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THE BIG GOVERNANCE ISSUES IN BOTSWANA

A CIVIL SOCIETY SUBMISSION TO THE AFRICAN PEER REVIEW MECHANISM



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Executive Summary

Botswana's civil society APRM Working Group has identified 12 governance issues to be included in this submission:

1



Human Rights

The implementation of domestic and international legislation has meant that basic human rights are well protected in Botswana. However, these rights are not enjoyed equally by all. Areas of concern include violence against women and children; discrimination against indigenous peoples; child labour; over reliance on and abuses by the mining sector; respect for diversity and culture; effectiveness of social protection programmes; and access to quality healthcare services. It is recommended that government develop a comprehensive national action plan on human rights that applies to both state and business.

2



Separation of Powers

Political and personal interests have made separation between Botswana's three arms of government difficult. Although the Judiciary boasts a high level of independence, Botswana's Parliament is limited in what it can achieve without the Executive. It is also weakened by the First Past the Post electoral system, which marginalises smaller political parties and has led to the underrepresentation of women and youth in Parliament. Civil society believes that a Mixed Member Proportional Representation electoral system would strike a balance between a Parliament that is both representative and accountable. It is also recommended that Parliament be removed from its position under the Office of the President.

3



Public Service and Decentralisation

Civil society believes that the poor performance of Botswana's public service could be solved through decentralisation – the transfer of authority from central to local

government. Although not a new concept in Botswana, decentralisation has not been guided by a comprehensive policy, with the result that major responsibilities and powers remain within the central government. Local councils and civil society therefore lack autonomy and have not been given the space to deliver on their mandates. For this to be remedied, government should consider capacitating local government and adopting an inclusive decision-making process that involves all stakeholders.

4 Citizen Participation and Economic Inclusion

Although considered a full democracy, Botswana needs to address the lack of citizen participation in both its political and economic spheres. Barriers to political participation include the First Past the Post electoral system, political party funding structures, and a fragmented opposition, all of which have helped to entrench the ruling party's hegemony. Botswana also suffers exclusion from the country's economy, despite its significant growth over the years. Many citizens still live below the poverty line, with little prospect for accumulating wealth. It is recommended that government introduce legislation that can empower citizens politically and economically.

5 Transparency and Accountability

Historically, Botswana has demonstrated high levels of transparency and accountability. Its declining performance according to several governance indicators over the last few years, however, warrants concern. Issues include corruption; the independence of oversight bodies; access to information and media; and conflicts of interest. It is recommended that oversight bodies, such as the Independent Electoral Commission, be afforded more autonomy and that government actions be carried out with greater transparency.

6 Vulnerable Groups

Women and children; youth; people living with disabilities; and LGBTQI+ are considered vulnerable groups in Botswana, each facing their own significant challenges. While existing policies and programmes provide these groups with an opportunity to earn an income, they lack coordination and assistance does not always reach those who need

it most. Programmes have also failed to address underlying issues of violence, gender inequality and respect for human rights. Government must do more to improve the quality of life for society's most vulnerable.

7 Education

Botswana's government has successfully improved access to education through progressive policy and significant budget allocations. However, quality of education, the relevance of the curriculum, and the uptake of science and technology in teaching and learning are some issues requiring attention. These challenges have been exacerbated by the COVID-19 pandemic, which has disrupted teaching and may affect funding. Government should consider addressing the gaps across pre-primary, primary, secondary and tertiary education. This should include the introduction of age-appropriate comprehensive sexuality education.

8 Sustainable Development and Natural Resource Management, Access to Land and Infrastructure

While Botswana's natural resources are well-managed, there is room for improvement in terms of sustainability. Challenges include poor policy coherence and weak implementing authorities. Botswana also has a shortage of serviced land – with women being the most affected demographic – and poor infrastructure has meant that government struggles to deliver basic services. A comprehensive, national monitoring and evaluation framework could help government in its efforts to develop the country more sustainably. The framework should promote project management and evidence-based decisions.

9 Food Security

Harsh weather conditions continue to affect food security in Botswana. Produce is increasingly imported at high cost, with consequences for consumers, many of whom already live below the poverty line. Efforts to improve levels of food security should therefore focus on productivity in the agricultural sector, for example, subsistence farming. Social protection programmes should also be reviewed to ensure that benefits reach those who need it most.

10 Crime and Security

Although Botswana is considered a peaceful country, issues such as poverty, inequality, HIV/AIDS, and high youth unemployment have the potential to become sources of conflict. Government needs to address the root causes of crime in the country in order to build a more secure society. Government also needs to address gender-based violence; the lack of cyber security in the country; poor natural disaster preparedness; and the uptake in economic crimes such as money laundering and illicit financial flows. Although the legislative machinery to address these challenges may exist, implementation needs to improve.

11 Foreign Policy

Botswana's foreign policy has remained constant for over 50 years. Although a respected member of the international community, there is a need for government to bring its foreign policy in line with the national development agenda. One major challenge in achieving this has been the lack of a written, overarching policy framework. Given that Botswana is a landlocked country, relying heavily on exports and vulnerable to geopolitics, any national framework must have the economy at its centre. The Ministry of Foreign Affairs and International Cooperation is encouraged to revive foreign policy consultations and involve all actors in the process.

12 Research and Development

A country's policies must respond directly to the needs of its citizens. Research and development can assist government to make informed decisions and ensure that policies are evidence-based. However, in Botswana, research is too infrequent to allow for timely analysis and policy corrections. A lack of funding has also made it difficult for organisations to produce research on important topics such as corruption and sustainability. Botswana's indigenous knowledge is another untapped resource. Government is encouraged to place greater emphasis on research and development, including by non-state entities such as community-based and non-governmental organisations.

Acknowledgments

This report was compiled by civil society organisations in Botswana during the course of 2020 and 2021, guided by the South African Institute of International Affairs (SAIIA) and the Botswana Council of Non-Governmental Organisations (BOCONGO). It was the main output of the Botswana APRM Popular Sensitisation (BAPS) Project ([see here](#)).

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Acronyms and Abbreviations

AP	Alliance for Progressives
APR Panel	APR Panel of Eminent Persons
APRM	African Peer Review Mechanism
AU	African Union
BAPS	Botswana APRM Popular Sensitisation
BDP	Botswana Democratic Party
BOCONGO	Botswana Council of Non-Governmental Organisations
BPF	Botswana Patriotic Front
BTO	Botswana Tourism Organisation
BWP	Botswana Pula
CBO	Community Based Organisation
CBNRM	Community Based Natural Resource Management
CPWD	Coordination Office for Persons with Disabilities
CRPD	Convention on the Rights of Persons with Disabilities
CRR	Country Review Report
CSAR	Country Self-Assessment Report
CSE	Comprehensive Sexuality Education
CSO	Civil Society Organisation
DCEC	Directorate on Corruption and Economic Crime
DEA	Department of Environmental Affairs
DPP	Director of Public Prosecutions
ECCE	Early Childhood Care and Education
ETSSP	Education and Training Sector Strategic Plan
FPTP	First Past the Post
GDP	Gross Domestic Product
GBV	Gender-Based Violence
IEC	Independent Electoral Commission of Botswana
LEGABIBO	Lesbians, Gays and Bisexuals of Botswana
LGBTQI+	Lesbians, Gays, Bisexuals, Transgender, Queer and Intersex People
MMP	Member Proportional Representation
MOIAC	Ministry of International Affairs and Cooperation

MoU	Memorandum of Understanding
MP	Member of Parliament
NEF	National Environment Fund
NDP 11	11 th National Development Plan
NGC	National Governing Council
NHRDS	National Human Resources Development Strategy
NPoA	National Programme of Action
OP	Office of the President
PR	Proportional Representation
PWD	People with Disabilities
SACMEQ	Southern and Eastern African Consortium for Monitoring Educational Quality
SADC	Southern African Development Community
SAIIA	South African Institute of International Affairs
SDG	Sustainable Development Goal
SEMPs	Specially Elected Member of Parliament
TB	Tuberculosis
TRI	Technical Research Institute
UDC	Umbrella for Democratic Change
UN	United Nations
UNDP	UN Development Programme
UNESCO	UN Educational, Scientific and Cultural Organization
WUC	Water Utilities Corporation

What is the APRM?

The African Peer Review Mechanism (APRM) is Africa's premier governance self-assessment and promotion tool. Established in 2003, it aims to improve governance on the continent by fostering the adoption of policies, standards and practices that lead to political stability, economic growth, sustainable development and accelerated sub-regional and continental economic integration, through the reinforcement of best practices.¹

The tool emerged out of a growing acknowledgement that the continent's developmental deficits owed a great deal to failures of governance, something that only African countries, in partnership with civil society and the private sector, could remedy. Thus, the APRM was created and driven by Africans for Africans and is an autonomous agency within the African Union (AU) system.

Through a series of voluntary governance 'peer reviews', member states diagnose deficiencies, propose solutions, share best practices and follow recommendations. As of January 2021, 40 countries on the continent had acceded voluntarily to the APRM.²

To begin participating in the APRM, a country's government signs a Memorandum of Understanding (MoU) with the continental APRM authorities. This indicates its willingness to undergo a review and its commitment to the process. The next step involves collecting information and documentation on the performance of government and other stakeholders in key areas. To manage this process, the country typically forms a multi-stakeholder APRM National Governing Council (NGC) and appoints Technical Research Institutes (TRIs) to carry out the technical aspects of the review.³

All sectors of society – including civil society groups, religious institutions, labour unions, business groups and the government – should contribute to answering questions on a wide range of issues. The APRM questionnaire guides the process by highlighting the country's performance in four broad areas: Democracy and Political Governance, Economic Governance and Management, Corporate Governance and Broad-Based

1 New Partnership for Africa's Development (NEPAD), *African Peer Review Mechanism (APRM): Base Document, AHG/235 (XXXVIII), Annex II* (Durban: AU, 2002), 1.

2 APRM, 'Continental Presence', <https://www.aprm-au.org/map-areas/>.

3 South African Institute of International Affairs (SAIIA) and Centre for Policy Studies, *Implementing the APRM: Views from Civil Society*, (Johannesburg: SAIIA, 2011), 11.

Socio-Economic Development. Issues include human rights, health care provision, the state of the economy, the role of the Judiciary and the behaviour of corporations.⁴

The results of the review are incorporated into a Country Self-Assessment Report (CSAR), drafted by the NGC and TRIs. The CSAR includes a National Programme of Action (NPOA) that outlines plans to address the problems identified in the review. Once the CSAR is completed, a Country Review Mission visits the country. The delegation of respected African experts conducts an independent study of the country and produces its own report. The delegation is led by a member of the APR Panel of Eminent Persons (APR Panel), a small body of highly respected Africans responsible for managing the APRM process across the continent. The APR Panel and its secretariat submit a draft Country Review Report (CRR) to the participating government for comments. Recommendations are made and the country is expected to amend its NPOA accordingly. A final CRR is then produced and presented to the Forum of the Heads of State for discussion and peer review. This body consists of the participating countries' leaders and typically convenes on the margins of AU summits. Following the Forum's review, the country must agree to address the various problems identified. Other states undertake to assist the country in its efforts, and to take action should the country fall short of its obligations. Finally, the country must report annually on its progress in implementing the NPOA and prepare itself for subsequent reviews.⁵

4 SAIIA and Centre for Policy Studies, "Implementing the APRM", 11.

5 SAIIA and Centre for Policy Studies, "Implementing the APRM", 11.

The BAPS Process

Botswana became the 38th AU member state to voluntarily accede to the APRM in February 2019. The country's president, Dr Mokgweetsi Eric Keabetswe Masisi, signed the MoU with the APRM and was quoted saying that Botswana had always believed in good practices when it came to governance and stood to gain a lot from countries that are members of the APRM.⁶

Indeed, Botswana stands to benefit from the APRM process, which will produce a comprehensive governance assessment of its strengths and weaknesses, and develop recommendations to remedy any shortcomings. It is also an opportunity for the country to showcase its best practices to its peers.

The APRM's rules require that civil society is meaningfully involved in the review process. BAPS, implemented by SAIIA in Johannesburg, in partnership with BOCONGO in Gaborone, aims to enhance meaningful participation of civil society in the country's APRM process through capacity-building, fostering better knowledge of the process and developing this written submission on the key governance issues in Botswana.

BAPS was officially launched in March 2020 when SAIIA travelled to Gaborone to meet with civil society and government representatives. Due to COVID-19 restrictions, all project activities had to be shifted online. A Civil Society APRM Working Group was formed during this visit. In May 2020, a training workshop was held via the online conferencing app, Zoom. SAIIA, experts from other countries (Namibia and Zambia), government officials from Botswana's Office of the President, and over 20 members of civil society discussed how to meaningfully participate in the APRM process.

A second online workshop in June 2020 focused on identifying issues for the APRM civil society submission. CSOs were encouraged to collectively write and endorse an evidence-based submission, outlining the most important governance issues. In July 2020, the working group settled on 12 issues to be included. A draft of this submission was circulated to the working group and other CSOs prior to the validation workshop held on 10 November 2020, and their comments were incorporated into the final draft.

⁶ Botswana Government, 'Botswana Officially A Member Of The African Peer Review Mechanism Forum,' *Facebook*, February 9, 2019, <https://www.facebook.com/BotswanaGovernment/posts/botswana-officially-a-member-of-the-african-peer-review-mechanism-forumpresident/2068249176591063/> (accessed September 6, 2020).

The following CSOs were part of the meetings and workshops that compiled this report:

- American & African Business Women in Alliances
- Botswana Association of Local Authorities
- Botswana Centre for Public Integrity
- Botswana Christian AIDS Intervention Program (BOCAIP)
- Botswana Council of Non-Governmental Organisations (BOCONGO)
- Botswana Federation of Trade Unions (BFTU)
- Botswana Society
- Botswana Network on Ethics, Law and HIV/AIDS (BONELA)
- Botswana Professional Sign Language Practitioners
- Botswana Society for the Deaf
- Botswana Watch Organisation
- BW YALI Network
- Chobe Arts Association
- Civic Commission for Africa
- Class Volunteers Foundation
- DITSHWANELO - The Botswana Centre for Human Rights
- Environmental Heritage Foundation
- Foodbank Botswana Trust
- Ghanzi Network
- Guardian/ Midweek Sun
- Kgasongo Association
- Kalahari Conservation Society
- Media Institute of Southern Africa Botswana (MISA)
- Men and Boys for Gender Equality
- Men, Sex and Aids
- Midweek Sun
- Ngamiland Council of NGOs
- Olash & Bobby Foundation

- Organization For Youth and Elections in Botswana (OYEBO)
- RETENG: The Multicultural Coalition of Botswana
- Selibe Phikwe Network
- Smile Foundation
- Stereo-Types Society
- Success Capital Organisation
- University of Botswana
- Younglove Botswana

For more about the project, see: <https://saiia.org.za/project/aprm-sensitisation-project-in-botswana/>.

CHAPTER 1

Introduction

Botswana is praised globally for its prudent economic management, good governance and multi-party democracy. Elections are held every five years, fundamental human rights and freedoms are protected, citizens have access to essential goods and services, and corruption levels remain low.

The country's Constitution is the supreme law of the land and protects all citizens against any form of abuse. It sets out the parameters of how public administrators and politicians can attain and exercise power on behalf of citizens. To this end, several oversight institutions have been established to ensure that activities, in both public and private spheres, are carried out according to the rule of law.

Moving away from the centralised system of governance inherited from the traditional chiefs at independence in 1966, independent Botswana is grounded on and governed by democratic ideals, where political leaders are elected openly and public servants are appointed on merit. A concerted effort has been made to engage citizens in the decision-making process and to bring services closer to them through the establishment of local authorities. These include district and urban councils, land boards, tribal and district administration, and public enterprises or parastatals.

These achievements have meant that Botswana is well respected globally. However, underlying issues continue to threaten the country's reputation. This document will discuss 12 key good governance issues that have been identified by representatives of various civil society organisations (CSOs) participating in the Botswana APRM Popular Sensitisation (BAPS) Project.

CHAPTER 2



Human Rights

(Laws and Constitution, Socio-Economic and Cultural Rights - Health, Language and Ethnicity, Business and Human Rights)

This issue relates to the Democracy and Good Political Governance thematic area, specifically:

» OBJECTIVE 1

Entrenching Constitutional Democracy and the Rule of Law

Question 1 What weight do provisions establishing the rule of law and the supremacy of the constitution carry in practice?

Question 2 To what extent does the Executive respect the rule of law?

» OBJECTIVE 4

Promotion and Protection of Civil and Political Rights as enshrined in African and International Human Rights Instruments

Question 3 What measures have been put in place to promote and enforce civil rights?

Question 4 What steps have been taken to facilitate due process and equal access to justice for all?

« *Botswana will be among the top countries
in the protection of human rights* »

*Botswana Vision 2036**

* Government of Botswana, Vision 2036 Achieving Prosperity for All (Gaborone: Lentswe La Lesedi (Pty) Ltd, 2016), <https://vision2036.org.bw/sites/default/files/resources/Vision2036.pdf>

Key tenets of good governance are the rule of law and the protection of human rights. This calls for a constitution that clearly defines the way in which a government may be formed, the structure and powers of the three branches of government, oversight mechanisms to avoid abuse of power, and the fundamental human rights and freedoms of citizens. A constitution should also protect the interests of minority groups within a society.¹

Botswana's Constitution, drafted prior to independence and adopted on 30 September 1966, is the supreme law of the land. It is a foundational document that sets out the powers and functions of the three branches of government, the functions of public organisations, the fundamental rights and freedoms of citizens and the parameters within which administrative and political leaders, as well as citizens, should operate. All laws or policies that contradict the Constitution have been set aside by the High Court or Court of Appeal, and all amendments to the Constitution have been carried out as prescribed, following stipulated legal procedures.

The Constitution also permits all aggrieved citizens to seek remedy or recourse from any court of law and it protects citizens against discrimination, inhumane and degrading treatment on the basis of their ethnic group, race, educational background, social status, religion or sexual orientation. Some opposition parties have argued, however, that the Constitution could benefit from a comprehensive review. Although it guarantees civil and political rights, the document does not protect socio-economic rights, leading to increased vulnerability and dependency of the poor. The review is set to take place in early 2021, according to President Masisi.²

Botswana's commitment to upholding the rule of law and the protection of human rights can also be viewed through its accession to various international treaties and conventions, including the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.³ However, not all these conventions have been incorporated into Botswana's domestic law, meaning that they cannot be enforced by the courts and administrative authorities. Thus, while Botswana is considered to be a

1 T Silima, 'Good Governance and Conflict Resolution in Africa,' *Journal of Public Administration and Development Alternatives* 1, no. 1, (2016): 1-14.

2 Republic of Botswana, 'State of the Nation Address by His Excellency Dr Mokgweetsi EK Masisi, President of the Republic of Botswana to the First Meeting of the Second Session of the Twelfth Parliament,' November 9, 2020, <https://drive.google.com/file/d/1TJ9cviNivKpJESI-13mR15saZFhA4feT/view>.

3 Other treaties include: the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

democratic and peaceful country, more needs to be done to ensure that all Batswana enjoy their human rights equally.

Encouragingly, government has committed to the establishment of a National Human Rights Institution. The Office of the Ombudsman will be transformed and mandated to perform the functions of a human rights institution, in addition to its current mandate to investigate maladministration. The institution will play a vital role in ensuring that government implements its human rights obligations.⁴ A Comprehensive Human Rights Strategy and National Action Plan will also provide a clearer picture on whether Botswana's current human rights framework is working.

Areas of Concern

Violence against women and children

Botswana is a predominantly patriarchal society which, despite interventions to promote equality and the leadership of women, still produces attitudes and mind-sets that subjugate the rights of women and vulnerable groups. Gender-Based Violence (GBV) in particular remains a challenge. Almost 40% of women in Botswana have experienced some form of GBV in their lifetime.⁵ Botswana also has the second highest rape rate in the world, with 92.9 incidents per 100,000 people.⁶ The consequences of GBV are far-reaching, severely limiting women's human rights.

The trafficking of women and children is another growing scourge in Botswana. While government has increased its anti-trafficking law enforcement efforts, the Judiciary's lack of familiarity with the 2014 Anti-Human Trafficking Act has impeded its ability to prosecute suspected traffickers.⁷ Officials prosecuted 11 suspected traffickers in 2018 but failed to convict a known trafficker for the second consecutive year.

4 UN Development Programme, "National Symposium: A National Human Rights Institution for Botswana" (programme, National Symposium, Gaborone International Convention Centre, Gaborone, November 20-21, 2018), https://www.bw.undp.org/content/botswana/en/home/library/democratic_governance/national-symposium--a-national-human-rights-institution-for-bots.html.

5 Republic of Botswana, Department of Gender Affairs, *National Relationship Study 2018*, (Gaborone: Department of Gender Affairs, 2018).

6 World Population Review, "Rape Statistics by Country 2021", <https://worldpopulationreview.com/country-rankings/rape-statistics-by-country>.

7 US Department of State, *2019 Trafficking in Persons Report: Botswana* (Washington, DC: US Department of State Publication Office of the Under Secretary for Civilian Security, Democracy and Human Rights, 2019), <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/botswana/#:~:text=As%20reported%20over%20the%20past,%2C%20agricultural%20workers,%2C%20and%20children>.

Government also identified 13 potential victims of human trafficking in 2018: nine adult males exploited in forced labour, three women exploited in sex labour in neighbouring countries and one woman exploited in sex labour within the country.⁸ It is possible that a number of both local and international victims remain unidentified. Many are made to work on private farms and homes as slaves where they are exposed to physical, verbal and sexual abuse.⁹

Discrimination against indigenous peoples

Almost 3% of Botswana's population is identified as indigenous. Groups include the San (64,000), the Balala (1,750) and the Nama (2,200).¹⁰ These groups mainly reside in the Kalahari Desert, often in protected areas, and are under constant threat of being relocated by government.

Indigenous groups also struggle with food insecurity due to drought. Although food parcels and cash-for-work programmes have been rolled out in many parts of the country, they have not reached the central Kalahari. It is also unfortunate that the Constitution does not recognise indigenous groups, despite the fact that Botswana has adopted the UN Declaration on the Rights of Indigenous Peoples.¹¹

Child labour

The most popular form of child labour in Botswana is cattle or livestock herding. According to the Ministry of Labour and Home Affairs, over 25,000 children under the age of 15 are working on farms or cattle posts as herd boys, for little to no pay.¹² Those who manage herds of livestock in isolated areas may go days without proper food and shelter. It is also common for children to work in the domestic service, working alongside their parents or alone in the city. More than 1,500 children were involved in this kind of work in 2013.¹³

Efforts to address the issue of child labour have been compromised by gaps in Botswana's legal framework. For example, although children are permitted to conduct

8 US Department of State, "2019 Trafficking in Persons".

9 Bakang Tiro, 'Human trafficking a growing scourge,' *The Patriot on Sunday*, April 23, 2019, <http://www.thepatriot.co.bw/news/item/6896-human-trafficking-a-growing-scourge.html>.

10 International Work Group for Indigenous Affairs, 'Indigenous peoples in Botswana', <https://www.iwgia.org/en/botswana>.

11 Cultural Survival, *Observations on the State of Indigenous Human Rights in Botswana* (Cambridge: Cultural Survival, 2018).

12 US Department of Labor, Bureau of International Labor Affairs, *2013 Findings on the Worst Forms of Child Labour* (Washington, DC: Department of Labor, 2013), https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/2019_TDA_Report_Online_Final.pdf.

13 US Department of Labor, "2013 Findings", 2.

'light' work activities from the age of 14, government has yet to define what activities are included in this category. Moreover, while basic education is provided free of charge, the absence of a compulsory education age could be increasing vulnerability to child labour.¹⁴

Over reliance on and abuses by the mining sector

Mining continues to be the largest contributor to Botswana's Gross Domestic Product (GDP). Mining operations therefore have the potential to transform the socio-economic status of the country through taxes and royalties paid to government, the creation of jobs and infrastructure development. Local communities, however, have yet to reap such benefits. Concerns include that host communities are not consulted before operations begin, forced displacements without adequate compensation have taken place and access to information is limited. For example, government is currently negotiating the renewal of a 10 year sales agreement with diamond mining company De Beers. The terms of this deal have not been made available to the public and the Ministry of Minerals has declined to comment on any of the details.¹⁵

Botswana's economic growth since independence has largely depended on diamonds. Fortunately, it has avoided the so-called 'resource curse' suffered by so many other mineral-rich economies, largely due to its expenditure strategy and reserve policy. Botswana stands to benefit, however, from diversifying into agriculture, which currently contributes just 2% towards the country's GDP.¹⁶ The National Master Plan for Arable Agriculture and Dairy Development and the Integrated Support for Arable Agricultural Development Programme could assist to grow this sector. Government has also invested in irrigation systems to reduce dependency on rain-fed farming. The Accelerated Rain Fed Programme and the Arable Lands Development Programme provide input to households on rain-fed arable land.

Respect for diversity and culture

Botswana is rich with different cultures, languages, religions and identities. There is a tendency, however, to consider some to be more superior than others, resulting in limited access to opportunities, resources and services by the minority. Watershed moments – such as decriminalisation of homosexuality – have demonstrated that where

14 US Department of Labor, "2013 Findings".

15 Brian Benza, 'Botswana sees risk of no De Beers sales deal by end-2020,' *Reuters*, August 25, 2020, <https://www.reuters.com/article/us-botswana-debeers-idUSKBN25L27N>.

16 Statistics Botswana, *Gross Domestic Product: First Quarter 2018* (Gaborone: Statistics Botswana, 2018), <https://www.statsbots.org.bw/sites/default/files/2018%20Q1%20GDP.pdf>.

rights are involved, every person counts. Unfortunately, such lessons have not been put to practice. For example, the Botswana Vision 2036 does not adequately address issues of culture. The country has broadly committed to recognising Batswana by their cultural heritage and identity but has not invested in important systems such as mother-tongue education.

