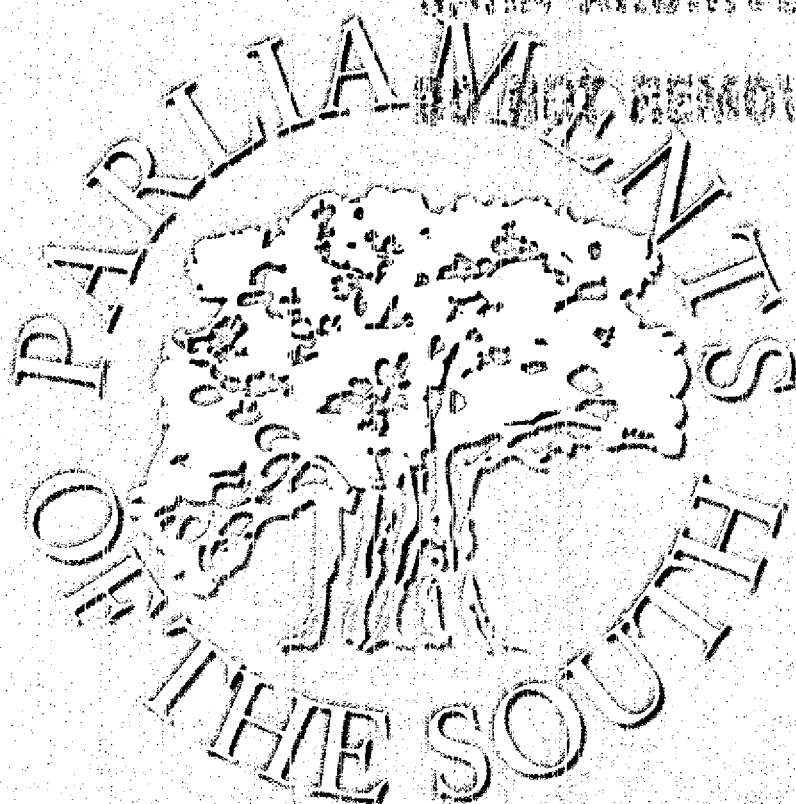


**The South African Institute of International Affairs**



**Strengthening parliamentary  
democracy in SADC countries**

# **Botswana country report**

**Bertha Osei-Hwedie & David Sebudubudu**

**Series editor: Tim Hughes**

THE SOUTH AFRICAN INSTITUTE OF INTERNATIONAL AFFAIRS

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SERIES EDITOR: TIM HUGHES

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*Strengthening parliamentary democracy in SADC countries  
Botswana country report*

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## Preface

The roots of parliamentary democracy in Southern Africa are spreading and deepening despite operating in sometimes infertile soil. All countries in the Southern African Development Community (SADC) region now operate some form of parliamentary democracy. While a majority of countries exhibit text book constitutional, electoral and parliamentary architecture, the operation of these institutions is highly disparate. Some labour under the threat of civil war, constitutional flux, and monarchical fiat; others have operated consistently and constitutionally for decades. While there is little fundamental region-wide disagreement on the mechanisms for achieving a democratic polity, there is far less agreement on the appropriate powers, role and composition of legislatures; and still less discussion, let alone agreement, on the appropriate relationship between parliaments and 'the people'. Indeed the longevity of some parliaments in Southern Africa is no indicator of their constitutional strength, nor the strength of public engagement with them. Established parliaments can operate in an exclusive and exclusory manner. Established parliaments can also become susceptible to (un)democratic reversals, particularly with respect to a strong executive and single party dominance. Conversely, newly elected parliaments can forge innovative and healthy public participation programmes, thereby strengthening and deepening democracy.

This series of reports forms part of the South African Institute of International Affairs' (SAIIA) three-year research, conference and publications programme examining parliamentary democracy in SADC countries. Its normative objective is to contribute to strengthening parliamentary democracy throughout the region. Specialists in all 13 SADC countries were contracted to conduct primary and secondary research into the state of parliamentary democracy and to make recommendations on how parliamentary democracy might be improved, strengthened and sustained.

Specialists were tasked with researching a number of key themes. The first was to provide a country-specific overview of recent and current constitutional, electoral and parliamentary practice. This included 'nuts and bolts' issues such as the electoral system, constitutional provisions for the executive, legislative and judiciary and party political configurations. The organisational structure of parliament, including assembly rules, the roles and powers of committees, the status of the speaker, whips, members, as well as the functioning of parliament as

an oversight actor, were examined. These questions go, *inter alia*, to the status and credibility of parliament with the electorate.

The second theme was to conduct primary research into provisions for public engagement with parliament. There are two dimensions to this relationship. The first is the mechanisms and modalities parliaments use to convey and publicise their activities to the electorate and civil society in general. These may range from the publication of Hansard to the parliamentary web site. The former serves as a recordal of fact (after the fact), but the latter may also serve to publicise future parliamentary activity and is thus a potentially powerful tool. The more textured research centred on the degree to which parliaments encourage and facilitate the participation of the public in their activities. This may range from the public affairs offices, to the holding of public committee hearings in distant and rural areas.

The other side of the public engagement equation is the channels and practices used by civil society to interact with and lobby parliaments ranging from advocacy, petitions and protests, to oral and written submissions.

Public parliamentary access is often characterised by an 'insider-group' and 'outsider-group' dichotomy. The insider-group is typically well-organised and funded, usually with a clearly identified constituency base and infrastructure. Insider groups may be issue specific, or cohere around markers such as class, race, religion and ethnicity. Such groups often develop effective methods and modalities of political mobilisation, support, lobbying, access and influence. Outsider groups, however, are often the mirror images of their more powerful counterparts. They may share common interests, or suffer from a common affliction or practice, but lack the resources and capacity to either mobilise effectively, or lobby for their interests. Outsider groups may be extensive in number and may even represent a numeric majority or plurality of the population, yet still operate on the margins of political and parliamentary engagement.

An important, or potentially important, linkage in this relationship is the media, and thus researchers were tasked with examining and evaluating their role. There may be an operational and political distinction between the parliamentary coverage of state-owned media, a national broadcaster and a commercial operator. Researchers were asked to evaluate briefly the effectiveness of these channels of communication and dissemination.

Finally, after workshopping their findings, researchers were asked to write a set of tightly formulated recommendations for strengthening parliamentary democracy in their respective countries.

We at SAIIA thank Bertha Osei-Hwedie and David Sebudubudu for their research and for the application and industry with which they have tackled their

work in sometimes difficult circumstances. This country report will appear in abridged form in a compendium of all 13 SADC country case studies. Its findings and recommendations will be incorporated into a SADC-wide best practice handbook.

Lastly, we should like to express our deep gratitude to Ambassador Torben Brylle of the Royal Danish Embassy in Pretoria for his constant support and that of the Danish government in generously funding this project.

*Tim Hughes*  
*SALLA Parliamentary Research Fellow*



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## Executive summary

This study is aimed at understanding the nature and effectiveness of parliamentary democracy in Botswana with a view to helping improve it. In this respect, it examines a number of issues covering six broad areas, including the role of parliament, parliamentary democracy in Botswana, the parliamentary–electorate/public relationship, parliament–civil society interaction, parliamentary opposition and civil society. Through examining these issues, it is hoped that the study will contribute towards the strengthening of democracy in Botswana.

The main source of data was a survey conducted through unstructured interviews with MPs, the leader of the opposition in the National Assembly, the chief whip of the governing party, chairs of parliamentary committees and civic groups. Interviews were conducted when parliament was in session; therefore all of them took place in Gaborone. The sample of 13 members of parliament (MPs) and six civic groups was largely determined by access and by willingness to grant interviews. (*For a list of those interviewed, see Appendix 1.*) However, the sample is representative and reflective of the situation in Botswana. Secondary sources of data were also used. The research relied on qualitative analysis to enable the collection and analysis of data about what is actually happening. Data analysis centred on the six broad areas and questions were posed in order to zero in on key issues, including deficiencies and recent trends or developments in Botswana's parliamentary democracy. (*For a list of questions asked, see Appendix 2.*) The basic problem encountered was access to parliamentarians, primarily because parliament was in session. The members of the civic groups were readily accessible.

The research found that Botswana is indeed the oldest well-established and stable parliamentary democracy based on cabinet government, parliamentary representation and consultation with the electorate in the Southern African Development Community (SADC) region. However, it is a democracy where parliament is weak, with a very strong executive that is only indirectly accountable to parliament through civil servants; civil society is weak, but remains vibrant; and the opposition is also weak, so that it does not present a viable alternative to the ruling party. Parliament's weakness is due to MPs' lack of information and research support and limited law-making expertise, and a technical incapacity that prevents it from dealing with the issues and problems facing contemporary Botswana. It is also weak because the executive is granted

enormous powers by the constitution and is the only arm of government that has the necessary technical expertise and information to handle societal concerns. Nevertheless, parliament remains important as the legitimising organ of executive policies and actions. More importantly, parliament has recently taken some initiatives to strengthen democracy, including 'taking parliament to the people' and working towards the 'independence' of parliament from the executive. Similarly, since 2000 the government has provided offices in every constituency for MPs and has recently increased the number of constituencies from 40 to 57, in a bid to strengthen representation. Civil society too, in spite of organisational deficiencies and a decline in donor support, is able to put some pressure on and successfully lobby MPs and the executive, especially on issues that they have not taken up, such as women's and minority rights. Despite its weakness, the opposition serves as a watchdog over government performance and gives credence to the perception that Botswana is a functioning democracy.

The research also indicates that MPs have at their disposal the *kgotla* (traditional meeting place), the public and private media, constituency offices, Hansard and personal visits as means to engage the electorate or the public in general. The *kgotla* remains the most important avenue for reaching the people, because traditionally Tswanas have used it as a forum for public discussion. The constituency offices seem to be most effective, as they provide daily contact with constituents. Problems with these channels relate to the formal nature of the *kgotla*, which makes it unsuitable for free discussions that involve everyone; personnel and resource inadequacies at constituency offices; misrepresentations in media reports; and bias by public information services. Poor roads and lack of transportation also affect MPs' ability to reach the people, especially in rural areas. The data also shows that interest group politics are not yet the norm in Botswana. There is agreement among civic associations and MPs that the latter do not represent specific interest groups, and such groups themselves refrain from associating with any particular MP or party. Hence the lack of formal relations between interest groups and parties either for electoral or interest-articulation purposes. Civic associations and MPs cited both the lack of formal arrangements for individuals and groups to gain access to MPs and of portfolio committees as reasons for the low levels of engagement that currently exist between parliamentarians and civil society.

Parliament's engagement with the electorate and the public could be strengthened by, first, training MPs and providing them with technical information about law making and budget formulation to enable them to perform their representative role and that of overseeing the executive effectively, and to be seen to be actually performing their roles by their constituents. Second, well-

resourced constituency offices staffed with personnel skilled in research are needed, together with communications equipment and computers for research purposes. In this way, constituency offices would not only serve as communication channels to constituents, as is currently the case, but as sources of information for MPs. Third, parliamentary engagement with the electorate and public would be strengthened if MPs were given official transport and financial resources for visits to their constituencies. The creation of portfolio committees and formalised means of interaction with civil society would also improve matters in this area. Fourth, MPs' engagement with the electorate/public would improve if offices were provided for them in Gaborone, where they spend most of the time during parliamentary sessions. Fifth, fruitful engagement can only be possible if the electorate is enlightened, through civic education, on democracy, their role and that of parliament.

# 1. Background and introduction

Most countries in the SADC region have embraced democratic principles and institutions in their constitutions. The changes that took place in the last decade enhanced the democratisation of the region and it became part of the 'Third Wave' of democracy. The 1990s not only witnessed the end of one-party systems, with the adoption of multiparty competition in Tanzania, Zambia, Malawi, Angola and Mozambique, but also the independence of Namibia and the end of apartheid rule in South Africa in 1994. These changes made the SADC region one of the most promising in Africa as far as the introduction of democracy was concerned. Yet the region is still characterised by frail governments and parliaments that are dominated by ruling parties. In this context, the possibility of democratic setbacks is high, as most of the states are young democracies that are still far from being consolidated. Zimbabwe is a case in point, where the ruling elite has shown high levels of intolerance by clamping down on the opposition, and where the president has overwhelming power relative to parliament. Parliamentarians throughout the region have declared in various forums<sup>1</sup> that they face several limitations in carrying out their functions. Spelling out the limitations that negatively affect the performance of parliaments in the SADC region is one of the subsidiary aims of this paper.

