

# **The big governance issues in Botswana**

A civil society submission to the African Peer Review  
Mechanism (APRM)

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# 1. Human Rights

**Botswana's Constitution:** sets out fundamental rights & freedoms of citizens but does not protect socio-economic rights, leading to increased vulnerability & dependency of the poor.

**International Treaties:** ICCPR & UDHR adopted but not incorporated into domestic law & therefore cannot be enforced.

## Areas of Concern:

- GBV: 40% of women have experienced some form of GBV in their lifetime. Botswana's patriarchal society produces attitudes that subjugate the rights of women.
- Discrimination against indigenous people: 3% of the population is indigenous. Challenges include threats of being relocated, food insecurity, & non-recognition by the Constitution.
- Child labour: 26,500 children under the age of 15 work in cattle herding or the domestic service. Gaps in Botswana's legal framework make it difficult to address the issue.

## Areas of Concern cont.

- Over reliance on and abuses by the mining sector: host communities are not consulted before operations begin, forced displacements without adequate compensation have taken place, & access to information is limited.
- Respect for diversity and culture: Botswana Vision 2036 does not adequately address issues of culture.
- Effectiveness of social protection programmes: in 2017, 50% of the population received food assistance, 10% received other social assistance in the form of money/coupons. In practice, the programmes lack coordination & assistance does not reach those who need it most.
- Access to and quality of healthcare services: Challenges include poor quality of services, a shortage of human resources, problems associated with urbanisation & inadequate planning. Effects are felt in areas of maternal health & HIV/AIDS.

## Recommendations?

## 2. Separation of Powers

*i.e: a clear distinction between three, independent arms of government: Executive, Legislature & Judiciary.*

### **Challenges: Executive v Parliament**

- All members of the Executive are drawn from Parliament.
- Parliament is responsible for formulating laws but this function is increasingly controlled and driven by the Executive. Eg: principle of collective responsibility & the BDP.
- Executive also has the power to pass subsidiary legislation. The process is not subject to the same democratic consultation which normal legislation has to undergo.
- President has overarching powers with potential for abuse.
- Parliament falls under the Office of the President, hampering its independence.

## **Result: Parliament is limited in what it can practically achieve.**

- Principle of collective responsibility.
- Successful vote of no confidence is unlikely.
- FPTP electoral system may not be representative enough. It marginalises smaller political parties, women and youth. Could a mixed member proportional system be more appropriate?

## **Judiciary:**

- High degree of functional & financial independence.
- Terms of employment for judges limits opportunity for foul play.
- Track record of courts ruling against the government on pertinent issues eg: *Unity Dow vs The Attorney General of 1992*.

## **Recommendations?**

# 3. Public Service and Decentralisation

Despite clear & comprehensive legislation, public service is known for laxity at work, absenteeism, late coming, sexual harassment & leaking of confidential information. Result = poor performance, conflicts of interest, corruption and abuse of office.

## **Decentralisation: a Solution**

- i.e: the transfer of authority from central government to local government.
- Local authorities have been established at the district level but Botswana lacks a comprehensive decentralisation policy. Expected in 2020/21.
- Major responsibilities & powers therefore remain within central government with local authorities taking on the role of the messenger. This has been a barrier to service delivery. Eg: delivery of water in rural areas.
- Not all local authorities are recognised by the Constitution; Funds split across 15 Councils are insufficient.
- Central government is overwhelmed & needs to provide local government with a clear mandate on which services it is responsible for & to what extent.

**Political Institutions and Decentralisation:** an increase in opposition representation in Parliament is encouraging but MPs do not see members of Local Councils as equal partners in development. Local government should brief Parliament on public needs and issues, so that laws & policies can be developed accordingly.

**Civil Society and Decentralisation:** civil society does not have the muscle to lobby/influence government decisions. Government therefore relies on traditional leaders to mobilise citizens.

### **Lessons Learnt:**

- Urban & District Councils **have** contributed towards the promotion of democracy at local level & deserve the opportunity to deliver on their mandates.
- Central government offices at the district level have brought services, otherwise only available in Gaborone, closer to citizens.
- E-governance can reduce long queues & improve service delivery.

