

Is Botswana Advancing or Regressing in its Democracy?

by Themba Michael Sokhulu¹



Introduction

There is wide consensus among academics and political analysts that Botswana has been hailed as one of the “old democracies” in Africa, but that there have been reports of political wrangling in the country. Landsberg² maintains that the southern African region, of which Botswana is part, is relatively more democratic when compared with the rest of the continent. It is exactly thirty-eight years into Botswana’s democracy and although Botswana has a relative enabling constitutional and legislative framework, there are signs of isolated infringements upon the constitution by the ruling

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 2. EISA Occasional Paper Number 22, July 2004.



party. Just before the 2004 elections the Minister of Information and Broadcasting made a directive that state media must only cover the President, Festus Mogae and the Vice-President, Ian Khama. This directive came at a time when all political parties were campaigning and was not well received by electoral stakeholders. It was viewed as an abuse of state resources to the benefit of the ruling party (Sechele, 2004). A similar example of constitutional interference was the electoral administrative chaos in the run-up to the 1999 elections, which nearly threw the country into a serious constitutional crisis, when over 60 000 potential voters were nearly left out of the voters' roll. The government reacted by declaring a state of emergency for the first time in the history of Botswana.

On the political front, Botswana is characterised by weak opposition parties, a situation similar to what prevails in South Africa. As late as 2001, the Botswana parliament experienced internal rivalry within the ruling party, mostly from back-benchers, some of whom have since been promoted to cabinet positions to weaken the rebellion. In order to understand and grapple with the issues of democracy in Botswana, this paper will provide a brief background on the electoral democracy of Botswana, showing early warning signs of the regress of democracy in Botswana. The paper argues that although there have been a number of positive developments regarding electoral democracy in Botswana, much needs to be done particularly in the area of electoral reform. In addition, it attempts to outline recent major developments in Botswana and the current political dynamics obtaining on the ground with specific emphasis on the following electoral processes:

- Constitutional reforms
- Electoral reforms
- Human rights and the Basarwa people
- The economy and service delivery

Electoral democracy in Botswana

Botswana gained independence on September 30, 1966 after eighty years of British rule, and the current ruling party, the Botswana Democratic Party (BDP), has been

in power since then. The first President was Seretse Khama, and he remained president until his death in July 1980. Quett Masire, now known as Sir Ketumile Masire, later took over. He retired on March 31, 1998 and was succeeded by Festus Mogae, the current president of Botswana. Mogae is deputised by Lieutenant-General Seretse Khama, eldest son of the founding president, Sir Seretse Khama. According to the historian, Neil Parsons (1999), the ruling party in Botswana draws its leadership from the richer echelon of rural dwellers, the traditional leaders and older members of the middle class in towns. Political analysts maintain that due to the strong influence of traditional leadership in the rural areas, the presence of traditional leaders in the BDP structures has ensured its election victory since independence. Parsons states that the party enjoys much of its support during elections from the rural areas. This voting pattern has been encouraged by the stimulation of development programmes usually introduced during an election year.

The Botswana People's Party (BPP) was the main opposition party in the 1960s. The BPP was unsuccessful because their support base was in the urban areas and these were small. BPP was overtaken in its support base after the formation of the Botswana National Front (BNF), which has grown in strength. BNF is mainly supported by the working and younger middle class in the rapidly expanding urban areas and enjoys some support among conservatives in certain rural areas. In 1989 the BNF held both parliamentary seats and the majority of the City Council of Gaborone, with similar representation in other urban areas. Meanwhile the ruling BDP controlled the nine rural district councils, six of them almost totally. Parsons (1999) notes that during the 1994 elections, the BDP expanded its power base, with a number of seats won only by small margins. The main opposition parties in parliament until 1989 were the BNF and the BPP. Following the BNF split in 1998, 11 of its MPs formed the Botswana Congress Party (BCP) which became the official opposition, and retained this position by winning back four seats in 1999. The BDE, BNF and the BCP are recognised as the major opposition parties in Botswana. It is worth mentioning at this point that there are several minor opposition parties none of which have representation in parliament. This means that these parties never played any significant public role in parliament. The opposition tried to form an alliance before the 1999 election but failed due to internal power struggles. The BNF left the alliance and none of the parties that remained in the alliance were voted into parliament. The weakness of

