsay or information leaked to the contractors by council officers (which is illegal), the contractors usually fail to take legal action against the councils. In the event that they have concrete evidence, the matter is reported to the Directorate of Corruption and Economic Crime of Botswana (DCEC) whose primary mandate is to minimize corruption. Once a case is handed over to DCEC, the government prosecutes it on the public's behalf. Appeals of land-board decisions had been directed to the Minister responsible for lands until the establishment of the land tribunal in 1997. The land tribunals regularly reverse land-board decisions that fail to follow proper procedures. As much as the possibility for legal recourse checks abuse of authority by local authorities, narrow interpretations of the powers of the local authorities by the judiciary (including the land tribunals) also constrain potentially legitimate forms of local discretion.

Politicians at both the local and national level are usually restricted by expectations of their party leaders when it comes to debating national issues. Resolutions on what is going to be said or done in council or parliamentary chambers are taken during party caucus meetings, thus denying elected representatives an opportunity to debate and interrogate issues freely without fear or favor. For example, each party caucus decides who to nominate for mayor or council chairperson. Councilors who vote for a different candidate have been reprimanded by their party's leadership. As a result the party caucus increases accountability to the party and decreases accountability to local constituents. Maundeni (2004) argues that accountability to political parties—rather than to their local constituents—is reinforced by holding local and national elections simultaneously. Council candidates are expected to play a critical role in campaigning for their party's parliamentary candidate. Even those council candidates who develop local manifestoes devote considerable time to campaigning on the national manifesto. Thus, debate of local issues can be displaced by this focus on national campaigns.

Most land-board members and members of the VDCs and CBOs are also elected, but the elections for these bodies are not linked to general elections. Instead, they take place in the *kgotla* and are much less formal. In both cases, those present at the *kgotla* line up behind their preferred candidates or vote by a show of hands. For the land-boards, a Land Board Selection Committee that consists of three officials—including the *kgosi* and a ministerial appointee—screens applications for membership on the land-board, and elections are not binding (White, 2009, p. 4). The Minister appoints members based on the recommendations of the Land Board Selection Committee as well as the election results (White, 2009, p. 4). Although the government has approved the introduction of the secret ballot for both land-board and VDC elections, this change had not been implemented as of mid-2010. Even after secret ballots are introduced, land-

board members will still be subject to both vetting and final approval by the Minister (Government of Botswana, 2003, pp. 15–16).

Both councils and land-boards include ministerial appointees as well as elected members. There has been some decrease in the proportion of elected relative to appointed members over time. At independence, elected councilors slightly outnumbered nominated members (White, 2009, p. 2). Today, nominated councilors account for between 12.5 percent (Selebi Phikwe Town Council) and 20 percent (Chobe District Council) of the current councils.⁵ All seven members of the Sowa Town Council are nominated. Opposition MPs have repeatedly attempted to amend the Local Government (District Councils) Act to eliminate the nomination of councilors altogether, but without success. Elections for the land-boards were introduced in 1984 but, as described above, are flawed and non-binding; land-board membership is ultimately based on ministerial appointment.

As discussed under the section on autonomy, all local authorities are heavily dependent on the central government for financial and human resources. This has resulted in the creation of the Local Authority Finance Unit (LAFU) under the Department of Local Government Finance and Procurement Services (DLGF&PS) in the MLG. LAFU is tasked with the responsibility of monitoring local authority finances, ensuring sound financial management, developing uniform standard financial procedures for all local authorities, and others. It basically seeks to ensure that all local authorities comply with and adhere to financial regulations and procedures at all times.

LAFU is complemented by the Local Authorities Public Accounts Committee of Botswana (LAPAC) which is empowered by the Local Government (District Councils) (Amendment) Act No. 10 of 1999 to examine the accounts of every district/town/city council and land board; examine the Auditor General's report and audited financial statements one month after presentation to the full council; examine such other accounts as may be referred to it by the Minister; and report the results of each examination to the Minister. The key council officials who appear before LAPAC to account for the manner in which council resources have been utilized are the Council Chief Executive Officers, Treasurers, and Council Economic Planners (Ministry of Local Government, 2008).

2.4 CAPACITY

Despite the stated commitment of the Government of Botswana to the process of decentralization, it is clear from the above sections that the center still controls, to a great extent, the activities of local authorities and particularly of district/urban councils as providers of essential services. Since councils can only raise 10–20 percent of the amount that they need to perform their duties and responsibilities, they are incapable of performing to the best of their ability. They do not have the capacity to spearhead the process of development and can only do as instructed by the center, despite the fact that many functions and responsibilities are clearly spelt-out in the Acts which established them. The quality and quantity of services that they provide is heavily determined by the financial and human resources that they get from the central government.

⁵ These figures were calculated based on the official results of the 2009 council elections and the list of nominated councilors announced on 2 November 2009.

An example of these constraints can be seen in the struggle of local authorities to provide themselves with human resources adequate for their responsibilities. There are several aspects to this. First, as service providers, councils have the responsibility of identifying officers who can be trained in certain areas with a view to enabling them to perform their duties in a diligent manner. Each council is expected to have a training and development plan which indicates and meets their priority needs. The number of officers who can be trained in a given financial year, however, is determined by the funds provided to the DLGSM. The funding ceiling set by the MFDP means that some councils are unable to carry out their training and development plans.

Secondly, in an effort to develop and enhance the performance of their officers, local authorities plan and budget for both short- and long-term training programs. Training is done in-country and internationally, depending on the availability of funds and the programs needed. In-country, various institutions such as the University of Botswana (UB), Botswana Institute of Accounting and Commerce (BIAC), Institute of Development Management (IDM), Botswana National Productivity Centre (BNPC), and others are commonly used. All of the aforementioned institutions can be approached individually or collectively by local authorities to request training that is specific to their needs (i.e. client-specific courses). The DLGSM also organizes short-term training for officers of local authorities. Hence, there is a combination of training being pushed from the center as well as from the local authorities. The attempt to build capacity is therefore driven by both supply and demand. However, despite all the efforts to build the capacity of local authorities, centralization of the recruitment, training, and transfer of local authorities' staff makes it difficult for genuine capacity building to be achieved. This is mainly because the exercise is "characterised by inconsistency, **no transparency, and unclear and disjointed procedures**" (Government of Botswana, 2001, p 6 emphasis in the original). In part as a result of this, councils lag behind in project implementation because it sometimes takes many months for vacant posts to be filled. The longer it takes to fill vacant posts, the more citizens are denied quality service.