Effectiveness of social protection programmes

Botswana is one of the few welfare states in Southern Africa. Programmes on offer include:

- The Destitute Persons Programme: a means tested programme that targets poor and destitute individuals.
- The Orphan Care Programme: supports children under the age of 18 who have lost one or both parents by providing them with food baskets, school fees, clothing and transport fares.
- The Community Home Based Care Programme: designed to support poor HIV/AIDS patients by providing food baskets that boost their nutrition levels.
- The Primary and Secondary School Feeding Programme: provides students with one meal a day, helping to reduce malnutrition among poor families.
- The Vulnerable Groups Feeding Programme: a supplementary feeding programme that aims to enhance the nutrition of young children.
- The Remote Area Development Programme: a set of poverty alleviation initiatives targeted towards disadvantaged people living in remote areas. Sixty-nine communities across the country have access to this programme.
- The Old Age Pension Scheme: an allowance (BWP¹⁷ 530) payable to citizens over the age of 65.
- Ipelegeng: a public works programme that offers short term employment for a maximum of one calendar month.
- The World War II Veterans allowance: an allowance (BWP 600) payable to Botswana citizens who participated in World War I or II.

Through these programmes in 2017, as much as 50% of the population received food assistance while 10% received other social assistance in the form of money or coupons.¹⁸

17 Botswana Pula.

18 Jeremy Seekings, "Building a conservative welfare state in Botswana" (Working Paper 2017/83, UN University World Institute for Development Economics Research, 2017), https://www.wider.unu.edu/sites/default/files/wp2017-83_0.pdf.

In practice, however, the programmes are said to lack coordination and assistance does not always reach those who need it most.¹⁹ Many poor citizens are not eligible while others receive multiple benefits. Efforts to address the impact of COVID-19 have been largely based on existing social protection programmes. The Social Protection Recovery Plan has therefore failed to take into account the current context and its severe consequences for the poor. For example, mental health support to ensure the psychological well-being of the population has been excluded from the plan.

Access to and quality of healthcare services

The Revised National Health Policy of 2010 ensures that all Batswana have equal access to health care at all times. Across the country's 27 health districts there are three national referral hospitals, 15 district hospitals, 17 primary hospitals, 105 clinics with beds and 206 without, 351 health posts and 931 mobile stops.²⁰ This extensive network of services means that most citizens live within a 5-10 km radius of a health facility.

However, a major constraint to Botswana's public health system is efficiency. Challenges include poor quality of services, a shortage of human resources, problems associated with urbanisation and inadequate planning. For example, a study conducted in 2014 found that the ratio of doctors to people in Botswana was 4:10,000, while the nurse to people ratio was 42:10,000.²¹ According to the World Health Organisation, countries with fewer than 10 doctors and 40 nurses for every 10,000 people are considered to not have enough healthcare professionals.²² The ratios are even worse in rural districts, indicating that health care professionals are concentrated in urban areas. Additionally, only 21% of the doctors registered with the Botswana Health Professionals Council were from Botswana, resulting in a reliance on migrant professionals.²³

The effects of these shortcomings are most felt in the area of maternal health. Statistics Botswana estimates that out of every 100,000 live births, 156.6 women die due to excessive bleeding, obstructed labour, uterine rupture and hypertensive disorders.²⁴ Almost 98% of these deaths occur in health facilities, meaning they may have been

19 Success Capital Organisation, *A Review Of Protection In Botswana* (Gaborone: Success Capital Organisation, 2020), <https://successcapital.africa/wp-content/uploads/2020/05/A-Review-of-Social-Protection-in-Botswana-1.pdf>.

20 Ministry of Health, 'Departments and Programmes', https://www.moh.gov.bw/about_us_departments.html.

21 Oathokwa Nkomazana et al., 'Human resources for health in Botswana: The results of in-country database and reports analysis,' *African Journal of Primary Healthcare and Family Medicine* 6, no. 1 (2014): 1-8.

22 World Health Organisation (WHO), *World Health Statistics Overview 2019: Monitoring Health for the SDGs* (Geneva: WHO, 2019) <https://apps.who.int/iris/bitstream/handle/10665/311696/WHO-DAD-2019.1-eng.pdf?ua=1>.

23 Nkomazana, "Human resources for health".

24 Statistics Botswana, *Botswana - Maternal Mortality Ratio 2017* (Gaborone: Statistics Botswana, 2017) <https://www.statsbots.org.bw/sites/default/files/publications/Botswana%20Maternal%20Mortality%20Ratio%202017.pdf>.

prevented had the facilities been properly resourced with knowledgeable staff and emergency obstetric care procedures. A majority of pregnant women (73%) also attend the recommended four or more antenatal visits,²⁵ further indicating that the problem lies at the point of delivery. If Botswana is to meet its 2030 SDGs, its maternal mortality ratio will need to be reduced to 70 per 100,000.

Research conducted in 2014 revealed that the factors leading to the high number of maternal deaths include: failure to recognise the seriousness of a patient's condition; lack of knowledge; failure to follow recommended practice; lack of or failure to implement policies; and poor organisational arrangements.²⁶ According to the family planning coordinator of the Ministry of Health and Wellness, further research is currently being conducted to identify gaps that lead to maternal deaths. Each maternity facility has also been fitted with an audit committee responsible for investigating maternal negligence and deaths.²⁷

Another area of health that requires attention is HIV/AIDS and there has been a determined national response to this epidemic in Botswana. In 2018, over 90% of those with HIV/AIDS knew their status, over 83% of those living with HIV/AIDS were on free antiretroviral treatment, and 81% of people living with HIV/AIDS were virally suppressed.²⁸

Various programmes and policies have contributed towards reaching these commendable figures. The Communities Acting Together to Fight HIV/AIDS Model is aimed at motivating local communities to play an active role in the fight against HIV/AIDS and related opportunistic diseases. Civil society are a key part of the process, along with tribal leaders who encourage their communities to seek relevant HIV/AIDS care, in addition to general health check-ups and tuberculosis (TB) screening. The initiative has opened up a space for community members to share information, creating a vital community-specific dialogue.²⁹

The New National Strategic Framework on HIV/AIDS III 2018–2023 has also been put in place and will guide government's response to improve health outcomes for the country's population. The framework takes the view that the HIV/AIDS epidemic has

25 Central Statistics Office and UNICEF, *2007 Botswana Family Health Survey IV Report* (Gaborone: Central Statistics Office, 2009), <http://botswana.microdatahub.com/index.php/catalog/9/download/53>.

26 Farai Madzimbamuto et al., 'A root-cause analysis of maternal deaths in Botswana: towards developing a culture of patient safety and quality improvement,' *BMC Pregnancy and Childbirth* 14, no. 231 (2014).

27 Taboka Ngwako, 'Botswana: Ministry Aims to Reduce Maternal Deaths,' *AllAfrica*, September 6, 2020, <https://allafrica.com/stories/202009070326.html>.

28 UNAIDS, 'Country: Botswana', <https://www.unaids.org/en/regionscountries/countries/botswana>.

29 The Constellation, 'Communities Acting Together to Control HIV', <https://the-constellation.org/botswana-partnership/>.

evolved from being a generalised epidemic to a series of micro epidemics affecting different populations in different ways. It therefore proposes a review of strategies to address the increasingly varied burden of HIV/AIDS across different populations and settings. It also establishes specific targets related to achieving epidemic control by 2023 and ending HIV/AIDS as a public health threat by 2030.

Several challenges in addressing HIV/AIDS remain, however, chief among them the gender imbalance observed among those living with the disease. The prevalence rate for women (24.6% in 2018) is much higher than for men (16.2% in 2018), showing that young women are particularly at risk.³⁰ Geographical variations also present a challenge. Prevalence rates range from 33% of adults in urban towns like Mahalapye, to 13% in villages like Hukuntsi.³¹ Understanding and managing co-infections should be a third priority. Many people living with HIV/AIDS are also infected with TB and many deaths among these groups are attributable to TB.

Given the concerns around the quality of Botswana's healthcare system, the country's handling of the COVID-19 pandemic is to be commended. At the time of writing, there were less than 10,000 confirmed cases and 29 deaths.³² Government's quick response is one of the reasons for the relatively slow spread of the disease. By March 2020, several regulations were in place, together with an aggressive awareness campaign. The situation should be closely monitored to detect any surges in the number of new cases. High rates of HIV/AIDS and TB mean that many in Botswana are vulnerable to COVID-19 complications. Moreover, there are not enough intensive care beds or ventilators to manage a major outbreak.³³

30 Unicef, *Botswana Budget Brief HIV/AIDS* (Gaborone: Unicef, 2019), <https://www.unicef.org/esa/media/6346/file/UNICEF-Botswana-2019-HIV-AIDS-Budget-Brief.pdf>.

31 Unicef, "Botswana Budget Brief HIV/AIDS".

32 WHO, 'Botswana', <https://covid19.who.int/region/afro/country/bw>.

33 Rutgers Global Health Institute, 'COVID-19 in Botswana', <https://globalhealth.rutgers.edu/where-we-work/botswana/covid-19-in-botswana/>.

RECOMMENDATIONS

- The corporal punishment of children should be abolished, in line with international human rights law.
- Botswana, as a member of the global community, must expedite the implementation of the UN Guiding Principles on Business and Human Rights. The principles apply to all state and business enterprises, regardless of their size, sector, location, ownership and structure.
- Government should consider developing a National Action Plan on Business and Human Rights.
- Government needs to enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights. Such laws should be assessed periodically and any gaps identified should be addressed.
- Government should ensure that existing laws and policies governing the creation and ongoing operation of business enterprises, such as corporate laws, do not constrain but enable respect for human rights.
- Government should encourage and, where appropriate, require business enterprises to show how they are addressing their human rights impact.
- The establishment of the National Human Rights Institution that complies with the Paris Principles should be expedited. The institution could play an important role in helping Botswana assess whether relevant laws are aligned with human rights obligations and are being effectively enforced. It could also provide guidance on human rights to business enterprises and other non-state actors.
- The economy needs to be further diversified to avoid an over-reliance on mining.
- Government should encourage increased citizen participation in the agriculture sector.
- Botswana should ratify and domesticate the International Covenant on Economic, Social and Cultural Rights.
- Equitable access to social services and efficiency of delivery through a broad range of policies should be ensured. This will require a properly managed and organised delivery system of quality health services with maximum usage of resources.

RECOMMENDATIONS

- The capacity of health sector staff should be improved through effective training, monitoring and evaluation.
- There is need for greater commitment, better management and more accountability at the individual, health facility and district levels, as well as at the Ministry of Health and Wellness and the Ministry of Finance and Economic Development.
- Accountability is also required from the Parliament committees responsible for health and coordination of the SDGs to improve the practice of emergency obstetric care.
- There should be ongoing training for hospital staff in new and modern technologies to reduce maternal deaths.

CHAPTER 3



Separation of Powers

This issue relates to the Democracy and Good Political Governance thematic area, specifically:

» OBJECTIVE 2

Upholding the Separation, Checks and Balance of Powers

Question 1 Does the constitution provide for the separation of powers between the Executive, Legislative and Judicial branches of government?

Question 2 To what extent is the Judiciary independent?

Question 3 How would you rate the independence and effectiveness of the Legislative body?

« The three arms of Government will maintain operational independence to ensure their credibility and public confidence »»

*Botswana Vision 2036**

* Government of Botswana, "Vision 2063"

The doctrine of separation of powers requires a clear distinction between three independent arms of government: Executive, Legislature (or Parliament) and Judiciary. In practice, this has been interpreted to mean:³⁴

- the same person should not belong to more than one of the three arms of government;
- one arm should not usurp or encroach upon the power of another arm; and
- one arm should not exercise the functions of another.

Historically, five reasons have been given for requiring that the Executive, Legislature and Judiciary remain separate. These are the rule of law, accountability, common interest, efficiency and balance of interests.³⁵

The Constitution implicitly recognises the doctrine of separation of powers by dealing with each organ in separate chapters.³⁶ To what extent does this play out in practice?

Executive versus Parliament

Botswana is a constitutional democracy. Its citizens therefore reasonably expect that the three arms of government perform their oversight functions meaningfully and effectively. To this end, Botswana is armed with skilful and competent human capital. However, political and personal interests have made it difficult for government to achieve true separation of powers, particularly between the Executive and the Legislature.

All members of the Executive are drawn from Parliament, blurring the line between the two arms. Parliament is currently made up of 57 members and six specially elected members. Of these, nearly half (34) are ministers and assistant ministers in the Executive.

The resulting lack of accountability and balance of interests is particularly evident during parliamentary debates and the broader law-making process. While it is Parliament's principal responsibility to formulate laws, this function is increasingly controlled and driven by the Executive.³⁷ For example, the principle of collective responsibility requires

³⁴ Emlyn Capel Stewart Wade and Anthony Bradley, *Constitutional and Administrative Law*, (United Kingdom: Pearson, 2001), 50.

³⁵ William Gwyn, *The Meaning of the Separation of Powers: An Analysis of the Doctrine from its Origin to the Adoption of the United States Constitution*, (New Orleans: Tulane University Press, 1965), 159.

³⁶ Botswana Constitution, ch. IV, s. 30-56 (executive); ch V, s. 57-94 (legislature); ch. VI, s. 95-107 (judiciary).

³⁷ Charles Manga Fombad, 'Some Insights into Statutory Law-making in Botswana,' *Journal for Juridical Science* 27, no. 1 (2002): 70-78.

that any motion brought before Parliament receives at least 18 votes in its favour. Given its dominance in Parliament, the ruling government – the Botswana Democratic Party (BDP) – rarely loses a motion.

Direct parliamentary participation in law-making is therefore limited. Members may introduce private bills – at huge cost³⁸ – or advocate for the amendment of an existing bill at a later stage. However, this method is ineffective, lacking representation, accountability and division of labour.

Not only is the Executive able to ensure that desired legislation is passed, it has also been entrusted with the power to pass delegated or subsidiary legislation. At certain points in time, the amount of subsidiary legislation has exceeded legislation enacted by Parliament in the form of parliamentary acts. Although there is general consensus on the need for subsidiary legislation, the process is not subject to the same democratic consultation, scrutiny and control that normal legislation has to undergo before becoming law.

The president of Botswana has also been granted overarching powers that carry the potential for abuse. He is an ex officio member of Parliament (MP), with the power to speak and vote in all parliamentary proceedings. Other principal officers of the Executive – the vice president, ministers and assistant ministers – are appointed by the president and are MPs. Although the president may appoint the vice president and up to four ministers and assistant ministers from persons who are not MPs, such persons must qualify for and seek election to Parliament. The president also has the power, conferred by Sections 90 and 91 of the Constitution, to convene and dissolve Parliament at any time.

Moreover, unlike in countries such as Kenya, Tanzania and South Africa where Parliament is treated as an independent branch of government, in Botswana it falls under the Office of the President (OP). It is treated like any other department in the OP when it comes to budgeting and appointing administrative staff. This arrangement was criticised in 2012 by former speaker of Parliament, Ray Molomo, who said, ‘Nearly all the SADC countries have democratised or are in the process of democratising their parliaments by making them autonomous and independent. But, Botswana, “the beacon of democracy in Africa” has not yet done it.’³⁹ The situation persists today, despite a motion, tabled and adopted by Parliament in 1988, urging government to

38 Botswana Institute for Development Policy Analysis, *The State of Governance in Botswana* (Gaborone: Bay Publishing, 2004), 31.

39 Ray Molomo, *Democratic Deficit in the Parliament of Botswana* (Cape Town: Creda Communications, 2012).

take the necessary steps to ensure that Parliament becomes an independent institution, detached from the OP.⁴⁰

It is this complicated relationship between the two arms of government that has earned Parliament the reputation of being the Executive's 'puppet'.⁴¹ Although Parliament has some oversight functions, it is limited in what it can practically achieve.

For example, Section 50(1) of the Constitution states that the Executive shall be responsible to Parliament 'for all things done by or under the authority of the President, Vice President or any Minister in the execution of his office.'⁴² This clause is justified, allowing Parliament to investigate abuses of office, misconduct, mismanagement and incompetence.

However, the principle of collective responsibility makes it difficult for Parliament to hold individual members of the Executive accountable. Parliament's most potent weapon then is the motion of no confidence as provided for by Section 92 of the Constitution:⁴³

If the National Assembly at any time passes a resolution supported by a majority of all the Members of the Assembly who are entitled to vote declaring that it has no confidence in the Government of Botswana, Parliament shall stand dissolved on the fourth day following the day on which such resolution was passed, unless the President earlier resigns his office or dissolves Parliament.

However, the likelihood of passing a vote of no confidence is extremely slim, not only because of the BDP's comfortable majority, but also because of a weak and deeply divided opposition.

Furthermore, a vote of no confidence leads to the automatic removal of the president, the dissolution of Parliament and the holding of general elections within 60 days. Practically, this jeopardises political stability and should not be the only way in which Parliament can hold the Executive accountable.

Parliament is also weakened by Botswana's electoral system, aspects of which are dealt with in both the Constitution and the Electoral Act.⁴⁴ In general, electoral law

40 Monageng Mogalakwe, 'Continuities and Discontinuities in Political Power Relations and Governance in Botswana,' *Journal of African Elections* 5, no. 2 (2006): 9.

41 Molomo, "Democratic Deficit".

42 Botswana Constitution, Part III: Executive Functions, ss 50, 31.

43 Botswana Constitution, Part V: Summoning, Prorogation and Dissolution, ss 92, 52.

44 Botswana Electoral Act 38 of 1968.

determines how election results are computed. In other words, the electoral system translates votes cast in a general election into seats in Parliament. Electoral systems are therefore important, demonstrating whether issues of representation, popular participation and accountability have been taken into account.

Since independence, Botswana has made use of the FPTP or 'winner takes all' electoral system, whereby a single candidate with a simple majority is elected in each constituency as a MP. Other candidates, irrespective of the size of their poll, do not make it to Parliament. Election results are therefore computed in a way that is not necessarily representative. While this system ensures that every constituency has a MP it can hold to account, it marginalises smaller political parties and tends to exclude women and youth from the process. Their underrepresentation in Parliament undermines core democratic principles of political equality.

Cogent arguments have been made for the introduction of quotas for women, youth and underrepresented communities. Some further suggest that, after 54 years of independence, Parliament should be a mirror reflection of society and inclusivity should be enshrined in legislation.

A PR electoral system is believed to produce more representative parliaments and greater representation of women, youth and underrepresented communities.⁴⁵ It relies on a 'zebra system' whereby party lists are specially curated to ensure a balance of both gender and age. This system therefore has the potential to advance representation in key decision-making structures in Botswana.

Botswana needs an inclusive electoral system that correctly reflects the will of the people in different regions and constituencies. The consideration of a Mixed Member Proportional Representation (MMP) electoral system, which contains elements of both proportional representation (to reflect the needs of an increasingly diverse society) and FPTP (to 'ground' the political system in constituencies) is therefore recommended. In such a mixed-system, a proportion of the MPs could be elected directly in constituencies, using the FPTP system, while others could be elected via the PR list system. This would strike a balance between a Parliament that is both representative and accountable.

45 Ben Reilly and Andrew Reynolds, 'Electoral Systems and Conflict in Divided Societies' in *International Conflict Resolution After the Cold War* (Washington, DC: National Academies Press, 2000), 428; Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (New Haven: Yale University Press, 1999).

The Judiciary

The doctrine of separation of powers also calls for an independent and autonomous Judiciary. The Judiciary is responsible for enforcing the Constitution and other laws, and ensuring that the other two branches of government act in accordance. The ability of the Judiciary to do this is by no means automatic, but instead relies heavily upon its independence.

There are two measures of a Judiciary's independence: personal and functional. Personal independence – also known as relational independence – is reflected in the nature of judicial appointments and the terms and conditions of service. According to the Magistrates' Court Act of 1983, the president, acting in accordance with the advice of the Judicial Service Commission, may appoint qualified persons to any of the five grades of magistrates provided for under that act.⁴⁶ The Constitution also empowers the president to appoint the chief justice, who heads the High Court, but requires consultation with the Judicial Service Commission in appointing all other judges of the High Court.⁴⁷ The same process applies with respect to the Court of Appeal.⁴⁸

The appointment of members to Botswana's Judiciary is thus, to a large extent, controlled by the Executive. It is certainly unsatisfactory for a president, acting in isolation, to appoint the heads of the country's two highest courts because it exposes judges to potential political manipulation and compromises the independence of the Judiciary.

To mitigate these risks, security of tenure is used. Judges of the High Court and Court of Appeal are appointed on permanent, pensionable terms and hold office until they reach the compulsory retirement age of 70. Lower court judges, however, are appointed on contract and hold office until their contracts expire. Generally, a judge can only be removed from office for 'inability to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour.'⁴⁹

The Magistrates' Court Act is silent with respect to the position of magistrates, but like all civil servants, they retire at the age of 60. They are removable by the president, acting on the advice of the Judicial Service Commission, and following a series of disciplinary hearings.

46 Magistrates' Court Act of 1983, Part III Judicial Officers, s.8, 3.

47 Botswana Constitution, ch. VI, s. 96, 1.

48 Botswana Constitution, ch. VI, s. 100, 1-2.

49 Botswana Constitution, ch. VI, s. 97, 2.

The other factor that may explain the relatively high degree of judicial independence in Botswana is financial independence. The salaries of judges, the attorney general and members of the Judicial Service Commission are charged to the Consolidated Fund, which permanently authorises their compensation and prohibits government from reducing it arbitrarily to pressure or influence them. Although the Executive appoints the attorney general, the independence of the office is guaranteed constitutionally by Section 51(7), which states that the attorney general 'shall not be subject to the direction or control of any person or authority'.⁵⁰ Functionally, judges in Botswana are shielded from threats, interference or manipulation intended to compel them to unjustly favour a party or the state in legal proceedings.

An Executive that is accountable to the Judiciary is one of the most crucial features of any modern constitutional democracy. In Botswana, judicial control over executive action is exercised regularly to protect citizens against the unlawful acts of government officials or departments. The courts have ruled against government on many pertinent issues brought before them by aggrieved parties.⁵¹

50 Botswana Constitution, Part III: Executive Functions, s. 51 A, 6.

51 Landmark cases include: *Unity Dow vs The Attorney General*, J Afr Law 36 [1992]; *Roy Sesana, Keiwa Setlhobogwa and Others vs The Attorney General*, BWHC 1, [2002]; and *Botswana Law Society vs The Attorney General*, BLR 234 (CA) [2017].

RECOMMENDATIONS

- There needs to be clear separation between the Legislative and Executive branches of government. This will only be possible if Parliament becomes more independent. In this regard, government should honour the 1988 motion to have a parliamentary department that is independent of the OP.
- Governance and oversight bodies should be strengthened by ensuring their operational independence and protection. These bodies should be accountable to Parliament and Parliament, in turn, should become a watchdog of the Executive.
- Parliament should be the highest policy and law-making organ of the state, except for decisions around the day-to-day administration of the Republic.
- Parliament should not simply supervise Executive actions but its legislative proposals as well.
- Section 90 and 91 of the Constitution should be reviewed and amended so that the speaker is empowered to convene and dissolve Parliament according to set rules.
- Government should consider a change in the electoral system to one based on a mix of both constituency and proportional representation.

CHAPTER 4



Public Service and Decentralisation*

This issue relates to the Democracy and Good Political Governance thematic area, specifically:

» OBJECTIVE 5

Ensuring Accountable, Efficient and Effective Public Service Delivery at the National and Decentralised levels

Question 1 What measures have been taken in the country to strengthen institutions for an efficient and effective public service?

Question 3 What efforts, if any, have been made to empower local or rural communities through the devolution or decentralisation of political power, judicial authority or financial resources?

« The decentralisation of power, decision making, resource mobilisation and service delivery will underpin our governance system »»

*Botswana Vision 2036***

* This analysis is based on the review of documents and the collection of data from interviews with government employees, local leaders, civil society representatives and politicians

** Government of Botswana, "Vision 2063"

Public servants are citizens who perform certain duties on behalf of the country. In Botswana, all public servants are governed by the Public Service Act of 2008, the General Orders of 1975 and the Public Service Charter. As per the Public Service Charter, public servants should observe and adhere to eight principles: regard for the public interest; neutrality; accountability; transparency; freedom from corruption; continuity; duty to be informed and due diligence.⁵² These principles guide the decisions and actions of public servants so as to guard against abuse or misuse of power. They also build public confidence in the public service.

The Public Service Act lists actions that constitute misconduct by public servants. These include: being absent from duty without leave or a reasonable excuse; wilful neglect of duty; sleeping whilst on duty; engaging in activities outside official duties; engaging in any gainful occupation outside the public service without the consent of the prescribed authority; being actively involved in partisan politics; use of one's position in the public service to gain an advantage on a particular issue; use of one's position to favour another public servant; sexual harassment; and others.⁵³

Despite the existence of clear and comprehensive legislation, the public service is known for laxity, absenteeism, late coming, sexual harassment and leaking of confidential information. This has resulted in poor performance, an increase in the number of reported cases of conflict of interest, corruption and abuse of office.⁵⁴

One of the ways in which this may be helped is through decentralisation – the transfer of authority from central government to local government or the movement of departments of a large organisation away from a single administrative centre to various locations.⁵⁵ Decentralisation therefore calls for the establishment of public agencies at the local or district level, which become an extension of the central government ministries or semi-autonomous local authorities.

In Botswana, decentralisation can be traced as far back as the pre-independence period when local authorities, in the form of district and tribal administrations, were used by the British to maintain law and order. Currently, tribal administration is responsible for

52 Government of Botswana, *Public Service Charter* (Gaborone: Republic of Botswana, 2017), <https://btu.org/bw/wp-content/uploads/2017/03/public-service-CHARTER.pdf>.

53 Government of Botswana, *Public Service Act 30 of 2008* (Gaborone: Directorate of Public Service Management, 2008), Section 37 and 38.

54 Jonathan Mayuyuka Kaunda, *Public Sector Reforms*, briefing (Gaborone: Botswana Institute for Development Policy Analysis Briefing, 2004), 1.

55 The World Bank, *Botswana: Systematic Country Diagnostic* (Gaborone: World Bank, 2015), <http://documents1.worldbank.org/curated/en/489431468012950282/pdf/95304-REPLACEMENT-SCD-P150575-PUBLIC-Botswana-Systematic-Country-Diagnostic-Report.pdf>.

the preservation of culture and upholding of customary law while district administration oversees and coordinates the implementation of developmental activities at the district level.

The urban and district councils were established through the Township Act of 1965 and the Local Government (District Council) Act of 1965 respectively. Councils were initially tasked with: providing primary education, health care, and potable and safe drinking water; constructing and maintaining non-gazetted roads; the bituminisation of district roads; sanitation and waste management; refuse collection; maintenance of parks and recreational centres; fire extinguishing and prevention; management of labour intensive public works; regulation and licensing of some commercial activities; and more. Tribal land boards, established in 1968, were responsible for the allocation and management of tribal land.

