

Continuity and Change in Botswana's Democracy: An Assessment of the Presidency

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for the degree Master of Social Science in International Relations

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COMPULSORY DECLARATION

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“O se bone tholwana borethe, teng ga yone go a baba.”

All that glitters is not gold.

For Sarah Modungwa

1914 – 2013

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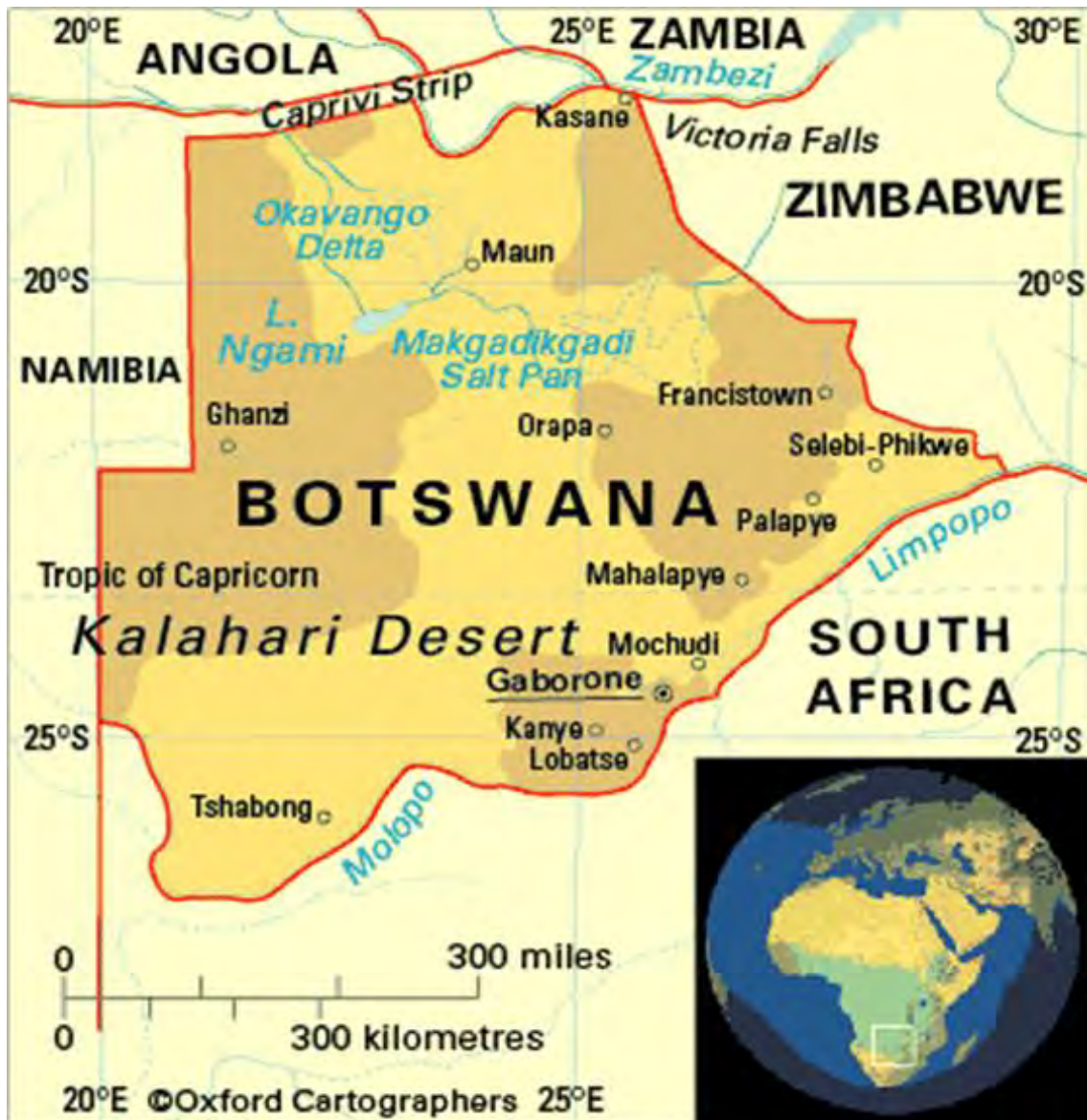
AIDS	Acquired Immune Deficiency Syndrome
AU	African Union
BAM	Botswana Alliance Movement
BDF	Botswana Defence Force
BDP	Botswana Democratic Party
BMD	Botswana Movement for Democracy
BNF	Botswana National Front
BCP	Botswana Congress Party
BMD	Botswana Movement for Democracy
BPP	Botswana Peoples Party
DCEC	Directorate on Corruption and Economic Crime
GDP	Gross Domestic Product
HIV	Human Immune-Deficiency Virus
IEC	Independent Electoral Commission
JSC	Judicial Service Commission
MP	Member of Parliament
NEPAD	New Partnership for Africa's Development
SADC	Southern African Development Community