Thirdly, and finally, "[c]areer prospects and incentives in the local government service are not good and the continued recruitment of 'best brains' from local authorities to the centre is not helping the situation" (Government of Botswana, 2001, p 6 emphasis in the original). It has also been observed that the "Financial allocations to local authorities have been too low to enable them to take on their full responsibilities and develop the necessary managerial capacity" (Government of Botswana, 2001, p 6). Simply put, local authorities in Botswana still have a long way to go in terms of genuine capacity-building given the observation that the training and deployment of human resources is problematic. Some of the best qualified officers leave for greener pastures, and the scarce financial resources committed to build capacity and implement projects are inadequate.

3.0 Political Economy

3.1 POLITICAL INCENTIVES AND CONSTRAINTS: PROPONENTS AND OPPONENTS

Local government reform in Botswana has been frequently advanced as a way to improve service delivery and promote economic development. Of these two goals, service delivery is the most important. The government hopes that improvements in service delivery will attract voters, promote economic development, and lower administrative costs.

The government has no particular commitment to decentralization for its own sake or to the democratizing aspects of decentralization. As discussed in Section 2, the government has approved (but not implemented) the introduction of secret ballots for land-board and VDC elections, which would enhance their democratic character. On the other hand, the government has modified, rejected, or deferred a number of recent recommendations to devolve more authority to local institutions, especially those that would empower the councils. Among others, the government rejected recommendations for further decentralization of primary education and health care, revocation of the need for ministerial approval of council bye-laws, and the approval and development of new sources of locally generated revenues (Government of Botswana, 2003).

Many central government officials are wary of or openly hostile to decentralization, as are some local actors. Local authorities are frequently lambasted for their lack of capacity, mismanagement, and corruption; opponents of decentralization often suggest that local authorities are inherently more vulnerable to such problems.

Some, including some local-level actors, justify centralization as a mechanism for redistribution given the dramatic spatial differences in local resources, administrative challenges, and development priorities. Proponents of centralized personnel management, for example, argue that more rural and remote districts would face serious disadvantages in attracting staff without central control, and that local control over personnel decisions would be more susceptible to patronage politics.

Some officials worry that decentralization reforms that alter the boundaries of local institutions could trigger conflicts rooted in ethno-linguistic identities. The district councils, land-boards, tribal administrations, and district administrations are based on the colonial-era tribal reserves. But the Tswana *merafe* encompassed numerous non-Tswana groups, and there were often competing claims to both the territory and the loyalties of particular communities. In other words, in terms of settlement patterns and loyalties, the boundaries between the various *merafe* were fluid. When the government creates sub-districts or new districts or other local institutions (e.g., CBOs), it inevitably recognizes some political communities while ignoring others. These decisions can be seen as signaling shifts in the relative status of communities. The BDP generally side-steps issues likely to mobilize ethno-linguistic identities.⁶ This wariness of identity politics

⁶ The effort to reform the House of Chiefs during Festus Mogae's presidency is an exception that proves the rule.

makes the government reluctant to break-up the larger districts or otherwise alter the boundaries of local institutions, despite possible gains in the efficiency of service delivery.

Turf-battles represent a further obstacle to decentralization. Competition for resources and authority occurs locally (among local institutions), within central government (among ministries), and between central and local institutions.

3.2 THE DECENTRALIZATION SEQUENCE

Decentralization in Botswana began with administrative decentralization. Tribal authorities, the district administration, and the councils predate independence, and the land boards were established in 1970, shortly after independence. There has been some back-and-forth in the extent of administrative and fiscal decentralization, although financial decentralization has never proceeded very far. Increases in administrative decentralization generally precede or coincide with increases in financial decentralization. Decreases in administrative decentralization, such as the recent centralization of responsibilities for rural water supplies and primary health care, also have cost implications. In these instances, the subsidized nature of water rates and clinic fees meant that councils did not fully cover the costs of providing these services. Sometimes, increases in administrative decentralization have been accompanied by decreases in financial decentralization! For example, the elimination of the local government tax in 1988 followed the approval of an expansion in the responsibilities of the councils in 1984 (e.g., shifting responsibility for social and community development programs, self-housing projects, remote-area development program, fire extinction and prevention, as well as physical planning).

As this report has emphasized, although most councilors and land-board members are elected, there has not yet been meaningful political decentralization in the sense of devolution. The central government still fills many seats on local authorities, dominates development planning, and controls most policy, revenue and budgeting decisions regarding locally delivered services. The sequence of different types of decentralization is thus incomplete, stalled somewhere between administrative and fiscal decentralization. Consistent with Faletti's (2005) sequential theory, decentralization in Botswana has produced little if any redistribution of power between the center and the local levels of government. If anything, the center has grown more powerful relative to the districts.

The government defends centralized control over finances as a way to ensure that the councils implement development plans as approved by the MFDP. In fact, as discussed in Section 2, the approval processes for accessing funds - even for approved projects - limits the ability of councils to implement approved projects. Over the past decade, the central government has expressed interest in greater local self-sufficiency in revenue generation, largely as a way to control the financial burden on the central government. However, as we have emphasized throughout this report, the central government has yet to show any interest in real political decentralization. (See the previous sub-section).

The Venson-Moitoi Report of 2001 observed that numerous studies of local government structures have been commissioned and "that even though problems have been identified and recommendations made in the past, the desired changes have still not occurred" (Government of Botswana, 2001, p. 5). The report notes that even when some policy and procedural changes had been accepted, they had bogged down during implementation. Also, many recommendations

have not won the support of government or have stalled during the policy development and consultation stages.

Although not legally required to do so, the government generally responds to presidential commissions by issuing policy papers that designate recommendations as approved, modified, deferred, or rejected. Thus, Government Paper No. 1 of 2003 responded to the Venson-Moitoi Report of 2001. Changes requiring administrative action can be enacted immediately, either by directive or the development of regulations by the relevant ministry. Relatively minor amendments to existing legislation also occur regularly and can be achieved within a couple of years of a presidential commission. The Venson-Moitoi Report prompted minor amendments of the Local Government (District Council) Act in 2001 and 2004.

However, development of new legislation or a new policy regarding more substantial change is a more drawn out process.⁷ Botswana has a long-standing tradition of consulting broadly before presenting new policies in the National Assembly. The government often commissions a consultancy report, which serves as a point of departure for debate. Consultation begins with negotiations across the ministries affected by the proposed changes. For some policies, the government involves civil society organizations and other non-governmental stakeholders in consultative conferences or workshops. Once the broad outlines of a policy have been established, senior government officials tour *kgotla* meetings to explain the new policy. These forms of consultation may also precede presidential directives or inform the development of guidelines for the implementation of approved policies.