The main aim of the study is to examine and assess the nature and effectiveness of Botswana's parliamentary democracy. Several basic questions guided the research, primarily those that try to unravel the (in)capacity of parliament and the nature of its engagement with the public and civil society: How is parliamentary democracy conceptualised and practised in Botswana? What are the roles of parliament? How effectively are these roles carried out; for example, its representative role? Whose interests does it represent? What is the nature of the link and relationship between parliament and the electorate/public/civil society? Does parliament have the expertise and capacity to perform its roles? What constraints does it face? What are the basic challenges that MPs face? How can they be empowered to improve their performance? Does civil society see parliament as important and functioning effectively? Does it attempt to influence legislators? What is the nature and extent of public access to parliament, and what problems are involved here? How can access be improved? In summary, the study aims at understanding the capacity of parliamentarians and the nature of civil society input into parliament with a view to analysing the

problems faced by legislators and those of public access to parliamentarians in order to help strengthen the functioning of Botswana's parliamentary democracy and enhance the input of civic associations. Answers to the questions posed above were sought through interviews and desk research.

## Methodology

The report is based on both secondary and primary data, particularly interviews. Researchers using convenient (snowballing) sampling deliberately sought a representative group of MPs drawn from the ruling Botswana Democratic Party (BDP), and the opposition Botswana National Front (BNF) and Botswana Congress Party (BCP). The aim was to interview at least one-tenth of the 44 MPs. Altogether, 13 MPs were interviewed: nine BDP, three BNF and one BCP. Of the 13, ten were male and three female; 12 were elected and one specially elected; three represented urban and nine represented rural constituencies; and 11 were MPs, one was a minister and one an assistant minister. With regard to civil society, those organisations with advocacy roles that have an impact on government policies were targeted. These included two women's groups, one human rights group, one media organisation and two trade unions. (*For a list of those interviewed, see Appendix 1.*)

A questionnaire with a set of open-ended questions was administered to respondents in face-to-face interviews, in order to ensure as far as possible that they expressed their own views. However, sometimes the two researchers who carried out the interviews asked respondents other questions not included in the questionnaire as a means of clarification, or to follow up on a response. (*The basic questions asked are given in Appendix 2.*) The questionnaire covered six broad areas: the role and importance of parliament; parliamentary democracy in Botswana; the parliamentary–electorate/public relationship; parliament–civil society interaction; parliamentary opposition; and civil society. Interviewers often had difficulty fitting in with the parliamentarians' busy schedules. Personal contacts were the main means to access the various parliamentarians and also allowed researchers to link up with these parliamentarians' colleagues. Most of the interviews took place in the interviewees' homes, in government offices and in offices at the parliamentary building. With regard to civic organisations, appointments were made directly by the two researchers with leading members of Ditshwanelo, Emang Basadi, *Mmegi*, the Botswana Unified Local Government Services Association (BULGSA), the Botswana Diamond Sorters and Valuers Union (BDSVU) and the Botswana National Council on Women (BNCW), who were readily accessible. The BNCW is unique in the sense that it is a creation of,

and funded by, the state, and is therefore not autonomous. However, membership is drawn from both civic groups and the state, making it a quasi-civic association.

### **Problem areas**

The basic problem was access to parliamentarians, partly for procedural reasons and partly because parliament was in session. A further complication was added by the fact that parliament went into recess on 8 April 2004, which meant that MPs then went back to their respective constituencies to report back to the electorate. Following the lack of response to a letter to the Office of the Clerk of the National Assembly requesting permission to interview parliamentarians, the research team had to rely on personal contacts and networking to achieve their aim. Consequently, not all potential interviewees were reached; for example, the team was unable to set up an appointment with the speaker, the deputy speaker or the leader of the House, and a few appointments failed to materialise. However, once an appointment was agreed upon, most of the MPs enthusiastically responded to the questions asked. The problem with conducting interviews at the convenience of respondents was that some of them had to be conducted on the due date for or after the submission of the interim report. Moreover, it was also difficult to acquire some of the materials, like Hansard and parliamentary Standing Orders. Once orders for Hansard have been printed and distributed to listed recipients, including parliamentary and institutional libraries, district offices and former MPs, no individual requests are entertained thereafter for both current and back issues.

### **The background of Botswana**

In order to understand Botswana's parliamentary democracy, it is necessary to understand the political economy of the country. Since independence in 1966, Botswana has enjoyed political stability and economic growth under the rule of the BDP. It has a multiparty system, with one strong party, the BDP, and (at present) 11 small opposition parties. With a liberalised economy, it has one of the world's highest economic growth rates, surpassing that of Mauritius, another African success story, South Korea and other Asian tigers, or the newly industrialising countries, and well above that of the rest of sub-Saharan Africa. During the 1980s, it had the fastest growth rate in the world, with an average of 10%. It has a small debt of \$0.7 billion, with debt servicing accounting for 4% of exports, and enormous foreign reserves. With its relatively small population of 1.6



million but large resource base, it has a per person annual income of \$5,367.<sup>2</sup> The current economic prosperity contrasts sharply with the situation obtaining at independence, when the state was very poor and dependent on foreign grants to finance its budget.<sup>3</sup> The government's transformation of the economy through the exploitation of the country's mineral resources, mainly diamonds, and its investment of mineral revenues in social and physical infrastructure have earned Botswana the status of an upper middle-income country, according to World Bank rankings, with impressive performances on three indicators of human development, namely national income, adult literacy and life expectancy.<sup>4</sup> However, life expectancy has decreased recently because of the HIV/AIDS pandemic. Similarly, the uneven distribution of economic benefits has resulted in high levels of social inequality, with poverty affecting 47% of the population.<sup>5</sup>

## 2. Botswana's system of parliamentary government

### Election results and the composition of parliament

Botswana's parliament is dominated by the BDP, which has a large majority of seats. The composition of parliament is mainly determined by election outcomes (the president appoints four specially elected MPs, but the rest are elected in the normal way). Since 1965, eight free, multiparty elections have been held every five years, with the ninth to be held in 2004. All the elections were won by the ruling BDP with large majorities, but its popular support has been declining over the years. Each election result has produced some representation by the opposition in parliament, albeit very insignificant for most of the time. Since independence, there have never been less than four political parties contesting the general elections.

The table (over page) shows the results of the general elections from 1965 through to 1999. Four political parties contested the 1965, 1969, 1974 and 1979 general elections. There were two parties called the Botswana People's Party (BPP) in the 1965 elections because of disagreements in the leadership. The BNF, which was established in 1966, took part in the elections for the first time in 1969. Five political parties contested the 1984 elections. The Botswana Progressive Union (BPU) led by D Kwele joined the race for political office for the first time. There has always been tension within the opposition parties, particularly the BNF, and this has contributed to the poor performance of the opposition in the general elections. For instance, a split in the BNF just before the 1989 general elections led to the establishment of the Botswana Freedom Party (BFP) and the Botswana Labour Party (BLP). In 1989, seven parties contested the election.

In 1994, nine political parties took part in the general elections. This election saw a significant performance by the opposition, with the most seats won since independence. Following this extraordinary performance, it was generally believed that the BNF would win the 1999 elections. However, tensions within the BNF leadership thwarted these hopes. Instead, deep splits opened up in the party, resulting in the formation of the BCP in 1998. Five parties contested the 1999 elections, which were the first elections to be held during the presidency of Festus Mogae. The BCP and Botswana Alliance Movement (BAM) contested the elections for the first time in 1999. BAM was an alliance made up of the United Action Party (UAP), the Independence Freedom Party (IFP) and the BPP

(Matante). Following the 1999 elections, the BPP (Matante) pulled out of BAM. However, the BAM-BNF-BPP pact was formed in 2003 to enable the three parties to contest the 2004 elections on a common platform.

## The electoral and governmental system

The election of legislators and the president, and the conduct of elections every five years are provided for in the constitution and the Electoral Act Chapter 02:09. Section 63 of the constitution spells out that the country shall be divided

**Table: General election results, 1965–1999**

Party	Year							
	1965	1969	1974	1979	1984	1989	1994	1999
BDP	28	24	27	29	29	31	27	33
BPP (Matante)	3	3	2	1	1	0	0	—
BIP	0	1	1	0	0	0	—	—
BPP (Motsete)	0	—	—	—	—	—	—	—
BNF	—	3	2	2	4	3	13	6
BPU	—	—	—	—	0	0	0	—
BFP	—	—	—	—	—	0	—	—
BLP	—	—	—	—	—	0	0	—
LLB	—	—	—	—	—	—	0	—
IFP	—	—	—	—	—	—	0	—
UDF	—	—	—	—	—	—	0	—
USP	—	—	—	—	—	—	0	—
BAM	—	—	—	—	—	—	—	0
BCP	—	—	—	—	—	—	—	1
MELS	—	—	—	—	—	—	—	0
Total seats	31	31	32	32	34	34	40	40

**Note:** — means the party did not contest or was nonexistent

**Key:** BDP – Botswana Democratic Party; BPP (Matante) – Botswana People's Party; BIP – Botswana Independence Party; BPP (Motsete) – Botswana People's Party; BNF – Botswana National Front; BPU – Botswana Progressive Union; BFP – Botswana Freedom Party; BLP – Botswana Labour Party; LLB – Lesedi La Botswana; IFP – Independence Freedom Party; UDF – United Democratic Front; USP – United Socialist Party; BAM – Botswana Alliance Movement; BCP – Botswana Congress Party; MELS – Marxist Engels Leninist Stalinist

*Source: Republic of Botswana, Report to the Minister of Public Service and Information on the General Elections, Government Printer, Gaborone, 1979 & 1984; Republic of Botswana, Report to the Minister of Presidential Affairs and Public Administration on the General Elections, Government Printer, Gaborone, 1989 & 1999; D Sebudubudu, A needs assessment profile for parliamentarians and councillors in Botswana, workshop on Governance in Southern Africa: Training of Parliamentarians and Councillors, organised by the SAPES Trust, Harare, 9–10 September 1998.*

into as many constituencies as there are elected members of the National Assembly, and each constituency shall be represented by one member in the National Assembly. Constituencies are delimited by the Delimitation Commission, which is appointed by the Judicial Service Commission at intervals of not less than five years and not more than ten years, in line with section 64 of the constitution. Over the years, prior to every second election, the Delimitation Commission gradually increased the number of contestable constituencies and thus increased the number of elected members in the National Assembly. In this way, the number of constituencies increased from 31 in the 1965 and 1969 elections to 32 for the 1974 and 1979 elections; to 34 in 1984 and 1989; to 40 in 1994 and 1999; and to 57 for the upcoming 2004 elections. To ensure the smooth administration of elections, section 66 of the constitution initially provided for a supervisor of elections, appointed by the president, who was responsible for the conduct of general elections until the late 1990s. This official was replaced by the Independent Electoral Commission (IEC) through the Constitution (Amendment) Act of 1997. The IEC came into being following a national referendum in 1997 that paved the way for the amendment of section 66 of the constitution. The first IEC was appointed in 1998 by the All Party Conference, and the 1999 elections were the first to be run by it. It consists of seven commissioners who hold office for two successive terms of parliament. There is also a secretary to the IEC, who is appointed by the president. Its creation was in response to complaints from various sources, including the opposition, regarding the independence of the supervisor of elections. It should be seen as a means to improve the fairness and freeness of the administration of elections.<sup>6</sup>

Elections are the commonest form of mass participation in democratic political systems, and Botswana is no exception. Voting is open to all citizens who are 18 years and older, and elections for MPs and local councillors are held every five years. Voter turnout at elections is a good gauge of the levels of participation. Holm argues that the number of eligible voters increased from 21% of the population in 1974 to 37% in 1979 and to more than 50% in the two elections in the 1980s. The 1980s' figures compare favourably with the figure for the first elections in 1965 of 59%.<sup>7</sup> However, there have been fluctuations in the number of votes cast. Based on an analysis of the first four general elections, Polhemus concluded, among other things, that the trend is of "fluctuating, but generally low levels of popular participation".<sup>8</sup> Indeed, since the 1980s, there has been a trend to low voter participation, a sign that apathy might present a threat to Botswana's democracy. By-elections are also held whenever electoral disputes and adjudication have resulted in the annulment of results, or if the sitting MP dies or resigns. In addition, referendums have been conducted on issues of national

importance, which to date have included the 1997 amendments to the constitution and the Electoral Act, which lowered the voting age from 21 to 18 years, replaced the supervisor of elections with the IEC and provided for absentee ballots for citizens resident outside the country.<sup>9</sup>

Since independence, Botswana has used the constituency system, in which the candidate who gains a simple majority in a constituency or council ward wins it. Under this system, the winning candidate represents everyone in the constituency or ward, even those who did not vote for him/her. This system has advantages as far as constituency representation is concerned, but it disadvantages party representation. The most important advantage is that it ensures a link between a particular representative and his/her constituents.