Inasmuch as local authorities have been established at the district level with a view to bringing services closer to the citizens, decentralisation has not been guided by a comprehensive policy. In February 2020, the Minister of Finance and Economic Development, Dr Thapelo Matsheka, announced that a policy was being developed and is expected to be finalised during the 2020/21 financial year.⁵⁶

In the absence of a decentralisation policy, the major responsibilities and powers remain within the central government.⁵⁷ The main targets and standards are set by the central government, with local authorities taking on the role of the messenger. This has proven to be a barrier to service delivery and good governance. For example, prior to 2009, the Department of Water Affairs and district councils were responsible for providing citizens living in rural areas with potable water. That responsibility has now been passed to the Water Utilities Corporation (WUC), a public enterprise under the Ministry of Minerals, Resources, Green Technology and Energy Security. Since then, accessing water in rural areas has become difficult and expensive. Locals have consistently complained of high water tariffs, unattended broken pipes and uneven distribution of water.⁵⁸ The transfer of this service to central government also stripped district councils of an opportunity to generate their own income.

56 Thapelo Matsheka, '2020 Budget Speech', February 4, 2020, <https://www.youtube.com/watch?v=-m8digOpTS8>.

57 Government of Botswana, Ministry of Local Government, *Report on the Second Presidential Commission on the Local Government Structure in Botswana*, (Gaborone: Ministry of Local Government, 2011).

58 Arnold Letsholo, 'WUC blamed for high water bills, cracking houses', *Mmegi Online*, September 8, 2011, <https://www.mmegi.bw/index.php?sid=1&aid=163&dir=2011/September/Thursday8/>.

Local Autonomy and Accountability

A balance of autonomy and accountability is key in inter-governmental relations. This is especially the case with local governments, which have two roles. On the one hand, they are agents of the central government in their respective jurisdictions and on the other, they are agents of their political constituencies and should be able to develop and implement their own policies and programmes in direct response to the needs of the local polity.⁵⁹

While initiatives aiming to decentralise the functions and authority of the central government exist, their targets and goals are unclear.⁶⁰ Moreover, not all local authorities are recognised by the Constitution. This means they are without much-needed constitutional protection and can be dissolved at any time, provided the minister responsible deems it appropriate. This is compounded by the fact that local authorities are fully funded by central government and have very little room to generate their own revenue.

The Ministry of Local Government and Rural Development typically receives the third largest share of the country's national budget, after the Ministries of Education and Health. For the 2015/16 financial year, it was allocated 14.2% (BWP 5.20 billion) of the total budget. During the 2016/17 financial year, this figure declined to 13.5% (BWP 4.99 billion). While it increased slightly in 2017/18 to 14.25%, it dropped again the following year to 13.9%. During 2019/20, the Ministry of Defence, Justice and Security was allocated the third largest share, with the Ministry of Local Government and Rural Development's share dropping again to 13.7%. These funds need to be split amongst 15 councils across the country.⁶¹ Many are operating at a deficit and are therefore unable to effectively deliver services to the people.

Service from government is received by queuing for hours or going back and forth between offices. Systems are often down and officials responsible for signing documents are often on leave or in meetings. The courts have a backlog of cases, resulting in delayed judgments and inaccurate convictions of criminals. It is acknowledged that this

59 Tshukudu Theopilus, 'Decentralization as a Strategy for Improving Service Delivery in the Botswana Public Service Sector,' *Journal of Public Administration and Governance* 4, no. 2 (2014).

60 Theopilus, "Decentralization as a Strategy".

61 Gaborone City Council, Francistown City Council, Lobatse Town Council, Sowa Town Council, Selibe-Phikwe Town Council, Jwaneng Town Council, Central District Council, Chobe District Council, Ghanzi District Council, Kgatleng District Council, Kweneng District Council, Kgalagadi District Council, North-West District Council, Southern District Council and South East District Council.

situation may not entirely be due to a lack of decentralisation. Central government is clearly overwhelmed with the responsibility to provide both basic and technical services. One way in which this may be remedied is by providing local government with a clear mandate on which services it is responsible for and to what extent. The consequences of having no clear mandate are evidenced by the transfer of primary health services from local to central government. Clinic managers were left with no clear role and the delivery of medicines and supplies became slower as a more centralised distribution was implemented, compared to when clinics were able to order and procure supplies on their own.⁶²

Although councils play an important role in developing their localities and bringing services closer to the citizens, the main challenge they face is a lack of autonomy. Their agendas are set by the Ministry of Local Government and Rural Development, which provides policy direction on issues pertaining to governance, community development, social services, primary infrastructure provision, district development planning coordination, policy formulation and legislative development. Most council decisions are subject to central government approval. The ministry also mobilises human, financial and technological resources and transfers them to local authorities. Therefore, councils are seen as 'delegated' rather than devolved bodies and they lack the capacity, in terms of both human and financial resources, required for decentralisation.

Another way in which central government monitors local government is through the Local Authorities Public Accounts Committee, established in 1999 with the aim of improving accountability. Its main function is to examine the accounts of every district, city, town council, township authority and land board, and produce financial and audit reports for the Ministry of Local Government and Rural Development.

Political Institutions and Decentralisation

Although Botswana is a multi-party democracy, the ruling BDP has dominated elections since 1966. In recent years however, its popularity has declined and it is increasingly accused of being unable to govern the country. This has led to the steady increase of opposition representation in Parliament, as can be seen in the table below.

62 Onalenna Seitio-Kgokgwe et al., 'Assessing Performance of Botswana's Public Hospital System: The Use of the World Health Organization Health System Performance Assessment Framework,' *International Journal of Health Policy and Management* 3, no. 4, (2014): 179-189.

TABLE 1 COMPOSITION OF PARLIAMENT IN BOTSWANA

ELECTION YEAR	BDP MPs*	OPPOSITION MPs	SHARE OF BDP MPs
1999	33	7	82.5%
2004	44	13	77.2%
2009	45	12	78.9%
2014	37	20	64.9%
2019	38	19	66.7%

* BDP = Botswana Democratic Party; MP = Member of Parliament

Source: Parliament of Botswana, <https://www.parliament.gov.bw/index.php/2012-02-13-15-06-33>

Botswana's central government is composed of MPs and the president while local government is composed of members of councils and their respective mayors. While the increase in opposition representation in Parliament is encouraging, MPs do not see members of local councils as their equal partners in development. This contradicts the foundations of democracy that favour a bottom-up approach. It is local government that should brief Parliament on public needs and issues so that laws and policies can be developed accordingly. The BDPs majority rule in Parliament has also stifled the development of important bills and motions by opposition parties. Delays due to bickering and petty issues may be clearly witnessed from the live broadcast of the parliamentary debates.

Civil Society and Decentralisation

Botswana's civil society is made up of non-governmental, non-profit and community based organisations. Its role is to help mobilise communities and advocate on their behalf. However, this has been made difficult due to lack of funding and poor staff retention. Civil society's role in driving decentralisation has been minimal. Compared to other countries, Botswana's civil society does not have the muscle to lobby or influence government decisions and processes.

As a result, government relies on local and traditional leaders to assist with mobilising citizens. Prior to independence, traditional leaders (mostly 'dikgosi' or chiefs) had the power to allocate land, rule on disputes and declare the commencement of the ploughing season. Post-independence, dikgosi are supervised by the Ministry of Local

Government and Rural Development, which now handles land allocation. The process has therefore become much more centralised. However, dikgosi may still reach out to communities through village development committees to disseminate information on behalf of the central government.

Lessons Learnt

Despite its lack of autonomy, local authorities, particularly urban and district councils, have greatly contributed towards the promotion and protection of democracy at the local level, and deserve the opportunity and space to deliver on their mandates.⁶³

Government should continue to pursue decentralisation, learning from existing successful initiatives. For example, the existence of central government offices at the district level has brought services, otherwise only available in Gaborone, closer to the citizens. Several ministries now have regional offices responsible for assisting citizens.⁶⁴ At the national level, more than 60 public enterprises have been established through various acts of Parliament to facilitate smooth, timeous, efficient and effective delivery of essential services. These hybrid state and private sector owned enterprises are directly regulated by government.⁶⁵

Government should also be commended for its efforts to introduce e-governance. The Botswana National E-Government Strategy (2011-2016) aims to provide universal access to services through the use of appropriate technologies. The Online Business Registration System by the Company and Intellectual Property Authority and the e-filing system by the Botswana Unified Revenue Services are good examples of how e-governance can reduce long queues and improve service delivery.

63 Poteete, Mothusi and Molaodi, "Botswana: Political and Economic Obstacles", 25.

64 Ministry of Health and Wellness, Ministry of Agriculture and Food Security, Ministry of Basic Education, Ministry of Transport and Communications and Ministry of Youth Empowerment, Sport and Culture Development.

65 Bashi Mothusi and Kenneth Dipholo, 'Privatisation in Botswana: The Demise of a Developmental State?' *Public Administration and Development* 28, no.3 (2008): 239-249.

RECOMMENDATIONS

Government should consider:

- Revisiting and reviewing the report on the second presidential commission on the local government structure (2011) and adopting the relevant recommendations;
- Adopting a participatory and inclusive decision-making process that involves all stakeholders affected by a proposed project or programme;
- Reducing the leadership gap between central and local government to improve productivity and service delivery;
- Capacitating local government in accountability and transparency;
- Reducing the public wage bill by privatising some essential services;
- Implementing performance-based remuneration to encourage hard work;
- Integrating different age groups in the workforce to ensure continuity when older employees retire;
- Amending the constitution to include and clearly define the role of local government;
- Reviewing outdated policies and legislation to align them with current realities; and
- Re-designing the organisational structure of local government and reducing duplication of efforts by departments and state-owned enterprises.

CHAPTER 5



Citizen Participation and Economic Inclusion

This issue relates to the Democracy and Good Political Governance thematic area, specifically:

» OBJECTIVE 1

Entrenching Constitutional Democracy and the Rule of Law

Question 1 Does the political system as practiced in your country allow for free and fair competition for power and the promotion of democratic governance?

» OBJECTIVE 6

Promotion and Protection of the Rights of Women

Question 2 What measures have been put in place to enhance the role of women in the democratic process and governance of your country?

« Botswana will be a society where all men and women have equal opportunity to actively participate in the economic, social, cultural and political development of their country »»

*Botswana Vision 2036**

* Government of Botswana, "Vision 2063"

Although globally praised for its commitment to upholding democratic principles, scholars differ on the quality and depth of Botswana's democracy. Some refer to the system as 'authoritarian liberalism'⁶⁶ while others contend that it is a 'minimalist democracy'.⁶⁷

There is no disputing that Botswana has put in place some of the basic elements required for a country to be considered a democracy. For example, it has a constitution that provides citizens with fundamental rights and freedoms and clearly defines the powers of leaders. All citizens are free to form political parties and compete for state power in free and fair elections that have been held every five years since 1965. Elections are organised, conducted and overseen by an independent commission. However, in order to be considered a full democracy, government needs to address the lack of citizen participation in both political and economic spheres.

Barriers to Political Participation

Botswana subscribes to the FPTP electoral system. Also known as the 'plurality system', selection for office is based on the principle of a simple plurality of votes cast.⁶⁸ The voter is presented with the names of the nominated candidates and may vote for one candidate only. The winning candidate is simply the person who has the most votes. For example, a candidate could be elected with two votes if every other candidate only secured one vote.⁶⁹ The leader of the majority party in Parliament assumes the presidency. The president is therefore elected indirectly. That leader will then choose a vice president from the pool of MPs.

The current Parliament consists of 63 members: 38 from the BDP; one from the Alliance for Progressives (AP); three from the Botswana Patriotic Front (BPF); and 15 from the Umbrella for Democratic Change (UDC). The 38 MPs and six Specially Elected MPs (SEMPs) from the BDP give the party an overwhelming majority. Despite significant electoral reforms – the establishment of the IEC, the lowering of the voting age from 21 to 18 years, the introduction of the absentee ballot system and constituency offices for all MPs – the current electoral system distorts electoral outcomes and produces

66 Kenneth Good, 'Authoritarian Liberalism: A Defining Characteristic of Botswana,' *Journal of Contemporary African Studies* 14, no.1 (1996): 29–51.

67 Gape Kaboyakgosi and Keneilwe Marata, *In A Fine Balance: Assessing the Quality Governance in Botswana* (Pretoria: Institute for Democratic Alternatives in South Africa, 2012), 4.

68 Okwudiba Nnoli, *Introduction to Politics* (Singapore: Longman Publishing Group, 1986), 147.

69 The Electoral Knowledge Network, 'First Past the Post', <https://aceproject.org/ace-en/topics/es/esd/esd01/esd01a/default>.

a Parliament that is disproportionate to the popular vote.⁷⁰ The table below clearly illustrates this point. With an average popular vote, the BDP has dominated Parliament throughout the years. In 2014, it won the election with a popular vote of less than 50%.

TABLE 2 ELECTORAL TRENDS IN BOTSWANA

POLITICAL PARTY	1989	1994	1999	2004	2009	2014	2019
Botswana Democratic Party	64.7%	54.4%	57.2%	51.7%	53.3%	46.5%	52.7%
Umbrella for Democratic Change	-	-	-	-	-	30.1%	35.9%
Botswana Patriotic Front	-	-	-	-	-	-	4.4%
Alliance for Progressives	-	-	-	-	-	-	5.1%
Botswana National Front	26.9%	37.1%	26.0%	26.1%	21.9%	-	-
Botswana Congress Party	-	-	11.9%	16.6%	19.2%	20.4%	-
Botswana People's Party	4.5%	4.2%	-	1.9%	1.4%	-	-
Botswana Alliance Movement	-	-	4.7%	-	2.3%	-	-
Independent	-	-	0.3%	0.0%	1.9%	3.1%	1.7%

Source: Independent Electoral Commission of Botswana, 'Election Results', <https://www.iec.gov.bw/#>

Existing electoral structures, such as the process of nominating SEMP and MPs, benefit the incumbent party, allowing it to entrench its hegemony. Up until recently, only members of the ruling party had been nominated for specially elected positions. In 2019, opposition member and leader of the AP was offered a specially elected position for the first time, but this nomination was reportedly declined.

Women, youth and people with disabilities (PWDs) are also poorly represented in government. During the 2019 election, a mere 11 out of 210 parliamentary candidates were women. Only three women went on to win a seat and four others were selected as SEMP. Legal and regulatory frameworks that promote the participation of women, youth and PWDs are needed. For example, the African Charter on Democracy, Elections and Governance and the African Youth Charter both call on states to promote the

70 Mpho Molomo and Gloria Somolekae, "Sustainable Electoral Democracy in Botswana" (paper, International IDEA Conference, Johannesburg, 2006), 108, <https://www.eisa.org/pdf/JAE5.2.pdf>.

participation of citizens in the political process. Botswana, however, is yet to sign and ratify these charters.

Though the current electoral system has served the country well and is believed to have contributed towards Botswana's political stability, it could be adjusted to allow for further participation and representation. Political parties and civil society have repeatedly proposed the following:

- The president should be elected directly. Currently, the leader of the political party with the highest number of parliamentary seats automatically becomes the president.
- Political funding should be introduced to ensure all parties can run campaigns.
- There should be strict separation of power between the arms of government. The IEC is currently a department in the OP and the president appoints its executive secretary.
- Principles of PR should be incorporated into the electoral system to ensure the nomination of vulnerable members of society such as women, youth and PWDs.

Some of these recommendations, such as political funding and affirmative action policies for marginalised communities, were also put forward by the Electoral Commissions Forum of SADC Countries, the SADC Electoral Observation Mission and the AU Election Observation Mission in 2019.

Political parties are important actors in a democratic society because they provide citizens with political education and aggregate their interests on various issues.⁷¹ In theory, Botswana is a multi-party democracy, but in practice, the BDP continues to dominate the country's political landscape. Having won every election since 1965, it is one of the longest serving political parties in Africa. That all parties are allowed to compete in elections is commendable. Smaller parties, however, struggle to keep up with the powerful and well-resourced BDP.

The opposition has been described as weak and fragmented. Poor organisational structures and a lack of funding have often resulted in party splits during or after primary elections. There is also the issue of personality-based leadership in both the ruling and opposition parties, which perpetuates factionalism. For example, when former president Dr Seretse Khama Ian Khama left the BDP, his followers broke away to form the BPF. Similarly, during a leadership crisis in the Botswana Movement for Democracy, Ndaba Gaolathe left with his followers to form the AP.

71 Nnoli, "Introduction to Politics", 140.

As a result of this fragmentation, opposition parties have historically failed to mount a serious challenge against the BDP. Encouragingly, in 2012, some opposition parties united under the UDC and the party participated in the 2014 and 2019 elections, earning a fair share of votes each time. Due to the FPTP electoral system, however, this has not translated into seats in Parliament.

Barriers to participation permeate through all levels of the political process. For example, the president, vice president, ministers, assistant ministers and senior government officials regularly consult citizens through kgotla (the village parliament) meetings hosted by chiefs or their subordinates. During these meetings, citizens are informed about changes to existing public policies or programmes, newly proposed policies or projects and general issues regarding their welfare. Citizens are usually afforded an opportunity to ask questions and make suggestions to the proposals presented. However, these suggestions are rarely taken into consideration as final decisions have often already been made. This cosmetic form of consultation has meant that plans are made through a top-down approach, rather than in a bottom-up manner.

The participatory process followed when amending Sections 77, 78 and 79 of the Constitution provide valuable lessons. Concerted efforts were made to engage the citizens and solicit their views before the proposed changes were incorporated. As a result, the amended sections accurately reflect the consensus that was reached.

Barriers to Economic Participation

Democracy is premised on ideals of equality and equity. It therefore follows that national resources should be distributed in a way that benefits all citizens. This calls for economic inclusion, guided by the formulation and implementation of relevant economic policies. However, Botswana's citizenry continues to suffer exclusion from the economy, despite its considerable growth over the years.

Much of the country's economic growth since independence has been a result of diamond revenues. Government, through the Botswana Investment Trade Centre, has embarked on an Economic Diversification Drive, with the main aim to 'diversify the economic and export base of the country into sectors that will continue to grow long after diamonds have run out.'⁷² It also seeks to support the local production of goods and services so as to empower citizens and reduce the import bill.

72 Republic of Botswana, Ministry of Trade and Industry, *Economic Diversification Drive, Medium to Long-Term Strategy 2011-2016*, (Gaborone: Government Printer, 2011), 13.

Through a policy adopted in 2010, government has also identified eight special economic zones. The aim is to attract world class domestic and foreign investors by offering them developed infrastructure, state of the art technology, beneficial inter-sectoral linkages, improvements in economies of scale, a specially trained skilled labour force and targeted economic incentives. It is expected that when investors take advantage of the incentives, their businesses or entities will prosper and generate employment opportunities for citizens.

Despite these progressive economic policies, Botswana was named by the World Bank as the third most unequal country in the world in 2015. This is based on a Gini coefficient score of 0.6 where 0 refers to perfect equality and 1 to perfect inequality.⁷³ Botswana's score points to a large gap between the country's rich and poor people. Half of the country's national income is confined to the richest 10% of the population, while the poorest 10% have to make do with approximately 1% of the national income. Poverty in Botswana also has a young face, with children younger than the age of 15 representing approximately 46% of the poor.⁷⁴

The number of people living below the poverty line has been steadily declining over the years – from 30.6% in 2002/2003 to 16.3% in 2015/16.⁷⁵ However, some districts continue to record very high incidences of poverty in comparison to others. For example, in 2015/16, the poverty rate was 50.6% in Kweneng West, 40.3% in Ngwaketse West and 39.5% in Kgalagadi South. Botswana's poverty and social inequality is a result of the political economy of natural resource wealth, with social transfers only introduced reluctantly in a top-down manner and only to ensure loyal support of the rural poor.⁷⁶

Policies and programmes that have served to reduce poverty and unemployment in the past – and therefore provide valuable lessons – include:

- The Financial Assistance Policy;
- The Community Based Natural Resources Management Policy of 2007, which promotes the establishment of CBOs throughout the country;
- The National Literacy Programme of 1981;

73 The World Bank, 'Incomes Growth in Rural Botswana Lifts Thousands out of Poverty and Decreases Inequality,' press release, December 8, 2015, <https://www.worldbank.org/en/news/press-release/2015/12/08/incomes-growth-in-rural-botswana-lifts-thousands-out-of-poverty-and-decreases-inequality>.

74 The World Bank, "Incomes Growth in Rural Botswana".

75 Statistics Botswana, *Botswana Multi-Topic Household Survey* (Gaborone: Statistics Botswana, 2015/2016), 4.

76 Marianne Ulriksen, 'Mineral wealth and limited redistribution: social transfers and taxation in Botswana,' *Journal of Contemporary African Studies* 35, no. 1 (2016): 73-92.

- The Young Farmers Fund of 2009;
- The Labour Intensive Public Works Programme of 2008; and
- The Citizen Entrepreneurial Development Agency and the Local Enterprise Authority.

One industry that has the potential to increase citizen participation in the economy is tourism. Local communities have yet to see the real benefits from an industry that was arguably built upon its land and natural resources.⁷⁷ For example, Ngamiland is one of the poorest districts despite being the heart of Botswana's multi-billion Pula elite tourism industry.⁷⁸ It is home to two internationally recognised World Heritage Sites: the Okavango Delta and Tsodilo Hills. The situation has been referred to as internal colonialism.⁷⁹ The state's tourism policies have left little room for local communities to enter the tourism sector as they are unable to compete with luxury accommodation facilities.

The state's more recent ecotourism policies, such as the Eco Certification System, focus more on the environment than on local people and their cultural heritage. This alienates local communities and contributes to the erosion of local cultural knowledge and practices.⁸⁰ In light of the above, some Trade Act clauses were recently amended to encourage citizen businesses. A number of manufacturing licenses and registration certificates are now reserved for citizens. Since these amendments have only just come into effect, it is still too early to judge their impact.

77 Lesego Sebele, 'Community-based Tourism Ventures, Benefits and Challenges: Khama Rhino Sanctuary Trust, Central District, Botswana,' *ScienceDirect* 31, no. 1 (2010): 136-146.

78 Statistics Botswana, "Botswana Multi-Topic Household Survey", 6.

79 Joseph Mbaiwa, 'Poverty or riches: who benefits from the booming tourism industry in Botswana?' *Journal of Contemporary African Studies* 35, no. 1 (2017): 93-112.

80 Susan Keitumetse, 'The Eco-tourism of Cultural Heritage Management (ECT-CHM): Linking Heritage and 'Environment' in the Okavango Delta Regions of Botswana,' *International Journal of Heritage Studies* 15, no. 2-3 (2009): 223-244.

RECOMMENDATIONS

- Botswana should consider a mixed member proportional representation electoral system where the positives of FPTP and PR are combined.
- A certain number of seats in both Parliament and councils should be reserved for women, youth and PWDs.
- Civic and political CSOs should be provided with funding to assist and train women, youth and PWDs who may be interested in running for political office.
- Women, youth and PWDs seeking office should pay subsidised fees, starting at political party level.
- Political party funding should be introduced to level the playing field. This funding should be sourced locally, so as to avoid scenarios of political parties and their representatives being captured by foreign donors – an issue that was highly controversial during the 2019 election.
- Botswana is encouraged to sign and ratify the 2007 African Charter on Democracy, Elections and Governance, the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (Maputo Protocol) and the 2006 African Youth Charter.
- With regards to elections, there is a need for alternative dispute resolution mechanisms. Several 2019 election petitions were thrown out of court on technicalities and political parties were left unheard.
- Government should consider a law on indigenous citizen economic empowerment that would allow citizens to catch up with naturalised Batswana who currently control the economy.

CHAPTER 6



Transparency and Accountability

(Corruption, Oversight Bodies, Access to Information and Media, Conflict of Interest and Corporate Governance)

These issues cut across a number of thematic areas:

DEMOCRACY AND GOOD POLITICAL GOVERNANCE

» OBJECTIVE 4

Promotion and Protection of Civil and Political Rights as enshrined in African and International Human Rights Instruments

Question 4 To what extent does the state respect and protect the Access to Information Rights of Citizens?

Objective 5 Ensuring Accountable, Efficient and Effective Public Service Delivery at the National and Decentralised levels

Question 2 What is the state of corruption in the public sector?

ECONOMIC GOVERNANCE AND MANAGEMENT

» OBJECTIVE 4

Fight Corruption and Money Laundering

Question 1 What measures have been taken by your country to fight corruption in public procurement and with what results?

CORPORATE GOVERNANCE

» OBJECTIVE 2

Ensuring Effective Leadership and Accountability of Organisations

Question 2 How does the corporate governance framework ensure accountability?

« Transparency and accountability are prerequisites for progressive governance and building trust between the public, public institutions, private sector and civic institutions »»

*Botswana Vision 2036**

* Government of Botswana, "Vision 2063"

In a democratic society, government is based on the consent of the governed. Transparency and accountability are therefore key. The former refers to the public's ability to access clear information about government, private sector and civil society activities. This, in turn, increases citizen participation in the political process. The latter rests on the establishment of mechanisms to evaluate the performance of public officials, the private sector and civil society institutions so that they may be held responsible for their actions.

Historically, Botswana has demonstrated high levels of transparency and accountability. Its performance according to several governance indicators over the last few years, however, warrants discussion.

The World Governance Indicators 2019 report shows that Botswana's score across six indicators remains impressive. Between 1996 and 2018, it has consistently ranked among the top third performers in the world.⁸¹ However, a worrying decline in the 'Voice and Accountability' sub-indicator can be observed. This indicator captures the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association and freedom of the media.

In 2017, Botswana ranked fifth out of 54 African countries on the Mo Ibrahim Index of African Governance. Again, despite ranking amongst the top African performers in each sub-indicator – Safety and Rule of Law; Participation and Human Rights; Sustainable and Economic Opportunity; and Human Development – Botswana's overall governance score has been steadily declining over the last 10 years, dropping from 72.2 in 2008 to 68.5 in 2017.⁸²

81 World Governance Indicators, 'Interactive Data Access', <https://info.worldbank.org/governance/wgi/Home/Reports>.

82 Ibrahim Index of African Governance, 'Dataset', <http://iiag.online/>.

TABLE 3 WORLDWIDE GOVERNANCE INDICATORS FOR BOTSWANA

INDICATOR	1996	2008	2018
Voice and accountability	74.0	61.5	62.5
Political stability and absence of violence	79.7	84.6	83.3
Government effectiveness	70.4	70.8	65.3
Regulatory quality	70.6	65.0	68.7
Rule of law	66.8	71.0	68.7
Control of corruption	77.4	82.0	77.8

Note: The percentile rank (0-100) indicates the rank of Botswana among all countries of the world. 0 corresponds to the lowest rank and 100 corresponds to the highest rank.