None of these forms of consultation are legally required and the current administration has been criticized for taking action without adequate consultation (e.g., Molomo, 2000). The breadth and duration of the consultation period varies dramatically across policies. In some cases, new legislation or policies emerge only after years of consultation. Other proposed reforms never emerge from the consultation process. Once the government presents a new policy or major change in legislation to the National Assembly, party discipline virtually guarantees its passage.⁸

An official decision to enact reform—whether through a presidential directive, changes in regulations, approval of a new policy or changes in legislation—does not guarantee implementation. In fact, recognition that poor policy implementation is a general problem prompted the creation of the Government Implementation Coordination Office of Botswana (GICO) in 2007. The Venson-Moitoi Report highlighted several sources of poor implementation related to local government reforms (Government of Botswana, 2001, pp. 5–6). Some, such as turf-battles and poor coordination across jurisdictions, are general problems, but present particularly severe challenges for decentralization because of the large number of local institutions and ministries involved in local governance and administration. In the worst instances, poor coordination results in inconsistencies—or even incompatibilities—across policies (e.g., for councils, land administration, rural development). Other obstacles to implementation identified in the Venson-Moitoi Report include unclear procedures, a general lack of transparency, poor understanding of government procedures among people charged with

⁷ For examples of the general policy development and implementation process in the context of agricultural policy, see Poteete (1999, chapter 3; 2003)

⁸ There have been exceptions. In August 2009, for example, the National Assembly killed a proposed increase in the number of specially elected MPs by failing to vote on it before the parliamentary session ended.

their implementation, the inadequacy of centrally provided financial resources, and the low quality of personnel attracted by the relatively limited career opportunities offered by local authorities (Government of Botswana, 2001, pp. 5—6).

Past reforms to local government structure, including some arising from the Venson-Moitoi Report, have involved administrative action and amendments of existing legislation. Thus far, the proposed consolidation of the Township Act and the Local Government (District Council) Act and the development of a decentralization policy are following the standard processes more or less closely. Representatives of the central government are currently consulting with the councils on a new Local Government Act; Parliament is expected to consider it in November of 2010. The decentralization policy is not as far advanced. As mentioned in Section 1, SKL International delivered its draft report on the development of a decentralization policy to the government in early 2010. While the government could introduce a new policy or bill in Parliament within the year, it is equally possible that a lengthy period of consultation will follow. If either proposal encounters significant opposition, it would not be unprecedented for the introduction of new legislation to be delayed for years or to never occur.

3.3 INSTITUTIONAL ARENAS: THE NATIONAL ARENA

The main national-level actors involved in decentralization reforms are the President, MLG, and, because the Rural Development Coordination Division and the Rural Development Council fall within its jurisdiction, MFDP. Any changes that affect the land-boards involve the Ministry of Lands and Housing. A number of other ministries have an interest in changes related to district administration. Civil society organizations are also involved in the national arena, and their role is discussed in the section on the civil society arena.

Financial considerations have gained importance over the past two years because the global financial crisis led to steep declines in diamond exports, and thus in the government's revenues. To the extent that local government reform enhances efficiency, it also reduces administrative costs. MFDP oversees budgeting and can be expected to back reforms based on anticipated reductions in central government expenditures. On the other hand, some forms of decentralization require additional staff and equipment (e.g., for an increased number of sub-districts or new service centers). MLG does not support such reforms (L. Mokalake, personal communication, August 13, 2009), and they are unlikely to win the support of MFDP.

As discussed above, each ministry—and each department or agency within a ministry—protects its own turf and resists changes that are perceived as infringing upon its jurisdiction. The Venson-Moitoi Report recommended the transfer of responsibilities for rural development from MFDP to MLG to streamline operations (Government of Botswana, 2001, p. 149), for example, but the government decided to maintain the status quo (Government of Botswana, 2003, p. 51). Likewise, the District Commissioner has been limited to a coordinating role because bestowing supervisory authority on this position would give MLG authority over field staff from other ministries (see Government of Botswana, 2003, pp. 25–26).

National-level politicians within the BDP are also concerned with electoral competition. As observed in Section 1, the BDP has continued to win legislative super-majorities despite a decline in its electoral support because the opposition vote has been split since 1999. The BDP is less likely to benefit from two current developments in the party system. First, deepening

factional conflicts have split the BDP; a break-away group registered a new party, the Botswana Movement for Democracy (BMD), in May 2010. Second, the Botswana Congress Party (BCP) and the Botswana Alliance Movement (BAM) formally merged in May 2010, which may contribute to a reconsolidation of the opposition vote. While it is too early to assess the consequences of these developments, the BDP cannot take its future electoral success for granted. The Khama administration hopes that local government reforms will lead to improvements in service delivery, which will in turn help the BDP shore-up its electoral support, both by addressing long-standing frustrations with the quality of government services and fostering economic development. In fact, immediately after the 2009 elections, President Khama identified “delivery” as one of five priorities for his administration.⁹

The opposition has controlled some councils since the 1980s, and the BDP has had a precarious majority in others. The BDP uses the appointment of specially elected councilors to bolster its majority and, in some cases, even reverse opposition majorities. The BDP’s hold on the councils may be weaker now than at any time in the past. Since the 2009 elections, BDP councilors have divided along factional lines and allied with the opposition councilors on some issues. The BDP split will weaken the ruling party’s position further, particularly on urban councils.

Not surprisingly, opposition parties advocate reforms that would strengthen the councils institutionally and expand their discretionary authority. Opposition MPs have repeatedly called for amendments to the Local Government (District Councils) Act to eliminate the provision for specially elected councilors. Politicians associated with the newly registered BMD supported the most recent effort to eliminate specially elected councilors and attempted to halt the recent centralization of health services. BDP politicians may hope for electoral dividends from deconcentration, but they are much less enthusiastic about reforms that would empower the councils.