Abstract

This study presents an analysis of the presidency in Botswana from 1966 to 2013. It explores the character of presidential power, how that power has been used since 1966 and how the presidency has changed over the past five decades. The paper traces the constitutional, institutional and external and internal socio-political dynamics that have facilitated the centralisation of power in the presidency. It further explores the relationship between the presidency and institutions established to deepen Botswana's democracy. Lastly, it explores each President's tenure. It concludes that the presidency remains an impediment to deeper democracy in Botswana.

Word Count: 23 523

Map: Republic of Botswana¹



Head of State: Lieutenant General Seretse Khama Ian Khama (since April 2008)

Political Status: (Hybrid) Presidential - Parliamentary Republic

Population: 2, 098 018 (July 2012 estimate)

Total Area: 600 370 square kilometres

Currency: Pula²

¹ The Commonwealth Secretariat. *Botswana: Map and Key Facts*. Online: <http://secretariat.thecommonwealth.org/YearbookHomeInternal/138171/> (Date Accessed: 10 February 2011).

² Since the 1980s the Pula has been one of the strongest currencies on the continent.

CHAPTER 1

Introduction

“Excessive executive powers are largely to blame for the current state of our economies and democratic credentials.”³

The concentration and abuse of power on the African⁴ continent has been at the centre of economic collapse, the failure to consolidate democracy and the decay of democracies. Although at independence, all African countries had formed constitutions with which to guide the governance of the state, Africa has a dismal record on constitutionalism; her leaders have adopted and institutionalised imperial tendencies, allowing them to rule as they please. Constitutionalism refers to rulers abiding by the constitution; an instrument which is meant to limit political power. The fact that a constitution exists does not, however, mean that a government is a constitutional one; the determining factor is whether the constitution imposes limitations upon the ruling elite and whether this elite respects and therefore abides by the constitution.⁵

Given its immense power, the institution of the presidency determines the degree of constitutionalism in many African states.⁶ Constitutions in Africa have not been seen as an instrument above political struggle or as a constraint on the abuse of power, but as an instrument in the political struggle and have been amended or re-written in order to suit the Presidents’ own power needs.⁷

³ Habasonda, Lee. n .d. *Presidentialism and Constitutionalism in Africa: “Third Term” phenomenon/extension of tenure; the Zambian experience*. (Unpublished), p. 7. Online: www.zesn.org.zw/publications/publication_107.doc (Date Accessed: 10 January 2013).

Habasonda is a Politics lecturer at the University of Zambia and the Executive Director of the Southern African Centre for the Constructive Resolution of Disputes (SACCORD). He is referring to the negative political and economic status within African states.

⁴ Africa will be used to denote sub-Saharan Africa.

⁵ Habasonda, n.d. *Presidentialism and Constitutionalism in Africa*, pp. 1- 2.

⁶ *Ibid.*, p. 1.

⁷ *Ibid.*, p. 7.

In changing the constitution, many leaders argued that a strong executive president better fit the needs of developing countries.⁸ In fact, in the 1960s when most African countries were in the process of decolonisation, one-party states with Presidential hegemony were seen as models for development by most of Africa's leaders.⁹ The search for the 'authoritarian advantage'¹⁰ was used to justify Presidential hegemonies. However, trusting in heroic leadership and thus concentrating power in the hands of a single individual has prevented African countries from reaching the goal of 'good governance', which has led to economic and political devastation in several African countries.

The term 'good governance' made its first contemporary appearance in a 1989 World Bank report which argued that the lack of development on the continent was a result of bad governance.¹¹ Although there are several dimensions of good governance,¹² Leftwich states that in the political sense, it refers to a state with legitimacy and authority derived from a democratic mandate, built upon the notion of a clear separation of legislative, judicial and executive powers.¹³ Although democracy promotion has been in place for several decades, since 1990, democratisation and good governance have become central to donor discourse and aid has been used to promote and reward democratisation.¹⁴ The emergence of this discourse has therefore led to increased pressures on countries to democratise; ensuring that there is a clear separation of the branches of government, checks and balances on the government's power and that constitutionalism is fostered.