Source: World Governance Indicators, 'Interactive Data Access', <https://info.worldbank.org/governance/wgi/Home/Reports>

Results of the Mapping Local Democracy exercise by the Botswana Association of Local Authorities support the aforementioned rankings and figures. Their research shows that the lack of transparency and accountability may be detracting from people's interest in participating in the democratic process.⁸³ Other scholars have argued that the long-term dominance of the political system by the BDP has led to the concentration of political power, increasing government abuse and corruption, and attempts to limit free media.

The lack of accountability may also be demonstrated by government's inability to discipline a number of public officials for their failure to supervise and monitor large national projects that come at huge financial cost. Examples include the expansion of the Morupule B power station, the Palapye glass project and the renovation of the national stadium in Gaborone as well as the Sir Seretse Khama International Airport. Not only have the public officials involved not faced disciplinary action, but none of them felt it appropriate to take responsibility and step down from their positions. This has become somewhat of a trend in Botswana. Although a few public officials have resigned from office to clear their names in the past,⁸⁴ others remained stubbornly in

83 Botswana Association of Local Authorities, *Botswana: A guide to effective council leadership in the 21st century* (Gaborone: Botswana Association of Local Authorities, 2010).

84 In 1992, former minister, Daniel Kwelagobe, and former vice president, Peter Mmusi, resigned from cabinet after being accused of having acquired land improperly in the peri-urban area of Mogoditshane. In 2008, the former assistant minister of Finance and Economic Planning, Guma Moyo, resigned after he was charged with corruption.

place. For example, in 2011, the former Minister of Finance and Economic Development failed to step down after he was accused of a conflict of interest. Serving both as a minister and the chief executive officer of the Botswana Development Corporation at the time, his resignation was thought to be warranted. His decision to remain in office, thereby contravening principles of good governance and international best practice, was supported and endorsed by former president Khama.

Should Botswana continue along this path, it will not be able to meet the goals highlighted in key strategic development documents and frameworks such as the 11th National Development Plan (NDP 11) and the National Vision 2036. Government has committed to strengthening and consolidating the gains made over the years with respect to good governance. According to NDP 11, appropriate policies will be implemented in critical areas such as corruption, the rule of law, citizen and equal participation in decision-making, and transparency and accountability. Government will need to take more initiative if it is to meet these objectives.

Corruption

Corruption refers to the use of public resources for personal gain. It weakens public institutions and renders them incapable of performing their main responsibilities.⁸⁵ In response to an increase in the number of corruption cases involving senior government officials and politicians in the early 1990s, the Corruption and Economic Crime Act was passed in 1994 and established an anti-corruption agency, the Directorate on Corruption and Economic Crime (DCEC), whose main responsibility is to prevent corruption and sensitise citizens about its dangers.

These efforts have proved somewhat effective. According to Transparency International's Corruption Perceptions Index of 2019, Botswana scored 61 out of 100 (where 0 is 'highly corrupt' and 100 is 'very clean') and was ranked 34 out of 180 countries assessed.⁸⁶ While this indicates that Botswana is managing corruption better than other African countries, there is room for improvement, evidenced by several on-going corruption cases. The implication of several senior government officials, politicians, judges and businessmen in the misappropriation of the National Petroleum Fund indicates that the fight against corruption is far from over. The latest Afrobarometer Survey indicates that despite widespread media coverage, only about one-third of Botswana heard of the embezzlement scandal. Of those aware of the allegations, 82% said they were 'very

85 Transparency International, *Corruption Perceptions Index 2018* (Berlin: Transparency International, 2018), 1.

86 Transparency International, 'Corruption Perceptions Index 2019', <https://www.transparency.org/en/cpi/2019/results/bwa>.

concerned' about the misappropriation of funds but many believe that those accused will not be taken to court or, if convicted, will not be sent to prison.⁸⁷

One of the main challenges in the fight against corruption is a lack of autonomy on the part of the DCEC. Unlike in other countries where anti-corruption units are independent agencies, the DCEC is a department under the Directorate on Public Service Management and has to compete with other departments and agencies for much needed resources. This compromises its ability to fulfil its mandate. Its director general recently expressed his frustration with this situation, noting that while other law enforcement agencies, such as the Directorate of Intelligence Services, have their own budgets, and therefore, a semblance of autonomy, the DCEC does not.⁸⁸ While corruption continues to grow, his organisation has not made any notable achievements for the past 10 years, he said.

It should be noted that the position of director general of the DCEC is not provided for in the Constitution and does not enjoy the same protection as High Court and Court of Appeal judges. The director general may therefore be relieved of his or her responsibilities at any time. Leaders of opposition political parties have recommended that the position be entrenched in the Constitution and that the DCEC become an independent agency that reports directly to Parliament. Unfortunately, this suggestion has not moved past members of the ruling party.

Another challenge faced by the DCEC is that it does not have the power to prosecute people who engage in corruption. Following an investigation, a dossier is prepared for the Director of Public Prosecutions (DPP), who takes over from that point onwards. This results in delays before the start of a trial as cases keep going back and forth between the DCEC and the DPP, particularly when evidence is time-sensitive.⁸⁹

Oversight Bodies

Efforts to enhance transparency and accountability cannot be divorced from the role played by oversight institutions, such as the Office of the Auditor General that supplies the public with information needed to hold government accountable for

87 Thomas Isbell and Batlang Seabo, "Corruption crossroads? Rising perceptions of graft weaken citizen trust, threaten Botswana's democratic standing" (Policy Paper 68, Afrobarometer, Ghana, 2020), https://afrobarometer.org/sites/default/files/publications/Documents%20de%20politiques/ab_r8_polycypaperno68_botswana_corruption.pdf.

88 Phillimon Mmeso, 'DPP foil corruption cases,' *The Patriot on Sunday*, July 23, 2020, <https://www.thepatriot.co.bw/news/item/8461-dpp-foil-corruption-cases.html>.

89 Mmeso, "DPP foil corruption cases".

the stewardship of public funds and assets.⁹⁰ The auditor general, whose position is protected by the Constitution, is required to conduct an annual audit of all public accounts, including expenditures of officeholders, the courts and partially owned government entities or parastatals. Audit reports are submitted to the Minister of Finance and Economic Development who, in turn, must present them to the National Assembly. The auditor general may also report directly to the speaker in the event that the minister fails, for one reason or another, to table the reports before the National Assembly.⁹¹ The reports cover issues such as the misappropriation of public funds and lack of accountability on the part of public servants. However, they have yet to be used to take disciplinary action against culprits.

For example, following work assignments and upon return to their duty stations, civil servants have often failed to return the balance of their work allowances within 14 days as required. The auditor general has raised this issue in several reports, yet the problem persists. Knowing that their superiors are unable to enforce the regulations, public servants continue to contravene them.

Other institutions responsible for oversight include the Office of the Ombudsman, the IEC, the Parliamentary Accounts Committee, the Financial Intelligence Agency and the Local Authorities Public Accounts Committee.

The IEC falls under the OP and its needs are catered for in the same manner as other departments. This placement compromises its independence and has led to perceptions of bias and partiality. For example, in December 2019 the opposition UDC took the IEC and the ruling BDP to the High Court, arguing that the 2019 general elections were rigged and the result should therefore be nullified. The application was dismissed on an administrative technicality and the UDC was not given an opportunity to present the evidence it had collected, hence the narrative that the elections were rigged is still alive.

Due to its placement under the OP and limited resources, the IEC is only visible when preparing for general elections. It has failed to provide voter education to all citizens on a continuous basis and has been unable to develop strategies that could empower disadvantaged and vulnerable members of society to actively participate in political activities.

90 Mogopodi Lekorwe, "Supreme Audit Institution" in *Transparency, Accountability and Corruption in Botswana*, ed. Zibani Maundeni (Cape Town: Made Plain Communication, 2005), 77-87.

91 Lekorwe, "Supreme Audit Institution", 77.

Access to Information and Media

Citizens can only hold their administrative and political leaders accountable if they have access to information. As it is stated, 'The development and maintenance of a democratic culture requires that citizens be provided with information to help them develop opinions and attitudes, and make informed political choices.'⁹²

Botswana's Public Accounts Committee is tasked with examining the accounts and statements prepared by the accountant general at the end of every financial year. It may also initiate inquiries into the financial affairs of various government projects and policies. Over the years, the committee has remained active, often calling on ministries and parastatals to account for irregularities.⁹³ Up until three years ago, the committee's meetings took place behind closed doors. Since making these meetings public, the committee has improved opportunities for the media and the public to collect information on issues of fraud and corruption. However, accessing information outside of this channel remains a challenge.

In 2013, Botswana ranked 55th out of 77 countries on the Open Data Barometer, a measure of how governments are publishing and using open data for accountability, innovation and social impact. In 2017, it dropped to 78th out of 86 countries. The absence of a right to information law was identified as a major factor affecting Botswana's score.⁹⁴ Government seems reluctant to introduce such legislation, even though it could go a long way in improving transparency and reducing corruption. While a draft 'Right to Information Bill' is currently in the legislative pipeline, its effect may be diluted by a raft of other laws whose applications erode access to information. These include the Media Practitioners Act of 2008, the Intelligence and Security Act of 2007 and the National Security Act of 1986. A Right to Information law should go hand in hand with the review, if not repeal, of these acts.

Most Botswana contend that a lack of access to information and a general lack of transparency on the part of public institutions limit full participation in political

92 Tachilisa Balule, "The Media and Democracy in Botswana" in David Sebudubudu, Bertha Osei-Hwedie, and Balefi Tsie, *Botswana's Parliamentary Democracy Revisited* (Pretoria: UNISA Press, 2017), 91.

93 'Public Accounts Committee (PAC) should grow bigger teeth and start biting,' Sunday Standard, May 16, 2016, <https://www.sundaystandard.info/public-accounts-committee-pac-should-grow-bigger-teeth-and-start-biting/>; Dithapelo Keorapetse, 'Public Accounts Committee concludes its work,' *Mmegi Online*, June 12, 2015, <https://www.mmegi.bw/index.php?aid=51845&dir=2015/june/12>.

94 Open Data Barometer, *Regional Report* (London: The World Wide Web Foundation, 2016), 6.

processes. This is compounded by the non-existence of effective forums for holding public servants and elected officials directly to account, apart from elections.⁹⁵

Given the above situation, the media plays a vital role in disseminating information that the public would otherwise be unable to access. There are two state-owned radio stations, a television station and a daily newspaper in Botswana, made available to citizens free of charge. In addition, there are three private radio stations, one private television station and more than eight private newspapers. While the state-owned media is usually viewed as being biased towards government, the private media brings much needed balance to public debates. However, the absence of community radio stations means people in remote areas cannot access media or enjoy the opportunities that come with such resources.

The media also plays a vital watchdog role. Its function is to 'ferret out corruption, dishonesty and graft wherever it may occur and to expose the perpetrators.'⁹⁶ This is only possible if it has freedom of expression and access to information. The absence of a right to information act has forced some journalists to obtain information through underhand tactics resulting, in turn, in their arrest. According to the 2020 World Press Freedom Index from Reporters without Borders, Botswana ranked 39th out of 180 countries.⁹⁷

Conflict of Interest and Corporate Governance

A conflict of interest is a situation in which one's public duty to serve justly and fairly contradicts one's private interests. One way in which this can be avoided is by embracing the concept and principles of corporate governance that set out the rules and procedures that should be followed when directing a corporation and pursuing its objectives.⁹⁸ Corporate governance is based on principles of accountability, transparency, fairness, integrity, trust, diligence and disclosure.

Government has established more than 60 public enterprises, each with specific responsibilities, functions and powers. These entities fall under different ministries and have boards of directors whose main responsibility is to ensure that the business of the corporation is conducted in the most efficient, effective and ethical manner. The board also sets the vision of the corporate and makes decisions in its best interests.

95 Jeremy Sarkin and Amelia Cook, 'Is Botswana the Miracle of Africa? Democracy, the Rule of Law, and Human Rights Versus Economic Development,' *Transnational Law and Contemporary Problems* 19 (2008): 453-457.

96 *Government of the Republic of South Africa vs Sunday Times Newspaper* [1995] (2) SA 221 (T) at 227H.

97 Reporters Without Borders, 'Botswana', <https://rsf.org/en/botswana>.

98 Silima, "Good Governance and Conflict Resolution", 3.

Appointment to these boards must, therefore, be based on meritocracy as opposed to favouritism or patronage. The appointed directors must have the requisite skills, knowledge and expertise to steer the corporations in the right direction. They should also represent all sectors of society and have the nation's interests at heart.

The Public Enterprise Evaluation and Privatisation Agency is responsible for appointing directors to the boards of various public enterprises. It is also tasked with monitoring the performance of public enterprises and identifying those that could be privatised. However, the poor performance of most public enterprises in Botswana raises questions of accountability. Officers within the Botswana Meat Commission, Botswana Power Corporation, Botswana Energy Regulatory Agency and others have been accused of corruption and conflict of interest. Accountability and transparency are good governance issues but they may be achieved by promulgating national laws, such as one requiring officials to declare their assets. Currently, there is no obligation to do so.

At present, the Companies Act of 2018 provides the framework for corporate governance. While the act aims to increase corporate transparency and the accountability of directors, the regulatory framework to monitor compliance is inadequate. The Ministry of Finance and Economic Development has committed to a comprehensive review of the parastatals' landscape. It will then propose specific recommendations to government on the relevance of some of these organisations and their financial sustainability. This move is welcomed.

RECOMMENDATIONS

- The positions of ombudsman and director general of the DCEC should be entrenched in the Constitution so as to afford them greater autonomy.
- The IEC should be independent from the OP and should have access to its own resources.
- Botswana should urgently consider adopting a right to information act and a media freedom act. In doing so, government will need to review existing legislation that could potentially erode access to information.
- Botswana should consider joining transparency mechanisms like the Open Governance Partnership and the Extractive Industries Transparency Initiative. These mechanisms could facilitate progress towards open, transparent, accountable and effective governance.
- The appointment of directors to boards should be carried out with greater transparency so as to avoid favouritism and patronage. Criteria for selection should be published for all to access.
- Officials should be legally required to declare their assets and any potential conflict of interest.
- The president must honour his commitment to conduct a comprehensive review and rationalisation of the parastatal landscape.
- Government should promote budget and aid transparency. This will enable citizens to participate in the political process and hold government accountable.

CHAPTER 7



Vulnerable Groups

This issue relates to the Democracy and Good Political Governance thematic area, specifically:

» OBJECTIVE 8

Promotion and Protection of the Rights of Vulnerable Groups, including Internally Displaced Persons, Refugees and Persons with Disabilities

Question 1 Identify vulnerable groups in your country and outline measures your country has taken to promote and protect the rights of permanently disadvantaged or vulnerable groups including, but not limited to, Internally Displaced Persons, Refugees and Persons with Disabilities.

« Social protection will continue to be provided to support the most vulnerable members of society »»

*Botswana Vision 2036**

* Government of Botswana, "Vision 2063"

Vulnerability refers to the inability to withstand a hostile environment, which can be physical, social, emotional or otherwise. It also refers to the degree of risk of adverse events occurring, and an inability to cope with these.⁹⁹

Botswana's democratic and economic success has been marred by high inequalities. Those most vulnerable to poverty, violence and income inequality include women and children, youth, PWDs, and lesbians, gays, bisexuals, transgender, queer and intersex people (LGBTQI+). Some are considered vulnerable in that they do not have access to the resources required to survive in a harsh and ever-changing environment. Others are considered vulnerable due to the discrimination directed towards them by society.

Women and Children

Botswana has signed and ratified several international conventions that address issues affecting women. These include:

- The 1986 African Charter on Human and Peoples' Rights;
- The 1996 Convention on the Elimination of All Forms of Discrimination Against Women;
- The 1997 SADC Declaration on Gender and Development; and
- The 2000 Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women.

Botswana also has a National Gender Programme Framework that has been implemented since 1999 to prevent and eliminate violence against women.

The Department of Women's Affairs in the Ministry of Nationality, Immigration and Gender Affairs aims to bridge the gap between men and women and economically empower women to become self-reliant, thereby reducing their poverty. Since 1999, the department has financed 1,048 businesses belonging to 3,725 women to the tune of BWP 155 million. During the 2018/19 financial year, it was allocated BWP 30 million from government and an additional BWP 25 million from the alcohol levy to continue financing women-owned businesses.¹⁰⁰ The benefits of these efforts have not, however, reached women in the informal sector, specifically those living in rural areas. In general,

99 The International Federation of Red Cross and Red Crescent Societies, 'What is vulnerability?', <https://www.ifrc.org/en/what-we-do/disaster-management/about-disasters/what-is-a-disaster/what-is-vulnerability/>.

100 Tlotlo Mbazo, 'Women businesses funded at P155 million since 1999,' *Botswana Guardian Newspaper*, June 26, 2018, <http://www.botswanaguardian.co.bw/news/item/3216-women-businesses-funded-at-p155-million-since-1999.html>.

harmful gender norms and discriminatory practices make it difficult to operate a business as a woman in Botswana and most women-led businesses are established out of necessity rather than opportunity.¹⁰¹

Significant strides have been made to ensure gender parity at the education level. The female literacy rate in Botswana currently stands at 91%, an increase from 87.8% in 2010.¹⁰² In 2015, the share of girls enrolled in secondary schools and tertiary institutions was 65% and 28% respectively.¹⁰³ However, gender norms and patriarchy have again led to an uneven playing field. The idea that women are subservient prevails and has resulted in little to no female representation in political, economic and religious sectors.

The legal system also inherently discriminates against women. Justice for victims of abuse and GBV relies on the will and effort of the survivor. Asserting and exercising one's rights requires resources and information and women do not always have these readily available.¹⁰⁴ Women with intersecting or underlying vulnerabilities (such as those living in rural areas, with HIV/AIDS or a disability) have been most affected by this.

The Children's Act of 1981, amended in 2009, deals with the fundamental rights and freedoms of children. The Department of Social Protection in the Ministry of Local Government and Rural Development is the custodian of the act. Botswana has also ratified the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. These outline the fundamental rights of children, including the right to be protected from economic exploitation and harmful work, from all forms of sexual exploitation and abuse, and from physical or mental violence.¹⁰⁵ These rights are enforced within the parameters of Botswana's Constitution.

The above-mentioned legislation is an indication of Botswana's commitment to the protection of the child, particularly those that have been orphaned. It is estimated that

101 Ludovica Cherchi and Daniel Kirkwood, *Crossovers in Botswana: Women Entrepreneurs Who Operate in Male Dominated Sectors*, output for Women Entrepreneurship Study (P164089), (World Bank, 2019), <http://documents1.worldbank.org/curated/en/290451565250128807/pdf/Crossovers-in-Botswana-Women-Entrepreneurs-Who-Operate-in-Male-Dominated-Sectors-Output-for-Women-Entrepreneurship-Study.pdf>.

102 Statistics Botswana, *Stats Update*, (Gaborone: Statistics Botswana, 2020), 2, <https://www.statsbots.org.bw/sites/default/files/publications/Stats%20Update%20March%202020.pdf>.

103 UN Population Fund (UNFPA), *Opportunities and Policy Actions to Maximise the Demographic Dividend in Botswana*, Demographic Dividend Study Report (UNFPA, 2018), 27.

104 Letsweletse Martin Dingake, *Women's Access to Justice in Botswana: Identifying the Obstacles & Need for Change*, (Geneva: International Commission of Jurists, 2013), <https://www.refworld.org/pdfid/530f05e24.pdf>.

105 Tapologo Maundeni and Rodreck Mupedziswa, "Social assistance programmes in Botswana: Efficiency and effectiveness" (Semantic Scholar, Gaborone, 2017), 109, <https://www.semanticscholar.org/paper/Social-assistance-programmes-in-Botswana%3A-and-Maundeni-Mupedziswa/527de71ed1af4983f4e8293ff99aa8a39df7cb93>.

one in 10 children have lost one or both parents to HIV/AIDS-related deaths.¹⁰⁶ In 1998, the then Ministry of Health commissioned an assessment of the situation of orphans in Botswana. It revealed an urgent need for children to be provided with food and clothing. Government declared the problem of orphanhood a national crisis and developed a short-term plan of action covering the period between 1999 and 2003. The main objective was 'to improve the socio-economic conditions of orphans by way of investing in human capital, within the broader context of sustainable human development.'¹⁰⁷ This was followed by the adoption of the National Guidelines on the Care of Orphans and Vulnerable Children in 2008. Today, the Department of Social Protection works closely with the Ministry of Basic Education, the Ministry of Health and Wellness, and civil society to provide care to vulnerable children.¹⁰⁸ Although state and civil society interventions target orphaned and vulnerable children, they have positively impacted the child population as a whole.

Significant gaps remain in addressing adolescents' issues, however, particularly alcohol and drug abuse.¹⁰⁹ The 2010 Youth Risk Behaviour Surveillance Survey conducted by the Ministry of Education and Skills Development showed that 37.5% of the 3,567 students surveyed had their first drink before the age of 13, and 13.2% had used marijuana during their lifetime.¹¹⁰

Youth

Prior to 1996, Botswana defined youth as people between the ages of 12 and 29. This category was expanded to cover the ages between 15 and 35 in 2010,¹¹¹ meaning that youth now constitute more than half of Botswana's 2,073,675 population.¹¹²

The biggest challenge facing Botswana's youth is the unavailability of job opportunities and a mismatch between the skills they possess and the demands of the job market. This observation is supported by the Demographic Dividend Study Report of 2018, which

106 Project Concern International, 'Botswana', <https://www.pciglobal.org/botswana/>.

107 Maundeni and Mupedziswa, "Social assistance programmes", 16.

108 Organisations include Save Our Souls, Childline, Ditshwanelo, the Mpule Kwelagobe Centre and others.

109 Kabo Diraditsile, 'Challenges to Social Policies: A Critical Analysis of Youth Intervention Programmes in Botswana,' *Asian Journal of Social Science Studies* 2, no. 1 (2017): 74-82.

110 Katherine Riva et al., 'Prevalence and predictors of alcohol and drug use among secondary school students in Botswana: a cross-sectional study,' *BMC Public Health* 18, no. 1396 (2018): 1-14.

111 Republic of Botswana, *National Development Plan 10*, (Gaborone: Government Printer, 2009), 5.

112 Statistics Botswana, *Stats Update 2018*, (Gaborone: Statistics Botswana, 2018), 5.

notes that the current education system is not well adapted towards a labour market moving increasingly towards the fourth industrial revolution.¹¹³

Recognising the important role that youth can play in national development, and the challenges young people face on a daily basis, government adopted the National Youth Policy in August 1996. The policy is anchored on six strategic areas: provision of appropriate education and training; promotion of health among young people; provision of employment to young people; active participation of young people in recreation, sports and leisure; development of youth talents; and responsiveness to problem areas that confront young people, particularly unemployment, poverty, lack of opportunities, HIV/AIDS, drug abuse and crime. Youth development has occurred within the framework of this policy and the 2001–2010 National Action Plan for Youth.

Due to changes in the socio-economic, cultural and demographic structure of society in Botswana and globally since the adoption of the policy, coupled with the need to address new challenges – HIV/AIDS, poverty, emerging issues related to science, information and technology, and environmental conservation and protection – the policy was revised in 2010, culminating in the Revised National Youth Policy. The overall aim of the revised policy is to mainstream and promote youth participation in community and civic affairs, ensuring that youth programmes engage youth and are youth-centred.

Another initiative – the National Internship Programme – aimed at offering university graduates practical experience in government and the private sector for a maximum period of two years was introduced in 2009 and has made good progress. In July 2011, about 4,500 interns were placed in various institutions across the country and about 1,227 were absorbed into permanent positions thereafter. In 2015, a further 4,912 interns were placed in government, parastatals and private sector entities.¹¹⁴

The Government Policy Reform of 2015 calls specifically for affirmative action in favour of youth. In line with this, government has created a database of youth with relevant vocational skills and youth-owned companies for easy access to civil works in the construction industry. Since inception, and through the sharing of this database, maintenance tenders reportedly worth BWP 30 million have been awarded to 64 youth-operated firms around the country.¹¹⁵

113 UNFPA, "Opportunities and Policy Actions", 28.

114 'What next after Internship?,' *Sunday Standard*, April 19, 2015, <https://www.sundaystandard.info/what-next-after-internship/>.

115 African Development Bank (AfDB), *Botswana - African Economic Outlook* (AfDB: 2012), 14, <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/Bostwana%20Full%20PDF%20Country%20Note.pdf>.

Despite these efforts, youth unemployment continues to rise, growing from 25.1% in 2015/16 to 26.7% in 2018/19.¹¹⁶ This has been the basis of youth's apathy towards state policies.¹¹⁷

People Living with Disabilities

According to Statistics Botswana's 2015/16 Multi-Topic Household Survey, an estimated 2.7% (56,555) of the population has some form of disability. Of these, 20,382 are male and 36,173 female.¹¹⁸ Of those with a disability, 37.9% had a defect in seeing, 24.5% in hearing and 2.4% in speech. Issues facing this group include economic exclusion, higher levels of poverty, and restricted access to information, transportation and public spaces.¹¹⁹ Civil society has been unable to meaningfully address these vulnerabilities due to limited reach.¹²⁰

Government, however, has established a Coordination Office for Persons with Disabilities (CPWD) in the Ministry of Presidential Affairs, Governance and Public Administration, headed by a person living with disability. Its main responsibilities are to: coordinate and monitor the implementation of national policies, strategies and programmes aimed at the empowerment and well-being of people with disabilities; ensure that disability issues are considered in all policies and programmes; ensure active involvement and participation of people with disabilities in policy processes; ensure the effectiveness of national structures dealing with disability issues; and mobilise resources for the implementation of policies and programmes aimed at addressing disability issues.