3.4 INSTITUTIONAL ARENAS: THE SUB-NATIONAL ARENA

Decentralization presents councilors with opportunities, risks, and costs. Councilors can claim credit for improvements in service delivery and new local developments to curry favor with the voters. But greater responsibility for service delivery also means that councilors are more vulnerable politically when things go awry. In essence, decentralization means that local councilors bear a greater share of the electoral risks of non-performance. Electoral pressure could encourage greater accountability, but only if the councils have the wherewithal to respond to public expectations. As discussed in Section 2, however, the councils are constrained by centrally controlled financial, physical, and human resources. Some have argued for converting sub-districts into full districts to gain their own budget allocation (L. Mokalake, personal communication, August 13, 2009), presumably in the hope that each new district would receive more resources than each sub-district has received in the past. The effectiveness of deconcentration as a mechanism for accountability is also undermined by the electorate’s poor understanding of the division of responsibilities among local and national institutions, such that local authorities are sometimes blamed for problems that are beyond their control. Over the past year, for instance, well-fields under the jurisdiction of the central government’s Department of Water Affairs have malfunctioned and interrupted the water supply in Maun, the administrative

⁹ The others are democracy, development, dignity, and discipline. Collectively, these priorities are referred to as the “five Ds.”

headquarters for the North West District. Not aware that the non-operational wells were outside its jurisdiction, many residents blamed the North West District Council for the water shortages.

Sub-districts and sub-councils, as well as the new Chobe District Council, have been created in part to reduce the number and duration of meetings in the district headquarters. Precisely because these changes reduce the need to travel to meetings, they are opposed by some councilors. Councilors receive allowances to cover the costs of traveling to meetings and staying away from their homes. Therefore, these steps toward deconcentration imply a financial loss. Some councilors have resisted the establishment and expansion of sub-councils (Meyer-Emerick et al., 2004, p. 230) and even oppose the creation of new districts (L. Mokalake, personal communication, August 13, 2009) because they want to preserve their travel allowances. Similar considerations affect officials within the district administration. The loss of income is more significant for councilors, however, because they do not receive a salary (Meyer-Emerick et al., 2004, p. 230).

Turf-battles are just as significant in the sub-national arena as they are nationally. Rivalries complicate relations among the local authorities and cooperation cannot be assumed under ordinary circumstances. Any reform that attempts to empower one local institution at the expense of others is certain to face hostility.

3.5 INSTITUTIONAL ARENAS: THE CIVIL SOCIETY ARENA

The number of civil society organizations in Botswana increased sharply over the course of the 1990s (Carroll & Carroll, 2004). National-level civil society organizations with a stake in decentralization include the BALA; the Botswana Association of Tribal Land Authorities (BATLA); the Botswana Community Based Organisation Network (BOCOBONET); the Botswana Confederation of Commerce, Industry, and Manpower (BOCCIM); the Botswana Council of Non-Governmental Organisations (BOCONGO); the Botswana Land Boards and Local Authorities Health Union (BLLAHU, previously known as the Botswana Land Boards and Local Authorities Workers Union or BLLAWU). Interest in decentralization differs depending on the composition of the organization. The unions and associations linked to particular local authorities would like to see improvements in working conditions and career trajectories available within local authorities to attract and retain qualified workers. As an industry group, BOCCIM has an interest in decentralization as a way to improve service delivery and reduce regulations in order to facilitate investment. BOCOBONET and BOCONGO are more concerned with issues of local representation and accountability. BOCOBONET attempted to defend the autonomy gained by CBOs in the 1990s, but could not prevent the partial recentralization of wildlife management in 2007.

The number and variety of civil society organizations at the local level varies considerably, as does the organizational strength and activism of particular organizations. In addition to the CBOs and VDCs, which have been discussed earlier in this report, the most common types of local organizations with a stake in decentralization include cooperatives, farmers associations, other sector specific organizations (e.g., wildlife-related non-governmental organizations (NGOs)), and churches. The extent to which these local-level organizations have participated in debates regarding decentralization is not known.

Tribal administration is one of the four types of local authorities. Given that the *dikgosi* represented the most important potential rival to the newly independent state, it is not surprising that much of their authority was transferred to either the national government or new local institutions in the years immediately before and after independence (Fortmann, 1983; Poteete, 2009; Tordoff, 1973, 1974). Consequently, the relationship between the tribal administration (especially the *dikgosi*) and other local authorities is often ridden with conflict. There is, however, a traditional revival underway in some parts of the country. Most notably, the recently installed Kgosi Kgafela II of the Bakgatla refuses to accept the government-sanctioned position, which would make him a government employee accountable to the Minister of Local Government. Instead, he has called upon the Bakgatla to support him and the activities of his administration through other means. The government's decision to include representatives from the tribal administration as members of the councils and sub-councils (Government of Botswana, 2003, p. 21) partially restores their status and authority. However, because the *dikgosi*, and other members of the tribal administrations, are not elected their inclusion will weaken the democratic character of the councils.

3.6 INSTITUTIONAL ARENAS: THE DONOR ARENA

International donors have generally supported decentralization, at least in principle. A variety of donors, including the Danish International Development Agency (DANIDA), the Swedish International Development Cooperation Agency (SIDA), the Netherlands Development Organization (SNV), and the United States Agency for International Development (USAID), have contributed to local capacity-building over the years. In the 1990s, for example, a network of Dutch volunteers associated with SNV worked as land-use officers and trained local counterparts in district administration and RAOs throughout the country.

Most reforms in local government structures have been motivated by domestic concerns with service delivery. Donors played an important role, however, in the development of CBNRM. USAID encouraged the introduction of CBNRM by supporting the initial pilot project in 1989, the program's development and expansion, and related organizational reforms within the Department of Wildlife and National Parks. SNV also encouraged CBNRM by working closely with CBOs in a number of communities and sponsoring - in partnership with the International Union for Conservation of Nature (IUCN) - the establishment of the CBNRM support network. Other donors, however, have supported recentralization in the name of decentralization. The World Bank, for example, provided funding to facilitate implementation of the CBNRM Policy of 2007 in the name of decentralization and capacity-building. In fact, as discussed further in Section 4, the 2007 policy represented a partial recentralization; CBOs lost the right to select their own business partners for tourism activities and now receive only 35 percent of the revenues generated from these partnerships (Government of Botswana, 2007).

4.0 Conclusions and Implications

Relative to 68 countries from around the world, Botswana is moderately decentralized politically (in terms of elections), but highly centralized fiscally and administratively (Schneider, 2003). There is only one tier of elected local government and it lacks the financial and administrative autonomy to govern independently. More decentralized political systems typically have two or more tiers of elected local government, and these elected bodies have considerable discretionary authority over decision-making and revenue-generation. These forms of democratic decentralization would represent an anomaly within Botswana's highly centralized political system. There are, however, variations in the form and effectiveness of past decentralization reforms. We highlight the most important challenges related to decentralization, as well as issues for which further research is needed.

4.1 VARIATIONS

We first consider spatial variations in the creation of new districts, sub-districts, and sub-councils, and then differences across sectors.