Africa is home to the most number of impoverished, failed and weak states. Although it is not justified to argue that Africa's problems are solely a result of high presidential power,

⁸ Van Cranenburgh, Oda. 2008. 'Big Men' Rule: Presidential Power, Regime Type and Democracy in 30 African Countries. *Democratization*, Vol. 15, No. 5, p. 954.

⁹ Leon, Tony. 2010. The State of Liberal Democracy in Africa: Resurgence or Retreat? *Development Policy Analysis*. No. 12, p. 3.

¹⁰ Witnessed in the success of the East Asian Tigers.

¹¹ Leftwich, Adrian. 1993. Governance, Democracy and Development in the Third World. *Third World Quarterly*, Vol. 14, No. 3, p. 610.

¹² Leftwich identifies the Systemic, Political and Administrative levels of Good Governance. While the World Bank identifies six dimensions of governance: Voice and Accountability, Political Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law and Corruption. See: The World Bank. *World Bank Governance Indicators*. Online: <http://info.worldbank.org/governance/wgi/index.aspx#home> (Date Accessed: 15 October 2012).

¹³ Leftwich, 1993. Governance, Democracy and Development in the Third World, p. 610.

¹⁴ Brown, Stephen. 2005. Foreign Aid and Democracy Promotion: Lessons from Africa. *The European Journal of Development Research*. Vol. 17, No. 2, p. 179.

statistics do support the hypothesis that Africa's 'big men'¹⁵ are a liability for democracy and good governance. In her assessment of presidential power in 30 African countries, Van Cranenburgh concludes that high presidential power is bad for governance as it breeds corruption and the abuse of power.¹⁶ The correlation between the concentration of power in the presidency, the decay of democracy and economic failure, as seen throughout the continent, is one of the key concerns that motivate this research on the character of Botswana's presidency.

In contrast to the political and economic turmoil experienced in other countries at the hands of 'big men', Botswana's leaders have been hailed as having 'exceptional' leadership as they have played a central role in the political and economic success of the country. At independence in 1966, Botswana was one of the poorest and least developed countries in the world, so much so that upon request for independence, the British stated that Botswana's leaders were either "very foolish or very brave."¹⁷ This view was also informed by the negative external environment; the hostile minority-ruled neighbouring countries, making external relations a key component that had to be navigated by Botswana's leaders.

As will be illustrated, the Constitution of Botswana vests great power in the presidency. However, in comparison to the negative experiences across the continent, Botswana's economic prosperity and political stability have led to its celebration as the "African Miracle"¹⁸ due to its prudent financial management and pragmatic foreign policy.¹⁹ Botswana has had nine successive elections since independence, and a substantial and increase in GDP,²⁰ which was accompanied by a significant improvement in social well-being.

Increasingly, however, literature on Botswana has a negative outlook on the country's democracy. This is rooted in the experiences of other African states whose economic and

¹⁵ This term is largely used in Political Studies to refer to Africa's autocratic leaders.

¹⁶ Van Cranenburgh, 2008. 'Big Men' Rule, p. 968.

¹⁷ Masire, Ketumile. 2006. *Very Brave or Very Foolish? Memoirs of an African Democrat*. Lewis Jr, Stephen (ed.). Gaborone: Macmillan Botswana Publishing Co. (PTY) LTD, p. ix.

¹⁸ The term "African Miracle" was coined by Thumberg-Hartland in 1978.

¹⁹ Maundeni, Zibani (ed.). 2005. *40 Years of Democracy in Botswana: 1965 – 2005*. Gaborone: Mmegi Publishing House, p. 94.

²⁰ From 1965 to 1980, Botswana had one of the highest GDP growth rates in the world at 14.2 %.

political turmoil is linked to the concentration of power in the presidency. It is also a result of the perception of the current President (Ian Khama) as an “autocratic and imperial” leader.²¹ This literature claims that under his presidency; “democratic practice [has been] relegated to the periphery”²² and that “the rule of law and democracy are seriously undermined,”²³ while Polity even notes that under Ian Khama’s presidency, the power of the executive has increased.²⁴ This literature also comments on Botswana’s foreign policy; Fombad states that, “since President Ian Khama came to power, the country’s foreign position on many issues has been controversial.”²⁵ Therefore, in order to establish the purpose of this research project, a brief assessment of the literature on Botswana’s presidency is necessary.