### **Recommendations?**

# 4. Citizen Participation and Economic Inclusion

Botswana has basic elements for a democracy BUT

## **Barriers to Political Participation:**

- FPTP electoral system distorts electoral outcomes & produces a Parliament that is disproportionate to the popular vote. Eg: 2014 BDP victory with >50% of vote.
- The process of nominating SEMP's and MP's benefits the incumbent party, allowing it to entrench its hegemony.
- Women, youth and PWDs are poorly represented in government. Legal & regulatory frameworks that could remedy this have not been adopted.
- Smaller parties struggle to keep up with the powerful & well-resourced BDP. The opposition is weak and fragmented. Poor organisational structures & lack of funding has often resulted in party splits during/after primary elections.
- Suggestions made during kgotla are not considered.



## Barriers to Economic Participation:

- Botswana's citizenry is excluded from the economy, despite its considerable growth over the years.
- Botswana was the 3rd most unequal country in the world in 2015, based on a Gini coefficient score of 0.6 where 0 = perfect equality & 1 = perfect inequality. Points to a large gap between the country's rich & poor people.
- Youth and people living in rural areas are disproportionately affected.
- Poverty & inequality is the result of an economy based on natural resource wealth. Benefits are introduced reluctantly, in a top-down manner, to ensure the support of the "rural poor".
- Valuable lessons from programmes like the Financial Assistance Policy, the National Literacy Programme of 1981, the Young Farmers Fund of 2009.
- Tourism: local communities have yet to see the real benefits from an industry that was arguably built upon its land & natural resources. Eg: Ngamiland.

## Recommendations?

# 5. Transparency and Accountability

Historically, Botswana has demonstrated high levels of transparency and accountability but there are areas of concern.

## **Corruption:**

- Corruption Perceptions Index of 2019: Botswana scored 61/100 (where 0 is 'highly corrupt' and 100 is 'very clean'). Ranked 34/180 countries assessed.
- Several ongoing corruption cases. Eg: misappropriation of National Petroleum funds.
- DCEC lacks autonomy. It has to compete with other departments & agencies for much needed resources; cannot prosecute people on its own.

## **Oversight Bodies:**

- Auditor General reports have yet to be used to take disciplinary action against culprits.
- The IEC falls under the Office of the President which compromises its independence. It is only visible during general elections & has failed to provide voter education on a continuous basis.

## **Access to Information and Media:**

- In 2013, Botswana ranked 55/77 countries on the Open Data Barometer. In 2017, it dropped to 78/86 countries. The absence of a right to information law was identified as a major factor affecting the score.
- A draft 'Right to Information' Bill is in the pipeline but its effect may be diluted by other problematic laws: Media Practitioners Act of 2008, Intelligence and Security Act of 2007.
- A Right to Information law should go hand in hand with the review, if not repeal, of these Acts.

## **Conflict of Interest and Corporate Governance:**

- Poor performance of public enterprises in Botswana raises questions of accountability: officers within the Botswana Meat Commission, the Botswana Power Corporation, & the Botswana Energy Regulatory Agency have been accused of conflicts of interest. There is no legal requirement for officials to declare their assets.
- Regulatory framework to monitor compliance with the Companies Act is inadequate.

## **Recommendations?**

# 6. Vulnerable Groups

## Women and Children:

- Benefits of laws & policies have not reached women in the informal sector, specifically those living in rural areas.
- The idea that women are subservient prevails, has resulted in little to no female representation in political, economic & religious sectors.
- Legal system, as it stands, inherently discriminates against women. Justice for GBV relies on the will of the survivor.
- Several state interventions aimed at protecting vulnerable children have benefited the child population as a whole. Gaps remain in addressing adolescents' issues, particularly alcohol and drug abuse.

## Youth:

- Biggest challenge = unavailability of job opportunities; mismatch between the skills possessed by young people & demands of the job market.
- National Internship Programme & calls for affirmative action in favour of the youth are welcomed.

## **People Living with Disabilities:**

- 2.7% (56,555) of the population has some form of disability.
- Challenges include economic exclusion, higher levels of poverty, & restricted access to information, transportation, & public spaces.
- Government has shown commitment to improving the lives of PWDs through the CPWD, National Disability Policy.