In pursuance of these objectives, the CPWD, with the technical support of the UN Development Programme (UNDP) Botswana, developed a National Disability Policy, a National Disability Strategy and Implementation Plan, and a draft law that will be used to domesticate the Convention on the Rights of Persons with Disabilities (CRPD) in Botswana. The National Disability Framework was developed in consultation with PWDs, disabled persons' organisations, CSOs, academia, government ministries and parastatals

116 Statistics Botswana, *Quarterly Multi-Topic Survey: Labour Force Module Report, Quarter 3: 2019* (Gaborone: Statistics Botswana, 2019), 8, <http://www.statsbots.org.bw/sites/default/files/publications/Quarterly%20Multi%20Topic%20Survey%20Labour%20Force%20Module%20Report-%20Q3%202019.pdf>.

117 Success Capital Organisation, 'APRM and Youth', Success Capital Organisation (Gaborone, Success Capital Organisation, 2020), <https://successcapital.africa/wp-content/uploads/2020/05/Brief-APRM-and-Youth.pdf>.

118 Statistics Botswana, "Stats Update 2018".

119 UNDP, 'Rights of Persons with Disabilities', https://www.bw.undp.org/content/botswana/en/home/operations/projects/democratic_governance/convention-on-the-rights-of-persons-with-disabilities.html#:~:text=Current%20estimates%20are%20that%20approximately,information%2C%20transportation%20and%20public%20spaces.

120 Arnie Eide and Tlamelo Mmatli, *Living conditions among people with disability in Botswana*, technical report, (Trondheim: SINTEF Technology and Society, 2016).

at national, district and village levels. Furthermore, UNDP Botswana has supported the translation of the CRPD into Setswana.

Government has also shown commitment to an education system inclusive of people living with disabilities. The Ministry of Basic Education, through the Revised National Policy on Education, has increased access to education for children with special education needs and children living with disabilities.¹²¹ It has built special education units in existing schools, provided equipment and infrastructure in mainstream schools to support children with disabilities, and integrated children with special education needs and disabilities into mainstream schools. Botswana currently has one government-owned junior secondary school and one senior secondary school with a visual impairment special education unit. Two junior and one senior secondary schools have hearing impairment special education units.

The LGBTQI+ Community

Notable progress has been made in affording the LGBTQI+ community the rights it deserves. There is freedom of association in Botswana, gender affirmative recognition and same sex intercourse has been decriminalised.

In 2012, the Lesbians, Gays and Bisexuals of Botswana (LEGABIBO), a group that represents the LGBTQI+ community, took government to court demanding that it be recognised and registered like other societies. Government vehemently opposed the lawsuit and in November 2014, when the High Court ruled in favour of the applicants, the decision was appealed. In March 2016, the Court of Appeal upheld the High Court ruling and ordered the Registrar of Societies to register LEGABIBO.¹²²

More recently, in September 2017, a request by a transgender woman to change her gender marker on her identity card from male to female was denied by the registrar of national registration. The High Court ruled that the decision to refuse the change violated the applicant's constitutional right to dignity, equal protection of law, non-discrimination, privacy, freedom of expression, and freedom from inhumane and degrading treatment. The registrar was thus ordered to make the change.¹²³

In another victory for LGBTQI+ rights in 2019, LEGABIBO successfully challenged Sections 164 (a) and (c) and 165 of the Penal Code that criminalised sexual intercourse between

121 Statistics Botswana, "Stats Update 2018", 9.

122 *Thuto Rammoge & 19 Others v. The Attorney General of Botswana* [2014] MAHGB-000175-13.

123 *ND vs Attorney General of Botswana [and others]* [2017], MAHGB-000449-15, 85

persons of the same sex. Although government opposed the application, both the High Court and the Court of Appeal declared the sections ultra vires with regard to the Constitution, specifically Section 3 that confers liberty, privacy and dignity to all citizens, Section 9 that gives citizens the right to privacy and Section 15 that prohibits discrimination against citizens in any form or shape.¹²⁴

While these cases indicate the changes that have been introduced through court rulings on issues related to the treatment of members of LEGABIBO, socially, the LGBTQI+ community continues to face discrimination, belittlement, bullying and rejection. This has far reaching consequences, particularly for men's health. An estimated 34% of men who have sex with other men are married to women.¹²⁵ Of those, 76.3% were not aware of their HIV/AIDS status due to the fear of being discovered as bisexual or gay.

Social Assistance Programmes

Development indicators such as life expectancy, average years of schooling and gross national income per capita continue to improve following the discovery of diamonds in the 1970s. However, poverty, unemployment and income inequality remain. A nation-wide, self-funded social protection regime was established in 1996 to address these challenges.¹²⁶

Today there are approximately 30 overlapping social protection programmes geared towards assisting vulnerable members of society, implemented by 10 different government departments. These include: the Destitute Persons Programme; Orphan Care Programme; Community Home Based Care; Primary and Secondary School Feeding Programmes; Vulnerable Groups Feeding; the Remote Area Development Programme; the Old Age Pension Scheme; Ipelegeng; and the World War II Veterans Allowance.

While the programmes provide vulnerable groups with an opportunity to earn an income, they lack coordination and assistance does not always reach those who need it most.¹²⁷ Many poor citizens are not eligible while others receive multiple benefits. The programmes have also failed to address underlying issues of violence, gender equality,

124 *Letsweletse Motshidiemang vs Attorney General* [2019], MAHGB-000591-16, 3.

125 Mduuzi Mhlanga, 'Botswana and the LGBT community,' *Global Risk Insights*, June 30, 2019, <https://globalriskinsights.com/2019/06/botswana-lgbt-community/>.

126 Cornelia Tesliuc et al., *Botswana Social Protection Assessment, social protection and labour discussion paper no. 1405* (Washington, DC: World Bank, 2013), xxi.

127 Success Capital Organisation, *A Review Of Protection In Botswana* (Gaborone: Success Capital Organisation, 2020), <https://successcapital.africa/wp-content/uploads/2020/05/A-Review-of-Social-Protection-in-Botswana-1.pdf>.

human rights, and other social and cultural aspects that come with living in Botswana. Moreover, data on their effectiveness and cost is limited.¹²⁸

RECOMMENDATIONS

- The low representation of women in Parliament should be reviewed beyond quota systems and women's league nominations. There should be greater understanding of gender norms, political systems and the societal nuances that enable or impede women's political representation.
- The progress made in women's rights abuses is not enough. Significant efforts are needed to redress and eliminate gaps in law enforcement, social protection and care work.
- Child programmes and interventions should include psychosocial support and personal development by teaching skills for navigating socio-economic complexities.
- Income inequality has impacted health and society in Botswana and persists across generations. These should be understood and addressed, using the SDGs as a framework for progress.
- Immediate relief programmes support those living in poverty. However, they are not sustainable or life changing. In order to alleviate dependency and compliment state provisions, skills gaps should be addressed, particularly in areas of citizen empowerment and small-scale entrepreneurship.
- There is a need to recognise and affirm diversity to include all groups across the service delivery value chain.
- Child-related services have received priority in government spending. This should be scaled and managed to accommodate vulnerabilities, particularly of minority demographics.

128 Unicef, 'Social policy', <https://www.unicef.org/botswana/social-policy>.

CHAPTER 8



Education

This issue relates to the Broad-Based Sustainable Socio-Economic Development thematic area. Education is not dealt with as a distinct objective or question but is addressed across the thematic area. For example:

» OBJECTIVE 1

Promote and Accelerate Broad-based Sustainable Socio-economic Development

Describe the policies and strategies formulated by your country to promote and accelerate broad-based sustainable socio-economic development.

Among the indicators, respondents are requested to:

Indicate results obtained in terms of satisfaction, simplification of administrative formalities on request, cost reduction and access to resources and services, in particular with regards to access to potable water, sanitation, social protection, education, health (including the fight against HIV/AIDS and other transmissible diseases), information and communication technologies.

« Botswana will be knowledgeable with relevant quality education that is outcome-based, with an emphasis on technical and vocational skills as well as academic competencies »»

*Botswana Vision 2036**

* Government of Botswana, "Vision 2063"

Botswana has a progressive education system generally considered to be inclusive. Government has taken deliberate steps to improve access to education evidenced by, for example, the splitting of the large Ministry of Education and Skills Development in 2016 into three separate functional ministries of: Basic Education; Tertiary Education, Research, Science and Technology; and Employment, Labour Productivity and Skills Development. The purpose of the split was to ensure that each sub-sector of the education landscape receives adequate attention.

Government has ensured that, in line with UNESCO's recommendation, more than 5% of national gross domestic product (GDP) goes towards financing education each year. In fact, for the 2019/20 financial year, the Ministry of Basic Education received the largest share (17.5% or BWP 8.24 billion) of the national budget.¹²⁹ A number of educational policies and laws have also been introduced,¹³⁰ further evidence of government's commitment to education. The NDP and Vision 2036 make reference to a renewed education system that could transform the economy and lift citizens out of poverty, thus improving livelihoods.¹³¹

Has there been return on this investment? That is up for debate. While policies appear purposeful on paper, they have yet to be implemented. Quality of education, the relevance of the curriculum, and the uptake of science and technology in teaching and learning are some of the issues requiring attention. Moreover, the COVID-19 pandemic has disrupted teaching and is likely to affect budget allocations,¹³² further exacerbating existing challenges faced by the education sector.

Pre-Primary Education

Through the Revised National Policy on Education 1994–2020, Botswana has placed emphasis on Early Childhood Care and Education (ECCE) with the belief that access to quality early childhood education lays the foundation for primary education. To this end, the ECCE policy was adopted in 2001 and efforts have been made to ensure the programme is allocated adequate resources. For example, there are dedicated teachers and classrooms specifically for ECCE within a number of primary schools. However,

129 Republic of Botswana, '2019 Budget Speech By Honourable O.K. Matambo, Minister of Finance and Economic Development, Delivered to the National Assembly,' February 4, 2019, <https://www.tralac.org/documents/resources/by-country/botswana/2614-botswana-2019-budget-speech/file.html>.

130 These include but are not limited to: the Revised Policy on Education 1994–2020; the Tertiary Education Policy of 2008; the Human Resources Development Act No. 17 of 2013; the Education and Training Sector Strategic Plan of 2015–2020; and the National Human Resources Development Strategy 2009–2022.

131 Government of Botswana, "National Development Plan"; Government of Botswana, "Vision 2036".

132 Media address by Hon. Fidelis Molao, Minister of Basic Education, June 2020.

funding for ECCE remains low. The ETSSP 2015–2020 notes that the programme does not have a dedicated budget, but is funded through the primary education sub-sector. It has therefore called for ‘strong political and social commitment to investing in early childhood development.’¹³³

Another challenge in providing ECCE is low enrolment rates, particularly in rural areas and settlements. According to Statistics Botswana, in 2013 the South-East District registered the highest number of pre-primary enrolments (7,415), followed by Central (7,352) and Kweneng (4,540). In comparison, the Kgalagadi and Gantsi districts together registered 1,284 learners.¹³⁴ Five years on in 2018, this trend continues. Enrolment in the Kgalagadi and Gantsi districts has increased to 2,148, but is still relatively low compared to urban locations. Moreover, the quality of care and education is constrained by a shortage of qualified early childhood teachers.¹³⁵

The current ECCE programme also excludes children under the age of five. While some attend privately owned early childhood centres, their performance cannot be monitored.¹³⁶ Private centres do not receive government funding, raising further questions about the quality of their services.

Primary Education

Government, through the Ministry of Basic Education, has made notable strides in providing primary education in Botswana. In 2015, there were 826 primary schools spread across the country with most of these (755) being government schools.¹³⁷

As can be seen in Figure 1, enrolment at primary level has been considerably higher than both lower and upper secondary over the years, evidence of government’s efforts to achieve universal access to basic education.

However, the relatively high primary school enrolment is dampened by the high rate of drop-outs, particularly in rural areas such as Gantsi. Dropout rates are on the rise,

133 Republic of Botswana, *Education and Training Sector Strategic Plan (ETSSP 2015-2020)*, (Gaborone: Ministry of Educations and Skills Development, 2015), 51.

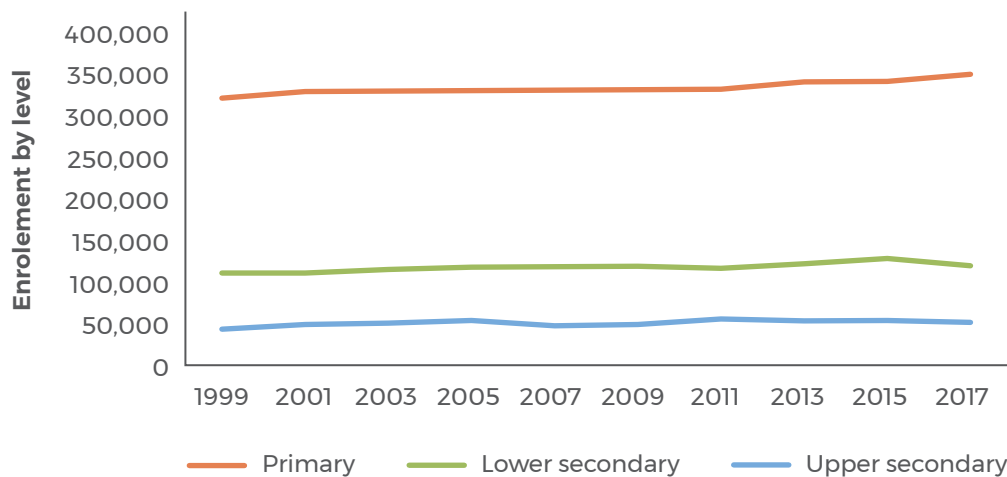
134 Statistics Botswana, *Pre and Primary Education Stats Brief 2013* (Gaborone: Statistics Botswana, 2015), 6, <https://www.statsbots.org.bw/sites/default/files/publications/Pre%20%20Primary%20%20Education%202013%20-%202015.pdf>.

135 Republic of Botswana, “ETSSP 2015–2020”, 27.

136 World Bank, Government of Botswana and Unicef, *Public Expenditure Review of the Basic Education Sector in Botswana* (Washington, DC: World Bank, 2019), 45.

137 Statistics Botswana, *Primary Education Statistics Report 2015*, (Gaborone: Statistics Botswana, 2015), 3.

FIGURE 1 PRIMARY SCHOOL ENROLMENT IN BOTSWANA



Source: UNESCO Institute for Statistics, 'Botswana', <http://uis.unesco.org/en/country/bw>

growing from 0.6% in 2013 to 0.8% in 2015.¹³⁸ This has led to a decreased primary school completion rate, relative to enrolment. According to the Class Volunteers Foundation, many factors are at play, including household poverty.¹³⁹

Enrolment trends also show that boys consistently outnumber girls at primary school, raising questions about government's commitment to empowering the girl child. In 2007, 167,396 boys were enrolled in primary school. The figure was 160,934 for girls. Eight years on in 2015, the number of boy learners increased to 176,245, while the number of girls stood at 168,373.¹⁴⁰

Government is also struggling to accommodate children living with disabilities. In 2015, only 1,321 out of 5,097 children with special education needs were enrolled in primary school. The low enrolment rates have been attributed to the fact that there are only 39 primary schools offering special education throughout the country.¹⁴¹

138 Statistics Botswana, "Primary Education Statistics Report", 14.

139 Phetso Kgosiemang, "Strategic Planning in the Education Transformation Agenda" (Class Volunteers Foundation presentation, World Conference on Education, Dublin, 16-18 July 2019).

140 Statistics Botswana, "Primary Education Statistics Report", 7.

141 World Bank, Government of Botswana and Unicef, "Public Expenditure Review", 41.

Primary schools in Botswana are run jointly by the Ministry of Basic Education, concerned with curriculum development and teaching, and the Ministry of Local Government and Rural Development, concerned with the provision of resources, infrastructure development and maintenance. Although both ministries have demonstrated commitment to their duties, high enrolment rates have resulted in a shortage of resources such as classrooms, tables, chairs and books. There is also a shortage of qualified teachers for specialised subject areas.¹⁴²

Secondary Education

The poor performance of students at the secondary education level (junior and secondary senior) has long been a concern. While the country boasts a 98% transition rate at lower secondary level, the transition to senior secondary (from Form 4 to Form 5) has dropped to 66%.¹⁴³ By standards such as the Southern and Eastern African Consortium for Monitoring Educational Quality (SACMEQ) and the Trends in International Mathematics and Science Study, learners in Botswana fare poorly compared to their regional and international counterparts. For example, a 2017 SACMEQ report reveals that while 85% of Standard 6 pupils reached acceptable reading competency levels, only 65% reached acceptable mathematics competency levels.¹⁴⁴ Encouragingly, the Ministry of Basic Education has developed interventions targeted towards improving examination results and tackling concerning levels of absenteeism and drop-outs.

One such intervention is the ETSSP 2015–2020, developed as a strategy to bridge the gap between education financing and the skills required by students at each stage of learning. While the strategy includes some progressive proposals such as the introduction of multiple pathways to learning,¹⁴⁵ its implementation has been stifled by budgetary constraints. In what was supposed to be its final year (2020), only a few of the strategy's recommendations have been implemented.

Despite the fact that the Ministry of Basic Education continues to receive the largest share of the country's budget, a number of issues in the secondary education sub-sector require attention. These include:

142 World Bank, Government of Botswana and Unicef, "Public Expenditure Review".

143 Botswana National Commission for UNESCO, *Botswana National Implementation Plan for Sustainable Development Goal (SDG) 4 - Education 2030* (Gaborone: Ministry of Tertiary Education, Research, Science and Technology, 2018).

144 SACMEQ, *The SACMEQ IV Project in Botswana: A Study of the Conditions of Schooling and the Quality of Education* (Gaborone: SACMEQ, 2017), 26.

145 Republic of Botswana, "ETSSP 2015–2020", 42.

- poor performance of learners;
- low rates of transition from junior to senior secondary education;
- social ills such as teenage pregnancies and indiscipline;
- unsatisfactory working conditions for teachers;
- absenteeism and drop-outs;
- poor infrastructure development and maintenance; and
- a lack of technological approaches to teaching and learning.

Comprehensive Sexuality Education

Various statistics point to a need for quality CSE in Botswana. For example, the prevalence of HIV/AIDS amongst youth is still a concern and has been attributed to a lack of comprehensive knowledge about HIV/AIDS and safe sex.¹⁴⁶ A Youth Risk Behavioural Surveillance survey, focusing on students between the ages of 10 and 19, and carried out in 145 schools across Botswana, also shed light on some critical issues. Of the students surveyed, 20.5% had had sex. Most of these (19.1%) said they were sexually experienced and reported having sex for the first time before the age of 13.¹⁴⁷

In 2013, Botswana, together with 19 other Eastern and Southern African countries, committed to providing CSE and sexual reproductive health to adolescents and young people.¹⁴⁸ This included efforts to curb new HIV/AIDS infections amongst youth and reduce early and unintended pregnancies. The school environment was identified as a convenient place to do this.¹⁴⁹ By 2020, participating countries were to increase the number of schools and institutions offering CSE to 75%. If met, this goal could usher in a new era of well educated and healthy youth, knowledgeable on matters of their sexuality and health. However, it remains to be seen how countries are performing both individually and collectively.

146 Unicef, *Adolescents and HIV/AIDS*, UNICEF Botswana Programme Strategy Note (Gaborone: Unicef, 2017), <http://files.unicef.org/transparency/documents/Botswana%20-%20Adolescents%20-%20HIVAIDS%20-%20Strategy%20Note.pdf>.

147 Government of Botswana, 'Factsheet: First Botswana Youth Risk Behavioural Surveillance Survey Among 10–19 years old Students', <https://photos.state.gov/libraries/botswana/19452/pdfs/First%20Botswana%20Youth%20Risk%20Behavioural%20Surveillance%20Survey.pdf>.

148 UNESCO, *Ministerial Commitment on Comprehensive Sexuality Education and Sexual and Reproductive Health Services for Adolescents and Young people in Eastern and Southern Africa* (Cape Town: UNESCO, 2013).

149 Gloria Somolekae ESA Consultative Meeting Speech (Gaborone, May 14, 2014).

Botswana has made progress in some areas. For example, it has passed a law raising the age of consent from 16 to 18, in line with the Children's Act.¹⁵⁰ The junior secondary education curriculum was also revised to include CSE. Although this has been met with mixed feelings, many, including CSOs, welcomed this as a step in the right direction.¹⁵¹ Nonetheless, there is room for improvement, particularly at the basic education level. One of the main challenges is a lack of appropriate, age-specific study material and proper training for teachers on CSE. The intergenerational gap between most teachers and students has also made it difficult for teachers to reach out and discuss issues of CSE. Cultural issues, such as treating any talk of sex as taboo, further complicate this.¹⁵²

Tertiary Education

Through the Tertiary Education Policy of 2008, government has sought to strengthen local tertiary education providers. The policy went hand in hand with the NHRDS 2009–2012, which sought a paradigm shift towards an empowered and relevant human resource. To this end, the Human Resources Development Council, empowered by the Human Resources Development Act,¹⁵³ has set up over 12 sector-specific committees, consisting of experts and captains of industries. These committees exist mainly to advise the council on sector specific issues, including training needs.

Despite these efforts, enrolment in tertiary education for the population aged 20–24 remains low at 23.4% in 2016.¹⁵⁴ The general consensus is still that the tertiary education sector is yet to meet the needs of the economy.¹⁵⁵ This argument is supported by the results of Statistics Botswana's Multi-Topic Household Survey that show a mismatch between what employers seek in terms of educational requirements and what the labour force has to offer. The un-employability of graduates has been linked to the perceived poor quality of education.

The tertiary education sector is therefore challenged in that, whereas many continue to graduate, unemployment continues to rise. This has far-reaching implications for

150 Botswana Penal Code Amendment of 2018.

151 Baboki Kayawe and Gothataone Moeng, 'Mixed reactions on sex education in JC curriculum,' *Mmegi Online*, August 5, 2011, <https://www.mmegi.bw/index.php?sid=1&aid=789&dir=2011/August/Friday5>.

152 Mavis Mhlaudi and Jabulani Muchado, 'Hearing Voices Inside Schools: Issues of Sexuality in Upper Classes in Primary Schools in Botswana,' *Journal of Education and Human Development* 4, no. 2 (2015).

153 Botswana Human Resources Development Act 17 of 2003.

154 World Bank, Government of Botswana and Unicef, "Public Expenditure Review", 41.

155 Roshen Kishun and Colleen Molemi, 'The Economic Benefits of Intentional Career Guidance,' *Sunday Standard Newspaper*, January, 2020.

the country as a whole, as heightened unemployment has direct linkages with poverty, disease and crime.

These challenges may be addressed through the promotion of technical and vocational education. Although vocational institutions are known to produce marketable graduates,

RECOMMENDATIONS

With regards to pre-primary education, government should consider:

- Levelling the pre-primary enrolment disparities between urban and rural areas;
- Providing access to ecce for children below the age of five;
- Addressing the quality of education at private-owned early childhood centres;
- Training more ecce teachers;
- Improving enrolment among children living with disabilities; and
- Developing a monitoring or regulatory system for private education providers.

With regards to primary education, government should consider:

- Training and upskilling more teachers;
- Developing a strategy to manage drop-outs, especially at Standard 1;
- Developing a strategy to manage high drop-out rates for boys, and in rural areas;
- Ensuring equal levels of enrolment between boys and girls; and
- Allocating further resources to meet the demand for primary education.

RECOMMENDATIONS

With regards to secondary education, government should consider:

- Addressing enrolment inequalities by region, ensuring that no student is left behind;
- Making basic education compulsory;
- Bridging the gap between junior and secondary levels of education;
- Doing away with the junior certificate and consider introducing a-levels, to allow learners to graduate from secondary school with a strong qualification;
- Expanding provisions for special education from ECCE level onwards; and
- Revising and ensuring the full implementation of the ETSSP.

With regards to comprehensive sexuality education, government should consider:

- A more comprehensive approach to its CSE commitment;
- Revising the curriculum to adopt age-specific CSE material and pedagogies at different levels of education;
- Training teachers on CSE delivery; and
- Stepping-up partnerships with CSOs for the delivery of CSE outside of the classroom.

With regards to tertiary education, government should consider:

- Enforcing the implementation of the NHRDs;
- Improving enrolment for tertiary education, primarily through bridging the gap between secondary and tertiary levels;
- Addressing the low uptake in science-related programmes, especially by women;
- Addressing the low uptake of technical and vocational education and training by, for example, creating opportunities for multi-skilled technicians;
- Expanding opportunities for life-long learning, distance education and e-learning, through institutions like the Botswana Open University;

RECOMMENDATIONS

- Taking into account market needs when advising on education and training prospects; and
- Allowing universities to play a greater role in steering a curriculum that responds to the needs of youth. This could result in programmes that are tailored to employment.

CHAPTER 9



Sustainable Development and Natural Resource Management, Access to Land and Infrastructure

This issue cuts across two thematic areas, specifically:

ECONOMIC GOVERNANCE AND MANAGEMENT

» OBJECTIVE 1

Design and Implement Economic Policies for Sustainable Development

- Question 2* What sectoral economic policies has your country developed and implemented to promote economic growth and sustainable development in the past 5-10 years and what has been their effectiveness?
- Question 6* What are the major development initiatives undertaken to improve the energy, services, transport and communication infrastructure in your country?

BROAD-BASED SUSTAINABLE SOCIO-ECONOMIC DEVELOPMENT

» OBJECTIVE 1

Promote and Accelerate Broad-based Sustainable Socio-economic Development

- Question 2* What is the capacity of your country to formulate, implement and monitor broad-based sustainable socio-economic development?
- Question 4* What policies and strategies are in place in your country to enhance environmental management and protection for sustainable development?
- Question 5* What are the measures adopted to ensure environmental sustainability and accountability?

« We will manage and allocate our natural resources in an efficient and environmentally sustainable manner »»

*Botswana Vision 2036**

* Government of Botswana, "Vision 2063"

they have struggled to gain traction in Botswana.¹⁵⁶ In addition, there is a shortage of skilled trainers in specialised fields such as heavy plant machinery, refrigeration and air-conditioning, and electrical. This has resulted in trainees being unable to specialise across fields, thereby enhancing their employability.¹⁵⁷ A number of tracer studies have revealed that, even after training, graduates seem to require further practical experience.¹⁵⁸

All decisions made today will determine the ability (or inability) of future generations to satisfy their needs and demands. National resources should therefore be allocated in a way that allows the current generation to satisfy its needs, without making it difficult for future generations to do the same. This is known as sustainable development.