Literature on Botswana’s Presidency

As a result of Botswana’s unparalleled political and economic record on the continent, there is a large volume of literature on Botswana’s democracy and economy.²⁶ The immense amount of power vested in the presidency makes it one of the most important political institutions and is therefore a key research area for studies on Botswana. However, studies on Botswana’s presidency have mostly focused on particular president’s tenure rather than on the presidency as an institution. Van Cranenburgh notes that while there is case study material illustrating the power of African presidents, there are very few studies on the institutional framework which enables them to exercise power.²⁷ Spracher states that emphasis on the president rather than on the institution is a weakness, but also notes that, “the man to a degree makes the

²¹ Mosikare, Oarabile. 2012. Khama a Threat to Democracy- SA Professor. *The Botswana Gazette*, 29 August. Online: http://www.gazettebw.com/?option=com_content&view=article&id=14636:khama-a-threat-to-democracy-sa-professor&catid=18:headlines&Itemid=2 (Date Accessed: 22 January 2013).

²² Bothomilwe, Monkganedi., Sebudubudu, David and Maripe, Bugalo. 2011. Limited Freedom and Intolerance in Botswana. *Journal of Contemporary African Studies*. Vol. 29, No. 3, p. 332.

²³ Good, Kenneth. 2009. The Presidency of General Ian Khama: The Militarization of the Botswana ‘Miracle’. *African Affairs*. Vol. 109, No. 435, p. 324.

²⁴ Marshall, Monty and Jagers, Keith. 2011. *Polity IV Country Report 2010: Botswana*. Online: <http://www.systemicpeace.org/polity/Botswana2010.pdf>, p. 2 (Date Accessed: 18 July 2012).

The Polity project codes the authority characteristics of states for purposes of comparative quantitative analysis. The main focus of the Polity IV Project was to study: Political Regime Characteristics and Transitions.

²⁵ Fombad, Christian. n.d. *Botswana: Introductory Notes*. Online: [http://web.up.ac.za/sitefiles/file/47/15338/Botswana\(1\).pdf](http://web.up.ac.za/sitefiles/file/47/15338/Botswana(1).pdf), p. 35 (Date Accessed: 21 July 2013).

²⁶ Louis Picard refers to this infatuation with studying Botswana as ‘Botswanaphilia’.

²⁷ Van Cranenburgh, 2008. ‘Big Men’ Rule, p. 953.

institution, but we must not forget that the reverse is also true.”²⁸

Therefore, a complete understanding of the presidency requires an analysis of both; the Presidents and the presidency as an institution. Good’s “Authoritarian Liberalism in Botswana” comes the closest to this type of study as it discusses the institution and uses examples from both Presidents’ tenure (written in 1997) to illustrate the supposed lack of democracy in Botswana. Although in, “40 years of Democracy in Botswana 1965 -2005”, Maundeni discusses both the institutional aspects as well as the individuals who have been President since 1966 to 2005, he, however, focuses more on succession rather than the extensive powers of the presidency. Bothomilwe, Sebudubudu and Maripe also have a similar study. In “Limited Freedom and Intolerance in Botswana”, they “evaluate the state of democracy in Botswana under the leadership of Ian Khama,”²⁹ by discussing the institutional framework and do shortly discuss Khama’s predecessor: Festus Mogae, with a particular focus on the freedom of speech and media freedom in Botswana. They conclude that Botswana is degenerating into autocracy, which is a result of the extensive constitutional powers of the President and “powers that were rarely exercised by Ian Khama’s predecessors.”³⁰

Such studies that claim that Ian Khama’s presidency is more centralised and controversial in its foreign policy than that of his predecessors do so without the historical analysis across all four presidencies, which is necessary to support such claims. Therefore, while studies on the decay of democracy in Botswana do address presidential power, they have rarely focused on the historical evolution of the office. ‘Historical evolution’ refers to an explanation of how this excessive power came to rest in the hands of the President; in terms of legislative amendments, the internal and external socio-political environment, key institutions which over the years have been established, and in particular those that are meant to limit or play a check and balance role within Botswana’s democracy, as well as the contribution of each President in shaping the institution.

²⁸ Spracher, William. 1979. Some Reflections on Improving the Study of the Presidency. *Presidential Studies Quarterly*, Vol. 9, No. 1, p. 72.

²⁹ Bothomilwe et al., 2011. Limited Freedom and Intolerance in Botswana, p. 333.

³⁰ *Ibid.*, p. 346.

This study therefore is based upon the idea that for a full understanding of the presidency and in turn Botswana's democracy, both internal and external dynamics must be explored, as well as a historical assessment (from 1966) of the presidents and the presidency as an institution is essential. The main research question therefore is:

How has the Character of the Presidency in Botswana Changed since Independence?