the opposition is attributed to poor leadership, poor internal management, and inability to mobilise support, which is exacerbated by lack of finance and party administration. Their policies are shaky and they seem to have no clear direction on how they would impact their supporters should they win the elections (Sechele, 2004). Sechele further argues that in the run-up to the 2004 general elections the Botswana Alliance Movement (BAM), BNF and BPP formed an electoral pact and agreed to contest the elections on the basis of a single election manifesto launched in May 2004. The major setback of the tripartite agreement, however, was the refusal of the BCP and New Democratic Front to join the alliance. These two parties were offshoots of the tripartite alliance and this resulted in the ruling party winning the 2004 elections with ease.

Constitutional reforms

Looking at Botswana's history of presidency, it will be noticed that the vice-president of Botswana has always succeeded the incumbent president. This trend has been followed since Botswana got its independence in 1966 and it seems as if this trend will continue. President Mogae, in his interview immediately after the 2004 general elections, announced his successor and threatened the yet unelected parliament with dissolution if they did not accept his choice (Kupe, City Press, 2004). This is an illustration of the power of the executive over decisions. Even though parliamentarians are the representatives of the people, the executive is so powerful that it can override parliament's mandate. This calls into question the functioning of the "oldest democracy" in Africa.

Titi Pitso³ observed that Botswana's Constitution has been able to institute a succession plan which allows for the automatic succession of the vice-president to the presidency. This process has managed to prevent conflicts or political squabbling associated with a successor to the serving president. Pitso contests that although this method has been able to deal with intra-party fighting within the BDP, the other side of the coin is that it has taken away the right of the electorate to choose their own president. Pitso further argues that President Festus Mogae replaced President Masire half-way through his last term, and that it will not be

3. Pitso, T. 2004. "Mechanisms for Preventing Electoral Conflicts: Lessons learned from the SADC Region" presented at a workshop in Blantyre, Malawi, January 2004.

surprising if General Khama replaces President Mogae half-way through his last term, in spite of the fact that this possible scenario has been refuted by the Office of the Presidency. The system gives the president powers to place in power his successor irrespective of whether the Vice-President is acceptable to party members or the electorate. In light of President Mogae's utterances about the possibility of dissolving parliament if there was dissent with his choice of a successor, it is perhaps the right time to revisit the Constitution with regard to the succession plan to the presidency.

Electoral reforms

Botswana adopts the First-Past-the-Post (FPTP) Electoral System, the system which is simple, easy to apply and widely adopted around the world. The winner of an election is the candidate "who, gains the most votes [but] does not necessarily have an absolute majority of the votes" (Matlosa, 2004:6). Although this system ensures constituency accountability of members of parliament, it allows the winning party to win by minority votes (Molomo, 2004). Molomo further elaborates that the system's electoral outcome does not reflect the will of the people; on the contrary it has denied the Botswana electorate the chance to shape their future. The inadequacies of the system create shortcomings some of which undermine democracy in Botswana. According to Matlosa (2004:6), the FPTP system excludes large segments of the electorate from participating. Other disadvantages are that it excludes minor parties, exaggerates the electoral dominance of ruling parties, is less conducive to women's participation, open to manipulation of boundaries, insensitive to changes in public opinion, and not open to gender balance in the management of public affairs.