4.1.1 SPATIAL VARIATIONS

As noted in Section 1 of this report, there is tremendous variation in the territorial expanse of the districts. Every review of local government structures in Botswana has commented on the difficulties of administering the largest districts and recommended strategies for bringing local government closer to the people.

The First Presidential Commission on Local Government Structure (1979) recommended the creation of sub-districts, which were established in the six largest districts (i.e., Central, Ghanzi, Kgalagadi, Kweneng, Ngamiland, Southern) in the 1980s. The geographical size of the district, population and availability of resources (financial, human, technical, and others) are mainly used to determine which districts can be sub-divided. Since Central District encompasses approximately a quarter of Botswana's territory and population, it is not surprising that it also has the highest number of sub-districts. The sub-districts are essentially *deconcentrated* sub-divisions of the *administrative* districts; they do not alter the organization or operation of district councils.

The Venson-Moitoi Report (2001) recommended the creation of the Chobe District Council (Government of Botswana, 2001, pp. 134–135), which was established in 2006. The region had been part of the North West District Council but already had its own land-board, district administration, and tribal administration. The division was further justified by the region's distance from Maun (the administrative headquarters for the North West), the difficulty of the terrain, and historical cultural differences.

The Venson-Moitoi Report acknowledged appeals to sub-divide other large districts, but did not support the establishment of any other councils or administrative districts (Government of Botswana, 2001, p. 124–125). If there is any further change in the near-term, it would most likely involve the division of Southern District to establish a separate Borolong District (L. Mokalake, personal communication, August 13, 2009). Just as Chobe had its own land-board,

tribal authority, and district administration, the Borolong already has a separate land-board and tribal administration. The situation is complicated, however, because the tribal territory of the BaNgwaketse extends into Borolong (L. Mokalake, personal communication, August 13, 2009). Because it would have a lower political profile, the government is more likely to create a separate district administration for Barolong without making any changes to the Southern District Council. Since a separate Barolong District Administration would strengthen the political rationale for eventually establishing a separate district council, even this more modest change will face resistance. Although the sub-division of other large districts might improve service delivery and representation, such changes would be much more contentious and are highly unlikely.

The creation of additional sub-districts is a likely compromise, precisely because it involves administrative deconcentration without any change in political representation. The government has approved the development of guidelines on the creation of sub-districts and other types of administrative sub-divisions (Government of Botswana, 2003, p. 11).

The establishment of sub-districts does not necessarily mean that the performance of district councils have improved tremendously. Different councils have different ways of doing things and there is no standardized way of serving citizens. As stated in Section 2, the Central District Council has deliberately decided to give more powers and authority to its sub-districts through the creation of sub-council committees to facilitate prompt decision-making and service delivery. Although other districts did not embrace this strategy spontaneously, the central government recently mandated the creation of sub-councils in other districts. Some variations in terms of service delivery can therefore be attributed to the leadership or management style of the different councils.

Another factor that can be used to explain the variations among councils is the powers that urban councils have that district councils do not have. Urban councils are empowered to collect property tax whereas the district councils lack that authority. This arrangement basically enables urban councils to generate more revenue than district councils even though they are expected to deliver similar services. The draft Local Government Act would empower all councils to charge property taxes.

4.1.2 SECTORAL VARIATIONS

Although there are no highly decentralized sectors in Botswana, there is variation in the degree and success of decentralization.

Wildlife management through Community Based Natural Resource Management (CBNRM) figures among the most decentralized sectors in Botswana (Poteete, 2009). When the initial CBNRM *program* was launched in 1989, it involved simultaneous political, financial, and administrative decentralization. Communities in areas designated for community management gained rights to manage local natural resources (within the bounds of centrally set regulations) and receive financial benefits from tourism if, as discussed above, they established and legally registered a CBO. CBOs generally formed partnerships with a safari company to manage tourism activities within their territory, with business partners selected based on a competitive-bidding process. Alleged mismanagement of the revenues from these partnerships gained considerable public attention: some CBO boards allocated themselves relatively generous sitting allowances, did not always use competitive bidding for major purchases, and often did not maintain adequate

financial records. On the other hand, many CBOs used earnings from tourism to finance a wide variety of initiatives based on locally set priorities, including the development of water sources, subsidies for small businesses, and the construction of local clinics and homes for orphans.

The 2007 *policy* provided a statutory basis for CBNRM (Government of Botswana, 2007), but also represented a partial recentralization (Poteete, 2009). The policy greatly reduced the degree of political and financial decentralization associated with CBNRM. CBOs lost the right to select their own business partners. Under the new arrangement, they provide a ranking of applications to a district-level Technical Advisory Committee (TAC), but the TAC actually decides which company will be awarded the tender. In at least one instance, the TAC also over-rode the CBO board in setting the terms of the contractual relationship with the safari company, including the duration of the lease agreement (e.g., Anon, 2010). The direct financial benefits of CBNRM have been sharply reduced; CBOs now receive only 35 percent of the revenues generated from partnerships with safari companies. The remaining 65 percent of the revenues is diverted into a centrally managed National Environment Fund, from which grants for environmental management and eco-tourism projects are allocated to CBOs throughout the country.

Proponents of the new arrangement argue that closer oversight by the TAC will develop local capacity, and that the National Environment Fund provides for a more equitable distribution of benefits generated from wildlife, which they characterize as a *national* asset. Behind these noble justifications are the jealousies of rival local institutions (Poteete, 2009). The district councils consider the CBOs as sub-ordinate institutions and resent their financial and political autonomy. Politicians from wildlife-poor districts complained about regional disparities in the ability to benefit from wildlife resources. And safari operators, who dislike having to negotiate with the CBOs, called upon allies within the government to reduce the autonomy of the CBOs.

CBNRM does not represent the most democratic form of decentralization. Procedures for selecting members of special-purpose organizations are usually informal, with vaguely defined criteria for participation, and thus are less likely to meet standards for democratic representation (Manor, 2004). These sorts of problems limit the democratic potential of CBOs in Botswana. Empowering such organizations instead of existing, elected, multi-purpose local governments such as the councils can be seen as undermining rather than strengthening *democratic* decentralization (Ribot, 2003). The larger territorial scale of the district councils is not well-suited for CBNRM, however, as it weakens the link between the costs and benefits of living with wildlife (Poteete, 2009). There is no statutorily defined, elected, multi-purpose government at a scale comparable to that of the CBOs. Ideally, democratic decentralization would involve a third tier of multi-purpose local government that could take responsibility for CBNRM. Introduction of a third tier of local government is not even part of the political discourse in Botswana and is highly unlikely for the foreseeable future.