Aims of the Study

This study seeks to make the phenomenon of presidential hegemony in Botswana understandable, by focusing on its origins, the scope of the presidency's power and how, since 1966, this power has been used. As will be illustrated, many of the powers of the current President and the manner in which he exercises this power cannot be understood in isolation from his predecessors' presidencies and Botswana's socio-political, institutional and constitutional framework. The hope is to return the focus from Ian Khama's presidency, to the socio-political, and more importantly, the constitutional and institutional framework that enables the endurance of a system where Ian Khama's supposed autocratic style of leadership is legitimate given the legislative and constitutional provisions in place.

Significance of the Study

This work is a response to the arguments that state that excessive presidential power is a threat to democracy. Although this research project does not aim to verify or refute such theory, the notion that the lack of adequate limits on presidential power negatively affects democracy is part of the key motivations of this study. Articles such as Molomo's "Democracy under Siege: The Presidency and executive Powers in Botswana" and Taylor's "Growing Authoritarianism in the 'African Miracle'" which emphasise the decay of democracy therefore warrant a thorough assessment of Botswana's presidency. In fact, in assessing the

risks to stability in Botswana, the Center for Strategic and International Studies identifies the power of the presidency as a ‘trend to watch.’³¹

As stated earlier, there are several aspects which this paper explores that add to the existing literature on Botswana’s presidency. At the methodological level, the study, critiques conclusions that are based on historical understanding, without a historical assessment; as seen mainly in criticisms of Ian Khama’s presidency. It therefore traces the history of the presidency of Botswana centred on: the constitutional lack of restriction on Presidential power, the responsibilities and roles of the Presidency, particularly in its use of appointment powers and within the foreign affairs dimension to determine how all four Presidents have exercised this power. This allows for trends in presidential behaviour and decisions, to emerge and to be clarified, illustrating when and why they emerged, and therefore allowing for comparison between the different Presidents’ tenures and a deeper understanding of the presidency as it exists today. This will, while not being the central aim of the paper, determine if indeed Ian Khama’s tenure is one which can be said to be less democratic than that of his predecessors and if Botswana’s foreign position is more controversial.

Although Presidency studies that focus on particular Presidents are often criticised for being ‘just biographies’,³² focusing on the character of each President is important. Given that Botswana’s weak constitutional framework means that political, social and economic stability are reliant on the “good will and benevolence” of the President,³³ assessing the character of the individuals who have held this position is particularly critical.

Presidency studies are often perceived to fall solely under the Political Science realm; however, this paper argues that two key dimensions of presidential power relate to the International Relations field of study. Firstly, Aluko notes that, “Because of the enormous influence of the African heads of state on their countries’ foreign policies, their nature and

³¹ Throup, David. 2011. *Botswana: Assessing Risks to Stability*. Center for Strategic & International Studies (Africa Program), p. 13.

³² Barilleaux, Ryan. 1984. The Presidency: Levels of Analysis. *Presidential Studies Quarterly*, Vol. 12, No. 2, p. 73.

³³ Fombad, n.d. *Botswana: Introductory Notes*, p. 36.

ideology are important in understanding and perhaps predicting their behaviour.”³⁴ This indicates that international relations studies in Africa require a deep understanding of a country’s presidency. This study therefore serves as a foundation for understanding Botswana’s foreign policy since 1966.

Secondly, the decline of democracy in African states has been attributed to the centralisation of power in the Presidency.³⁵ In an international system where democracy promotion has become a dominant part of foreign relations, Botswana is vulnerable to external pressures. In fact, in addition to the benevolence of individual political leaders, the success of democracy in southern Africa is said to depend on international pressure,³⁶ highlighting the importance of both an understanding of the character of the presidency and how international factors or pressure affects the presidency and therefore democratic processes within countries. Botswana’s image as a beacon of democracy has directly contributed to the country’s prosperity³⁷ through foreign investment and development aid, and therefore any threat to this image warrants a thorough analysis.

The above international dimension which is centred on the presidency is largely an unexplored topic in studies on Botswana. This however, is not unique to Botswana as Wright notes in “African Foreign Policies” that this is because of the disinterest in African studies by foreign policy makers, the difficulty there is in collecting information but also “caution on the part of some African scholars not to move too closely into an area traditionally considered by governments to be beyond the bounds of inquiry.”³⁸

³⁴ Aluko, Olajide (ed.). 1977. “The Determinants of Foreign Policy of African States,” in *The Foreign Policies of African States*. London: Hodder and Stoughton Ltd, p. 10.