Botswana's greatest success of its democracy lies in its adherence to the international instrument it had adopted particularly in the area of elections. In the SADC region, Botswana is the only country that ratified the SADC Norms and Standards for Election Observation, prepared by the SADC Parliamentary Forum, albeit with certain reservations. The litmus test for Botswana's democracy is the ability to adhere to the international protocols Botswana adopted and ratified particularly in the area of electoral processes. Election experts agree that there is a need for Botswana to begin a process of electoral reform since the current electoral model excludes the majority of voters. According to Molomo (2000:109),

democracy is about ensuring that electoral outcomes reflect the will of the people, but in this regard the FPTP electoral system has fared poorly. He advocates electoral reform in Botswana, so that the electoral model could provide an effective link between MPs and their constituencies while at the same time allocating seats in proportion to the popular vote (Molomo, 2000:118). In this regard, regional organisations need to engage the Independent Electoral Commission (IEC) of Botswana to reform electoral laws so that it conforms to internationally recognised norms and standards for elections, which in turn strengthens democracy.

The findings of Electoral Institute of Southern Africa (EISA) and SADC Parliamentary Forum Election Observer Missions during the 2004 general elections were a positive yardstick to test the implementation of the Norms and Standards for Election in the SADC region. Both Observer Missions noted that certain provisions and electoral practices need to be consistent with universal and regional trends. These include: equitable access to public media and state resources during elections, de-linking the IEC from the executive branch of government especially the appointment of IEC staff by an independent body, presentation of the final voters' role to all electoral stakeholders in good time, provision of government funding to political parties contesting the elections, and enabling a policy of affirmative action to promote the participation of women in elections.

Human rights and the Basarwa people

Botswana's human rights record is relatively acceptable and to date Botswana has ratified 11 international human rights treaties. There are a few sticky issues, namely the administration of the death penalty and the forced removal of the Basarwa people from their ancestral lands. Within the SADC region Botswana is one of the few countries that still has the death penalty in its statutes. There is no indication as to whether the law will be rescinded, although there has been pressure from human rights groupings within the country to abolish the death penalty. There have been allegations that criminals who have been sentenced to death are quietly executed as illustrated in the case of Lehlohonolo Bernard Kobedi. This is seen as a clear indication of a lack of transparency of procedures, which is regarded as one

of the threat to democracy and good governance.

Botswana has been under the international spotlight due to the resettlement of the Basarwa out of the Central Kalahari Game reserves. For a couple of years there have been forced removals of thousands of Gana and Guvi Bushmen from their ancestral lands to resettlement camps, and this has raised the ire of international conservationists. These indigenous people have taken legal action against the government following this human rights violation. It is believed in some circles that the real reason for the forced removal is securing lucrative profits from the exploitation of future diamond mines in the reserve. There are indeed reports of an increase in diamond concessions in the reserve since the evictions, despite arguments by the Botswana government to the contrary. Although Botswana is regarded as a stable democracy, the above-mentioned incidents seemed to have tainted Botswana's democracy.

The economy and service delivery

Although diamonds were discovered only recently, in the 1970s, Botswana is already considered as one of the world producers of quality diamonds. But despite this newly found wealth, the majority of Botswana are still living under poor conditions. Botswana has been experiencing a spate of industrial actions in government as well as in the private sector, and workers complain about low wages. According to newspaper reports, the President of the Botswana Federation of Trade Unions intimated that it might be in the interest of workers to establish a labour party along the lines of the Labour Party in Britain, which would address the key concerns of workers: salaries and conditions of service. The 2004 elections have come and gone and no such party was established although labour discontent is still very rife.

Industrial action and slow service delivery of basic amenities for the poor do not bode well for Botswana's democracy. However, Botswana has been able to provide good health care particularly in the provision of anti-retroviral medication for people living with HIV/AIDS. In the area of access to anti-retroviral medication, Botswana has surpassed all other SADC countries, and is in the forefront of rolling out anti-retrovirals to HIV-positive persons. This programme is in direct response to the 2000 United Nations Human Development report.