Sustainable development is not a fixed state of harmony, but a process of change where the extraction of resources, the direction of investment and the orientation of technological development is consistent with both future and present needs.¹⁵⁹

For example, current and future generations may benefit from the construction of schools and universities, modern health facilities, quality roads, dams and power stations, and policies that prevent wildlife from extinction or poaching and ensure non-renewable resources are not over-exploited. These investments need to be managed prudently and conservatively.

To what extent is this taking place in Botswana? The question of sustainable development is closely tied to the question of good governance. While good governance

156 Thato Mosinyi, 'Botswana: TVET Ideal for Sustainable Human Resource,' *AllAfrica*, February 19, 2020, <https://allafrica.com/stories/202002200147.html>.

157 The World Bank, *Raising Botswana's Human Resource Profile to Facilitate Economic Diversification and Economic Growth* (Washington, DC: World Bank, 2014), 7, <https://openknowledge.worldbank.org/handle/10986/21078>.

158 The World Bank, "Raising Botswana's Human Resource Profile", 11.

159 Joseph Hulse, *Sustainable Development at Risk: Ignoring the Past* (Delhi: Cambridge University Press India, 2007).

does not guarantee sustainable development, its absence severely limits it and can, at worst, impede it.¹⁶⁰

Natural Resource Management

Natural resource management refers to the management of biological and physical resources, and to the policy frameworks that optimise their economic and social impact. Natural resources are generally thought to be well managed in Botswana. Although all minerals are owned by government, exploration and extraction is governed by the Mines and Minerals Act¹⁶¹ that provides for the granting, renewal and termination of mineral concessions, as well as the payment of royalties.

The Minister of Mineral Resources, Green Technology and Energy Security is the custodian of the Mines and Minerals Act and is responsible for ensuring that all decisions taken are geared towards protecting and promoting the interests of government and its citizens. He or she must therefore ensure that mineral resources are extracted and mined in the most efficient, beneficial and timely manner. This also applies to private companies with licences to extract and mine in the country.

Mining and tourism remain the largest contributors to GDP (19.9% and 18.3% in 2016 respectively).¹⁶² The revenue accumulated has been used to provide much needed infrastructure and essential services to citizens in the form of schools, health facilities and roads. Government has also formulated and implemented numerous social protection policies that have benefitted a significant number of citizens. For example, as a result of government's strong financial muscle, antiretroviral drugs have been made available to all citizens who have HIV/AIDS.

Government boasts of similar successes when it comes to the management of water resources. The WUC is responsible for providing all citizens with water. The National Water Policy of 2012 guides the work of the WUC and is based on principles of equity, efficiency and sustainability.¹⁶³

160 Mihaela Kardos, 'The reflection of good governance in sustainable development strategies,' *Procedia - Social and Behavioral Sciences* 58, (2012): 1166-1173.

161 Mines and Minerals Act of 1999, chapter 66:01.

162 Statistics Botswana, 'National Accounts', <http://www.statsbots.org/bw/national-accounts>.

163 Republic of Botswana, Ministry of Minerals, Energy and Water Resources, *National Water Policy*, (Gaborone: Ministry of Minerals, Energy and Water Resources, 2012), 4.

In 2008, access to drinking water reached 99.5% in urban areas and 84.1% in rural areas.¹⁶⁴ In 2015/16, 31% of the population had access to piped water indoors, 42% accessed piped water outdoors within their yard or plot, 9.1% from a public or communal standpipe, 6.9% from a neighbour's tap, 4.4% from a tube well or borehole, and 1.2% from rivers or streams. The remaining 5.4% accessed water from different sources including dams, bowsers, and protected and unprotected springs.¹⁶⁵

However, as Botswana is semi-arid, it faces water scarcity. Apart from the perennial rivers and wetlands in the north and the over-utilised Limpopo River in the east, there is a lack of surface water, which accounts for 35% of total water supply. Development, therefore, relies heavily on groundwater, which supplies the remaining 65%.¹⁶⁶ All villages in the western part of the country depend on underground water for both human consumption and livestock. This calls for the drilling and maintenance of more boreholes to ensure a constant and reliable supply of water. This should be done with caution to limit the risk of nitrate pollution.

The limited supply of water is also due to the decline in rainfall as a result of climate change, high rates of evaporation and persistent droughts. While the quantity of water required on a daily basis remains high in urban areas, government has had to focus on areas that haven't been catered for. To this end, a loan of \$145.5 million was obtained for the Emergency Water Security and Efficiency Project to help Botswana cope with increased water stress arising from a number of factors. The proposed measures were said to be critical for the sustainable development of the country, particularly given current climate change projections.¹⁶⁷

Given the limited supply of water and declining rainfall patterns, improved water demand management is also required. This is particularly the case in urban areas where per capita consumption remains high.¹⁶⁸ Efforts to educate the public on water conservation should be renewed, as the country continues to experience high levels of water wastage. In 2010, an estimated 46% of purified water was unaccounted for.¹⁶⁹

164 UNDP, *Reflecting on the Challenges of Attaining a Green Economy for Botswana*, Energy Policy Brief (Gaborone: Seanama Conservation Consultancy, 2012), 3.

165 Statistics Botswana, "Botswana Multi-Topic Household Survey", 15.

166 AJE Du Plessis and Kate Rowntree, 'Water Resources in Botswana with Particular Reference to the Savanna Regions,' *South African Geographical Journal* 85, no. 1 (2003): 42-49.

167 The World Bank, 'Botswana: World Bank Approved \$145.5 million to Improve Water Availability in Drought Vulnerable Areas,' press release, March 1, 2017, <https://www.worldbank.org/en/news/press-release/2017/03/01/botswana-world-bank-approved-1455-million-to-improve-water-availability-in-drought-vulnerable-areas>.

168 UNDP, "Reflecting on the Challenges", 4.

169 Government of Botswana, "National Development Plan".

Despite steps to responsibly manage natural resources, there is room for improvement in terms of sustainability. Botswana is a signatory to Agenda 2030 for Sustainable Development adopted by UN member states in September 2015. It is therefore obliged to implement the agenda's vision locally. While some progress has been made in this regard, implementing authorities remain weak. For example, the DEA, despite its critical role and overarching mandate in matters of the environment, remains a sectoral department in the Ministry of Environment, Natural Resources Conservation and Tourism. Moreover, many of DEA's responsibilities are dealt with by the Environmental Health Department at a district level.

Sustainable natural resource management is also hindered by poor policy coherence. The mandates of different departments and parastatals are not aligned and 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. According to the Canadian Fraser Institute's Policy Perception Index, a composite index that measures the effects of government policy on attitudes towards exploration investment, Botswana ranked 22nd out of 76 countries in 2019. In 2018, it ranked 12th out of 83 countries.¹⁷⁰

Encouragingly, government has established a National Environmental Fund (NEF) to finance the work of Community-Based Organisations (CBOs) with a climate protection focus. This has motivated communities to become involved in projects that fight climate change and environmental degradation. Similarly, through the Ministry of Basic Education, environmental education is an integral part of the school syllabus.

In 1997, Botswana adopted a Community-Based Natural Resources Management (CBNRM) policy aimed at recognising the rights of local people to manage and benefit from natural resources and wildlife preservation. In recent years, the viability of the policy has come under question.¹⁷¹ For example, updates in 2007 altered the way in which revenues were divided between local community trusts and the central government. About 35% of natural resource revenue is supposed to go directly to CBOs, while the other 65% flows to the Natural Environmental Fund (NEF). However, the ability of CBOs to manage this revenue has been questioned. It has also been argued that CBOs lack the capacity required to negotiate fair deals with private sector partners. In response, government established the Botswana Tourism Organisation (BTO) to manage these relations. As a (perhaps unintended) consequence, the extra red tape has frustrated the

170 Ashley Stedman, Jairo Yunis and Elmira Aliakbari, *Fraser Institute Annual Survey of Mining Companies 2019* (Vancouver: Fraser Institute, 2020), 31.

171 Romy Chevallier and Ross Harvey, "Is Community-Based Natural Resource Management in Botswana Viable?," (Policy Insight 31, SAIIA, Johannesburg, 2016).

process. A 2014 hunting moratorium also closed off a revenue stream that accounted for a substantial share of income for a number of community trusts.¹⁷²

Access to Land and Infrastructure

Land is one of the most valuable assets citizens can have. All infrastructure needed to improve people's standard of living, such as schools, hospitals, power stations and others, can only be provided if there is land. It can therefore be argued that land is at the centre of development and the manner in which it is allocated and managed has a direct impact on livelihoods.

The Ministry of Land Management, Water and Sanitation Services is responsible for making land available to people for various uses. However, because the Land Policy stipulates that only serviced land be allocated, the Ministry of Transport and Communications and the Ministry of Mineral Resources, Green Technology and Energy Security are also involved. This lengthens an already extensive process, by requiring that land be fitted with public infrastructure such as roads, electricity, water and communication before it is allocated. As a result, there is an acute shortage of serviced land. As with most of the governance issues identified in this submission, women remain the most affected demographic.

Up until recently, only unmarried women or the wives of men who did not already own land were eligible for land rights. This policy deprived many married women, widows and single mothers access to the land on which they work and live.¹⁷³ Now that the policy has been updated, all citizens are free to apply for land in any part of the country to use for residential, civic, business or agricultural purposes. Land policy and governance are currently based on three types of land tenure systems: tribal land, which accounts for 71% of the total land area of Botswana; freehold land, which comprises 3%; and state land, which accounts for 26%.¹⁷⁴

Tribal land, which includes leasehold ranches and some areas designated for wildlife, is allocated under customary law through the Tribal Land Act of 1968. Land boards are the custodians of this legal instrument and all citizens who have been allocated plots are issued with certificates that give them exclusive rights to their piece of land. However, government has the power to repossess the allocated plots if the need arises.

172 Chevallier and Harvey, "Is Community-Based Natural Resource", 4.

173 'Botswana opts to make land owners of wives with new law,' *Reuters*, September 18, 2020, <https://www.news24.com/news24/africa/news/botswana-opts-to-make-land-owners-of-wives-with-new-law-20200917>.

174 AfDB, *Review of land tenure policy, institutional and administrative systems of Botswana* (Abidjan: AfDB, 2017), 7.

Freehold land tenure gives the owner perpetual ownership rights and is managed through the Land Control Act. In the event that the owner would like to sell to a non-citizen, the act stipulates that such handovers should be advertised first.¹⁷⁵ The sale or transfer to non-citizens can only be concluded if no one else shows interest. Government may also purchase farmlands held under the freehold land tenure in the vicinity of urban areas to facilitate the process of urban development.

Some of the challenges that arise in land allocation and management include poor record keeping by the land boards. This makes it difficult to determine with certainty who owns which piece of land, where, and the number of plots an individual has. This, in turn, leads to individuals being allocated a number of plots unknowingly, resulting in unequal land distribution.¹⁷⁶

The other challenge relates to poor coordination of land administration institutions and overlapping legislation. Even though these institutions fall under the same ministry, they are physically scattered, making it difficult for them to collaborate. The poor communication between institutions and departments exacerbates this further, in turn leading to a duplication of efforts and registers with conflicting information.¹⁷⁷

Government plans to address these challenges by reforming current land tenure policies by April 2021. It has placed an emphasis on improving the efficiency of land allocation. This, government says, will reduce backlogs and turnaround times. Through partnerships with the private sector, current land servicing projects will see the creation of over 9,000 plots by March 2022. The Land Administration Procedures Capacity and Systems project will assist in providing technological solutions for effective land management.¹⁷⁸

A shortage of adequate infrastructure in general has hampered government's efforts to deliver basic services, particularly in rural areas. For example, tribal administration departments do not have office accommodation throughout the country, though they are expected to perform like other local authorities; dikgotla meetings take place without Internet connectivity, furniture, transport and office accommodation; and health services buildings are in a bad state, requiring repairs. Though government recognises CSOs as partners in development, it does not provide them with the required infrastructure to perform their mandate.

175 AfDB, "Review of land tenure policy", 13.

176 AfDB, "Review of land tenure policy", 17.

177 AfDB, "Review of land tenure policy", 18.

178 Republic of Botswana, "State of the Nation Address".

Monitoring and Evaluation

Government's efforts to develop the country sustainably may be bolstered by a good monitoring and evaluation framework. This would ensure that all activities are executed according to plan and that all stakeholders perform their roles diligently, efficiently and effectively.

A monitoring and evaluation framework is necessary because a number of large government projects have not been implemented and completed on time or on budget. For example, Botswana's 10th National Development Plan, which ran from 2009/10 to 2015/2016, prioritised infrastructure, particularly water and electricity. One of the key projects during this time was the Morupule B Generation and Transmission Project aimed at supporting Botswana in developing a reliable and affordable supply of electricity for energy security.¹⁷⁹ Despite costing government approximately BWP 13 billion, the Morupule B power station has failed to generate enough electricity to address the needs of citizens and to export to neighbouring countries as initially planned.¹⁸⁰ The Palapye glass project was abandoned before it could reach the 50% completion stage, resulting in the loss of BWP 500 million.¹⁸¹ In addition, the renovation of Sir Seretse Khama International Airport, which started in 2008 and was scheduled for completion in 2010, was only completed in 2014 and the original cost of the project – BWP 432 million – increased to BWP 550 million.¹⁸²

The failure to implement a number of progressive policies, such as the now defunct Financial Assistance Policy and Youth Development Fund, can also be directly attributed to poor monitoring and evaluation.

While a number of monitoring and evaluation efforts exist throughout the various levels of government, Botswana may benefit from a coordinated national framework that promotes strong project management, evidence-based decisions and efficient service delivery.¹⁸³

179 Kedibonye Sekakela, "Infrastructure Financing in Botswana – Engagement with Multilateral Development Banks and Recommendations for Improving Lending Processes" (Discussion Paper, Global Economic Governance Africa, Johannesburg, 2018), https://media.africaportal.org/documents/GEC_africa_DP_sekakela_APRIL_2018_FINAL_WEB.pdf.

180 'Morupule B power station put up for sale,' *The Economist*, November 10, 2016, http://country.eiu.com/article.aspx?articleid=764797060&Country=Botswana&topic=Economy_1#:~:text=Built%20by%20the%20China%20National,has%20been%20a%20political%20embarrassment.

181 Nicholas Mokwena, 'Ghost of doomed Palapye glass project haunts Govt.,' *Botswana Guardian*, September 27, 2018, <http://www.botswanaguardian.co.bw/news/item/3482-ghost-of-doomed-palapye-glass-project-haunts-govt.html>.

182 Monkagedi Gaotlhobogwe, 'SSK airport construction cost skyrockets to P550m,' *Mmegi Online*, June 13, 2011, <https://www.mmegi.bw/index.php?sid=1&aid=1565&dir=2011/June/Monday13>.

183 Kemelo Mophuting, "Evolution of the National Monitoring and Evaluation System – The Case for Botswana" (presentation, UNDP NEC2015 Evaluation Conference, Bangkok, 26-30 October 2015), https://nec.undp.org/wp-content/uploads/2019/06/K-Mophuting_BOTSWANA_ME-Systems-to-Improve-Performance-of-Policies-and-Programmes.pdf.

RECOMMENDATIONS

With regards to natural resource management:

- Parliament should finalise the National Strategy for Sustainable Development. The strategy should guide both government and private sector development plans.
- The DEA should become a parastatal to ensure effectiveness in enforcing environment-related laws.
- Both the BTO and the CBNRM offices should be headquartered in Maun where tourism services and businesses are most prevalent. This would reduce both red tape and costs for start-ups and medium sized enterprises.
- The CBNRM Act should emphasise the decentralisation of decision-making as it relates to natural resource management. This implies a bottom-up approach in which locals living in tourism hubs can become active shareholders in all aspects of wildlife management and tourism. This should include access to land for CBOs and licensing for subsistence hunting. Hunting and game farming quotas should give priority to local communities.
- Tourism levies should be returned to councils for use in regional development budgets.

With regards to land and infrastructure:

- Government should consider establishing a parastatal that focuses on delivering serviced land. The process of servicing land should occur at a much faster rate.
- The Department of Physical Planning and all other units at different ministries should be merged with the land boards to become the Land Services Authority.
- All policies and legislation dealing with land should be consolidated into one document.
- Land should be allocated to communities living in wildlife management areas on a permanent basis as opposed to the lease system. This would ensure sustainable development and incentivise CBNRM.
- Government should consider allocating land directly to CBOs to facilitate social enterprises.

RECOMMENDATIONS

- The Land Administration Procedures Capacity and Systems must be properly implemented to ensure the accurate recording and tracking of land ownership. Government should consider outsourcing this administrative function to offset system crashes and insecurity common in government systems.
- Traditional leadership should be actively involved in land allocation at regional levels to decrease incidents of land fraud.
- Government should consider introducing a whistle blowers act to encourage the reporting of land fraud and corruption in general.
- Government should consider allowing those who can afford it to access subserviced land, particularly for business plots.
- The mandate of the Botswana Housing Corporation should be reviewed to include a focus on the provision of affordable housing for youth and first time homeowners in all areas.
- The Land Act should be amended to ensure that, where residents are forced to move or make room for other developments, the land they are moved to is fully serviced. This would ensure that livelihoods are maintained.
- Government should reinforce the supervision of construction projects to ensure adherence to specifications and quality.
- Government properties should have a budgeted maintenance plan to ensure their upkeep.
- Where possible, materials should be sourced locally in order to empower locals and ensure properties withstand climatic conditions.
- Government departments should be housed in appropriate and easily accessible buildings rather than dilapidated caravans.
- Tribal administration should be provided with the necessary infrastructure such as office accommodation, transport and Internet services.
- Health services infrastructure should be evenly distributed to avoid patients having to travel more than 200km to access help.
- Road networks, electricity and Internet connectivity should be extended to farming areas in order to facilitate the use of modern farming technologies.

RECOMMENDATIONS

- Government should consider providing non-governmental organisations with office accommodation.
- Government should focus on developing solar power, generating infrastructure across rural areas to ensure accessibility to electricity and to reduce reliance on thermal power that pollutes the environment.
- Government should consider developing more infrastructure for rain water harvesting.
- The Department of Water Affairs should drill boreholes for communities to reticulate and generate income in their localities.

CHAPTER 10



Food Security

This issue relates to the Broad-Based Sustainable Socio-Economic Development thematic area, specifically:

» OBJECTIVE 3

Poverty, Unemployment and Inequality

Question 1 What policies and strategies has the government put in place to reduce poverty and inequality, particularly in terms of access to resources and basic services?

« Our country will have a sustainable, technology driven and commercially viable agriculture sector »

*Botswana Vision 2036**

* Government of Botswana, "Vision 2063"

Food security is when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.¹⁸⁴

It is impossible for all citizens to be involved in food production. However, all citizens should have the means to access food. Food security therefore also requires a reasonable degree of stability in terms of food supply from one year to another, at both household and national levels. Food production, accessibility, affordability and supply indicate the extent to which a country is succeeding or failing in terms of achieving food security.

Food Insecurity and Climate

In Botswana, the issue of food security cannot be divorced from the country's harsh weather conditions characterised by a semi-arid climate with unreliable rainfall and recurring droughts. Cattle disease outbreaks are also common. The effects of climate change, including changes in precipitation, have exacerbated the problem.¹⁸⁵

While the country has faced a number of long drought periods,¹⁸⁶ floods have been reported in districts such as Ngamiland, Sowa Tutume, Tonota, Serule, Selebi Phikwe, Francistown and Ghanzi between 2010 and 2015.¹⁸⁷ This has affected yield stability, in turn, affecting food security.¹⁸⁸

As a result, more and more produce has to be imported at high cost. For example, Botswana's national cereal demand is 200,000 tons per year, but only 17% of that is supplied through local production.¹⁸⁹ As of 2020, total net food imports stood at 73%.¹⁹⁰ Local production of commodities such as grain, dairy and vegetables meet between

184 Committee on World Food Security, *Coming to Terms with Terminology*, (Rome: CFS, 2012), 5, <http://www.fao.org/3/MD776E/MD776E.pdf>.

185 Nnyaladzi Batisani and Brent Yarnal, 'Rainfall variability and trends in semi-arid Botswana: Implications for climate change adaptation policy,' *Applied Geography* 30, no. 4 (2010): 483-489.

186 Drought periods include: 1981-1987; 1991-1999; 2001-2005; 2007-2008; 2011-2013; and 2014.

187 Statistics Botswana, *Botswana Environment Statistics: Natural Disaster Digest 2015* (Gaborone: Statistics Botswana, 2016), <http://www.statsbots.org.bw/sites/default/files/publications/Botswana%20Environment%20Natural%20Disasters%20Digest%202015.pdf>.

188 Nnyaladzi Batisani, 'Climate variability, yield instability and global recession: the multi-stressor to food security in Botswana,' *Climate and Development* 4 (2012): 129-140.

189 Botswana Investment and Trade Centre, 'Agriculture', <https://www.gobotswana.com/sector/agriculture>.

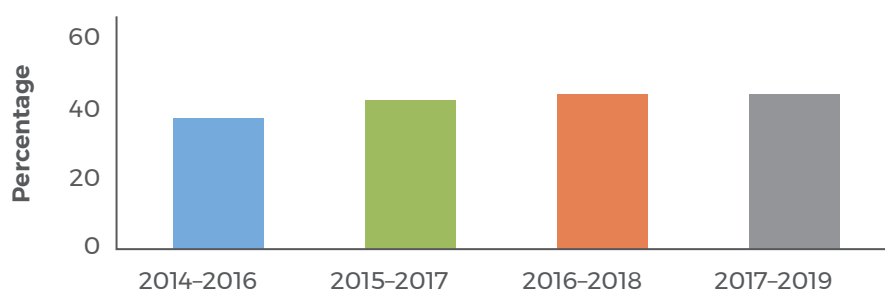
190 Beauty Morukana Manake, 'Commodity,' *Facebook*, September 1, 2020, https://web.facebook.com/phepafatsoBM/photos/a.108493300656283/191390472366565/?type=3&_xts_%5B0%5D=68.ARAAdS9sPHbqDdUn3i-4B1glYr5BNuktFWeY-9z6NZrGPI06e-FHufuA9P4QTIGmn_p_wUK06ulpazWs5g8-i_fuV71B83h3UilgGDxkhDbCOKFpYnpleH2z5SnvidgYg8mx6o60xQSBXEKCNzKVvGxaQga6dQ78L4S99XFKTk5axAqjh-9ZV7g76tDPwtNIL39L_hHV0K3AC61us4uIFROizvMhfEL9GBneJN0CDcEETH2RnzQ9ffmr5hfx4jj0FV4TUExFDciVsVUGm75M_NAtYYJExiRFHMDE8mbb-bm5w3yVtHDJQtSycRs_I9wLleMpGo5MqM4Zz65525yhC98I&_tn_=-R (accessed October 9, 2020).

3% and 57% of demand.¹⁹¹ The remainder of the country's food requirements are met by imports valued at BWP 6.5 billion, making the country vulnerable to external market forces such as global food price increases. The cost of food increased by 3.6% in June 2020 compared to the same month in the previous year.¹⁹² COVID-19 is likely to exacerbate rising costs, particularly for the cross-border transport of goods and services. UNDP has estimated that the impact of COVID-19 on sectors such as mining, trade, manufacturing, social and personal services, and transport and communications will result in the country's economy shrinking by 13.1%.¹⁹³ Due to restrictions on movement, those involved in the agriculture and fishery sector will potentially face long-term consequences for their livelihoods.¹⁹⁴

Food Insecurity and Poverty

According to the Economist Intelligence Unit's Global Food Security Index, Botswana ranked 57th out of 113 countries in 2019, with above average scores for affordability, availability, and quality and safety.¹⁹⁵ Other indices, however, indicate low levels of household food security. For example, according to the Food and Agriculture Organization of the UN, the prevalence of severe food insecurity was 41.2% (representing about 900,000 people) in 2019 and has been increasing over the years, as shown in Figure 2.

FIGURE 2 PREVALENCE OF SEVERE FOOD INSECURITY IN THE TOTAL POPULATION (%): 3-YEAR AVERAGE



Source: Food and Agriculture Organization, 'Prevalence of moderate or severe food insecurity in the population (%) – Botswana', <https://data.worldbank.org/indicator/SN.ITK.MSFI.ZS?locations=BW>

191 Manake, "Commodity".

192 Statistics Botswana, *Botswana Food Inflation 2002-2020 Data* (Gaborone: Statistics Botswana, 2020).

193 UNDP, *Socio-Economic Impact of COVID-19 in Southern Africa* (Lusaka: UN, 2020).

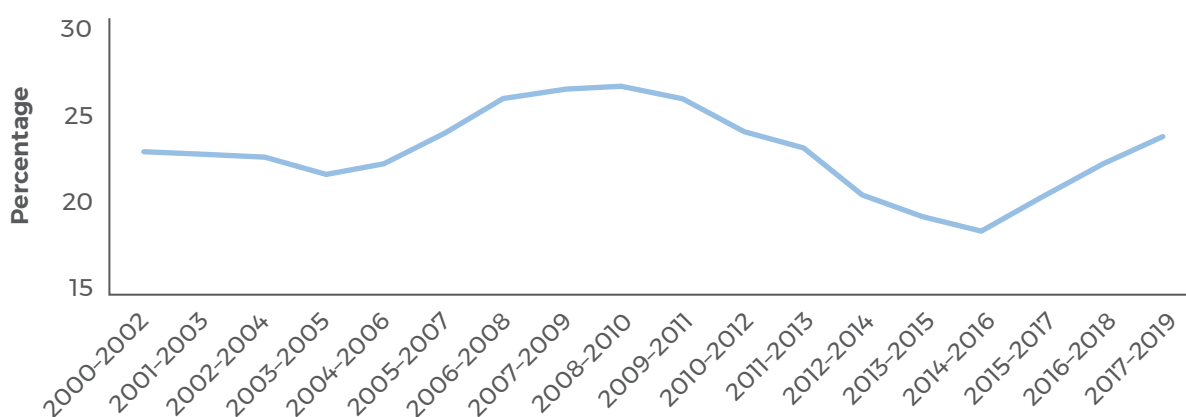
194 UNDP, "Socio-Economic Impact of COVID-19", 7.