Undoubtedly, the ruling BDP has profited enormously from the electoral system, which has allowed it to win the majority of seats, while the opposition has lost out because of low numbers of votes and a divided vote. A divided opposition vote has at times meant that a BDP candidate has been elected while actually receiving fewer votes than those cast for all the opposition parties added together. The first-past-the-post (FPTP) system, therefore, disadvantages small or opposition parties and distorts the distribution of seats in parliament, as allocation of seats is not congruent with the numbers of votes received by parties.<sup>10</sup> For example, in the 1979 elections, the BNF won only two seats in parliament for the 13% of the votes it received and the BPP (Matante) secured only one seat for the 7% of the votes cast in its favour, while the BDP's 75% of votes cast earned it 29 seats, or 90.6% of the number of seats contested.<sup>11</sup> The wide discrepancy between seats and votes explains why opposition parties in Botswana have been vocal in calling for a change to a proportional representation (PR) electoral system to augment the number of their parliamentary seats, but currently the ruling BDP is not receptive to the idea, for obvious reasons.

In Botswana, the people do not directly elect the president. The party that wins the majority of seats in parliament forms the government and its leader becomes the president. Or, as Holm puts it: "A candidate is elected president if a majority of the winning MP candidates officially declare support for him at the time of their nomination."<sup>12</sup> The president, who is the chief executive, is the head of both the government and the state, and commander-in-chief of the armed forces. The constitutional amendment of 1997 allows for the automatic succession of the vice-president to the presidency in cases where the president resigns, dies or ceases to hold office. President Mogae was the first to benefit from this amendment, automatically becoming president in 1998 when President Masire stepped down. This is a controversial issue within the BDP. Since 1998, the president holds office for two terms of parliament (i.e. two five-year terms).

Botswana is a parliamentary democracy with the three major elements of any democracy:<sup>13</sup> a cabinet government, which has collective responsibility for administration (collective executive); a fusion of powers between the executive and the legislature because of the dual membership of cabinet members in both; and responsible government in that the executive is accountable to parliament. However, in Botswana's parliamentary system, the executive (mainly the president) holds a dominant position of power over parliament.

This is so for a number of reasons. First, the president appoints his cabinet without approval from parliament. Second, he also appoints four specially elected MPs who have the same voting power as those elected by the people. Third, although the president can be removed by a parliamentary vote of no confidence, such a vote would result in the dissolution of parliament and a new election, which makes it unlikely that parliament would take such a step. Fourth, the president occupies a very strong leadership position in the ruling party, which has dominated parliament since independence. The large number of BDP MPs guarantees support for the executive. Fifth, the notion of collective responsibility does not allow ministers to criticise or oppose the government, since by doing so they would be opposing their own (party) policies. Sixth, the president enjoys the support of a well-qualified, well-organised, confident bureaucracy. Lastly, it is the civil service, not parliament, that is the main policy-making institution in Botswana.

Consequently, "parliament finds itself confronted with a powerful president who supports and is supported by a ... civil service [and] ... MPs have little option but to rubber stamp policies developed by the civil service".<sup>14</sup> Somolekae confirms that it is the bureaucracy, not the political leadership, that dominates policy making in Botswana.<sup>15</sup> But the predominance of the executive over parliament is primarily because parliamentarians lack the expertise and information they need to deal with the complex tasks of policy making in modern Botswana, and because of the country's preference for rational, technocratic policy making as the means for promoting economic development.

### **The main features of parliamentary democracy in Botswana**

Botswana has a constitution that does not provide for the separation of powers among the different arms of the government, i.e. parliament, the executive and the judiciary. Rather, it places "various organs of government under separate and different sections .... It did not delineate the powers or exclusively define the functions of these organs".<sup>16</sup> It is accepted that the main function of parliament is to pass laws, that the executive implements these laws and that the judiciary

interprets them. Since independence, these respective functions of the different branches of government have been mostly adhered to.

Botswana's democracy is protected by the constitution.<sup>17</sup> In terms of section 57 of the constitution, parliament shall consist of the president and the National Assembly. The main features of Botswana's parliamentary democracy include representation, participation, consultation and accountability. In a democracy, parliament is the core institution and the foundation of participatory democracy, as it alone is the true representative of society at large. It performs both legislative and political functions, and it is through these roles that an accountable and transparent government can be guaranteed. A parliament generally conducts most of its functions through committees. In Botswana, there is provision for three types of committees appointed by the Committee of Selection in November each year in line with Standing Order No. 88(2) of the National Assembly. These are the sessional select committees, regularly appointed in November at the start of each session of parliament; the standing committees, which last for the term of parliament; and the various ad hoc committees, appointed when needed. Chairpersons of these committees are elected in accordance with Standing Order No. 108(1) of the National Assembly of Botswana. It is through these committees that parliament holds the executive accountable to it.

In general, the functions of committees include legislation through detailed discussion of bills, especially their technical nature. Parliament as a whole passes bills; votes money for public expenditure or raises revenue in the budget; and oversees or investigates government action as part of checks and balances on the executive. Currently in Botswana, there are 11 sessional select committees, five standing committees, and eight ad hoc committees. Six of the ad hoc committees deal with international affairs.<sup>18</sup> The Law Reform Committee consults broadly, especially with organised civil society. The Subsidiary Legislation, Government Assurances and Motions, and Public Accounts committees allow for scrutiny of the executive and inform parliament as a whole on the administration and accounts of policy makers.<sup>19</sup>

Parliamentarians, both from the ruling and opposition parties, have voiced their concern over the inadequacy of the parliamentary committee system, which weakens Botswana's parliamentary democracy. The basic problem is that it is not highly developed, in spite of the fact that Botswana is a long-established democracy. In particular, there are no portfolio committees, even though these are vital to any democracy insofar as they cover every aspect of government operations and subject government to strict inquisition and monitoring, as well as provide a forum for consultation with the public through public hearings, so allowing popular influence on policy decisions, and allow parliament to access

the expertise of the private sector.<sup>20</sup> In addition, the fact that in Botswana the administrative structure of the committee system remains part of the civil service compromises or hinders its proper functioning in a democratic setting<sup>21</sup> and undermines the independence of parliament. In the committee system, parliament relies on the assistance of administrative officials from the Office of the President.

The increase in the number of constituencies suggests a deliberate attempt to broaden the representation of the populace in parliament. In addition, four specially elected MPs are appointed by the president as stipulated in the constitution. At the local level too, section 6 of the Local Government Act gives the minister of local government the power to nominate councillors. Specially nominated members are appointed to each local council, which ensures that councils comply with the BDP's goals and policies.<sup>22</sup> The appointment of specially elected MPs and nominated councillors allows the president and the minister of local government, respectively, if they so wish, to broaden representation to include sections of society that might have been sidelined or performed poorly in the general elections. After the 1999 election, for example, two women were among the four specially elected MPs.<sup>23</sup> However, this does not mean that this system has generally paved the way for the representation of all members of society who have been sidelined by the political system. Instead, it has often been used to compensate members of the ruling party who lost in the general election. It is, however, worth noting the accommodating attitude of the ruling BDP in this regard, which, after the 1984 elections, when the opposition won control of five local councils, allowed the opposition to name some of the appointed members to councils where it had a majority.<sup>24</sup>

In addition to the National Assembly, there is the House of Chiefs, which is the other branch of parliament. It is designed to incorporate the traditional leadership into the modern political system as an aspect of legitimisation and to widen the representation of the populace. More importantly, chiefs remain a significant means of political mobilisation, in spite of the fact that they have lost most of their original power.<sup>25</sup> The House of Chiefs acts in an advisory capacity to the National Assembly and the president. In terms of the constitution, it has the duty to consider any bill referred to it by the National Assembly. Usually, parliament has to seek the advice of the House of Chiefs with respect only to customary law or tribal matters. However, the National Assembly and the president are not obliged to take this advice. This means that the House of Chiefs has no veto powers on customary law or tribal matters, especially those that are land related. Section 77 of the Constitution of Botswana provides for eight *ex-officio*, four elected and three specially elected members of the House of Chiefs.



All chiefs of major tribes and some sub-chiefs are represented. In recent years, there has been an increase in the number of female chiefs from one in 2003 to three in 2004.

Consultation is also central to Botswana's democracy as part of making its workings more transparent and in an attempt to reflect the will of the majority. Popular consultation is crucial to any democracy as Holm strongly argues that politicians make an effort to get public consensus "behind their proposals" and if there is no consensus, then "the programme is likely to be reformulated or sometimes terminated".<sup>26</sup> It is this consensual element of Tswana culture, which rests on public discussion, community consensus, non-violence and moderation, that forms the core of the country's democratic political culture.<sup>27</sup> In Botswana, one technique commonly used to test public opinion or to solicit public views is the *kgotla* meeting. Whenever there is an issue of national importance, such as a bill, for example, to change the voting age, or to give the right to vote to citizens living outside the country, there has to be some form of consultation with the electorate before the bill is tabled in parliament. However, the minister concerned, not parliamentarians, will be responsible for soliciting public views through *kgotla* meetings, and will also be responsible for tabling such a bill in parliament. The minister does this with the support of the parliamentarians and councillors for particular areas.

At the time of writing, a task force not composed of parliamentarians is engaged in a country-wide consultation with the public on the establishment of a second university. Similarly, the Ministry of Trade and Industry has just completed its consultation with the public about its intention to amend the Liquor Act to regulate liquor sales. So although consultation does take place on key issues, parliamentarians are often excluded from the process. This underlies the weakness of parliament.

### **Interviews on parliamentary democracy in Botswana: The role and importance of parliament**

The purpose of the interviews was to ascertain the views of MPs on the role and importance of parliament in Botswana. Common to all interviewees was the perception that the role of parliament is to discuss bills and make laws or legislate, and to ensure that laws are implemented by the executive branch of government. Some MPs also added that the function of law making is to promote justice, facilitate development that will benefit the people, realise the values of society, and promote peace and stability. However, some MPs observed that parliament does not actually make laws in Botswana, but merely approves laws initiated by

the government, although it might change the draft 'here and there'. Furthermore, some MPs pointed out that although the Standing Orders of Parliament provide for private members' bills, only one such bill has been introduced since independence in 1966. One explanation for this is MPs' lack of legal skills and the fact that there is only one lawyer, the attorney-general, available to assist them on legal issues. The fact that the attorney-general is part of the government and not parliament makes MPs question his loyalty and commitment to parliament's interests.

Other roles of parliament identified by some MPs include approval of the budget; overseeing the executive; representing people's interests and channelling their interests, including that of development, to the executive; and the consideration and passing of national policies such as the free educational policy. It is through these roles that parliament is seen as important to the running of the country. Regarding the budget, MPs felt that parliament usually says 'yes' to the budget tabled by the executive; thus, it essentially 'rubber stamps' the budget, with only minor modifications.

More importantly, MPs stated that they are 'messengers of the people' or 'spokespersons of the people' or 'people's advocates, mouthpieces of the down trodden' so that the 'voices' of the people are heard in parliament and government ministries. One MP went further to argue that an MP is not a messenger *per se*, but one who listens to the people and analyses what they say. In other words, an MP does not merely "take what they [the people] say", but advises and directs them in the achievement of their desired goals. Another MP emphasised that he is a people's representative as opposed to a party representative, which of course his party does not appreciate. All MP respondents pointed out that they first and foremost represent the electorate in their respective constituencies, and then the nation of Botswana as a whole. One argued, however, that in some forums he represents the people of SADC. It is the FPTP electoral system that makes every MP responsible for his/her constituency, representing all the people in it, including those who did not vote specifically for him/her. Similarly, the point was made that ideally an MP is supposed to represent each constituent equally, but this is difficult to do in reality.