Overview of Practices that Undermine Botswana’s Democracy

Issue	Comment
<p>Women’s rights: Gender balance remains a challenge for the electorate in Botswana because the representation of women has been limited. The SADC Parliamentary Forum observed the 2004 elections and noted that none of the political parties contesting the elections had provisions in their constitutions or strategies to achieve the minimum 30 per cent representation of women in the legislature, albeit Botswana is a signatory to the 1997 SADC Declaration on Gender and Development. Kandawasvika-Nhumdu attributes this to the Botswana FPTP system. She alleges that the system has resulted in one woman candidate being chosen⁴. Matlosa also ascribes limited participation of women to the FPTP electoral system. He maintains the system allows floor crossing which is less conducive for women to participate in politics⁵.</p>	<p>Minority groups as well as smaller opposition parties are also affected by the FPTP system. The maximal participation of women becomes important to strengthen and enhance the democracy of Botswana.</p>
<p>Access to finance: The ruling party is more resourced than other parties. It enjoys the advantages of being in power. There seems to be a thin line between political party and the state. Professor Good maintains that there is lack of funding for smaller parties. This happens while the ruling party enjoys the advantage of being in office and thus having greater access to state resources and funding from the private sector.</p>	<p>The Botswana government has denied opposition’s demand for public funding of political parties even though the majority of SADC member states do so.</p>

4. Quoted in The *City Press*, 14 November 2004.

5. Matlosa, K. Electoral System Reforms in the SADC: In Search of Accountability, Representation and Political Stability.

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<p>Access to media: Contesting political parties do not have equal access to the dominant state media. The opposition holds the view that the government has exclusive access to media and that the state or public media are skewed in support of the ruling party. The government violated its own endorsement of the “Principles and Guidelines Governing Democratic Elections” which was adopted by SADC regional leaders⁶. The guidelines call for the adherence to internationally accepted norms such as allowing all parties to campaign freely, ensuring equal access to the state media and establishing impartial electoral institutions.</p> <p>Both the SADC Parliamentary Forum and the EISA Election Observer Missions maintained that there is a need to regulate equitable access to state resources such as the media and funding for all political parties in order for Botswana to comply with the Principles for Election Management, Monitoring and Observation (PEMMO), which is a benchmark against which an election can be measured to see whether it is free and fair. The EISA Election Observer Mission⁷ recommended that Botswana is no exception and should abide by these principles.</p>	<p>President Thabo Mbeki of South Africa has advised SADC member states that disregard the Media Code of Ethics could find themselves excluded from the grouping. There is even greater concern expressed that member states might not adhere to the electoral guidelines. Matlosa maintains that SADC is both the referee and the player. As he aptly puts it: “It’s like telling students at the end of the term to set their own examination write it and mark it”.</p> <p>This remains a great test for SADC member states in terms of monitoring such behaviour and taking appropriate action when infringed.</p>

6. Adopted during a summit of the Southern African Development Community (SADC) held on the Indian Ocean island of Mauritius. Quoted from the UN website.

7. EISA Election Observer Mission to the 2004 Botswana Parliamentary and Local Government Elections.

Issue	Comment
<p>Limitation to campaigning: As cited above, campaigning through the media was not feasible for the opposition since the state media gave exclusive coverage to the ruling party. Campaign strategies include political rallies, posters, billboards, newspaper advertisements, motorcades, mailing letters to voters, and house-to-house campaigns.</p>	<p>Media censorship characterises a democracy that devalues the concept of transparency. It also gives the ruling party tighter control on what needs to be publicised.</p>
<p>Freedom of the press: Over the years, “Political Profiles” were the most popular <i>Daily News</i> columns. The paper is distributed free of charge. Commenting on the column’s removal from the <i>Daily News</i>, the news editor Bapasi Mphusu explained that the column’s removal was temporary and this was “dictated by the need to modernise”. The <i>Daily News</i> self-censorship made the Batswana opposition speculate whether the move was part of government efforts to prevent them from having a strong voice in the country’s most widely read newspaper, particularly two months before legislative elections.</p> <p>The withdrawal of Radio Botswana’s press review, which devoted a great deal of airtime to the privately owned media, was viewed by media freedom organisations as “fresh evidence that the Communications Minister wants to silence the independent press”.</p> <p>The government’s media policy has increasingly been criticised during the last few years. The <i>Daily News</i> was previously financed entirely by the government. However, Minister</p>	<p>The opposition leaders visited private media houses, wrote letters of protest denouncing the role of the private media in political rallies over allegations of bias and unfair reporting. Sechele (2004) says such allegations have not been independently confirmed.</p> <p>This action is contrary to the Media Code of Ethics of Botswana (Clause 7), which stipulates that media practitioners shall exercise their profession in the public interest without undue interference from any quarter⁸.</p>