³⁵ Van Cranenburgh notes that although more research is needed, the conclusions of her study support the intuitive knowledge that high presidential power bodes ill for democracy and good governance in Africa. (Van Cranenburgh, 2008. ‘Big Men’ Rule, p. 952). This study categorises Botswana as a country where presidential power is high.

³⁶ Alexander, Karin. & Kaboyakgosi, Gape. 2012. A Fine Balance: Assessing the Quality of Governance in Botswana. *Democracy Index for Botswana 2012*. Pretoria: IDASA, p. 21.

³⁷ Ibid., p. 12.

³⁸ Wright, Stephen (ed.). 1999. “The Changing Context of African Foreign Policies” in *African Foreign Policies*. Colorado: Westview Press, p. 1.

Methodology

There is a large amount of literature on the challenges of studying the presidency, reflecting the difficulty there is in conducting a rigorous yet relevant study of the presidency. In Botswana, these challenges are the lack of information, as well the restricted access to certain information. This is a result of both the failure of government ministries to keep records from early on in Botswana's democracy,³⁹ but also because the President is not obliged to give the reasoning or justification for his actions or decisions.

This study is both descriptive and explanatory. It is descriptive in that it sets out to collect, organise and summarise information about Botswana's presidency. It aims to make the phenomena of centralised power in the Presidency understandable. It is explanatory in that it also seeks to find the reasons for the centralisation of power in the presidency. The explanatory aspect is necessary as although a lot of this information is discussed in different studies on Botswana's democracy, it has not been discussed within a single study to build understanding on Presidential supremacy. This paper makes use of a wide range of primary sources as well as secondary sources by both foreign and Botswana⁴⁰ authors.

Barilleaux identifies three levels of analysis in studying the presidency; idiosyncratic, governmental and environmental. The idiosyncratic level focuses on individual human actors; referring to the Presidents and the people immediately surrounding them. It is an important level because the presidency is a "personalised institution."⁴¹ The governmental level is where the presidency is studied as part of the governmental system; "executive-legislative relations, Presidential-departmental affairs, policy-making and executive management" are the main focus of this level of analysis.⁴² The environmental level assesses the presidency in relation to its broader social and political environment, including in the international realm. It

³⁹ *An Example:* The Ministry of Labour and Home Affairs only has records of people declared to be Prohibited Immigrants from 1980 to 2012. For the years 1966 – 1980 no records were kept. Despite this, thanks must be given to Botswana National Archives for their willingness to help in obtaining the records that do exist.

⁴⁰ Following the Sotho-Tswana practice, the people of Botswana are called Batswana. One person is a Motswana and the language is Setswana. The root word, Tswana, is used to describe attributes such as "Tswana culture".

⁴¹ Barilleaux, 1984. *The Presidency: Levels of Analysis*, pp. 73-74.

Barilleaux's study was written with the American Presidency in mind. He, however, takes a general approach to the study of the Presidency and thus the levels of analysis he identifies are relevant for all countries.

⁴² *Ibid.*, p. 74.

also includes the constitutional-legal environment as it establishes the “rules of the game.”⁴³ As this study aims to build a complete understanding of Botswana’s presidency, all three levels of analysis have been used in this research project to discuss the presidency; the governmental and environmental levels in both chapters two and three, while the idiosyncratic level is discussed in chapter four.

The decision to avoid basing this research on the Presidents’ speeches or interviews is because, “all politicians are inclined to proclaim their belief in democracy.”⁴⁴ Colclough and McCarthy note that the best evidence for this is the respect for the constitutional rule of law.⁴⁵ However, as noted earlier, often in African states it is the very constitution which contradicts democratic principles, and therefore the respect of the constitutional rule of law, in itself is not a sign of a respect for democracy. Thus, both the constitutional flaws (and the behaviour of the Presidents given these flaws) along with the respect for constitutional rule of law will be assessed.

Chapter Outline

In addition to this introductory chapter, the paper will be structured into the four chapters below.

The focus on the presidency must be situated within the broader dynamics of Botswana’s democracy as they directly inform presidential behaviour, and therefore an understanding of why and in what way power is centralised in the presidency, how this occurred, and why it has endured; which therefore allows for an understanding of the institution. Chapter 2 therefore explores these different social, political and economic dynamics, and therefore also serves as the contextual framework to Botswana’s democracy.

⁴³ Barilleaux, 1984. *The Presidency: Levels of Analysis*, p. 74.

⁴⁴ Colclough, Christopher and McCarthy, Stephen. 1980. *The Political Economy of Botswana: A study of growth & distribution*. New York: Oxford University Press, p. 46.