CBNRM is unusual in the extent of democratic decentralization achieved in the 1990s. On the other hand, the politics surrounding CBNRM gives some sense of the breadth and strength of opposition to democratic decentralization in Botswana. Opponents of decentralization regularly raise concerns about local capacity, mismanagement and corruption, and regional disparities in the local resource base to block, limit, or reverse decentralization reforms.

The gap between rhetoric and reality in so far as the process of decentralization in Botswana is concerned extends beyond wildlife to a variety of other sectors. Inasmuch as senior government officials and politicians are fond of telling citizens that they are committed to decentralization,

they are failing to walk the walk in the sense that the decisions taken in 2009 basically stifle the decentralization process. These include the decision to transfer water provision from councils to a parastatal, the Water Utilities Corporation (WUC). Additional examples are noted below.

This transfer has been justified on two grounds. First, it is contended that since the government is committed to the goal of equitable distribution of resources to all citizens throughout the country, it is logical for water provision to be the responsibility of a parastatal which will serve all parts of the country equally and satisfactorily. Second, it is the view of the decision-makers that the WUC has more resources than councils and thus is in a better position to provide potable water to all parts of the country in an efficient and effective manner.

Notwithstanding these explanations, it is clear that recentralization of water provision strips councils of the authority that they used to have as providers of an important service which is consumed by all citizens on daily basis. This development can, without any doubt, be viewed as a serious step backward toward an era of centralized-service delivery.

4.2 COUNTRY LESSONS

The decentralization process in Botswana has always been justified in terms of democracy and development (Dipholo and Mothusi 2005). In a similar vein, decentralization has always been recognized as a “key aspect of democratic practices anchored on a vibrant system of local governance” (Molaodi, 2010, p 8). Actual practice has not lived up to these ideals. Botswana does not offer examples of best practices in democratic decentralization that might be transferred to other countries. It does offer examples of worst practices that have also been observed elsewhere. We highlight the recentralization of essential services, the practice of justifying recentralization in the name of better management and capacity building, and problems associated with overlapping jurisdictions.

4.2.1 RECENTRALIZATION OF ESSENTIAL SERVICES

Instead of consolidating the democratic process by improving the performance of local authorities and particularly councils as important providers of services, the central government has recentralized several essential services. Most recently, the government decided to transfer all health functions to the Ministry of Health, effective 1 April 2010. As in the case of water provision, the transfer of health functions to the Ministry of Health basically means that councils will be stripped of the authority that comes with the provision of an essential service. Another case that can be presented to demonstrate a deviation from international best practices is the decision to abolish the Botswana Local Police (BLP). This was one of Botswana’s oldest institutions and had been used by *dikgosi* to maintain law and order within their areas of jurisdiction. Most former local police men and women have now been absorbed into the Botswana Police Service (Molaodi, 2010).

4.2.2 JUSTIFICATIONS FOR CENTRALIZATION: LIMITED CAPACITY, MISMANAGEMENT AND CORRUPTION

Recent reform of local government institutions and local service delivery, as well those on the agenda for the near future, involve centralization (or recentralization) at least as much as decentralization. Problems of local capacity, mismanagement, and corruption are often used to justify centralization.

As noted in the Venson-Moitoi Report (Government of Botswana, 2001), and as we have stressed in this report, problems of capacity exist in part because local institutions are neither provided with the financial resources and personnel they need to meet their responsibilities nor granted sufficient autonomy in local revenue generation and personnel management to perform their responsibilities effectively. If limited local capacity is at least partly a product of centralization, the solution would be greater financial, administrative, and political decentralization, not less. Centralization is also unlikely to ameliorate mismanagement or corruption. Both problems afflict many central government departments and agencies, as demonstrated by the annual reports of the Auditor General and recurring corruption scandals reported in the media. More generally, whether centralization or decentralization results in greater accountability, better management, and reduced corruption, depends on the relative health of democracy in the national and local political arenas and the specific institutional arrangements (Bardhan & Mookherjee, 2006, p. 9).

4.2.3 OVERLAPPING JURISDICTIONS

Despite the fact that local authorities have been in existence for more than four and half decades, there is no comprehensive decentralization policy in Botswana. This has resulted in a situation whereby central government officials alone decide what can be decentralized—or centralized—and when and how. Local authorities are usually told what they have to do, when, and how, irrespective of whether they have the requisite financial and human resources. As acknowledged by MLG:

Overlapping boundaries that do not conform to the administrative boundaries of districts negatively affect effective service delivery and coordination. This non-conformity is prevalent in central government departments. These have all reinforced the importance of a comprehensive policy on decentralization. (Ministry of Local Government, 2009, p. 4)

In view of the foregoing, it can be contended that a concerted effort must be made to clarify and improve the relationship between local authorities and central government. As MLG observes, “Cooperation between LAs [local authorities] and central government at the local level still needs to be improved to the level where representation of other ministries could be at par with local government institutions and be able to make committing decisions” (Ministry of Local Government, 2009, p. 4).

4.3 FACTORS INFLUENCING LOCAL GOVERNMENT PERFORMANCE AND DECENTRALIZATION

The most important influences on the performance of local institutions and the prospects for decentralization in Botswana are (1) the resources available to local institutions; (2) the scope for local discretion; (3) information management; and (4) the politicization of local government and decentralization reforms.

4.3.1 INADEQUATE RESOURCES

As has been emphasized throughout this report, the central government does not provide local authorities with adequate financial resources and constrains the options for local-revenue generation. Locally generated revenues account for 10 percent of the total budget for district

councils and 30 percent for city and town councils (Government of Botswana, 2001, p. 46); the discrepancy occurs because urban but not district councils have the authority to collect property rates and service levies. As discussed in Section 2, fees and levies for local government services are set at below-market rates and do not fully cover the costs of the services provided. The need for ministerial approval of annual rates results in significant delays, which in turn complicate and delay revenue collection. Below-market rates, centralized procedures for the approval of rates, and inconsistent revenue collection affect the land-boards as well as the councils. In principle, the government has agreed to eliminate the need for ministerial approval of rates when no increase is proposed and to streamline the process for approving increases (Government of Botswana, 2003, p. 7). If implemented, these changes would at least allow councils to announce and collect local revenues more promptly.

In principle, councils could smooth expenditures when revenue collection is delayed and gain greater scope for discretionary expenditures by drawing upon their General Fund accounts or taking out loans from private banks. As discussed in Section 2, however, these actions require ministerial approval. Although justified in the name of fiscal responsibility, these arrangements also allow the minister to veto local initiatives. According to official policy, funds should be spent as budgeted by the center. The government views the provisions for ministerial approval as a mechanism for enforcement of this policy, and thus for limiting - not enhancing - local discretion.