Representation, respondents argued, is augmented by consultation with the people of a constituency to understand what they wish as the basis for the effective articulation of their demands and interests in parliament. Normally, every MP 'consults' with his/her constituents to get their views and inputs before each plenary session of parliament every year and 'reports' back to the constituency about what transpired in parliament at the end of the parliamentary sitting, or at the weekend for those MPs whose constituencies are near the capital

city, Gaborone. This ensures the people's input, mass participation and the explanation of government policies to the people as the basis of the two-way communication between government and society. However, some MPs pointed out that their representative role does not end at parliament, but is extended to specific ministries. For example, it was argued that the government acts quickly when people, led by an MP, directly express their plight to specific ministries.

In terms of representation, specially elected MPs sometimes find themselves in an awkward position. Although they appreciate the fact that, as specially elected MPs they represent the whole of Botswana, the problem lies with the precise nature of their position in terms of who or what they represent, which is not clearly defined, and which constrains their effectiveness in articulating the views of the public. This is because such MPs do not represent a specific constituency, and there are no guidelines to shape their relationship with an incumbent MP in a given constituency. This can cause friction with the elected MP, who might not want the specially elected MP to speak for people from his/her constituency.

Even chiefs might not welcome a specially elected MP to a *kgotla* meeting without the approval of the elected MP. It is only in cases where there is a cordial relationship such that an MP invites a specially elected MP to accompany him/her during visits to a constituency or *kgotla* that the latter feels included in the process of articulating the people's wishes and needs.

### **MPs' views on parliamentary democracy in Botswana**

Questions were posed to the MPs to gauge their conception of parliamentary democracy in Botswana. The most common answers included articulating people's wishes, hence allowing every community the freedom to air its views through representatives. This is supposed to ensure 'government of the people by the people'. Based on the fact that all parties that win seats in elections are able to express their different viewpoints in parliament, MPs believe that parliamentary democracy exists in Botswana. Yet others measured parliamentary democracy more in terms of the supremacy of parliament and its independence from the other branches of government, primarily the executive. They argued that the supremacy of parliament can be measured in terms of the law-making function of the legislature.

Some MPs argued that since the government draws up almost all draft laws and parliament merely approves them with no or little amendment, parliament is therefore not supreme. Similarly, they emphasised that if one looks at the hierarchy of the institutions of government, parliament ranks lower in importance

compared to the president, the vice-president and other members of the executive. Also, parliament is not independent because it can do very little without the approval of the Office of the President. For example, parliamentarians cannot increase their allowances without its sanction. Despite this, however, the MPs argued that ultimately parliament is supreme in two senses: first, because the executive cannot carry out its functions of implementing laws and spending public money until parliament passes the bills and approves the budget. The judiciary is in a similar position, because it only enforces the laws approved by parliament. Second, parliament can, if necessary, challenge and dismiss the president through a motion of no confidence. However, as we have seen, this provision would have a negative effect on parliament itself, as it would lead to its dissolution and fresh elections.

### **Parliamentary committees and executive accountability**

MPs from both the ruling and opposition parties serve on parliamentary committees. Except for the Public Accounts Committee (PAC), all are chaired by ruling-party MPs. The most notable of the sessional select committees are the PAC, which is supported by the government through the attorney-general; the Committee on Assurances and Motions; and the Special Committee on HIV/AIDS, which is to be transformed into a sessional select committee, given the realisation that the pandemic is not a short-term problem. The PAC, in particular, has been instrumental in grilling permanent secretaries of ministries and making them answerable for ministry expenditure. The findings of the PAC have prompted some ministries to take disciplinary action against their permanent secretaries. This, to MPs, shows that parliament is holding the executive accountable to it.

MPs pointed to some weaknesses in the existing committee system that prevent effective parliamentary control over the executive. First, the power of committees is limited in that they cannot summon a minister to answer for his/her ministry's expenditure and cannot make a ruling on an issue, but only recommend ameliorative measures. Furthermore, ministers do not actually appear before the PAC; instead, permanent secretaries (i.e. civil servants) account on their behalf. This means that politicians do not account directly to parliament. Second, the absence of portfolio committees means that there are no avenues for public hearings and input from all sectors, especially the private sector and civil society. This deprives parliament of valuable sources of information. Third, there are many committees and they are serviced by a small number of MPs. This suggests that MPs have insufficient time to do their work on a particular

committee thoroughly, as they are often preoccupied with the work of the other committees on which they sit, as well as caucus meetings of their various parties.

### **Leaders, whips and chairs**

Interviews were held with the chief whip of the ruling party, the leader of the opposition in parliament, and chairs of the PAC and HIV/AIDS committee to solicit their views on their roles and their effect on the executive branch of government. The chief whip of the BDP explained that he has several tasks including liaising with the leader of the House to gauge the direction of the House; with the speaker of the House to resolve any problems in the House; with the party office regarding issues to be brought before the House or caucuses; and with the executive to brief its members on proceedings in the House; ensuring that members of his party attend parliamentary sessions so that there is always a quorum, especially during votes; maintaining party discipline among his party's members, including the back bench; and ensuring that Hansard comes out in time for the dissemination of weekly parliamentary debates to the public.

The leader of the opposition explained that his role is to put forward the opposition's policies as an alternative to government bills, the State of the Nation address by the president or the budget. In spite of their differences, the opposition normally decides on its position on policy issues at caucuses, which are held prior to parliamentary sessions, to ensure a common stand and attendance. However, he lamented the fact that information is not provided by the executive prior to the tabling of bills, the budget or the presidential address to allow the opposition sufficient time to prepare its position. Similarly, he pointed out that opposition motions running contrary to government policy have little real chance of succeeding, because of the overwhelming nature of the ruling party's majority. In general, there is a good working relationship among MPs of all parties, with no discrimination against opposition members.

The chair of the PAC explained that the role of the PAC is to examine the books of accounts of the government, after they have been audited by the auditor-general. The PAC summons every ministry (permanent secretaries) to account, based on the auditor-general's report. The chair of the PAC conceded that parliamentary regulations make provision for the PAC to call on a minister to account if necessary, but to date, no minister has been summoned. He recalled one occasion when a minister attended the PAC meeting of his own accord to witness his ministry's answers to questions posed. After the scrutiny of accounting officers, the PAC only makes recommendations to the president, who takes appropriate action as he sees fit.

The chair of the HIV/AIDS Committee, which will be given select or sessional status soon, explained that the role of the committee is not to hold the executive accountable, but that of advocacy, as people tend to listen to MPs more than anyone else. The chair provides leadership to others to undertake advocacy work, which includes public awareness and organising functions to raise funds for distribution to HIV/AIDS groups. Two HIV/AIDS groups benefited from the funds raised. The committee has opened its own account to raise funds for community-based associations. The committee works very closely with the National AIDS Council, chaired by the president, by attending its meetings, and reports and makes recommendations regularly to parliament.

### 3. The structures and channels through which parliament engages with the electorate/public

The most important legislative and political roles of parliament are legislation and representation, respectively. Parliamentarians as representatives of constituencies are expected to provide a link between the government and the community. Since MPs are the only government officials with direct links with the population as a whole, they act as a two-way communication channel between the government, especially the executive, and society. This channel becomes the basis of participatory democracy and the education-cum-mobilisation of society. Through MPs, society is able to participate by presenting its will, demands, needs and problems to the government, and is given an opportunity to influence legislation and policy decisions. This helps the government to make informed decisions. The educational and mobilisational roles of parliament take the form of MPs explaining to the public the roles and responsibilities of parliament, and clarifying government policies and programmes to the people to garner their support for ease of implementation.

In well-established democracies, many structures and channels are at the disposal of parliamentarians. In Botswana, the *kgotla* and constituency offices are the two structures parliament can use to disseminate information about its activities to the public in three ways, namely, public meetings, electoral campaigning and interaction with the public/electorate. The *kgotla*, a traditional institution, complements modern democracy in Botswana extremely well with its openness and democratic traditions.<sup>28</sup> As a community institution, the *kgotla* performs political, administrative and judicial functions. Traditionally, it has been a meeting place of tribesmen and -women for the purpose of discussing tribal affairs and developmental issues. Since independence, it has been used by politicians and civil servants as a two-way bridge between society and the government. Ministers, civil servants, MPs and councillors request the *dikgosi* (chiefs) to call *kgotlas* in their villages to public meetings where government policies and programmes are explained, and public views and support are solicited.<sup>29</sup>

More importantly, parliamentarians use the *kgotla* as a means to explain to people the roles and responsibilities of parliament, to explain government policies, and to solicit people's views and mobilise their participation in national politics. The usual practice is for the MP to address a series of *kgotla* meetings in villages falling within his/her constituency when parliament is in recess and prior

to its resumption. Similarly, during election campaigns, MPs address *kgotla* meetings in their respective constituencies. This effectively precludes other candidates from addressing such meetings, except with the permission of the incumbent MP.

Another structure is constituency offices. Each of the 40 constituencies (57 since 2003) has an office located within it for use by its MP. These offices ease communication between MPs and constituents, allowing MPs to have direct and daily face-to-face interaction with their constituents.

## The effectiveness of structures and channels

On the face of it, the *kgotla* is a very effective structure for connecting MPs to the people, for a number of reasons. First, it is an institution that is well understood by Batswana and frequently used by MPs and other government officials. Freedom of speech, discussion and mutual respect allow for a frank exchange of views and ideas, so fulfilling the purpose of a two-way communication channel.<sup>30</sup> Second, the non-partisan nature of *kgotla* meetings allows for inclusive discussions, with every tribesperson or resident of a village allowed to attend and participate regardless of political party affiliation. This allows an MP to reach out to all the members of his/her constituency.

However, the *kgotla* suffers from deficiencies that might reduce its effectiveness. The primary problem is dwindling attendance: over time, there has been a decline in the numbers of villagers attending meetings. Attendance largely depends on the issue under discussion with “issues relating to development projects often draw[ing] [a better public attendance]”.<sup>31</sup> Poor attendance can be attributed to two factors: alternative sources of information such as radio and newspapers, which “summarise the debates and decisions in parliament and local councils”,<sup>32</sup> and increased migration, especially by young men, to urban areas.

Second, the fact that politicians, including MPs, fail to listen to communities’ views and respond to people’s complaints contributes to its ineffectiveness.<sup>33</sup> Most government decisions are taken at the centre, which explains the reluctance of politicians, civil servants and other government officials to pay much attention to public discussions as a source of information for policy making.

Third, the predominance of male speakers at *kgotla* meetings and the silence of female participants – or, more accurately, the reluctance of women, who form the largest proportion of the attendees, to participate in discussions – deprives women of their right of free speech. Women have the right to attend the *kgotla*; however, even in the modern era, they “still feel that they do not have the right to speak”.<sup>34</sup> This deprives women of an opportunity to air their views and



influence their representatives, which is contrary to the spirit of participatory democracy.

Fourth, the trend towards partisan politics<sup>35</sup> threatens the effectiveness of the *kgotla* as a channel for public education and the mobilisation of public participation in national politics.

Electioneering does not provide a very effective means for disseminating information about the activities of parliament to the people. This is primarily because election campaigns are usually a one-way communication channel, with the candidate selling his/her candidature and party policies to the electorate, with little input from the latter. This is reinforced by the electorates' belief that campaigns are the politicians' responsibility, without active debate or questioning by the masses.

The extent of the effectiveness of constituency offices is not very clear at the moment, primarily because they are relatively new (they were created in 2000) and lack adequate equipment and well-resourced support staff to assist parliamentarians to fulfill their political and decision-making roles. There is no specific budget for constituency offices, as they fall under the budget for parliament.

## **Structures and channels for public engagement**

MPs were asked to explain the nature of their relationship with the electorate and the structures and channels they use for disseminating information to the public. With few exceptions, MPs believe that they have cordial relations with the electorate, are accountable to them and disseminate sufficient information to the public, especially their constituents. They do, however, acknowledge that they might not be an entirely effective link between the people and the government, in view of the fact that the requests people bring to parliament are not timeously responded to by ministries, and because there are delays in the implementation of projects needed by constituents. Consequently, people might feel that their MPs are not doing enough.