⁴⁵ Ibid.

The purpose of Chapter 3 is to establish appointment powers and Botswana's external relations as key features for understanding the presidency. In the 'appointment powers' section of the chapter, the aim is to illustrate why despite the existence of democracy protection institutions, there are essentially very few checks and balances on presidential power. The international dimension is divided into two sections; Botswana's relations with Africa and with the rest of the world, it establishes patterns of behaviour and what has informed this behaviour, painting a picture of both Botswana's domestic and external priorities but also the different constraints that have affected the presidency since 1966.

Chapter 4 discusses the four Presidents' tenures, focusing on how they have used their appointment powers and their behaviour in the external environment (foreign policy). The aim is to identify how each President has contributed to the character of the presidency, to highlight the trends and norms in Botswana's democracy, their origins, and thus an identification of the changes in the character of the presidency since independence.

Chapter 5 is the final chapter and will present the conclusions made from the content discussed throughout the paper, summarising the main response to the research question and the aims of the paper.

CHAPTER 2

Centralised Power: An Explanation

In order to make the dominance of the presidency understandable and therefore establish why it is a threat to Botswana's democracy; constitutionalism, the separation of powers doctrine and the principle of checks and balances must be understood. Furthermore, it is important to discuss both the formal institutional framework of the presidency as well as the social, political and economic environment which enables the institution to function as it does, for as long as it has. This will allow for an understanding of the character of the presidency as an institution, laying the foundation for the exploration of the presidency during each President's tenure as well as enabling a firm understanding of Botswana's socio-political and economic context.

Botswana's Political Economy

In order to have a complete understanding of the centralisation of power in Botswana it is essential to first have an understanding of the country's political economy. In particular, it is important to understand the scope of influence the political sphere has within the economic sphere and therefore an understanding of the socio-economic advantages of having control over the state, and how this control has been used in Botswana. This brief discussion on Botswana's political economy therefore serves as a foundation to understanding a range of factors, such as; the challenges faced by the opposition due to their lack of control of the state and therefore the associated economic advantages, which are to be discussed in the following section aimed at explaining the endurance of presidential hegemony in Botswana.

As stated earlier, at independence, Botswana was one of the poorest countries in the world, with low health indicators and a per capita income of approximately US \$80.⁴⁶ There was very little development, with only six kilometres of tarred road in total within the whole

⁴⁶ Mogae, Festus. 2001. *Economic Development in Botswana*. The Fourth Annual Conference of the Centre for the Study of African Economies. Keble College: University of Oxford, p. 1.

country and approximately and only forty university graduates.⁴⁷ The main economic activity was the breeding and trading of cattle. While it was often negatively affected by frequent droughts, agriculture contributed around 40% of Botswana's Gross Domestic Product (GDP).⁴⁸

The lack of economic growth and infrastructure development in Botswana at independence can be attributed to the minimal investment in developing Botswana during the colonial period. As a protectorate, with very little resources and barely any arable land, the country faced minimal intrusion as opposed to in other African colonies which were ruled more bureaucratically. Unfortunately, this also meant minimal investment in developing the country. Botswana's peaceful transition to independence, however, is attributed to the fact that it was not an economically viable territory for the British, who were therefore willing to relinquish their control over the state.

The discovery of diamonds in the 1967 was the turning point in Botswana's economic history. This spurred Botswana's unparalleled economic growth rate on the continent for over three decades. The state-centred mineral led strategy of economic development produced large-scale resources and therefore led to the building of massive infrastructural facilities which created new services and jobs.⁴⁹ The diamonds were discovered by De Beers and to maintain control over the resource, a national diamond company which the Botswana government owns in equal partnership with De Beers: Debswana, was formed. This discovery and equal control over the resource changed both Botswana's economy and the political landscape as well.

At independence, being one of the poorest countries in the world, and before the discovery of diamonds, the state was not a means for accumulation or self-enrichment. The 1970s, however, were a period of the amassment of wealth, especially for those well placed within

⁴⁷ Mogae, 2001, Economic Development in Botswana, p. 1.

⁴⁸ Sebudubudu, David and Botlhomilwe, Monkganedi. 2013. "Interrogating the dominant party system in Botswana" in De Jager, Nicola and Du Toit, Pierre (eds.) *Friend or Foe? Dominant Party Systems in Southern Africa: Insights from the developing world*. Cape Town: UCT Press", p. 120.