Some of the local councils would like to develop new revenue sources based on locally important economic activities (Government of Botswana, 2001, p. 48). The government denies local governments the authority to tap localized sources of revenue for local use on the grounds that doing so would exacerbate uneven development and undermine national unity (Government of Botswana, 2001, p. 48). These restrictions - on local revenue generation, the use of unspent funds, and on loans - limit the financial autonomy of the council and thereby indirectly constrain the scope of their discretionary authority.

4.3.2 THE NARROW SCOPE FOR LOCAL DISCRETION

Indeed, local authorities have very narrow scope for discretionary authority. Although councils have the statutory authority to set development priorities and engage in physical planning, their ability to act on these formal powers is limited by their dependence on centrally provided funds and the need to get ministerial approval for anything that deviates from standard procedures. Thus, in practice, local authorities have little effective ability to define their own policies and priorities. Not just the district administration, but all local authorities act as implementing agencies for centrally set policies and priorities. As such, their scope for discretion relates mostly to *how* to implement those policies and priorities. Local authorities cannot explicitly reject a centrally set policy, although they *are* able to delay local implementation. Of course, numerous actors can delay implementation because the implementation of many policies requires coordination across local authorities and multiple central government ministries or departments, and non-cooperation by even a few key individuals, departments, or institutions can result in significant delays (e.g., Poteete, 2003).

4.3.3 PROBLEMS IN INFORMATION MANAGEMENT

Issues related to record keeping limit both the efficacy and accountability of local authorities. Reliance on manual filing and inadequate organization of filing systems are long-standing problems. Computerization has advanced in the sense that local authorities have computer equipment. But the simple introduction of computers does not guarantee the existence of a robust system for organizing and maintaining digital files so that they can be accessed readily. Nor does the use of computers - or the existence of a digital filing system - eliminate the need for physical files for historical records and correspondence, and to back-up digital files. Poor information management impinges upon efficiency by increasing the likelihood that information gets misfiled, making it more difficult to ensure appropriate and timely follow-up action.

Information management bears upon accountability in at least two respects. First, poor record-keeping makes it difficult to achieve—or evaluate—accountability in the sense of timely follow-up. Second, even when records are sufficiently well organized that they are accessible to local officials, everything is deemed confidential. As a consequence, members of the public are denied access to information about decisions taken by their local representatives. With no public access to the minutes of meetings, citizens are unable to evaluate the performance of elected councilors and land-board members. Likewise, the inaccessibility of records concerning the decisions taken by local authorities limits the public's ability to recognize conflicts of interest or potential corruption.

4.3.4 POLITICIZATION OF THE SUB-NATIONAL ARENA

The sub-national arena in Botswana is highly politicized for several reasons. First, a large number of local- and national-level actors are involved in local government and are wary of changes that might alter the balance of power at the local level. Second, because the opposition controls some of the local councils, many in the BDP see decentralization - especially in the form of devolution - as favoring the opposition. Third, the central government regularly uses its authority over local institutions to gain partisan and even factional advantage. And, fourth, local councilors play an important role in national politics, both by mediating the relationship between MPs and the electorate and through their influence within the national political parties. As political competition at the national and local levels intensifies, political parties have taken increased interest even in VDC elections.

The politicization of local government structures hampers the performance of local institutions and makes it more difficult to achieve reform. It is not unusual for local authorities—or central government ministries—to be politically opposed to each other. When this happens, rivals can block each other by taking advantage of areas of overlapping jurisdictions and refusing to participate in the many local committees established to coordinate cross-agency implementation.

Politicization also makes it difficult to achieve reform, since each stakeholder will attempt to block changes that empower an actual or potential rival. The councils, the land-boards, and most central government ministries oppose any strengthening of the District Commissioner. The land-boards, the tribal administration, the district administration, and most if not all central government ministries oppose the strengthening of the councils. Similar coalitions block other possible changes in the distribution of authority across local institutions. At the national-level, the government has blocked most recommendations involving devolution to local institutions. Current changes in Botswana's party system may create new opportunities for democratic

decentralization, although the fluidity of the situation makes it impossible to evaluate the likelihood of such changes.

4.4 ISSUES NOT COVERED ELSEWHERE

Population growth in urban and peri-urban areas presents challenges that are relatively new in Botswana, but typical of metropolitan areas around the world. Increasingly, some citizens are getting services from city councils despite the fact that they are not paying property taxes on their residences and businesses, which are located outside the territorial boundaries of the city council and within the boundaries of adjacent district councils. In some cases, the administrative boundaries actually overlap, so that the city council is responsible for service provision in areas where it has no authority to collect property taxes or service levies. People are encouraged to locate in these areas because the district councils are not currently empowered to collect property tax.

Some urban councils are denied an opportunity to collect property tax on assets that are on the borderline with district councils even though they provide services to their users. For example, the Game City and Riverwalk shopping complexes fall within the boundaries of the South East District Council but are serviced by the Gaborone City Council (GCC) because of their proximity to the city. Despite incurring costs to provide the tenants of these shopping complexes with essential services such as water, sanitation, and sewerage services, GCC does not collect any property tax from the owners as the two complexes fall in a district council which has not been authorized to collect property tax.

The foregoing problem is compounded because MLG has to consult the entire government system extensively before the gazetting of rate by-laws can be approved, and this process takes a long time. The delay in approving the new rates denies councils an opportunity to maximize the collection of revenue from the owners because they cannot act without the approval of central government. This situation is not helped by the high default rate that has been attributed to “laxity on the part of certain Urban Councils due to the lack of commitment and political will” (Government of Botswana 2001, p. 52). As Somolekae (1998) observed over a decade ago, “despite the fact that properties have increased in quantity and value in urban areas, default rates in the payments of property taxes and service levies have been quite high, thus making it even more difficult for these councils to increase their revenue base” (p 63). As Botswana becomes an increasingly urban society, these problems will only become more significant.

4.5 FINAL QUESTIONS: GAPS IN KNOWLEDGE

Despite repeated reports on local government structures and recommendations for decentralization, there are significant gaps in knowledge about the actual performance of local institutions, the involvement of local-level NGOs and CBOs in debates concerning local government reforms, the characteristics of local officials, and the status of recommended and approved reforms.