MPs have a number of structures and channels for the dissemination of information to the electorate or the public at large. These include the *kgotla*, constituency offices, the media, Hansard and personal visits; however, each avenue has its own advantages and weaknesses. Most of them argued that a combination of these avenues provides for effective engagement with the electorate.

All those interviewed singled out the *kgotla* as the most effective means of engagement with the public, as it is the traditional meeting place familiar to all

Botswana. It is here that the strength of the *kgotla* lies as a channel for the dissemination of information by legislators. It has its own weaknesses, as we have seen above.

Constituency offices are considered to be very good communication structures, for they allow constant engagement with the public, even in the absence of the MP, through either the telephone or letters. Each constituency office has a full-time administrator who receives communications from constituents and the public and forwards them to the MP in Gaborone, or keeps them until the MP visits the office. This means that an office with a skilled and effective administrator is very effective in keeping the communication channel open. The administrative officer also plays a vital role in assisting an MP to prepare and circulate reports for dissemination to the public. Similarly, he/she assists the public with their complaints or problems, such as filling in Citizen Entrepreneurial Development Agency forms, and is also expected to empower the MP with information based on research. However, in cases where he/she is recruited purely on the basis of patronage, the constituency office does not offer much help to the MP or act as a major source of information for the public, unless he/she also has the necessary qualifications.

Parliamentary proceedings are covered by the media, primarily the radio, the *Daily News* newspaper and Hansard, to disseminate information about the activities of parliament to the public. Radio Botswana is used to inform people about what transpires in parliament and to make announcements of MPs' meetings with their constituents through government information officers. Similarly, the *Daily News* publishes accounts of parliamentary proceedings and is able to reach a wide readership because it is distributed free. Hansard provides the public with weekly accounts of debates in parliament. The fact that it is now produced in both English and Setswana allows for a wide readership. The main constraint with Hansard is the requirement to order it in advance and the payment of a nominal fee of P5 (\$1).

The MPs bemoaned the loss of the parliamentary radio programme (known as *Dikgang Tsa Palamente* in Setswana), which used to broadcast live proceedings of parliament to the people. It was cancelled because it was abused by MPs, who tended to say one thing during parliamentary debates and something different on the same issue when they talked on the programme. Consequently, the cabinet decided to cancel it in 1998. The programme was replaced by summaries of parliamentary proceedings on Radio Botswana and in the *Daily News* and the private press. However, MPs complained that these summaries distort their presentations.

The problem with information officers is the tedious procedure of their having

to obtain a permit from the district commissioner or the police to authorise announcements of meetings in the constituencies. More importantly, sometimes such permission does not guarantee that announcements are actually made. Ultimately, the making of announcements largely depends on the nature of the relationship individual MPs have with their information officers.

MPs from rural constituencies identified transport as the major obstacle to effective dissemination of information to the electorate. The long distances that have to be covered in constituencies, poor roads and lack of public transport thwart the dissemination efforts of MPs who prefer to personally engage with electorates and deliver announcements to information offices.

Several recommendations were made by MPs to resolve some of these problems and improve their engagement with the public. Both BDP and opposition MPs argued for the reintroduction of the parliamentary radio programme or the introduction of live broadcasts of parliament's proceedings on Botswana Television, as is the case in South Africa. Similarly, they suggested the introduction of two-way radios at every *kgotla* as a means for announcing their meetings with the electorate. Telephone links for gazetted villages, the extension of Radio Botswana transmission to all areas of Botswana, good roads in rural areas and the provision of transport for MPs would greatly improve engagement with the public. In addition, they suggested that a good public relations unit at parliament would be a vital channel for disseminating information through press releases about discussions in parliament, in order to avoid the distortions allegedly introduced by the public and private press. Currently, the parliamentary public relations unit only issues press releases on issues of national importance, such as when the speaker travels abroad, parliamentary adjournments, the reception of foreign visitors or the opening of parliament. Seminars, too, were pointed out as another important link, especially with civil society. It was also suggested that parliament should sit in rotation in different parts of the country to allow MPs more contact with their electorates, since at the moment they spend more than eight months in the capital during parliamentary sittings. Overall, MPs emphasised the need to use all possible channels and structures, in addition to visits to the homes of constituents, for effective communication with the electorate.

One recent development could be seen as an attempt to improve parliament's engagement with the people. It seems that parliament recently realised that the public does not understand its role. Consequently, it took a deliberate decision to explain its composition, role and responsibilities to the people, in what is commonly known as 'taking parliament to the people'. To this end, the speaker and deputy speaker of the National Assembly have been tasked

with the duty of travelling to different parts of the country to hold meetings with the public. Unfortunately, these meetings have not been well attended by the public, as was the case with the deputy speaker's address at the University of Botswana on 10 March 2004 and at an almost empty *kgotla* meeting in Molepolole.<sup>36</sup> Poor attendance could not be attributed to bad publicity, but largely to public apathy towards politics and the decline in attendance at *kgotla* meetings whenever political issues are on the agenda. Lack of interest in the meetings also stems from people's assumption that they know what parliament's role is; or from their belief that MPs put their own individual interests above those of the people, which makes them unenthusiastic about parliament. In addition, the University of Botswana is generally known as an opposition stronghold, hence the poor attendance at the meeting addressed by the deputy speaker, who is a member of the ruling party.

### **Documentation from interviews**

Most parliamentarians expressed optimism that the people would better understand the role and responsibilities of parliament as a result of the meetings involving the speaker and his deputy. In particular, they hoped that misconceptions about the duties of parliamentarians would be ironed out at these meetings, thereby paving the way for a better relationship with their constituents, especially those in rural areas, who tend more than urban dwellers not to be aware of the roles and functions of parliament and their representatives. Such people often only know that they have a representative in parliament, and little more. Many constituents merely see their MPs as labour officers who can find them work, providers of school fees and transport, fulfillers of their financial needs, or providers of solutions to all their personal problems, which at times burdens MPs.

MPs also pointed out that parliament is striving to be independent of the executive, as a means of strengthening its role and the country's democracy. However, this will depend on the willingness of the executive to empower an independent legislature.

### **Parliament's engagement with civil society**

MPs acknowledged the importance of good relations with civil society, as its members are also part of their constituencies. Thus, constituents who are members of civic organisations are important sources of information, and they also work towards the same goals as parliamentarians, for example, Vision 2016.<sup>37</sup>

However, no MP can be said to be a representative of a specific interest group. Some MPs said that it is “dangerous and undesirable to be seen to be championing a specific group’s interest”, as they are meant to represent the concerns of every member of their constituencies. MPs are concerned about not losing the votes and support of their constituents by siding with a specific group. Some MPs indicated that they highlight issues of specific groups like labour, farmers and teachers in parliament, and support the causes of civic bodies. Most of this support takes the form of attending or officiating at these bodies’ seminars or workshops, fundraising or serving as a patron. MPs mostly support community-based organisations that provide services, including home-based care committees, youth organisations, the Kuru Development Association, crime-prevention committees and parent-teacher associations, as opposed to advocacy or pressure groups.

Given the importance of civic associations, the MPs interviewed recommended several measures to improve interaction among civic groups, parliamentarians and the government. The most common suggestion was to promote formal and regular consultations through seminars. These could provide forums for the sharing of views; in particular, for government to hear the views of civic bodies and to present its own views, especially on contentious issues like the relocation of the Batswara from the Central Kalahari Game Reserve (CKGR), human rights, illegal squatters, and the accusations that have been made of parliamentarians living in luxury in the parliamentary village. Such meetings would be for the purpose of engagement. Some suggested that portfolio committees of parliament should be introduced whose meetings would be open to the public, and for which clear schedules should be announced, including the issues to be discussed and the sitting times.

The next section deals with how civil society sees its relations with parliament and parliamentarians.

## 4. Civil society's engagement with parliament

In addition to majority rule by elected representatives and equality of franchise, a democratic system has to respect certain rights, including freedom of speech, the press and assembly or association. Thus, a properly functioning democracy requires not only an effective parliament, but also a vibrant civil society that can be an active lobbyist to ensure that these rights are protected.<sup>38</sup> An active civil society is a good indicator of "how open and pluralistic a political system is".<sup>39</sup> The importance of civil society to Africa's democracy lies in the need to balance state power, as opposition parties have proved too weak and ineffective as watchdogs over ruling parties.<sup>40</sup> Unfortunately, African democracies, even long-established ones, generally have no vibrant civil society. Botswana, one of the oldest and most stable democracies in Africa, lacks an active civil society,<sup>41</sup> in spite of the fact that associations are relatively free to function. Molutsi concludes "that Botswana's liberal democracy has been characterised by a weak parliament, a weak opposition and a weak civil society".<sup>42</sup> Holm identifies resource constraints, primarily lack of trained staff and money, inadequate communication and irregular access to politicians, and "the narrow Tswana view of politics" as the main reasons for the inactivity of civic groups in Botswana and their limited influence on government policies or politicians.<sup>43</sup> It is also plausible that other factors similar to those affecting the operations of non-governmental organisations (NGOs) in other parts of Africa, like the lack of intra-organisation democracy and autonomy, ethnic cleavages and powerful executive arms of government,<sup>44</sup> also apply to Botswana.

In recent years, however, there have been indications of a more active civil society, as associations have come forward to champion particular interests. The growth of civil society in terms of numbers, membership, formal structures, decision-making processes and orientation can be traced to the 1990s. Holm and Molutsi identified only two NGOs existing in 1990 with the ability to analyse official policies and lobby the government.<sup>45</sup> In 1991, there were 18 NGOs engaged in the formal policy-making arena.<sup>46</sup> In 1994, however, the number dropped to 16.<sup>47</sup> There has also been an increase in public activity by civil society. This trend has been led by women's groups, especially Emang Basadi, which has emerged as the most vocal and active, and the one that has exerted the most pressure on the government and political parties. Its launch of the Women's Manifesto in 1994 signified the start of a vigorous campaign to articulate women's

rights through demands for equal political participation and representation in public decision-making. The launch of the Women's Manifesto occurred at the same time that political parties were drafting manifestos in preparation for the 1994 elections. Emang Basadi's political education activities and its campaign for women's rights gained credibility through its networking with other associations, especially the labour movement and women's wings of political parties. It has tried to mobilise support for women's causes through workshops and seminars, and to date it has conducted sensitisation seminars on women's concerns and political workshops for political candidates and on civic education, and has carried out campaigns to encourage voter turn-out at elections.<sup>48</sup>

Primarily, groups advancing the rights of women, labour and minorities have emerged as strong 'pressures' on the government and politicians as part of the enhancement of Botswana's democracy. For example, Ditshwanelo and Emang Basadi (and the public in general) believe that without their efforts, the government would ignore human rights. The fact that more women have been appointed to decision-making positions and are MPs, and that the San's rights are now debated, which was not the case previously, are testimonies to tangible results of their lobbying efforts. The unions for secondary and primary school teachers, the Botswana Federation for Secondary School Teachers and the Botswana Teachers' Union, respectively, have tried to win concessions for their members from the government. Ditshwanelo is another association in the forefront of the fight for human rights and has tried to influence policy makers accordingly. Similarly, the San have also become active in spearheading their demands for their rights to land and their traditional way of life. They have been helped by Survival International, which has publicised their 'plight' in the Western world and forced the government to wage a public campaign to justify their removal from the CKGR. The media have fought for a free press and have been instrumental in "exposing corruption in the public sector and criticising high military expenditure" in Botswana, with the 14% of the budget allocated to defence being viewed by many as unjustifiable.<sup>49</sup> Therefore, the media can be viewed as the champions of ethical and transparent government. It was pressure from the media that led to the suspension of the tabling of the Mass Communications Bill in parliament, which was aimed at regulating the media. A new bill is expected to be introduced after consultation with the media.<sup>50</sup>

Indeed, civil society reaction to the increasing impoverishment of many people in a country that enjoys a middle-income status and to the violation of the human rights of women and minorities like the San has boosted the levels of participation of civil society groups in Botswana politics. This process has been helped by the increasing influence of the international women's movement and

the increased flow of donor resources to NGOs. Inability of NGOs to raise their own funds and Botswana's reputation as the model of democracy in Africa explain the increased flow of external funds to NGOs. Other factors are likely to contribute to increased NGO activity in Botswana. Holm argues that civil society will become more active as it imitates the active role of trade unions and the media in South Africa, BDP unity breaks down, and economic performance either takes a turn for the worse or incomes improve.<sup>51</sup> One might add that as the call for good governance gains momentum worldwide, and political liberalisation deepens in Botswana, civil society is also likely to become more vigorous and a force to be reckoned with. Indeed, the relative success of Emang Basadi in influencing the government and political parties on women's issues has served as a stimulus to other civic organisations.