Issue	Comment
<p>Sebeleta ordered the paper to start accepting advertising in 2003, and thereby compete with the privately owned media.</p> <p>Radio Botswana programme “Masa-a-sele” was dropped in November 2003. The programme created space for the listeners to express their views on current affairs. Minister Sebeleta claimed “Masa-a-sele” gave too much airtime for criticism of the ruling Botswana Democratic Party (BDP) (Afrol News). Freedom of the media was further infringed by the Minister of Communications, Science and Technology, Boyce Sebetlela, when he instructed Botswana television (BTV) to cover only the political rallies and campaigns of Vice-President Ian Khama and President Festus Mogae and leave out all other political campaigns (Sechele, 2004).</p>	<p>Clause 6 (sub sections 1-2) of the Code of Ethics further says that information of public interest must not be suppressed or distorted by media owners, publishers and practitioners. The Code also maintains that media practitioners must not succumb to cultural, political or economical intimidation intended to influence the outcome of the published or broadcast material.</p>
<p>Voters roll: The election campaigns started well ahead of the announcement of the general election date. The reason behind this decision as Sebudubudu (City Press, 2004) contends, is because the electoral law does not stipulate timeframes for election campaigns. The political parties took advantage of this lacuna in the election legislation and engaged themselves in the primary election campaigns. Some political parties’ primary campaigns were marred with cheating and protest especially with regard to the voters’ roll.</p>	<p>The problem of the gap in the announcement of times to commence and end election campaigning and canvassing needs to be addressed. It would appear that the lacuna in the electoral law provides the ruling party with an unfair advantage over other political parties.</p>

8. Media code of ethics, p. 5-6.

Issue	Comment
<p>Prohibition of civil society to engage in politics: Afrol News (10 June 2003) reported that the Botswana government amended the Employment, Trade Unions and Employers Organisations and Trade Dispute Bills in accordance with the international standards. Public servants are, for the first time, allowed to unionise. The International Confederation of Free Trade Unions (ICFTU) welcomed the move. The move brought advantages and disadvantages to the process. Among others, the advantages provide:</p> <ul style="list-style-type: none"> • the right to strike, (which is not allowed in essential services such as Botswana Defence Force, the Botswana Police, the Local Police and the Prisons Service), • protection of employees if their employer becomes insolvent (Employment Amendment Bill), • keeping membership to a trade union even if the employee leaves a job and joins another industry, • removal of restrictions of those who want to become union members, • removal of powers for the minister to investigate union membership, • removal of the requirement for unions to seek the minister's approval to affiliate internationally or receive foreign donor funds, etc. <p>Although the ICFTU welcomed the lifting of these sanctions, the disadvantages still outweigh the advantages. The state still has large control and monopoly over the unions and their ability to organise. Little room is left for collective bargaining</p>	<p>Trade unions and civil society organisations play a constructive role in shaping the political landscape of a country. They should be seen as catalysts for social and political change instead of being labeled as enemies of the state.</p> <p>Brooks (2004:21) maintains that the role of civil society in holding government to account is very crucial to uphold a vibrant and strong democracy.</p>