## **The LGBTQI+ Community:**

- There is freedom of association, gender affirmative recognition, & same sex intercourse has been decriminalised.
- Socially, the community continues to face discrimination, belittlement, bullying & rejection. Has far reaching consequences, particularly for men's health.

Social assistance programmes have failed to address underlying issues of violence, gender equality, human rights, & other social aspects that come with living in Botswana.

## **Recommendations?**

# 7. Education

Government's commitment to education is demonstrated by significant budget allocations and progressive policies. However, there has been little return on this investment.

## **Pre-Primary Education:**

- Funding for ECCE remains low.
- Low enrolment rates, particularly in rural areas and settlements.
- Current ECCE programme excludes children under the age of five.

## **Primary Education:**

- Efforts to achieve universal access to basic education are commendable but dampened by high rate of dropouts, particularly in rural areas such as Gantsi.
- Boys consistently outnumber girls at primary school level. Government is also struggling to accommodate children living with disabilities.
- Shortage of classrooms, tables, chairs, books, & qualified teachers for specialised subject areas.

## **Secondary Education:**

- Poor performance of students at the secondary education level compared to regional and international counterparts.
- Implementation of policy has been stifled by budgetary constraints.
- Other challenges include: teenage pregnancies and indiscipline, absenteeism & dropouts.

## **Comprehensive Sexuality Education:**

- Prevalence of HIV amongst the youth is still a concern & has been attributed to a lack of comprehensive knowledge about HIV & safe sex.
- Main challenge = lack of appropriate, age specific study material & training for teachers.

## **Tertiary Education:**

- Enrolment for those aged 20-24 remains low (23.4% in 2016).
- Mismatch between what employers seek in terms of educational requirements & what the labour force has to offer.

## **Recommendations?**

# 8. Sustainable Development

## **Natural Resource Management:**

- Natural resources are generally well-managed. Revenue from mining is used to provide infrastructure & essential services to citizens.
- Water resources are also well-managed but supply is limited & wastage could be curbed.
- Botswana is a signatory of Agenda 2030 for Sustainable Development but implementing authorities remain weak.
- Poor policy coherence: the mandates of different departments & parastatals are not aligned. The Strategy for Sustainable Development (later the National Strategy for Sustainable Development), has not been finalised, despite being in the works for over a decade.
- The viability of the Community Based Natural Resource Management policy is under question.



## **Access to Land and Infrastructure:**

- Acute shortage of serviced land due to red tape.
- Poor record keeping by the Land Boards makes it difficult to determine with certainty who owns which piece of land, where.
- Poor coordination of Land Administration institutions and overlapping legislation. Leads to duplication of effort & registers with conflicting information.
- Shortage of adequate infrastructure in general has hampered government's efforts to deliver basic services, particularly in rural areas

## **Monitoring and Evaluation: a Solution?**

- A monitoring & evaluation framework could ensure that all activities are executed according to plan & that all stakeholders perform their roles efficiently.
- Necessary in Botswana where a number of large government projects have not been implemented/completed on time/on budget. Eg: Morupule B Generation and Transmission Project

## **Recommendations?**

# 9. Food Security

*i.e: when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs & food preferences for an active & healthy life.*

## **Food Insecurity and Climate:**

- Botswana has a semi-arid climate with unreliable rainfall & recurring droughts. Cattle disease outbreaks are common.
- Result: more produce has to be imported, at high cost. Local production of commodities such as grain, dairy & vegetables meets between 3% & 57% of demand.
- High levels of imports leaves the country vulnerable to external market forces. Eg: global food price increases. The cost of food in Botswana increased by 3.6% in June 2020 compared to the same month in the previous year.
- COVID-19 is likely to exacerbate rising costs, particularly for the cross-border transport of goods & services.

## Food Insecurity and Poverty:

- Global Food Security Index 2019: Botswana ranked 57/113 countries, with above average scores for affordability, availability, & quality and safety.
- **But** household food security levels are low. The prevalence of severe food insecurity was 41.2% (representing about 900,000 people) in 2019 & has been increasing over the years
- 25% of Botswana's population is undernourished, 30.2% of women of child bearing age are anaemic & 28.9% of children under the age of five are stunted, an indication of chronic malnutrition.
- The persistence of hunger & malnourishment indicates several shortcomings in social assistance programmes.
- The source of income for a majority of poor households in 2015/16 was wages from employment (50.3 %). Agriculture contributed only 3.9%. Productivity in the agricultural sector, which has stagnated over the years, could be one way to improve food security.