### **Strengths of the existing engagement**

The greater availability of financial resources from donors has enabled civil society to champion its members' interests and to earn some recognition from the political system. Similarly, other resources, like improved professional expertise, greater organisational abilities, and better-developed alliances and networking, have greatly enhanced the performance of such groups as women's organisations. It was the resourcefulness of these organisations that enabled them to challenge the government on the Citizenship (Amendment) Act of 1982, which attempted to deny the right of Botswana women married to foreigners to pass on their citizenship to their children. Unity Dow's success in the High Court prompted parliament to adopt and pass the Citizenship Amendment Bill in 1995, which removed all gender biases.

Civil society has relied on personal contacts, seminars and workshops, the news media and pamphleteering to engage politicians, including parliamentarians, whenever there is a need to press for its interests. The impact of its activities depends on the willingness of politicians to listen, to attend the workshops and seminars, and to read the pamphlets. However, politicians are not compelled to attend any activity sponsored by civil society and, in fact, all the six groups interviewed said that they do not often engage with parliamentarians. The reasons for this are discussed in the next section.

### **Weaknesses of the existing engagement**

Unlike in Western democracies, where there is a relatively close collaboration and even an electoral alliance between interest groups and political parties, the



same is not true in Botswana. There is virtually no such relationship, by virtue of the fact that elections and representation are largely determined by 'ethnic loyalties' rather than "issues, government performance or even [the] personality of the candidates".<sup>52</sup> This means that because interest groups are issue oriented, like Emang Basadi (women's rights), the labour movement (workers' rights) or Ditshwanelo (human rights), they have little leverage over rural politicians, who make up 80% of parliament and 90% of BDP MPs, because it is in rural areas that ethnic loyalties are strongest.<sup>53</sup> It is equally true that these interest groups have little influence on other political parties, including the Marxist Engels Leninist Stalinist (MELS), which could be considered the most enlightened in terms of ideological orientation. More important is the fact that such groups avoid clear-cut alignment or identification with particular political parties, adopting instead a non-partisan stance by appealing to all parties. However, new developments might be emerging, as recent speculation has pointed to an alignment between the teachers' union and the BCP in the 2004 elections. Nonetheless, Holm concludes that: "No interest group in Botswana endorses candidates, or, except in one case, attempts to mobilise election contributions."<sup>54</sup> Party loyalty has in fact compromised the efforts of organisations such as Emang Basadi so far, because although these organisations appeal to women and parties in general to have more women in political office, it would appear that it is difficult for women to vote for a candidate who does not belong to their party simply because she is a woman. Party membership seems to be a stronger commitment.

### **Interviews on parliamentary democracy as conceptualised by civil society**

Interviews were conducted with the groups that make up the most active sector of civil society and have well-developed organisational structures with permanent personnel. These include Emang Basadi, Ditshwanelo, the BNCW, trade unions (the BDSVU and BULGSA) and *Mmegi*. Those interviewed were in executive positions with a broad overview of the operations of their organisations. They were asked for the views of their organisations on parliamentary democracy in Botswana; their perception of the importance and role of MPs in general, and specifically on the extent of MPs' promotion of their organisations' interests and concerns; the nature and extent of NGOs' roles; and the extent of their access to parliamentary representatives (see *Appendix 2*). Interviews were held at their offices with the director and activism programme officer of Ditshwanelo; the acting director and political education officer of Emang Basadi; the acting features editor and senior reporter of *Mmegi/The Reporter* newspaper (the two roles were

combined in one person); the vice-president of BULGSA; the secretary-general of the BDSVU; and the chair of the BNCW.

As a human rights organisation, Ditshwanelo is an activist and advocacy group that views parliamentary democracy as involving the people's participation and representation, together with consultation with them by government on an on-going basis. Therefore, MPs as law makers are important especially to laws that affect and promote human rights. Emang Basadi understands parliamentary democracy as representative democracy where representatives are voted into office by the public. Democracy requires a constant interaction with the electorate, as representatives are expected to advance the views of the electorate and not their own personal views. The roles and functions of parliament are to make laws, deal with issues and formulate development policies. It also examines the budget so that resources are distributed equitably. For *Mmegi*, parliamentary democracy is understood as a process whereby MPs contact the electorate on issues that affect their lives and debate these issues with the view to formulate new legislation or amend existing legislation. The interviewee was not sure if this obtains in Botswana. However, he believes that some MPs do try to envisage what their constituents want. BULGSA understands parliamentary democracy to mean voting politicians into office to represent the people. This essentially means government of the people. The secretary-general of the BDSVU explained that parliamentary democracy entails having elected leaders in parliament, except that in Botswana there is no accountability by the leadership (i.e. the executive arm of government), while the centralisation of development planning in the country means that MPs have little influence on the shaping of development policies. The chair of the BNCW understands parliamentary democracy to mean 'government of the people, by the people, for the people,' such that the voices of the people are heard through their representatives.

### **The importance of parliament**

Asked about the importance of parliament, Ditshwanelo's activism programme officer emphasised that the group sees MPs as important to the organisation because they are the main instrument for effecting changes to legislation. Ditshwanelo targets all MPs; however, the director explained that some MPs, like female MPs, might be better targets for issues related to women. According to her, MPs are not seen as performing a representative or linkage role for the organisation, primarily because human rights is a very controversial issue, such that sometimes MPs support it and at other times do not. For example, in 2000, MPs backed the association, together with women's NGOs, as it lobbied for the

introduction and adoption of the domestic violence bill to protect women and children. However, she argued that MPs have generally not been very sympathetic when it comes to women's or minorities' rights, because of cultural constraints. For Emang Basadi, MPs are not seen as performing a linkage role. Instead, the organisation perceives their representative role as a window-dressing exercise in most cases, and often they do not address public issues. This, according to the acting director, is made worse by the culture of silence that exists in Botswana and the failure of the masses to take part in politics. Nevertheless, the organisation sees MPs as important because it can only achieve most of its goals by working with them, hence the need to have constant interaction with them.

*Mmegi* sees parliament as important because it is the only body that is empowered to make laws. MPs have the huge task of scrutinising existing laws or formulating new ones. They are the voice of the people and as such they have to consult the electorate. They deal with the electorate directly, and indirectly through local councillors. They are also important as they are privy to a great deal of information. That is why the media always try to cross-check with them on the activities of government. Both government and opposition MPs are very helpful, and some of them play a watchdog role. The representative of *Mmegi* believes that parliament in Botswana is performing a representative role, but to a lesser extent. MPs are often denied vital information that would allow them to perform that role properly. For instance, parliament has never debated the ombudsman's report, and the issue of Botswana not handing over American soldiers who commit war crimes to any country prosecuting such crimes was also not discussed. Yet the executive signed an agreement with the US government on this matter, in return for funding for HIV/AIDS treatment programmes.

The vice-president of BULGSA sees the importance of parliament in terms of law making and the formulation of policies, but feels that in the latter it is overshadowed by the cabinet. The secretary-general of the BDSVU observed that he views parliament as important because it makes laws. He argued that, ideally, parliament is important; however, in practice, it is not, as it does not articulate the BDSVU's and labour's position. He added that MPs do not represent the interests of his union and largely imagine labour's problems.

Only one MP, Ambrose Masalila, has championed the union's position on one occasion. The BNCW as an association sees parliament as very important because it is "the entry point of policies and law reform". The chair of the organisation concedes, however, that parliament performs a limited representative role, as only some MPs – perhaps a third – actually perform such a role for associations. She singled out some female MPs, like M Nasha and S Sekgogo, as well as some

male MPs, including PHK Kedikilwe, B Temane and R Molehabangwe, in this regard.

### **Engagement strategies**

Generally, civil society in Botswana engages with parliament through advocacy, lobbying, coalition building and petitions. As an activist and advocacy organisation, Ditshwanelo lobbies parliament in order to influence laws so that they are based on human rights; it also raises awareness of particular legislation and challenges legislation that affects human rights negatively. For example, it raised concerns about the 1998 rape law and made legislators aware of the need to make the law stiffer for all offenders, instead of the practice at the time of stiffer punishment for those who are HIV-positive and lesser sentences for offenders who are HIV-negative. Most of the lobbying is done by the director, who explained that mostly she relies on personal relationships to influence MPs. The norm is for Ditshwanelo to lobby as part of the coalition of women's NGOs on issues like rape and domestic violence. For example, in 2000, as part of this coalition, it lobbied for a bill to address domestic violence against women and children. Ditshwanelo is said to have contributed to shaping various parts of the bill and was present when it was presented to parliament. Similarly, as part of the coalition, it made a presentation to the Law Reform Committee on the issue of rape and appealed to parliament to intervene on behalf of Mogoditshane squatters whose houses were bulldozed by the Kweneng Land Board. In 1999, Ditshwanelo expressed its opposition to the death penalty and distributed information packs to parliamentarians to make them aware of its stand. In 2003, the organisation presented its objection to the agreement between the governments of Botswana and the United States (US) over American soldiers who commit war crimes. The director also pointed out that Ditshwanelo has been at the forefront of the fight for the rights of the San in the CKGR. It organises seminars for MPs as a means of targeting and influencing law makers. The director singled out lack of access to MPs due to unclear procedures for such contact as the main obstacle to greater interaction with parliamentarians.

Emang Basadi does not engage with parliament very often and does not have a close working relationship with any specific MPs, including female MPs. In fact, the engagement is generally non-existent. Nonetheless, the organisation sees such an engagement as potentially important. However, the current minimal engagement is fraught with problems and challenges in the sense that MPs are not forthcoming and are generally unapproachable, with the acting director citing the former MP and Minister of Health, Joy Phumaphi, as the only approachable one.

Generally, it is civil society organisations that initiate interaction, but any engagement does not take the form of a partnership, as MPs are the ultimate decision makers. It also depends on the issue at hand and the person who is handling it. For instance, many MPs personalised the issue of marital rape because they are men. Furthermore, Emang Basadi is not sure if MPs take the issues it raises on board. MPs often fail to attend workshops organised by NGOs, including Emang Basadi.

According to the staffer from *Mmegi*, MPs and civil society only occasionally engage each other in Botswana. *Mmegi* engages with MPs by asking them questions directly on issues raised by voters and therefore does so only when a need arises. The press also evaluates what MPs say in parliament. In relation to the extent of the existing engagement, the interviewee felt that a lot could still be done. With regard to weaknesses of the current engagement, parliament is supposed to have a spokesperson, but this person has been very inactive. The spokesperson's office needs to be proactive so that the media, especially the private media, do not have an excuse for not covering parliamentary affairs. The other weakness is that of no formal arrangement being in place for the media to engage regularly with MPs. As we have seen, this is a general problem.

The interviewee from BULGSA explained that the organisation does not engage with parliament because labour issues are discussed with employers and the employers brief cabinet on what should be done. He added that historically BULGSA has not interacted much with parliament and, where interaction does exist, it takes place at the individual level, not with the union as such. The main weaknesses are that whenever a union engages with a certain MP, it immediately becomes associated with that MP's party, which unions in general want to avoid. Also, MPs avoid talking openly about labour issues. He argued that MPs do not represent the union's interests because they are 'shy' about representing labour groups to the extent that they hardly talk about labour matters. BULGSA as a union is also 'shy' to associate with MPs because of prevailing perceptions that labour associations are radical; and, anyway, its members are barred by the General Orders applicable to civil servants from engaging with politicians. He explained that the union avoids alignment with the opposition, for example, because the BDP government may decide not to listen to its viewpoints as a result. Essentially, the union avoids using the 'political route' to resolve labour problems. However, it invites politicians like MPs, the president or the vice-president to open its annual conferences, but even then it does not engage them on labour issues. To date, the president has officiated at the Tonota conference in December 2002 and the vice-president was the guest at the December 2001 conference.