195 Global Food Security Index, 'Rankings and trends 2019', <https://foodsecurityindex.eiu.com/Index>.

A similar trend was observed by SADC's Vulnerability Assessment Committee, which found that the number of people who were temporarily and permanently food insecure in 2019 increased by 9.3% compared to the previous year.¹⁹⁶

Food supply has declined from 2,400 kilocalories (per capita, per day) in 2014 to 2,300 in 2017, indicating food deprivation of 192 kilocalories (per capita, per day).¹⁹⁷ Fat and protein intake has also declined. As it stands, almost 25% of Botswana's population is undernourished, 30.2% of women of child bearing age are anaemic and 28.9% of children under the age of five are stunted, an indication of chronic malnutrition.¹⁹⁸

FIGURE 3 PREVALENCE OF UNDERNOURISHMENT (%): 3-YEAR AVERAGE



Source: Food and Agriculture Organization, 'Prevalence of undernourishment (% of population) - Botswana', <https://data.worldbank.org/indicator/SN.ITK.DEFC.ZS?locations=BW>

As seen in Figure 3, the prevalence of undernourishment is high and continues to increase. In response, government has introduced several food safety net programmes under various government departments, aimed at addressing food insecurity and poverty.¹⁹⁹ However, the persistence of hunger and malnourishment indicate several

¹⁹⁶ SADC, *Botswana Vulnerability Assessment Committee Results 2019* (Gaborone: SADC, 2019).

¹⁹⁷ Food and Agriculture Organization of the UN (FAO), 'FAOStat', <http://www.fao.org/faostat/en/>.

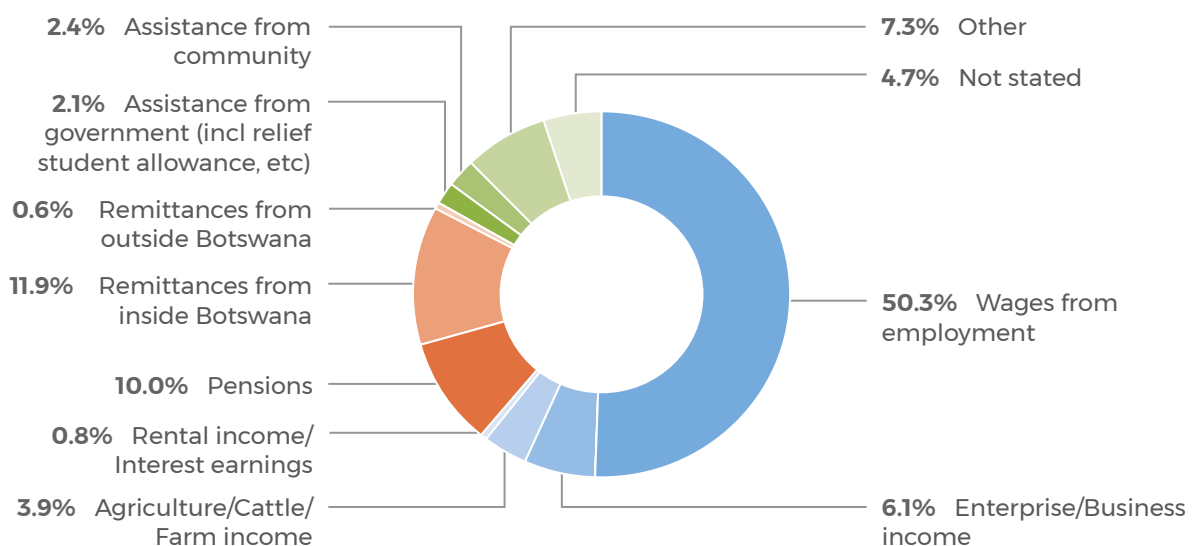
¹⁹⁸ FAO, "FAOStat".

¹⁹⁹ Programmes include the vulnerable group feeding programme, the school feeding programme, the drought relief programme, the destitute programme, and the orphan and vulnerable children programme.

shortcomings, with research showing that benefits do not always reach those who need them most.²⁰⁰

The 2015/16 Botswana Multi-Topic Household Survey shows that 16.3% of the population lives below the poverty datum line, while 5.8% live below the extreme poverty line of \$1.90 or BWP 154.74 per day. Females and female-headed households are the most affected demographic.²⁰¹

FIGURE 4 PERCENTAGE DISTRIBUTION OF POOR HOUSEHOLDS BY MAIN SOURCE OF INCOME



Source: Statistics Botswana, "Botswana Multi-Topic Household Survey".

The source of income for a majority of poor households in 2015/16 was wages from employment (50.3%), while agriculture contributed only 3.9%.²⁰² Efforts to improve levels of food security should therefore focus on productivity in the agricultural sector,

200 Tebogo Seleka, Happy Sihambe and Dolly Ntseane, *Social Safety Nets in Botswana Administration, Targeting and Sustainability* (Gaborone: Lightbooks, 2007); Rodreck Mupedziswa and Dolly Ntseane, 'The contribution of non-formal social protection to social development in Botswana,' *Development Southern Africa* 30, no. 1 (2013): 84-97.

201 Statistics Botswana, "Botswana Multi-Topic Household Survey".

202 Statistics Botswana, "Botswana Multi-Topic Household Survey".

which has stagnated over the years. Figure 4 also suggests a need for improved work opportunities, considering that even those who are employed are labelled as 'poor'. Botswana's informal sector, which employs a large portion of the population, is characterised by higher levels of poverty, lower incomes, lower rates of productivity and growth of informal firms.²⁰³ Support for the informal and agricultural sectors should be a priority for government.

While government has introduced several economic empowerment programmes and schemes, including those that facilitate access to credit – such as the Citizen Entrepreneurship Development Agency, women and youth development funds, and agricultural development programmes – the progress, if any, has been slow. If properly implemented, the programmes could assist farmers and entrepreneurs to improve the quantity and quality of their products. In addition to the need for enhanced production, their marketing capacity needs to be strengthened.²⁰⁴

203 William Maloney, "Informal Self-Employment: Poverty Trap or Decent Alternative?," in *Pathways Out of Poverty*, ed. Gary Fields and Guy Pfeffermann (Dordrecht: Springer, 2003), 65–82.

204 Godfrey Themba, 'Entrepreneurship Development in Botswana: Lessons for other developing countries,' *Botswana Journal of Business* 8, no. 1 (2015): 11–35.

RECOMMENDATIONS

- National food security has not trickled down to nutritionally vulnerable groups, suggesting the need to better map and identify households and individuals that are most vulnerable to food insecurity.
- Government should consider reviewing its social protection schemes with a view to ensuring they are targeted towards those who need them most.
- The management capacity of institutions responsible for food security programmes should be strengthened.
- Government should support the informal sector by implementing policies that facilitate decent work for the poor. This should include a review of the minimum wage, with a view to helping citizens avoid the poverty trap.
- Government should identify, promote and support commodities and activities that have the potential to generate income and facilitate food security.
- Subsistence farming should be encouraged and new farming technologies should be embraced.
- Government should continue to invest in agriculture to enhance domestic food production, thereby enhancing food security and job creation.
- Entrepreneurship knowledge and skills development should be intensified.
- Market availability and access for domestic produce should be facilitated.

CHAPTER 11



Crime and Security

This issue relates to the Democracy and Good Political Governance thematic area, specifically:

» OBJECTIVE 3

Prevention and Management of Intra and Inter-State Conflicts

Question 1 What conditions generate conflict in your country?

« *Botswana will be a peaceful society
with low levels of crime* »

*Botswana Vision 2036**

* Government of Botswana, "Vision 2063"

Since the end of the Cold War, the shift from a state-focused view of security to one that places individuals at the centre of security, has gained acceptance in many parts of the world.²⁰⁵ The concept of human security – which combines components of national security, economic development and basic human rights with the objective of protecting people from the fear of violence – is pertinent in Africa. While protecting the state and its citizens from external aggression is still a consideration, most serious threats facing countries on the African continent tend to be intra-state.

Botswana is generally considered to be a peaceful country, devoid of any intra-state conflicts. Since independence, various steps have been taken to ensure the physical security of citizens. This is evidenced by the growth of the Botswana Defence Force, the broadening of the police's mandate, the establishment of an intelligence agency and the proliferation of private security companies.²⁰⁶ However, poverty, HIV/AIDS, high youth unemployment and other social ills have contributed to increasing levels of inequality. These issues, which have likely been exacerbated by the COVID-19 pandemic, have the potential to become sources of conflict.

Another weak point in Botswana's governance system that threatens citizen security is its natural disaster preparedness. The country is prone to drought, floods and veld fires but COVID-19 has demonstrated that diseases can also be disastrous. This has highlighted the need for effective, realistic and coordinated plans to deal with natural disasters.

Root Causes of Crime

An analysis of cases handled and decided by the Magistrate Courts in Botswana between 2009 and 2017 shows an increase in the number of decided cases over the years, from 4,720 in 2011 to 8,262 in 2018. It was also revealed that 92% of the accused were males, while females constituted only 6%. Two percent of the accused did not have their sex stated. In terms of age, a large number of accused persons were from age groups 25–29 and 35–39.²⁰⁷ The public has expressed dissatisfaction with the authorities'

205 Nicole Ball, Kayode Fayemi and Funmi Olonisakin, *Security Sector Governance in Africa: A Handbook* (London: Centre for Democracy and Development, 2004).

206 Cheryl Hendricks and Takawira Musavengana, 'The security sector in Southern Africa' (Monograph 174, Institute for Security Studies, Pretoria, 2010), [https://issat.dcaf.ch/mkd/download/2037/17485/The%20Security%20Sector%20in%20Southern%20Africa%20%E2%80%93%20ISS,%20Hendricks%20\(2010\).pdf](https://issat.dcaf.ch/mkd/download/2037/17485/The%20Security%20Sector%20in%20Southern%20Africa%20%E2%80%93%20ISS,%20Hendricks%20(2010).pdf).

207 Statistics Botswana, *Crime Statistics Report of 2017* (Gaborone: Statistics Botswana, 2017).

handling of crime. The slow response time of the police and the granting of bail to repeat offenders is a growing concern.²⁰⁸

Crime rarely occurs in isolation and is often linked to underdevelopment. According to the UN Office on Drugs and Crime, crime is strongly associated with:

- high levels of income inequality;
- rapid urbanisation; and
- youth unemployment.

All these conditions are present in Botswana. Crime also destroys public trust and undermines basic conditions essential for healthy societies. For example, when people are afraid to walk around at night – for fear of being raped or robbed – it undermines access to employment, the operation of businesses and the benefits of educational activities.

Crime and its potential to jeopardise prospects of growth in developing countries is well covered in existing literature.²⁰⁹ This includes corruption, which allows certain groups to monopolise benefits produced by the state and to demand payment from the public for services. Corruption alienates those not part of the inner circle, fuelling both crime and the growth of the informal sector.²¹⁰ A large, unchecked informal sector in turn hampers development. In the end, crime undermines democracy itself, as the people begin to see the state as an adversary rather than a representative body.

High levels of economic inequality also have negative effects on society, with the potential of encouraging crime. Inequality has been linked to a wide range of social ills, including lower social trust, impaired mental and physical health, excessive consumption, drug addiction, obesity and failing education systems. For example, despite government consistently allocating a large portion of the total budget to education, many children either drop out of school before they complete their term of

208 Pini Bothoko, 'Makgophe Optimistic Repeat Offender Bail To Be Resolved,' *The Monitor*, May 28, 2018, <https://www.mmegi.bw/index.php?aid=75927&dir=2018/may/28>.

209 Alejandro Gaviria, 'Assessing the effects of corruption and crime on firm performance: evidence from Latin America,' *Emerging Markets Review* 3, no. 3 (2002): 245-268; Paolo Mauro, 'Corruption and Growth', *The Quarterly Journal of Economics* 110, no. 3 (1995): 681-712; Pranab Bardhan, 'Corruption and Development: A Review of Issues,' *Journal of Economic Literature* 35 (1997): 1320-1346.

210 Michael Badham-Jones, *Overview of Corruption and Anti-Corruption in Botswana* (Transparency International, 2014), https://www.transparency.org/files/content/corruptionqas/Country_Profile_Botswana_2014.pdf.

study or perform badly in national and international examinations.²¹¹ This is a recipe for poverty and, therefore, crime.

Those living in poverty are also more likely to live in socially disorganised neighbourhoods with lower levels of collective efficacy than people with higher status.²¹² This increases the risk of violence where residents adopt an aggressive posture or arm themselves for protection.²¹³ If government is interested in providing security for its citizens, it should empower citizens to collectively improve their neighbourhoods, thereby reducing the risk of violence. Solutions to the issue of crime and security should also include consideration of cultural norms. The experiences of people with low socio-economic statuses lead to attitudes conducive to crime – for example, the belief that it is important to respond to disrespect with physical violence. Botswana experiences high levels of contact and violent crime and it is therefore important to respond to this using economic, educational and cultural approaches.

Inequality in general is a source of much resentment, frustration, hopelessness and alienation.²¹⁴ If interventions are to address the root causes of crime in Botswana, government needs to have a clear understanding of the relationship between crime and socio-economic status. This may require in-depth studies, a national dialogue and a national security strategy review.

Gender-Based Violence

Botswana has seen an increase in GBV over the years. Its incidence has been exacerbated by COVID-19 pandemic regulations, which confined both perpetrators and survivors in the home for lengthy periods of time. Between 30 March and 5 April 2020, the Botswana Police Service recorded two murder cases, 22 rape cases, one threat to kill, 23 defilement cases and one indecent assault case. Many of these were reported during the lockdown, indicating that close relatives such as brothers, cousins, fathers

211 Veronica Margaret Makwinja, 'Rethinking Education In Botswana: A Need To Overhaul The Botswana Education System,' *Journal of International Education Research* 13, no. 2 (2017): 45-58.

212 Robert Bursik, 'Social Disorganisation and Theories of Crime and Delinquency: Problems and Prospects,' *Criminology* 26, no. 4 (1988): 519-552.

213 Richard Felson and Paul Pare, 'Gun Cultures or Honor Cultures? Explaining Regional and Race Differences in Weapon Carrying,' *Social Forces* 88, no. 3 (2010): 1357-1378.

214 Judith Blau and Peter Blau, 'The Cost of Inequality: Metropolitan Structure and Violent Crime,' *American Sociological Review* 47, no. 1 (1982): 114-129.

and stepfathers may have been the perpetrators.²¹⁵ Several survivors were left without recourse, assistance or the ability to escape the home.

Although GBV is not confined to any gender, most survivors are women and children. The 2018 Botswana National Relationship Study revealed that 37% of women have experienced some form of GBV in their lifetime. Thirty percent of men said they had perpetrated violence against women. Almost 40% of women reported violence at the hands of an intimate partner and 31% of women said they had experienced emotional abuse from an intimate partner.

Botswana also has the second highest rape rate in the world: 92.9 incidents per 100,000 people, according to the 2019 World Population Review.²¹⁶ In the first three quarters of 2019, the police recorded 1,600 cases of rape. This is almost double the number recorded in the same period for the previous two years.²¹⁷ That those convicted of rape are sentenced to 10 years imprisonment does not seem to be a deterrent. It should also be noted that figures do not take into account cases of rape that were not reported to the police.

Some of the root causes of GBV are economic in nature and perpetuate violence in a relationship. When addressing GBV, it is therefore important to also understand that women are disproportionately affected by poverty and they bear this brunt together with GBV.

That said, a number of developments in the handling of GBV are to be commended. During his State of the Nation Address in November 2020, President Masisi said that GBV is of serious concern to all. Government has therefore prioritised the drafting of a Sexual Offenders Bill, which will establish a Sexual Offenders Registry to record and publicise the names of sexual offenders.²¹⁸ Gender committees have also been set up in 12 districts around the country to address GBV.²¹⁹

The Botswana Police, who are central to the fight against GBV, have introduced a toll-free number for reports on GBV, and have committed to establishing a Gender and

215 Pini Bothoko, 'Close family members drive lockdown rapes - Police,' *Mmegi Online*, April 14, 2020, <https://www.mmegi.bw/index.php?aid=85233&dir=2020/april/14>.

216 World Population Review, "Botswana".

217 Mqondisi Dube, 'Botswana Sees Dramatic Rise in Reported Rape Cases,' *VOA News*, December 24, 2019, <https://www.voanews.com/africa/botswana-sees-dramatic-rise-reported-rape-case>.

218 Republic of Botswana, "State of the Nation Address".

219 Districts include Chobe, Kweneng, Kgatleng, Kgalagadi, Maun, Serowe, Selebi-Phikwe, North-East, Bobirwa Sub-District, Mabutsane Sub-District, Goodhope Sub-District, and Mahalapye Sub-District.

Child Protection Unit by April 2021.²²⁰ Their efforts will be complemented by special GBV courts that will ensure that GBV cases are prioritised.²²¹

Cyber Security

African Cyber Security, a Botswana-based company, was established to assist government, companies and individuals facing ever-increasing cyber threats. According to Managing Director Chris Johnson, cybercrime is one of the most critical problems facing businesses in Botswana and organisations in the banking and financial services are most at risk.²²² This is concerning as there is a serious shortage of cyber security trained professionals – less than 100 in the whole country. Moreover, there has been little to no integration of cyber security in the majority of local institutions and budgets to combat cybercrime have not been set aside.²²³

Cyber attacks are not new phenomena. They can be carried out against financial institutions and government departments, potentially causing insecurity, panic, loss of money and damage to administrative systems. Examples of cyber attacks include simple email scams, large-scale theft of customer data using malware, ransom attacks and disinformation or fake news.

A 2018 report by information technology services and consulting firm Serianu, estimated the loss to African businesses from cybercrime at \$3.5 billion, up from \$2 billion the previous year. Nigeria was the hardest hit in 2018, with losses of \$649 million, followed by Kenya and Tanzania. Meanwhile, 95% of public and private organisations across the continent spend less than \$1,500 a year on cyber security measures, with small and medium enterprises, in particular, failing to invest.²²⁴

Cyber attacks are becoming more common and sophisticated in Africa. In 2017, several African countries were affected by the global ‘WannaCry’ ransomware attack. Presented in the form of a ‘crypto worm’, the attack was designed to encrypt data on computers running the Windows operating system and demand ransom payments in the Bitcoin

220 Patience Molatlhegi, ‘Botswana: Gender, Child Protection Unit to Be Operational 2021,’ *AllAfrica*, November 5, 2020, <https://allafrica.com/stories/202011060196.html>.

221 Xinhua, ‘Botswana to set up special courts to handle gender-based violence cases,’ *CGTN Africa*, November 10, 2020, <https://africa.cgtn.com/2020/11/10/botswana-to-set-up-special-courts-to-handle-gender-based-violence-cases/>.

222 Botswana Press Agency, statement (African Forum On Cybercrime, Addis Ababa, 16-18 October, 2018).

223 Botswana Press Agency, ‘Statement’.

224 Kayode Yusuf, ‘Africa is leaving itself dangerously exposed to cyber attacks,’ *ACCA*, February 1, 2019, <https://www.accaglobal.com/in/en/member/member/accounting-business/2019/02/insights/cyber-attacks.html>.

cryptocurrency.²²⁵ Businesses of varying sizes in Nigeria, Egypt, Angola and South Africa were affected.

In 2018, Johannesburg-based insurance company Liberty Holdings was the victim of a ransom attack. Criminals gained access to the company's data and demanded payment for its return. While Liberty refused to make any payment, the reputational damage affected the company's share price, which fell 5% on the heels of the attack.²²⁶

It is important that government and businesses in Botswana are aware of different types of cyber attacks and the potential consequences of not adequately investing in cyber security.

Natural Disaster Preparedness

Disaster preparedness refers to measures taken to prepare for and reduce the effects of disasters. In other words, countries should be able to predict and, where possible, prevent disasters and mitigate their impact on vulnerable populations.

Botswana is prone to natural disasters, particularly drought, floods and veld fires. At independence, the country experienced one of the most severe droughts in history. In an attempt to deal with frequent droughts, government formulated and implemented a Drought Relief Programme in 1982, which was converted into a labour-intensive public works programme called Ipelegeng in 2008. It is coordinated by the Ministry of Local Government and Rural Development and offers short term employment to citizens, for a maximum of one calendar month.

Government has also established a Natural Disaster Preparedness Unit, based at the Ministry for Presidential Affairs, Governance and Public Administration and it is responsible for:

- preparing and updating the national disaster risk management plans and guidelines;
- formulating standard operating procedures for emergency response and management;
- providing early warning of an approaching disaster and predictions of its possible effects on the country, the population and their livelihoods;

225 Yusuf, "Africa is leaving itself".

226 'Liberty Holdings hit by cyberattack,' *Business Day*, June 17, 2018, <https://www.businesslive.co.za/bd/companies/financial-services/2018-06-17-liberty-holdings-hit-by-cyber-attack/>.

- maintaining a comprehensive disaster management information system; and
- holding in readiness a series of preparedness or contingency plans for specific hazards such as floods, wildland fires and others.

Despite the existence of such a unit, government's response – or lack thereof – to COVID-19 shows how Botswana needs to better define natural disasters, rather than limiting its understanding to droughts, floods and veld fires. Once defined, the various possible levels of escalation and the resources and regulations required for each level of disaster may be stipulated. The systematic and institutional capacity governing national disaster management, as it stands, needs reform. Climate change, and the country's existing climate change policies, should be included in such a reform.

Disaster preparedness is a continuous and integrated process resulting from a wide range of risk reduction activities. It cannot be the responsibility of a single department or sector, requiring instead contributions from various areas including training and logistics, health care, recovery, livelihoods and institutional development.

Economic Crimes

Economic crimes, such as money laundering and illicit financial flows, are issues of national concern. An amendment to Botswana's Corruption and Economic Crime Act in 2013 introduced significant changes in terms of strengthened anti-corruption measures. The act now caters for offences that were initially excluded. Similarly, gaps in the law addressing money laundering were filled by repealing the Proceeds of Serious Crime Act and replacing it with the Proceeds and Instruments of Crime Act.²²⁷ Despite having the legislative machinery in place to address economic crimes, challenges remain.

Botswana has experienced an uptick in money laundering since 2004. Almost 60 cases were identified in 2019 and are currently under investigation.²²⁸ The country is also regarded as a global conduit for illicit financial flows, with amounts of up to \$1.2 billion recorded each year.²²⁹ One of the main challenges in combating these economic crimes is a lack of coordination between the responsible agencies.²³⁰ Duties are shared between

227 UN Office on Drugs and Crime, *Country Review Report of the Republic of Botswana* (Vienna, UN Office on Drugs and Crime, 2019).

228 Cedric Swanka, 'Economic crime watchdogs sniff 58 money laundering cases,' *Sunday Standard*, July 21, 2019, <https://www.sundaystandard.info/economic-crime-watchdogs-sniff-58-money-laundering-cases/>.

229 Patricia Mogomotsi et al., 'Illicit Capital Flows and Money Laundering in Botswana: An Institutional Economic Analysis,' *Africa Development* XLV, no. 1 (2020), 117-131.

230 Mogomotsi, "Illicit Capital Flows and Money Laundering", 127.

the Directorate on Corruption and Economic Crime, the Botswana Police Service and the Botswana Unified Revenue Service. In 2009, a number of characteristics were identified as leaving Botswana vulnerable to economic crime. For example, it was thought that criminals could easily take advantage of the country's fairly high credit rating and open international financial markets.²³¹ In 2020, the trend continues. The European Commission recently added Botswana to its list of 'high risk' countries due to its anti-money laundering and terrorism financing shortfalls. This 'blacklisting' could have detrimental effects, given that it prohibits companies in Botswana from accessing EU funding.²³²

Government plans to establish a National Financial Intelligence Committee, which should help to assess the effectiveness of existing measures and make recommendations for improvements.²³³

RECOMMENDATIONS

Crime and security:

- Botswana ought to be involved and included in what they determine to be threats to their peace and security. Government should consider calling a *pitso* (national gathering) on threats to peace and security, which could contribute to a national security strategy review.
- The root causes of crime should be considered and interventions should be linked to a national security strategy.
- Unemployment and poverty must be eliminated as root causes of crime. This requires a comprehensive approach to governance, economic growth and empowerment.
- Government should consider adopting a national anti-corruption strategy to deal with corruption as a matter of urgency.
- Government should insist on increased transparency for community policing forums.

231 Jackson Madzima, "Money laundering and terrorism financing risks in Botswana" (Paper 184, Institute for Security Studies, Pretoria, 2009), <https://www.files.ethz.ch/isn/99480/PAPER184.pdf>.

232 David Ochieng Mbewa, 'Four African countries added to EU blacklist for money laundering,' *CGTN Africa*, May 8, 2020, <https://africa.cgtn.com/2020/05/08/four-african-countries-added-to-eu-blacklist-for-money-laundering/>.

233 Bank of Botswana, 'Countering Financial Crime', <http://www.premierlogistics.co.bw/index.php/content/2009103012014-countering-financial-crime>.

RECOMMENDATIONS

Gender-Based Violence:

- National and community dialogues on the root causes of GBV could assist with establishing interventions. Dialogues should consider and interrogate economic, social and political connections to violence.
- Government should consider establishing 24-hour shelters for victims of GBV.
- Government should consider offering psychosocial support for citizens to deal with aggression, anger, rejection and other social ills.
- Botswana needs to engage with and deconstruct abuse.

Natural Disaster Preparedness:

- Natural disasters can be a source of insecurity and financial instability. It is therefore crucial for government to engage with citizens on local solutions to natural disasters.
- The Natural Disaster Fund, when not in use, should be carried over annually.
- A review of natural disaster management policies should be considered within the context of climate change.
- Government should consider improving early warning systems, with input from people in different districts.