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<p>because few trade unions meet the criteria of organising twenty five percent of the workforce. Workers have to first submit their demands to complex arbitration procedures, and the government has exclusive rights to order workers back to work through the strike legislation. Professor Good⁹ on the other hand maintains that the government has prohibited civil society and trade unions to engage in politics. The authorities view the civil society as a threat to their constituencies.</p>	
<p>Rights of San community: The rights of the San community have been at stake for quite a long time in the Botswana history. There are 48 000 San people in Botswana and they are referred to as the Basarwa,¹⁰ United Nations website which denotes people who do not have cattle. They are also described as “dirty as a Bushman”. The San community is indigenous and has been denied the right to their ancestral land and culture. The community’s plight has been characterised by forced removals, evictions, resettlement and a lengthy court case. Ngakaeaja (coordinator of the Botswana section of the Working Group of Indigenous Minorities in Southern Africa) offered an eloquent summary when he said: <i>"Our problems are poor health, low literacy, inadequate education, bad housing, poor hygiene, TB, AIDS and mal-nourishment, fragmentation, stigmatisation, social exclusion and lack of participation in mainstream politics."</i></p>	<p>The question of the San people seems to have not been adequately addressed to the satisfaction of the affected communities. There has been incidents where, the San people were removed from their homes and relocated to areas, which are not conducive. They made reference to one of the areas where</p>

9. *City Press*, 14 November 2004.

10. United Nations website.

Issue	Comment
<p>It is worth mentioning at this stage that government offers a lot of developmental assistance such as anti-AIDS drugs and food assistance to the San. The problem is, however, that the San do not value such assistance as it is seen to be imposed.</p> <p>The Tribal Amendment Act promulgated in 1993 allows people to get land anywhere in the country. The Act further stipulates that the land should be developed within two years of settlement. The land must be developed by provision of water and fencing by those settling in it. The San people are unable to meet these criteria as they are plagued by poverty (Afrol News, 2003).</p>	<p>they had been dumped as a “place of death” because it is far from their ancestral graves. The San believe that they find healing and guidance from their ancestors, but that they cannot venerate them when they are separated from them. They have also been denied the chance to develop themselves through education because they are taught in Tswana and English which they do not understand. This results in only a few San children attending higher institutions.</p>

Conclusion

The democratisation project on the continent, particularly in the Southern African Developing Countries (SADC), is gaining momentum. Regional organisations such as SADC and the AU are making commendable efforts in ensuring that democracy and good governance are prioritised by member states. One of the programmes to ensure conformity in the democratisation project on the continent is the New Partnership for Africa’s Development (NEPAD) Declaration on Democracy, Political, Economic and Corporate Governance (Pitso 2004: 2). Through NEPAD and the African Peer Review Mechanism (APRM), Heads of States and Government are beginning to acknowledge that democracy and good political governance are preconditions for sustainable development, and have re-affirmed their commitment to the promotion of democracy and its core values in their respective countries. Botswana needs to accept the NEPAD process in its entirety, which includes the APRM of which Botswana is yet to be a signatory.

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Botswana is one such country that has done its utmost best to uphold the ideals of the AU and SADC on elections and democracy. However the democratic transition in the SADC region is hailed as moving slowly. The NEPAD Peer Review Mechanism faces a challenge of ensuring that Botswana upholds and implements the principles of good governance. The weak and disintegrated opposition parties in Botswana also undermine the development of democracy, making it difficult for the opposition to challenge the government.

The deficiency of the FPTP model excludes large segments of the electorate, particularly women and small political parties. Matlosa (2004:26) recommends that the Botswana FPTP system needs to be reviewed in order to address the issue of broadening representation in the legislation and including key political actors in a manner proportional to their electoral performance. Gender equality needs to be addressed both in the legislative assembly and other professions, especially the media. The recent outcry of women journalists made it evident that more work needs to be done to overhaul the industry.

Government should encourage transparency and allow other political parties and civil society to exercise their right to criticise and challenge the government publicly. Land reform remains a soaring controversy between the government and the San community. If ignored, it could lead to political protest. It was not surprising that the BDP won the elections given the events that took place in the run-up to elections and the succession plan. It is imperative that election observer missions including the SADC, AU, and other international missions monitor political events and the political environment in the lead-up to elections. Although there were problems associated with the Botswana elections, the SADC Parliamentary Forum and EISA Electoral Observer Missions declared the elections free and fair. However, they concur that the Botswana election process is still inadequate. Issues that undermine the democracy of Botswana and might lead the nation into a steady authoritarian decline are worth considering.

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