According to its secretary-general, the BDSVU rarely engages with MPs, except when a labour-related issue arises. He gave the example of his union's efforts to lobby MPs when the Employment Act (Section 61) was debated and amended. Similarly, in 2001, when the union went on strike, it tried to lobby individual MPs for labour-friendly laws. He explained that the major reason for the absence of a relationship with MPs is because MPs are "highly suspicious of trade unions". Furthermore, he outlined two major weaknesses of the existing engagement with legislators. First, the labour movement has been negatively associated with people who do dirty and unqualified jobs and use unions as stepping stones to further their individual interests rather than those of the members as a whole. General ignorance in society on the role of unions perpetuates such misconceptions. Second, political parties interfere in the work of trade unions, as they want to control them.

The chair of the BNCW pointed out that the existing engagement with parliament is quite strong and gives the association an opportunity to negotiate and hold dialogue for gender transformation. She emphasised that the level of contact has increased over time, as some members of the BNCW engage parliament on an individual basis, in addition to interaction through the association. Currently, the BNCW engages with parliament twice a year, compared to the past when the contact was "quite often". This engagement takes place through the Minister of Labour and Home Affairs, Thebe Mogami. The association also liaises with gender-sensitive MPs and organises workshops to which MPs and ministry officials are invited. She reiterated that civil society is weak in terms of organisation, but not weak in terms of putting pressure on MPs. Nevertheless, she pointed out three major weaknesses of the existing engagement with legislators. First, as we have seen elsewhere, there is a structural problem in terms of difficulties in accessing MPs. There seems to be a "false barrier that MPs are important people who can only be accessed through an elaborate procedure". Second, the Ministry of Labour and Home Affairs is also weak and this creates a problem in the BNCW's attempt to access cabinet. Third, the bureaucracy's perception of civil society as the oppositions' spokesperson and its consequent discomfort with NGOs make it reluctant to engage civil society. She believes that the bureaucracy wants to relate to civic groups, but is reluctant to share power and resources with them.

### **Ways to improve parliament–civil society engagement**

When asked to suggest ways to improve relations with parliament, both the officials from Ditshwanelo stated that the existing engagement could be improved

through better access, which would require clarification of procedures, and MPs' recognition of the importance of NGOs as entities and their contribution to the political system. They both emphasised that their organisation would continue to use seminars and pamphlets to inform and influence parliamentarians. Emang Basadi is of the view that its virtually non-existent engagement with MPs can be improved in the followings ways: MPs should first engage with the policy makers (i.e. boards) of organisations such as Emang Basadi; they should appreciate that NGOs are there to enhance their roles, but some of them seem not to understand the aims of such organisations; and those working with NGOs should increase their contact and ensure constant interaction. The *Mmegi* staffer stated that the current engagement with MPs could be improved by finding ways in which both MPs and journalists could systematically inform each other. This is important, as the media act in the public interest. He was quick to add that the Speaker of the National Assembly, Ray Molomo, and some of his officials are also keen to see a close working relationship with the media to ensure regular interaction.

The secretary-general of BULGSA stated that the rewriting of the General Orders to allow civil servants to engage with politicians at every level and participate in politics would make it possible for the union to engage with MPs. The vice-president of the BDSVU argued that the best way to improve the existing engagement with MPs is through a combination of the following: organising unions so that they become effective; intensifying the education of workers on the role of unions; and the according of respect to labour unions as the legitimate representatives of workers' interests. The chair of the BNCW suggested two ways to improve the existing engagement with MPs. First, since the environment is already conducive for associations to engage with MPs, what needs to be done is for civil society to be proactive and engage parliament much more, provided that parliament is willing to promote such a relationship. Second, civil society has to hold MPs accountable, which currently is not the case, and civil society has to revamp its organisational capacity and sharpen its strategy to pave the way for a sustainable engagement with MPs.

## 5. The role of the opposition

### **An overview of the role of the opposition in Botswana**

In conventional democracies such as those of Britain and the US, opposition parties act as shadow governments to parties in power.<sup>55</sup> This is not the situation for much of Africa, including Botswana. This is the case despite the existence of a multiparty framework in most African countries. Democracy functions on the basis of checks and balances. As Osei-Hwedie puts it “the opposition’s role is to check and balance the operations of the ruling party, prevent abuses of power and ensure, *inter alia*, that the government does not neglect the public interest”.<sup>56</sup> However, the opposition in Africa, including that of Botswana, has largely failed to perform this critical role in the democratic process as explained below. Nevertheless, one cannot deny that the opposition in Botswana has played a positive role in two ways. First, it has acted as an overseer of government activity. Opposition MPs (and back benchers) have sometimes been highly vocal, thereby contributing to lively parliamentary debates; they have raised questions regarding government performance, especially when it negatively affects their constituents; and they have been instrumental in urging the government to appoint commissions of inquiry to investigate public organisations, including parastatal institutions. In April 2004, following the adoption by parliament of a motion from Gaborone West MP R Molefhabangwe, the president appointed a four-man judicial commission of inquiry into the allocation of state land in Gaborone.<sup>57</sup> In this way, the opposition has been able to remind the government not to neglect the public interest. At one point in 1995, the opposition even moved a vote of no confidence in the government, but this failed to get support from a majority of legislators. Second, the very existence of an opposition in parliament gives credence to Botswana’s character as a functioning multiparty democracy.

### **Opposition strengths**

The strength of the opposition parties lies in their resilience, in terms of their continued existence as the opposition in spite of a lack of substantial gains in successive elections, save for some wins in local government polls. Unlike in most African countries, the opposition in Botswana functions in a liberal democratic framework in which there is a highly developed culture of tolerance by African standards. Molomo notes: “Botswana [has] developed into a true multiparty



democracy with a comparatively tolerant political culture that allow[s] for the existence of political parties of all shades".<sup>58</sup> The opposition operates freely, with no hindrances from the ruling party – there are no political no-go areas in Botswana so far. This is remarkable by African standards. In fact, registering a party in Botswana is as easy as registering a burial society. Botswana's multiparty framework also provides the possibility of a change in government. In such an environment, there is a strong basis for the opposition to develop its electoral support. However, the opposition parties have failed to exploit this rare opportunity on the African continent to build their support and improve their chances to take over government. Instead, internal tensions have made it difficult for the opposition to perform better, much to the disappointment and annoyance of its followers. Thus, the opposition is largely to blame for the miserable defeats it has suffered at the hands of the BDP since independence. In other words, the problems within the opposition have been a major source of the ruling party's strength.

### **Weaknesses of and challenges confronting the opposition**

In its efforts to seize power from the ruling BDP, the opposition is faced with a number of weaknesses and challenges/problems. The opposition parties in Botswana exhibit the same weaknesses as other opposition parties in a majority of African states. Osei-Hwedie locates the causes of the weaknesses of the opposition inside the opposition itself, as the political system presents no obstacles to the formation and operation of these parties.<sup>59</sup> She argues that opposition weakness stems from inadequate resources, poor organisation, factionalism and fragmentation, and a narrow support base. Holm attributes opposition parties' weaknesses, and thus their poor electoral performance, to the following main factors: lack of unity behind one candidate; ethnic mistrust among parties; differing ideologies; legal barriers, including the prohibition on state employees from actively participating in politics; and the delimitation of constituencies in favour of rural areas, where the BDP enjoys overwhelming support.<sup>60</sup>

Opposition parties in Botswana are poorly resourced when compared to the ruling BDP, with insufficient finances and personnel. Absence of state party funding and their inability to source from private financiers worsens their position. Private people are unwilling to support the opposition financially and the opposition has not been able to devise strategies for raising funds on its own. The BDP has access to more sources of funding than opposition parties, which depend on unreliable and unsustainable sources.<sup>61</sup> This is confirmed by Osei-

Hwedie, who points out that "most opposition parties do not have the resources to establish branches or nominate candidates in every constituency because they do not command as many resources as the ruling BDP". For example, to date, only the BNF has been able to nominate the maximum number of candidates (i.e. one per constituency): 37 and 39 in the 1999 and 1994 elections, respectively.<sup>62</sup> The remaining opposition parties each nominated less than half this number in the same elections.<sup>63</sup> The shortage of finances makes it difficult for the opposition to mobilise the electorate country-wide, and to establish permanent party structures. As a result, the opposition parties tend to contest those seats that they believe they stand a better chance of winning or where they have a large following. In consequence, as indicated above, the opposition has performed badly in past elections. It has to be noted that the performance of a political party is not only determined by the amount of resources it commands; the level of organisation is equally important.<sup>64</sup>

The opposition in Botswana is in disarray. Osei-Hwedie identifies organisational deficiencies within the opposition as one of its weaknesses.<sup>65</sup> This is the case even for older parties such as the BNF and BPP. Opposition parties lack headquarters and well-functioning branches in constituencies, which are both crucial for voter mobilisation and administration purposes, particularly the carrying out of the affairs of the party, the formulation of election manifestos and the production of campaign materials. Only the BCP has established a headquarters in the capital, Gaborone, in a rented building.

The opposition is also characterised by factionalism and fragmentation, which undermine internal cohesiveness, its public image and the mobilisation of electoral support. It is not only composed of small parties, but these are numerous and lack unity. Internal feuds have resulted in splits, culminating regularly in the formation of new, separate parties. Intra-party competition centres on issues like ideology, programmes of action, electoral disputes over party positions and struggles for party leadership. The BNF has suffered the most from splits, prior to and after almost every general election. To date, eight splinter parties have been created from it, with the New Democratic Front (NDF) the most recent. Inter-party rivalry has prevented unity among opposition parties that would allow them to stand as one against the ruling party. Attempts to form electoral alliances to boost the chances of winning have not been successful. For example, the creation of the Botswana People's Progressive Front (BPPF) by the BNF, BPP and BPU to contest the 1994 elections as a combined force proved unworkable.<sup>66</sup> Similarly, the United Democratic Front, composed of the Social Democratic Party (SDP), the Botswana Workers' Front (BWF) and MELS, and formed to be a common front against both the BDP and BNF in the 1994 elections, proved a failure, and

it did not win any seats.<sup>67</sup> For the 1999 elections, five political parties – the BNF, BPP, BPU, IFP and UAP – formed an electoral alliance called the Botswana Alliance Movement (BAM). BAM failed to present a credible challenge to the BDP due to inter-party rivalry, ideological differences, personality clashes among alliance leaders, and disagreements on the nominations of candidates.<sup>68</sup> In preparation for the forthcoming elections in 2004, the BNF, BAM and the BPP entered into an electoral pact in 2003, agreeing not to challenge each other in constituencies. The BCP has stayed out of this pact, and this essentially divides the vote of the opposition once again, to the benefit of the ruling party. Whether this alliance will stay intact remains to be seen, as there are already tensions among the members, especially between the BAM and BPP. Similarly, it is uncertain whether it would mount worthwhile competition to the BDP.

The opposition also suffers from electoral weaknesses because of its members' narrow, regional support, drawn from minority non-Tswana ethnic groups, while the ruling party enjoys wider support from the majority Tswana tribes.<sup>69</sup> The north-west is the stronghold of the Botswana Independent Party (BIP) with the support of the Bayei, the north-east of the BPP among the Bakalanga, and the south of the BNF with Bakgatla support. The BNF has also strong support in urban areas.<sup>70</sup> The UAP draws support from the south as well. Generally, weak electoral support accounts for the poor performance of the opposition. The combined electoral strength of all opposition parties is insufficient to dislodge the BDP from power or increase their parliamentary seats at its expenses and the combined total percentage of votes for the opposition has never exceeded that of the BDP in all the general elections. Thus, a combination of problems has resulted in the poor performance of the opposition. And as we have seen, a small opposition in parliament "means that the BDP [can] pass bills in parliament with relative ease, and without much hindrance from the opposition".<sup>71</sup>

These weaknesses and other factors pose enormous challenges for the opposition. A major challenge is that it is trying to wrest power from a party that has managed the economy extremely well since independence, for which the BDP is acclaimed within the country and beyond. This has earned it continued electoral support. As Holm puts it: "the success of the government's development plans and the positive impact of social and welfare programmes make the BDP a formidable electoral challenge."<sup>72</sup> Similarly, the fact that opposition supporters also benefit from the ruling BDP's policies and programmes makes it hard for the opposition to mount a credible critique of the government's policies.<sup>73</sup>

The biggest challenge is to overcome all or almost all of the weaknesses cited above in order to strengthen the opposition into a capable alternative to the BDP. Thus, the most urgent challenge is for the opposition to present to the public a

credible programme of action and an alternative ideological position better than that of the BDP, in order to sway the voters to its side. Related challenges include the need to create a workable electoral alliance of all opposition parties, solicit sufficient funding, and build effective organisational structures, both at the grassroots and central levels, in order to mobilise the voters. Another challenge is to widen electoral support beyond a narrow regional base and urban areas to the nation as a whole, especially in rural areas, and widen party membership and support. However, selling the opposition to the voters would not be easy because several factors, including party allegiance, rational choice, voter preferences for certain candidates and personalities, and ethnic ties simultaneously influence voting behaviour and thus electoral outcomes.