CHAPTER 12



Foreign Policy

This issue relates to the Economic Governance and Management thematic area, specifically:

» OBJECTIVE 5

Accelerate and Deepen Regional Integration in the Monetary, Trade and Investment Domain

« Botswana will be a responsible, committed and respected member of the international community »»

*Botswana Vision 2036**

* Government of Botswana, "Vision 2063"

Botswana is a member of the global village and cannot exist in isolation. Just like other countries it is affected, both directly and indirectly, by events in different parts of the world. It is therefore important for Botswana to have a coherent foreign policy that protects and defends its national interests in the global arena.²³⁴

Historically, Botswana's foreign policy was determined by Cold War politics and the country's geopolitical situation. While the Bechuanaland territories were being prepared for independence in 1959, the Prime Minister of South Africa, Hendrik Verwoerd, sought the incorporation of Bechuanaland into the Union of South Africa.²³⁵ Surrounded by South African and two other white minority regimes – South West Africa (Namibia) and Rhodesia (Zimbabwe) – Botswana was quick to adopt an independent foreign policy based on eight principles, advanced by its founding father, Khama:²³⁶

- Democracy: establish relations with democratic countries and jointly pursue democratic ideals. This includes the peaceful resolution of conflict, self-determination and the provision of refuge to victims of racial oppression;
- Development: attract development assistance and foreign direct investment, with an emphasis on initiatives that promote a more equitable world trading system and protect Botswana's infant industries;
- African unity and non-alignment: diversify relations with many countries, while supporting unity on the continent;
- Self-reliance: reduce excessive dependence on external aid, negotiate aid 'without strings' and forge closer bilateral, regional and south-south relations;
- Good neighbourliness: to be practiced mostly within the region, with an emphasis on peaceful coexistence with South Africa;
- Peaceful resolution of conflicts;
- Territorial integrity; and
- Respect for the sovereignty of all nations.

These principles were adopted at independence and have remained constant for more than 50 years, explaining the consistency of the country's foreign policy over the same period. As a result, Botswana has gained the respect of fellow member states in SADC

234 Sebudubudu, Osei-Hwedie and Tsie, "Botswana's Parliamentary Democracy Revisited".

235 Michael Niemann, 'Diamonds Are a State's Best Friend: Botswana's Foreign Policy in Southern Africa,' *Africa Today* 40, no. 1 (1993): 27-47.

236 Dimpho Motsamai, "Botswana's foreign policy in SADC: Business unusual?" (Southern Africa Report 4, Institute for Security Studies, Pretoria, 2015), 3.

and the international community at large.²³⁷ Often described as a beacon, a miracle or an oasis, the country now has a responsibility to maintain this reputation. One challenge in this regard has been the lack of a written foreign policy framework.

During the presidency of Khama, there were attempts to formulate and develop a foreign policy framework. The Ministry of Foreign Affairs and International Cooperation formed a task force to steer the process and produced a draft concept paper that was circulated to stakeholders for input. Two multi-stakeholder workshops on foreign policy took place. However, the consultations dissolved before the framework could be finalised.²³⁸ Important actors such as political parties, the media, academia, non-governmental organisations and the public lost out on the opportunity to have their say. Hence, there is a perception that Botswana's foreign policy is shaped almost exclusively by a central committee in the ruling BDP. An inclusive and overarching foreign policy framework is necessary.

The policy framework should have the economy at its centre. Botswana is a small, landlocked country that relies heavily on exports. Geopolitics will therefore remain a prominent feature in its decision-making. A strategic and robust foreign policy should serve Botswana internationally. While Botswana has shown greater support for multilateralism and regional integration, trade, investment and tourism, it needs to bring its foreign policy more in line with its national development agenda.

A country's foreign policy also cannot be divorced from the thinking and philosophy of its political leaders. The approach of former presidents Khama, Ketumile Masire and Festus Mogae was to advocate for quiet diplomacy and respect for a country's sovereignty when dealing with regional, continental and international issues.

Although former president Khama retained the basic tenets laid down by his predecessors, his administration was the first to publicly criticise countries such as Zimbabwe under the late Robert Mugabe, Sudan under Omar al-Bashir, Madagascar under Andry Rajoelina, Libya under the late Muammar Gaddafi, and Syria under Bashar al-Assad. Khama took a blunt, publicly critical and proactive stance against governments that violated democratic principles, including human rights, good governance and the rule of law. Furthermore, he rarely attended SADC meetings and never attended AU and UN meetings, sending either the vice president or cabinet ministers instead.

237 Sebudubudu, Osei-Hwedie, and Tsie, "Botswana's Parliamentary Democracy Revisited", 174.

238 Motsamai, "Botswana's foreign policy in SADC", 4.

Since becoming president in April 2018, Masisi seems to have embraced the basic tenets that were espoused by the country's founding fathers and has visited a few countries in Africa and beyond with a view to normalising relations. His approach is pragmatic and his open-for-business, transactional posture appears to emphasise economic diplomacy.²³⁹

An unwritten foreign policy practice in Botswana allows and encourages the president to use his personal discretion in making decisions that would be best dealt with through a coherent policy framework, and in consultation with Parliament. Extensive presidential powers granted by the Constitution imply that the president alone has the authority to determine the foreign policy behaviour and direction of the country. For example, according to Section 47(2), 'the President, shall act in his/her own deliberate judgement and shall not be obliged to follow the advice of any other person or authority.'²⁴⁰ These are not attractive ideals to emulate if Botswana believes its democracy sets it apart and forms the bedrock of its foreign policy. The concentration of executive power in the presidency has also meant that, although there is a MOIAC, established by an act of Parliament, foreign policy direction and behaviour still rests entirely with the OP. Botswana's Parliament, whose role is to ratify treaties and vote on policy decisions and budget allocations, has played a limited role, mostly reviewing decisions already made by the Executive.²⁴¹

239 Bakang Ntshingane, 'On Gaborone's foreign policy during COVID-19 and beyond,' *Mmegi Online*, August 7, 2020, <https://www.mmegi.bw/index.php?aid=86527&dir=2020/august/07>.

240 Botswana Constitution, S47, ss.2.

241 Motsamai, "Botswana's foreign policy in SADC", 4.

RECOMMENDATIONS

- The formulation of a written foreign policy framework for Botswana is long overdue. It is recommended that government, through the MOIAC, resuscitate foreign policy consultations and involve all actors in the process.
- Botswana needs to be clear about its national interests and develop its foreign policy accordingly. If it is the country's goal to become a high-income country by 2036, its foreign policy should reflect that by including the economy as its basis.
- Parliament is encouraged to play a more significant role in the formulation of a foreign policy framework. A good starting point would be a debate on a written foreign policy, wherein national interest is defined and ambassadors are appointed.
- As one of the oldest democracies in Africa, support for African initiatives like the APRM should continue.
- Botswana is encouraged to become more actively involved in the AU. Botswana should be encouraged and supported to serve at the continental level.
- The MOIAC should be empowered to lead and champion the foreign policy direction of the country.
- Botswana should take seriously its commitment to implement international treaties and conventions at home. For example, although Botswana has acceded to the SADC Gender Protocol, policy structures and institutions are yet to enforce gender equality.
- Bilateral and regional cooperation with African countries is commendable and could be replicated. The Trans-Kalahari Corridor (jointly built by Namibia, South Africa and Botswana) and the Moembo Bridge provide valuable lessons.

CHAPTER 13



Research and Development

This issue relates to the Economic Governance and Management thematic area, specifically:

» OBJECTIVE 2

Facilitate the Participation of Key Stakeholders in Policy and Programme Discussion and Implementation

Question 3 What key institutions are responsible for producing national economic data and statistics? What measures are in place to strengthen their capacity?

« *Botswana will be a knowledge based economy* »

*Botswana Vision 2036**

* Government of Botswana, "Vision 2063"

A responsive government formulates and implements public policies that directly address the needs of its citizens. One way in which to do this is through research and development, an important activity that assists leaders to make informed decisions in terms of what is needed and by whom. When a government invests in research and development, the formulation and implementation of policies is evidence-based.

Government therefore has a responsibility to conduct both basic and applied research. Basic research is 'experimental or theoretical work undertaken primarily to acquire new knowledge... without any particular application in view.' Applied research is 'original investigation undertaken to acquire new knowledge, directed primarily towards a specific practical aim or objective.'²⁴²

Botswana's small economy means that the performance of its innovation systems is naturally restricted. The country therefore requires well-developed policies and efforts to enhance domestic research and development activities.²⁴³ These efforts should include indigenous knowledge. Botswana has an abundance of natural resources and much of the knowledge on harnessing and extracting them lies with the older generation. Their skills and expertise have been underutilised in the past, together with some of the country's art, craftsmanship, traditional practices and culture. Indigenous knowledge presents an opportunity for research and development in terms of untapped natural resources, such as animals, plants and minerals.

Gaps in Research and Development

The Department of Research, Science and Technology is responsible for coordinating research and development. All ministries in Botswana also have Applied Research Units tasked with collecting and analysing data and assisting with the formulation and implementation of evidence-based policies that directly address the needs of citizens. They also analyse the available data on existing policies and advise decision-makers accordingly. Statistics Botswana is the national data agency.

There are, however, 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, which is too infrequent to allow for timely analysis and policy corrections.²⁴⁴ The research units are also poorly funded and are therefore unable to attract and retain

242 Joseph Hulse, *Sustainable Development at Risk: Ignoring the Past* (Delhi: Cambridge University Press India, 2007), 294.

243 Guillermo Lemarchand and Susan Schneegans, *Mapping Research and Innovation in the Republic of Botswana* (Paris: UNESCO, 2013), 12, <https://unesdoc.unesco.org/ark:/48223/pf0000224725>.

244 Tesliuc et al. "Botswana Social Protection Assessment", xxi.

senior research professionals. While government has been operating a budget surplus over the last few years, funds allocated to research and development represented just 0.08% and 0.09% of the total national budget between 2015 and 2018.²⁴⁵ This is significantly lower than the SADC and AU recommendation of 1%. Moreover, a research and development fund promised in 2014 is not yet operational.²⁴⁶

The lack of funding, in turn, leads to low project management capacity and hampers programme planning, development, execution and monitoring. The effectiveness of the Applied Research Units has therefore been called into question.

Existing institutions have also failed to adequately research important topics such as corruption, focusing instead on poverty, wealth and health. Little effort has been made to conduct surveys relevant to development, growth and sustainability. For example, Botswana is known for its poor customer service but a lack of research and support for privatisation has stifled innovations that may improve the situation.

The statistical data that is collected by research organisations often has limitations and therefore cannot be used to produce accurate analyses and forecasts. This became apparent during the outbreak of COVID-19, where banks and local financial institutions were not able to prepare economical analyses and projections in terms of Botswana's recovery from the pandemic. This is one example of how the country has not aligned its development strategies with the data captured by research departments in businesses and relevant organisations.

Another prevalent issue is the lack of accountability when research fails to result in tangible development. For example, in April 2019, the Ministry of Tertiary, Education Research, Science and Technology was reportedly putting in place a research information management system, of which no further information or updates were shared.²⁴⁷ Another example is the former Minister of Communications, Science and Technology's call in 2008 for UNESCO to review the country's first Science and Technology Policy, dating from 1998. The review revealed that the current challenges facing Botswana in terms of research and development were similar to those identified in 1998, meaning that the policy had made little impact.²⁴⁸

245 'Botswana's research & development funding below par,' *Sunday Standard*, April 8, 2019, <https://www.sundaystandard.info/botswanaocos-research-development-funding-below-par/>.

246 Paul Şerban Agachi, 'Research and innovation - It's time to move up a level,' *University World News Africa Edition*, May 3, 2019, <https://www.universityworldnews.com/post.php?story=20190426175611548>.

247 *Sunday Standard*, "Botswana's research & development".

248 Lemarchand and Schneegans, "Mapping Research and Innovation", 46.

An updated National Policy on Research, Science, Technology and Innovation was published in 2011, followed by an implementation plan a year later.²⁴⁹ Even with the support and policy direction of UNESCO, very little has been done to integrate information technologies into government and its systems. Government is yet to develop a research and development bill to guide moral and ethical considerations, meaning that existing research is vulnerable to disputes and influence by interest groups.²⁵⁰

As a result of these challenges, surveys that address health care, education, protecting the needs of indigenous people, technology and knowledge are often conducted by foreign and international organisations. Many development initiatives are therefore imposed from outside, and fail to take into consideration local conditions.²⁵¹

Indigenous Knowledge and Research

Indigenous refers to that which is 'produced, growing, living, or occurring natively or naturally in a particular region or environment.'²⁵² Indigenous knowledge therefore refers to traditional and local knowledge embedded in the cultural traditions of regional, indigenous or local communities.

Knowledge has two major dimensions: explicit and tacit. Explicit knowledge is documented and articulated into a formal language. It is rule based, stored in a certain format and is easily shared. Tacit knowledge is highly personal, deeply rooted in individual experiences, ideas, values and emotions.²⁵³ Tacit knowledge is difficult to put into words but may be more easily shared through action. Indigenous knowledge is largely tacit as it is based on local, age-long experiences.²⁵⁴ In Botswana, this includes areas of range management, crop production, handicraft production, fishing, wild plants, primary healthcare and herbal medicines.

Communities in Botswana depend heavily on natural resources for their livelihoods and use their indigenous knowledge to ensure sustainability of resources. Local communities

249 UNESCO, 'UNESCO launches new series with a profile of R&D in Botswana', <https://en.unesco.org/news/unesco-launches-new-series-profile-rd-botswana-0>.

250 Lemarchand and Schneegans, "Mapping Research and Innovation", 55.

251 Lin Cassidy et al., "Indigenous knowledge, livelihoods and government policy in the Okavango Delta, Botswana" in *Rural Livelihoods, Risk and Political Economy of Access to Natural Resources in the Okavango Delta, Botswana*, ed. Donald Kgathi, Barbara Ngwenya and Michael Darkoh (UK: Nova Publishers, 2011).

252 Merriam-Webster, 'indigenous', <https://www.merriam-webster.com/dictionary/indigenous>.

253 Stephen Gourlay, "Tacit knowledge, tacit knowing, or behaving?," (3rd European Organizational Knowledge, Learning and Capabilities Conference, Athens, April 5-6, 2002).

254 Priti Jain and Reason Baathuli Nfila, 'Developing strategic partnerships for national development: A case of Botswana,' *Library Review* 60, no. 5 (2011): 370-382.

also use indigenous knowledge systems for poverty alleviation through communal fields, work parties, sharecropping, storage and protection of seed products, and food preparation for nutritional value.²⁵⁵ Botswana is keen to develop its systems to better capture, store, preserve and provide access to the country's indigenous knowledge, as per the 2011 National Policy on Research, Science, Technology and Innovation. It is important that government follow through with this commitment as currently, many of the traditions, customs and cultural practices, for example, traditional medicine and craftsmanship in the Okavango, are adopted by small indigenous groups through inter-generational craftsmanship rather than through educational, governing and societal systems. This has led to the undervaluing of indigenous skills, knowledge, resources and materials.

Research into the Arts and Creative Industries

Indigenous knowledge is often associated with the creative industries in terms of human creativity and intellectual capital. A lack of investment in the research and development of local knowledge has therefore led to a lack of creativity and innovative ideas.

Botswana is well known for its art, craftsmanship, traditional practices and culture. Despite a large market and clear mandate, these industries face major challenges that continue to hinder their growth and contribution to the economy.²⁵⁶ These include difficulty accessing finance,²⁵⁷ an unfavourable regulatory environment,²⁵⁸ lack of business acumen,²⁵⁹ lack of marketing and management skills,²⁶⁰ poor business record keeping and poor quality of products.²⁶¹ Rather than address these root challenges, government has implemented redundant, short-term problem solving projects.

The Resource Development Strategy of 2009 calls for the diversification of skills and approaches to economic development, focusing on a knowledge-based economy in which creative industries play a significant role. Encouragingly, to this end government

255 Cassidy et al., "Indigenous knowledge".

256 Richie Moalosi, Keiphe Setlhatlhanyo and Oanthata Sealetsa, 'Cultural Memory, an Asset for Design-driven Innovation within the Creative Industries Sector: Lessons for design education,' *Design and Technology Education: An International Journal* 21, no. 2 (2016): 9-22.

257 Francis Nathan Okurut, Yinusa Olalekan and Kagiso Mangadi, 'Credit rationing and SME development in Botswana: Implications for economic diversification,' *Botswana Journal of Economics* 8, no. 12 (2011): 62-85.

258 Tor Jansson and Santiago Sedaca, 'Formalizing small business: The case of Colombia,' *Small Enterprise Development* 11, no. 3 (2000): 4-15.

259 Temtime Zelealem and Jaloni Pansiri, 'Small Business Critical Success/Failure Factors In Developing Economies: Some Evidences From Botswana,' *American Journal of Applied Sciences* 1, no. 1 (2004): 18-25.

260 Jansson and Sedaca, "Formalizing small business".

261 Zelealem and Pansiri, "Small Business Critical Success".

has established six hubs to foster research and development that focus on: agriculture, innovation, diamonds, transport, health and education. Although there have been a few calls for proposals through these hubs, they have had limited funding.²⁶²

RECOMMENDATIONS

- Government should create room for research and development by entities not tied to the state.
- Community based and non-governmental organisations should be empowered as research and development partners for their ability to reach far corners of the country and directly assess local needs.
- Basic research should be shared with larger research bodies for analysis and dissemination, especially if research outputs have the potential to compete at a commercial level.
- Government should consider developing an indigenous knowledge policy that clearly identifies the characteristics of indigenous knowledge, with input and consultation with local people.
- Indigenous knowledge should be properly managed through a central system that ensures availability and access. This should involve the use of computers, Internet networks and software, satellite and radio.
- The development and design of modern technology to manage indigenous knowledge must include participation of local communities to ensure technologies are relevant to community needs.
- The technology used to capture, store and process information should be procured and developed locally where possible.
- Government should invest in virtual communities in which exchange programmes are coordinated to ensure sustainability and long-term behavioural change in the attitude towards both creative industries and indigenous knowledge. These communities should transcend age and gender.

262 Agachi, "Research and innovation".

RECOMMENDATIONS

- Government should consider establishing information centres in cities and communities around the country, where information can be stored and accessed by all members of society.
- Businesses are encouraged to invest in research and development by conducting their own research that could contribute to society.
- Government and corporates are encouraged to invest in independent innovation hubs as a way to kickstart development at the community level, without having to wait for government programmes and regular interventions.
- Government should consider establishing a national council for the creative industries, which could coordinate the sector's activities and liaise with external stakeholders such as government and non-governmental organisations.
- The creative industries should be seen as a means of creating employment for youth but also as an opportunity to develop indigenous knowledge through creative concepts.
- Creative capital should be directed towards youth and the older generation as a means of bridging the gap between new technologies and indigenous knowledge.

Ibrahim Index of African Governance

BOTSWANA: 2020 IIAG SCORES, RANKS & TRENDS



OVERALL GOVERNANCE

2019 SCORE/100	2019 RANK/54	TREND 2010-2019
66.9	5 th	+0.8

TREND CLASSIFICATION KEY

- Increasing Improvement
- Slowing Improvement
- Bouncing Back
- Warning Signs
- Slowing Deterioration
- Increasing Deterioration
- No Change
- Not Classified



SECURITY & RULE OF LAW

SCORE/100 RANK/54 TREND
2019 2019 2010-2019

SECURITY & RULE OF LAW	72.8	3	-5.1
SECURITY & SAFETY	85.3	16	-2.5
Absence of Armed Conflict (ACLED/UCDP)	100.0	1	0.0
Absence of Violence against Civilians (ACLED/PTS)	93.8	6	-6.2
Absence of Forced Migration (IDMC/UNHCR)	99.8	9	-0.2
Absence of Human Trafficking & Forced Labour (USDS/V-DEM)	68.5	6	-4.0
Absence of Criminality (WHO)	64.6	49	-1.9
RULE OF LAW & JUSTICE	76.4	4	+0.1
Executive Compliance with the Rule of Law (V-DEM/WJP)	87.5	4	+2.3
Impartiality of the Judicial System (GI/V-DEM)	67.4	10	-12.0
Judicial Processes (V-DEM/WJP)	75.8	5	+9.0
Equality before the Law (FH/WJP)	68.5	10	-8.5
Law Enforcement (GI/WEF/WJP)	67.9	3	+10.3
Property Rights (BS/V-DEM/WJP)	91.3	1	-0.6
ACCOUNTABILITY & TRANSPARENCY	65.9	5	-2.3
Institutional Checks & Balances (BS/V-DEM/WJP)	81.2	4	-5.6
Civic Checks & Balances (BS/V-DEM/WJP)	66.5	15	-7.3
Absence of Undue Influence on Government (BS/FH)	87.5	5	0.0
Disclosure of Financial & Judicial Information (GI/IBP/WJP)	45.4	12	+3.7
Accessibility of Information (GI/WJP)	48.7	8	-2.5
ANTI-CORRUPTION	63.8	5	-15.4
Anti-Corruption Mechanisms (BS/GI)	66.7	3	-16.6
Absence of Corruption in State Institutions (V-DEM/WJP)	80.1	2	-1.5
Absence of Corruption in the Public Sector (V-DEM/WEF/WJP)	78.7	4	-8.3
Public Procurement Procedures (GI)	12.5	37	-50.0
Absence of Corruption in the Private Sector (WB/WEF)	80.9	3	-0.5



FOUNDATIONS FOR ECONOMIC OPPORTUNITY

SCORE/100 RANK/54 TREND
2019 2019 2010-2019

FOUNDATIONS FOR ECONOMIC OPPORTUNITY	58.8	13	+4.9
PUBLIC ADMINISTRATION	55.4	21	-3.3
Civil Registration (GI)	75.0	8	-12.5
Capacity of the Statistical System (GI/ODW/WB)	63.0	7	+2.9
Tax & Revenue Mobilisation (AfDB/ICTD&UNU-WIDER/WB)	33.7	39	-3.4
Budgetary & Financial Management (AfDB/WB)	.	.	-
Professional Administration (AfDB/GI/WB)	50.0	15	0.0
BUSINESS ENVIRONMENT	66.2	8	+4.1
Regional Integration (AfDB)	.	.	-
Trade Environment (WB)	84.8	2	+21.1
Business & Competition Regulation (AfDB/BS/WB/WEF)	57.3	21	-9.1
Access to Financial Services (WB)	49.8	8	+8.0
Labour Relations (GI/WEF)	72.7	6	-4.1
INFRASTRUCTURE	59.7	10	+21.0
Transport Network (WEF/UPU)	53.8	12	-3.5
Access to Energy (WB)	63.3	20	+12.6
Mobile Communications (ITU)	69.4	15	+28.2
Digital Access (ITU/WB)	52.3	10	+46.4
RURAL SECTOR	53.8	23	-2.1
Rural Land & Water Access (IFAD)	65.9	17	+3.5
Rural Market Access (IFAD)	33.3	34	-8.5
Rural Sector Support (IFAD)	54.9	26	-6.2
Rural Businesses & Organisations (IFAD)	61.1	15	+2.5



PARTICIPATION, RIGHTS & INCLUSION

SCORE/100 RANK/54 TREND
2019 2019 2010-2019

PARTICIPATION, RIGHTS & INCLUSION	67.5	6	-0.1
PARTICIPATION	71.2	8	+0.9
Freedom of Association & Assembly (FH/GI)	100.0	1	+12.5
Political Pluralism (GI/V-DEM)	40.1	27	+10.0
Civil Society Space (GI/V-DEM)	80.7	11	-10.0
Democratic Elections (CDD/GI/V-DEM)	64.2	13	-8.8
RIGHTS	62.3	10	+0.7
Personal Liberties (FH/V-DEM/WJP)	66.4	10	+6.5
Freedom of Expression & Belief (FH/V-DEM/WJP)	84.0	13	-0.4
Media Freedom (GI/V-DEM/RSF)	63.7	15	-11.3
Digital Rights (DSP & V-DEM/GI)	86.1	6	-2.6
Protection against Discrimination (GI)	11.1	25	+11.1
INCLUSION & EQUALITY	71.5	4	+3.0
Equal Political Power (V-DEM)	62.6	6	-2.0
Equal Political Representation (FH/IPU/V-DEM)	47.2	24	+5.2
Equal Civil Liberties (V-DEM)	76.1	5	+0.2
Equal Socioeconomic Opportunity (GI/V-DEM)	84.0	4	+1.9
Equal Access to Public Services (V-DEM)	87.6	3	+9.6
GENDER	65.1	7	-5.0
Political Power & Representation of Women (GI/IPU/V-DEM)	29.1	48	-1.3
Equal Civil Liberties for Women (V-DEM)	90.1	8	+2.9
Socioeconomic Opportunity for Women (GI/V-DEM)	86.0	1	+7.0
Equal Access to Public Services for Women (V-DEM)	95.2	2	+7.9
Laws on Violence against Women (OECD)	25.0	20	-41.7



HUMAN DEVELOPMENT

SCORE/100 RANK/54 TREND
2019 2019 2010-2019

HUMAN DEVELOPMENT	68.5	5	+3.6
HEALTH	76.2	5	+1.5
Access to Healthcare (V-DEM/WHO)	83.0	1	-4.2
Access to Water & Sanitation (WHO & UNICEF)	83.1	8	+9.6
Control of Communicable Diseases (UNAIDS/WHO)	91.2	8	+8.6
Control of Non-Communicable Diseases (IHME)	70.6	23	-5.5
Control of Child & Maternal Mortality (IGCME/MMEIG)	87.8	11	+5.7
Compliance with International Health Regulations (IHR) (WHO)	41.5	41	-5.0
EDUCATION	68.7	6	-2.9
Equality in Education (V-DEM/WB)	64.6	12	-4.7
Education Enrolment (UNESCO)	36.2	21	+3.4
Education Completion (UNDP/WB)	78.7	6	+1.5
Human Resources in Education (UNESCO)	91.4	5	-0.8
Education Quality (BS/WB/WEF)	72.4	4	-13.9
SOCIAL PROTECTION	44.3	27	+7.8
Social Safety Nets (BS/GI)	76.2	3	+4.2
Poverty Reduction Policies (AfDB/BS/WB)	66.7	6	+16.7
Socioeconomic Inequality Mitigation (AfDB/WB/WID.World)	11.2	52	+9.5
Access to Housing (CAHF/UN-Habitat)	22.4	36	+3.1
Absence of Undernourishment (FAO)	44.9	28	+5.6
SUSTAINABLE ENVIRONMENT	84.9	1	+7.8
Promotion of Environmental Sustainability (AfDB/BS/WB)	100.0	1	+14.3
Enforcement of Environmental Policies (WEF/WJP)	73.5	4	+14.8
Air Quality (HEI & IHME)	86.2	10	+4.4
Sustainable Management of Land & Forests (FAO/WB/WRI)	64.5	21	+5.4
Land & Water Biodiversity (WB/Yale & Columbia)	100.0	1	0.0

COORDINATED BY

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