Past changes in local government structures and the recommendations of the various commissions and consultancies have been justified by the need to improve service delivery. There is ample evidence of poor service delivery. People see unfinished construction projects and poorly maintained infrastructure. They are only too familiar with the inconvenience of

having to travel long distances to get a paper stamped, attend a meeting, or access health care. They experience the discomforts of long waits and crowding in hospitals and clinics and feel the agony of being told that prescribed medicines are not in stock. There is, however, no system for monitoring the quality of service delivery across jurisdictions or over time. The absence of systematic and objective data on service delivery means that evaluation of reforms—such as the creation of sub-districts or sub-councils—must rely on anecdotal evidence and is usually based on the perceptions of officials within the local authorities (e.g., Meyer-Emerick, 2004). The perceptions of local officials are valuable in that they know where problems arise in implementation and are aware of changes in the level, intensity, and nature of citizen feedback about service delivery. On the other hand, such anecdotal evidence is not reliable for comparisons across districts or evaluation of changes in performance over more than a few years. Reliance on anecdotes and perceptions of officials associated with local government are also problematic precisely because these officials have a high stake in the pace and direction of local government reforms.

There is relatively little information about the involvement of local NGOs and CBOs in debates concerning local government reforms. The Second Presidential Commission on Local Government Structure in Botswana did consult with national confederations of NGOs and CBOs. We do not know whether or how these national confederations consult with their constituent members to develop a position on decentralization. Nor do we know whether local NGOs or CBOs have tried to influence reforms of local government structures by acting independently of the national confederations. Rural voluntary associations have not been particularly active, much less politically engaged, in the past. Some areas, however, do have cooperatives or farmers' associations that might take an interest in decentralization. The increasingly competitive elections in some parts of the country could give such organizations considerable influence.

There is no systematic monitoring of the characteristics of local officials, whether in terms of formal qualifications, socio-economic background, or gender. This lack of systematic data makes it difficult to evaluate local capacity and representation. The government regularly emphasizes limitations in local capacity to justify both the rejection of decentralizing reforms and the adoption of centralizing reforms. To some extent, these concerns refer to limitations in financial resources or institutional weaknesses, as discussed above. But concerns about formal qualifications - both politicians and staff - are also voiced with some regularity. The caliber of the administrators and councilors greatly influences the manner in which things are done. The administrators, who in most cases have expertise in certain areas, need the consent of councilors for things such as approval of the council budget, projects, or amendments of existing by-laws written in legal jargon. Unfortunately, most of the councilors in Botswana do not have tertiary education, thus making it difficult for them to interrogate issues and come up with suggestions as to how their constituents can be better served. In the absence of systematic data on the characteristics of local officials, however, it becomes impossible to evaluate the severity of these problems or to track changes over time. Information about the characteristics of elected councilors and land-board members would also make it possible to assess the extent to which these bodies are representative of the electorate with references to both socio-economic activities and gender.

Finally, the status of many of the recommendations concerning local government structures that were approved in 2003 is not known. A few high-profile decisions, such as the creation of the Chobe District Council, are well known. In addition, there have been some minor changes in

legislation. There is less information about the status of administrative reforms or progress toward the development of new policies and legislation as mandated by other approved reforms. Given the pervasiveness of poor implementation throughout government, it cannot be assumed that reforms become operational following their approval. For example, despite having been approved in 2003, the secret ballot had not yet been introduced for land-board and VDC elections as of 2010. The media has reported on some administrative changes, while many others are never mentioned. One cannot assume that a lack of media coverage implies a lack of action. On the other hand, policy implementation varies considerably across districts, and can be delayed or blocked if opposed by local actors. Media coverage rarely provides any indication of this sort of cross-district variation.

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INTERVIEWS

L. Mokalake, then Assistant Minister of Local Government. Personal interview conducted by A. Poteete on August 13, 2009 in Gaborone, Botswana. *The interview was conducted for a research project and not as part of this consultancy.*

Appendix 2: Tables

Table 1: Overlapping Devolution and Deconcentration

Unit	Devolved	Deconcentrated	Who has executive authority
Village	No	Yes	Village Development Committees
Sub-district (larger districts only)	No	Yes	Appointed District Officers Appointed Assistant Council Secretaries Indirectly elected Sub-Council Chairs
District	No	Yes	Appointed District Commissioners Appointed Council Secretaries Indirectly elected Council Chairs and Mayors Appointed Land Board Secretaries

NOTE:

Although the councils and land boards have been established by acts of parliament, they do not have meaningful discretionary authority; they are charged with implementation of policies and the delivery of services as mandated by the central government.

The discretionary authority of local authorities decreases at more local levels. The Village Development Committees can propose local development projects but depend fully on the council, district administration, and central government for the resources required for implementation. Sub-councils and the sub-district administration have some autonomy in implementation and planning, but have to refer all financial matters and proposals for more substantial projects to the district and/or central government level. Likewise, the councils and district administration depend upon central government for financing and project approval.

The electorate does not vote directly for council chairs, sub-council chairs, and mayors; these positions are elected by councilors from among their own members.

Table 2: Timeline of major developments and changes related to local government structures

DATE	DEVELOPMENT OR CHANGE
1955	Townships established (Proc. 66, 1955)
1965	Local Government (District Councils) established (Law 35)
1968	Village Development Committees created by Presidential Directive
1968	Tribal Land Act
1970	Tribal Land Boards established
1979	Report of First Local Government Structure Commission
1981	Government Paper No. 1 of 1981, "Local Government Structure in Botswana" <ul style="list-style-type: none"> • Provided for the establishment of sub-districts
1988	Abolition of the local government tax
1990	Designation of Sowa Town as a township to support the development of soda ash
1993	Amendment of the Tribal Land Act <ul style="list-style-type: none"> • Made the right to land contingent on citizenship instead of status as a tribesman. • Provided for creation of a Land Tribunal.
1997	Land Tribunal established.
2001	Report on the Second Presidential Commission on the Local Government Structure in Botswana 2001 (Venson- Moitoi Report)
2003 (Apr)	Approval of the Ministry of Local Government, "Second Presidential Commission on Local Government Structure in Botswana," Government Paper No. 1 of 2003
2006	North West District Council divided into Chobe District Council and North West District Council
2010	Transfer of responsibility for local health clinics from councils to the Ministry of Health (effective date: 1 April 2010)
2010	Consolidation of the Township and Local Government (District Councils) Acts <ul style="list-style-type: none"> • Ongoing consultations • Planned presentation to parliament in November <p>Development of cross-sectoral policy on decentralization underway</p>

U.S. Agency for International Development

1300 Pennsylvania Avenue, NW

Washington, DC 20523

Tel: (202) 712-0000

Fax: (202) 216-3524

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