The latest challenge in Botswana's political process is voter apathy. This is a major challenge that is not only faced by the opposition, but by the ruling party as well. Such apathy is likely to reduce the opposition's chances of taking over government even further. However, the opposition is partly to blame for this. Opposition splits, especially within the BNF, just before almost every election appear to have contributed to voter apathy in a big way. This not only frustrates the voters in general, but even those who have traditionally supported the opposition end up perceiving it as neither trustworthy nor credible. Therefore, the task is to change the negative public perception of the opposition to one inspiring confidence and trust. This in turn means a major change of attitude on the part of all members of the opposition.

### **The opposition's perception of its parliamentary role**

The members of the opposition that were interviewed were asked about its role in parliament, including its strengths and weaknesses. These MPs see their parties as indirect advisors to the government, watchdogs to prevent government complacency and laxity, and as sources of alternative ideas and policies that can address problems better than those adopted by the government. There was general agreement among those interviewed that they are not discriminated against because they are from the opposition. However, they acknowledged that they have not been a strong force in parliament due to a number of constraining factors. First, they are disadvantaged in terms of numbers: there are seven of them, as opposed to 37 for the ruling party, which makes it difficult for them to put their views across to the majority. Second, opposition parties have different policy positions, hence they do not always act in unison. Third, the speaker does not grant them sufficient opportunity to present their views. In many instances, even when an opposition member asks to do so, he/she is not picked to speak.

Fourth, sometimes their motions are unsuccessful because they feel dissuaded from presenting their case as a result of heckling from the government benches. At times, however, they have been able to solicit the support of BDP back benchers, who have then withdrawn their support after attending their party caucus meeting, as in the case of privatisation policy.

Therefore, the major challenge as seen by opposition parliamentarians is devising a strategy to outsmart the ruling BDP so that the opposition is seen in a better light by the electorate than the BDP. This would necessitate, first and foremost, assessing the performance of the BDP as a party, including its weaknesses and strengths; then presenting policies that are better than those of the BDP; undertaking research to sharpen the capacity of the opposition; and revamping its image by creating a responsible grouping that tells the truth to the people, minds its speech and avoids scandals. Other challenges identified by interviewees included finding ways to get their motions passed and increasing their numbers in parliament by getting more people to vote for their parties. Thus, suggested measures to strengthen the opposition include 'speaking with one voice in and outside parliament'; an electoral alliance to present a united platform against the ruling party; the 'healing of minds' among opposition parties after past fracas; public media coverage of the political activities of all parties, which currently only focuses on the president and the chairman of the ruling party; state funding of political parties, especially of electoral campaigns, which currently does not exist in Botswana; and the introduction of a PR electoral system. The opposition does not believe that it is weak; rather, it has insufficient financial resources at its disposal, while the current electoral system makes it look weaker than it actually is.

## 6. Summary and recommendations

The present study's research findings confirm the view in the existing literature that Botswana is the oldest stable parliamentary democracy in sub-Saharan Africa. More important, however, is the finding that parliament, which is the basis of democracy, is weak, with the executive having dominant power and the cabinet being only indirectly accountable to parliament through the civil servants who appear before parliamentary committees. Civil society, which is generally seen to be vital to any democracy, is also weak, exerting minimum pressure, although it has recently lobbied MPs and the cabinet on a number of issues with some success, especially on human rights. The opposition too is weak and poses no threat to the ruling party, which has governed the country since independence in 1966.

Parliament's engagement with the electorate and the public could be strengthened, primarily by training MPs and providing them with technical information about law making and budget formulation to enable them to perform their role effectively, and to be seen to be actually performing their role by their constituents. This should be supplemented by well-resourced constituency offices staffed with personnel skilled in research, and supplied with communications equipment and computers for research purposes. In this way, constituency offices would not only serve as communication channels with constituencies, as is currently the situation, but as sources of information for MPs. Second, parliamentary engagement with the electorate and the public would be strengthened if MPs were given official transport and financial resources for visits to and meetings with their constituencies; and through the creation of portfolio committees and formalised systems of interaction with civil society. Third, MPs should be provided with properly equipped offices in Gaborone to facilitate continued interaction with the public when parliament is in session. Fourth, there is need to intensify civic education of the electorate to enlighten them about their role, that of parliament, and how a democratic system operates generally.

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## **Appendix 1: MPs and members of civic associations interviewed**

*Interviews were held with MPs and civic leaders between 12 February and 20 April 2004 in Gaborone:*

1. Hon. JP Kavindama, MP – Okavango, BCP, 6 March 2004
2. Hon. RK Molethabangwe, MP – Gaborone West, BNF, 6 March 2004
3. Hon. JJ Maruatona, MP – Bobirwa, BDP, 10 March 2004
4. Hon. PHK Kedikilwe, MP – Mmadinare, BDP, 11 March 2004
5. Hon. SIT Segokgo, MP – Specially Elected, BDP, 15 March 2004
6. Hon. G Kokorwe, – Thamaga, and Assistant Minister of Local Government, BDP, 16 March 2004
7. Hon. PPP Moatlhodi, MP – Tonota, BDP, 17 March 2004
8. Hon. DS Pholo, MP – Selebi Phikwe, BDP, 17 March 2004
9. Hon. MGK Mooka, MP – Moshupa, BDP, 18 March 2004
10. Hon. L Motsumi, MP – Ramotswa, and Minister of Health, BDP, 23 March 2004
11. Hon. JLT Mothibamele, MP – Kgalagadi, BDP, and Chief Whip, as well as the Chair of the Special Select Committee on HIV/AIDS, 31 March 2004
12. Hon. K Kalake, MP – Ngwaketse South, BNF, 31 March 2004
13. Hon. NM Modubule, MP – Lobatse, BNF, and Leader of the Opposition in the House as well as the Chair of the Public Accounts Committee, 8 April 2004
14. Ms Alice Mogwe, Director of Ditshwanelo, 12 February 2004
15. Ms Maureen Akena, Activism Programme Officer of Ditshwanelo, 12 February 2004
16. Ms Ida Mokereitane, Acting Director of Emang Basadi, 24 February 2004
17. Ms Segametsi Modisaotsile, Political Education Officer of Emang Basadi, 24 February 2004
18. Mr Letshwiti Tutwane, Acting Features Editor and Senior Reporter of *Mmegi*, 24 February 2004
19. Mr Losika Mosarwa, Vice-President of the Botswana Unified Local Government Service Association (BULGSA), 16 April 2004
20. Mr Eddie Keloneilwe, Secretary-General of the Botswana Diamond Sorters and Valuers Union (BDSVU), 17 April 2004
21. Ms Elsie Alexander, Chair of the Botswana National Council on Women (BNCW), 20 April 2004

## Appendix 2: Interview guide

*Research Project on Strengthening parliamentary democracy in SADC countries:  
Botswana country report*

### Questions asked:

#### **Parliament–electorate/public relationship**

1. What are the roles, functions and importance of parliament?
2. What do you understand by parliamentary democracy in Botswana?
3. How important is parliament to Botswana's democracy?
4. What does MPs' representative role entail? Whom do they represent?
5. What type of committee system does Botswana's parliament have?
6. Which committees are very active and hold the executive accountable to parliament?
7. What is the nature of the relationship between parliament and the electorate/public?
8. Are MPs an effective link between the government and the electorate/public?
9. Are they accountable to their constituencies? To the general public?
10. What structures and channels does parliament use to disseminate information about its activities to the electorate/public?
11. How does parliament use the *kgotla*, constituency offices, election campaigns and the media to disseminate information about its activities to the electorate?
12. What are the strengths of these structures and channels for dissemination?
13. What are the weaknesses of these structures and channels?
14. How effective are these structures and channels?
15. What are the major problems faced by parliamentarians in their efforts to disseminate information about their activities to the electorate/public?
16. Suggest ways to improve parliament's engagement with the electorate/public.
17. What is the best way for parliament to engage with the electorate/public?

#### **Parliament–civil society relationship**

1. Do MPs think that it is important to relate to civil society? If so, why?
2. In what ways do MPs relate to civil society?
3. Which associations are MPs actively engaged with and why?

4. Which associations' interests do MPs represent and articulate?
5. Do MPs see themselves as good representatives of group interests?
6. What are the strengths of parliament's existing engagement with civil society?
7. What are the weaknesses of its existing engagement with civil society?
8. What needs to be done to improve and strengthen existing interaction?

### **Opposition parties**

1. What role does the opposition play in Botswana's parliamentary democracy?
2. Explain the strengths of the parliamentary opposition.
3. Identify and clarify the weaknesses of the parliamentary opposition.
4. What are the challenges confronting the parliamentary opposition?
5. Suggest ways to: (a) strengthen the opposition, (b) alleviate its weaknesses, and (c) overcome/minimise the challenges it faces.

### **Parliamentary office bearers**

#### *Chief whip*

1. What are the roles of the chief whip?
2. As the chief whip, do you set the agenda of business for the week?
3. As the chief whip, how do you ensure that adequate time is allocated to the conduct of business?
4. As the chief whip, how do you avoid procedural wrangles on the floor of the House?
5. How are debates conducted in parliament? Are they orderly?
6. As a whip, how do you ensure that party members attend and vote at crucial times?
7. How do you maintain party discipline among party members? Is discipline high?
8. Explain the party caucus and its role.

#### *Leader of the opposition in the House*

1. What is the role of the leader of the opposition?
2. How do opposition motions fare in the House?
3. What impact does the opposition have in parliament?
4. Explain the daily routine of parliament.

#### *Chairs of committees*

1. Which committee are you responsible for?
2. What types of committees are there in Botswana's parliament?
3. What type of committee is your committee?

4. What is the role of your committee?
5. Is your committee able to hold the executive accountable to parliament? Please give examples.
6. What instruments are available to parliament to sanction the executive/make it accountable? e.g. a no-confidence motion. Has it ever been used?

**Civil society**

1. How do you conceptualise parliamentary democracy in Botswana?
2. What are the roles, functions and importance of parliament in Botswana?
3. How does civil society engage with parliament?
4. How often does your group engage with parliament?
5. What is the strength of your existing engagement with parliamentarians?
6. What are the weaknesses of your existing engagement with parliamentarians?
7. Do you see parliament performing a representative role? What is its linkage role for your group?
8. How important are MPs to your association?
9. Which MPs does your association have a close working relationship with and on what issues?
10. In what ways do you intend to improve on the existing engagement with MPs?

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## List of acronyms

BAM	Botswana Alliance Movement
BCP	Botswana Congress Party
BDP	Botswana Democratic Party
BDSVU	Botswana Diamond Sorters and Valuers Union
BFP	Botswana Freedom Party
BIP	Botswana Independence Party
BLP	Botswana Labour Party
BNCW	Botswana National Council on Women
BNF	Botswana National Front
BPP	Botswana People's Party
BPPF	Botswana People's Progressive Front
BPU	Botswana Progressive Union
BULGSA	Botswana Unified Local Government Services Association
BWF	Botswana Workers' Front
CEDA	Citizen Entrepreneurial Development Agency
CKGR	Central Kalahari Game Reserve
FPTP	First-past-the-post
IEC	Independent Electoral Commission
IFP	Independence Freedom Party
MELS	Marxist Engels Leninist Stalinist
MP	Member of parliament
NDF	New Democratic Front
NGO	Non-governmental organisation
PAC	Public Accounts Committee
PR	Proportional representation
SADC	Southern African Development Community
SDP	Social Democratic Party
UAP	United Action Party
US	United States

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