## Recommendations?

# 10. Crime and Security

Poverty, HIV/AIDS, high youth unemployment & other social ills have contributed to increasing levels of inequality. They have the potential to become sources of conflict.

## Root Causes of Crime:

- Between 2011 & 2018, the number of decided cases increased from 4,720 to 8,262. 92% of the accused were males. A large number of accused persons were from age groups 25-29 & 35-39.
- Efforts to address this should focus on the root causes of crime, often considered to be: high levels of income inequality, rapid urbanisation & youth unemployment.

## GBV:

- Incidence of GBV has increased over the years, was likely exacerbated by Covid-19.
- Most victims are women & children
- Botswana has the 2nd highest rape rate in the world: 92.9 incidents per 100,000 people (reported cases only).

## **Cybersecurity:**

- Cybercrime is one of the most critical problems facing businesses & government in Botswana. Organisations in the banking & financial services are most at risk.
- There are >100 cyber security trained professionals in the country.
- Budgets to combat cybercrime have not been set aside

## **Natural Disaster Preparedness:**

- Botswana is prone to natural disasters, particularly drought, floods & veld fires.
- Establishment of a Natural Disaster Preparedness Unit is positive but government needs to better define natural disasters. Eg: Covid-19 could be considered a natural disaster for which government was wholly unprepared.
- A comprehensive framework requires contributions from various areas: training & logistics, health care, recovery, livelihood & institutional development.

## **Recommendations?**

# 11. Foreign Policy

Botswana is affected, directly and indirectly, by events in different parts of the world. It needs a coherent foreign policy which protects & defends its national interests in the global arena.

Botswana's foreign policy has historically been based on 8 principles:

- Democracy; Development; African unity & non-alignment; Self-reliance; Good neighbourliness; Peaceful resolution of conflicts; Territorial integrity; Respect for the sovereignty of all nations

These principles, adopted at independence, have remained constant for more than 50 years, explaining the consistency of the Botswana's foreign policy. It must now maintain this reputation.

## **Challenges:**

- Lack of a written foreign policy framework.
- A draft concept paper was circulated to government for input. Two multi-stakeholder workshops on foreign policy took place. Consultations dissolved before the framework could be finalised.
- Botswana's foreign policy is shaped almost exclusively by a central committee in the ruling BDP
- Current foreign policy is not directly aligned to Botswana's national development agenda. Eg: Botswana is a small, landlocked country, which relies heavily on exports. Geopolitics should therefore be at the fore.
- Presidential powers granted by the Constitution imply that the President alone has the authority to determine the foreign policy behaviour. This is undemocratic.
- Parliament has played a limited role, mostly reviewing decisions already made by the executive.

## **Recommendations?**

# 12. Research and Development

Research and development assists leaders to make informed decisions in terms of what is needed, by whom.

## Gaps:

- Large delays in terms of data collection: much needed statistics, such as from the Botswana Core Welfare Indicators Survey, are only collected every seven to nine years. Too infrequent for timely analysis & policy corrections.
- Research units are poorly funded & unable to attract & retain senior research professionals. Funds allocated to research & development represented 0.08 & 0.09 percent of the total national budget between 2015 & 2018 (AU recommends 1%).
- A research & development fund, promised in 2014, is not yet operational.
- Statistical data collected therefore often has limitations; cannot be used to produce accurate analyses & forecasts.



## **Indigenous Knowledge and Research:**

- i.e: Traditional & local knowledge embedded in the cultural traditions of regional, indigenous or local communities.
- includes areas of range management, crop production, handicraft production, fishing, wild plants, primary healthcare, & herbal medicines.
- Botswana is keen to develop its systems to better capture, store, preserve, & provide access to the country's indigenous knowledge (2011 National Policy on Research, Science, Technology and Innovation).

## **Research into the Arts and Creative Industries:**

- Botswana is well known for its art, craftsmanship, traditional practices & culture.
- These industries face major challenges: difficulty accessing finance, an unfavourable regulatory environment, lack of business acumen, lack of marketing & management skills, poor business record keeping, & poor quality of products.

## **Recommendations?**