⁴⁹ Parson, Jack. 1990. *Succession to High Office in Botswana*. Ohio: Ohio University Center for International Studies. (Monographs in International Studies, Africa Series: No. 54), p. 98.

the BDP and the government.⁵⁰ Furthermore, the government implemented pro-growth policies which mostly favoured the rich, and of particular importance to mention; cattle owners. Seretse Khama, the first president of Botswana had drawn members of his party from the class of capital accumulators who were cattle owners, which was a lucrative industry as Botswana exports its beef. This meant that the political elite who were, also, the economic elite became controllers of economic policy and legislation. The cattle rearing sector was thus heavily subsidised by the government. This, is illustrative of the nature of Botswana's political economy and in fact marks the now established norm of the control of the state being synonymous with the ability to shape economic advantages for the political elite, particularly the BDP. An instance of this was the discovery that the BDP had long enjoyed funding from Debswana, which the government partly owned.⁵¹ Given the BDP's refusal for government to fund political parties, this discovery caused controversy.

Given the advantages of controlling state resources, the ruling class was therefore able to diversify into commerce, manufacturing and real estate. Botswana's politicians, particularly those of the BDP, are deeply entrenched in economic activity, and have close ties with the economic elite, forming strategic business networks and leveraging their positions to generate resource advantages. David Magang, former member of parliament and now owner of Phakalane Residential and Golf Estates, stated in his autobiography that his position in government gave him access to information on economic affairs, particularly information on land, which facilitated his position as one of the most successful businessmen in Botswana.⁵² Furthermore, the political elite's position of power enabled them to use their personal power and a range of reciprocities to solidify their legitimacy as a governing class.⁵³

It is important to note, however, that the political elite's stake in the prosperity of the economy has ensured the prudent management of Botswana's economy, which has been

⁵⁰ Good, Kenneth. 2010. "The Illusion of Democracy in Botswana" in Diamond, Larry and Plattner, Marc (eds.). *Democratization in Africa: Progress and Retreat*. Baltimore: Johns Hopkins University Press, p. 282.

⁵¹ Keorapetse, Dithapelo. 2013. 'Monopoly Politikos': An Account of a De Facto One-Party State and Lack of Regime Change in Botswana in Amutabi, Maurice & Nasong'o, Shadrach. (eds.) *Regime Change and Succession Politics in Africa: Five Decades of Misrule*. New York: Routledge, p. 228.

⁵² Magang, David. *The Magic of Perseverance: The Autobiography of David Magang*. (Cape Town: The Centre for Advanced Studies of African Society, 2008) p. 122-124.

⁵³ Good, Kenneth. 1992. Interpreting the Exceptionality of Botswana. *The Journal of Modern African Studies*, Vol. 30, No, 1, p. 95.

guided by National Development Plans which map out five-year strategy for government spending.⁵⁴ While this led to Botswana's rapid development, there is still the significant issue of the lack of diversification, which therefore means that access to economic advantages is still highly linked to access to political office.

In order to maintain control of state resources, and therefore the advantages that come with this control, the BDP government had to dismantle the colonial legacy of neglect and focus on addressing the socio-economic inequalities. The government invested heavily in developing both the urban and rural areas. In fact, Botswana's developmental record has led to some authors referring to the country as a 'democratic developmental state,'⁵⁵ due to its heavy investment in physical infrastructure as well as in addressing its human development related issues, such as health and education which are both essentially provided by the government free of charge. Thus, control over the state, enabled the political elite to service their economic interests and maintain their position in power as it underpinned the electoral popularity of the BDP government as well as the assertion of the authority by the national government in general.⁵⁶ This was evident from the early 1970s and is reflective of the current standing of Botswana's political economy.

Constitutionalism & the Separation of Powers in Botswana

Constitutionalism, simply described, refers to leaders (in a democracy), in their actions and decisions abiding by the rules set out in the constitution.⁵⁷ The defining factor is that the constitution must impose limitation upon the government, while ensuring that the government is accountable to its citizens for its actions.⁵⁸ There must also be a clearly defined mechanism

⁵⁴ Sebudubudu, David. and Botlhomilwe, Monkganedi. 2012. The critical role of leadership in Botswana's development: What lessons? *Leadership*, Vol. 8, No. 29, p. 35.

⁵⁵ See: Mkandawire, Thandika. 2001. Thinking About Developmental States in Africa. *Cambridge Journal of Economics*, Vol. 25, No. 3, pp. 289-313.

⁵⁶ Parson, 1990. *Succession to High Office in Botswana*. p. 98.

⁵⁷ Habasonda, n.d. *Presidentialism and Constitutionalism in Africa*, p. 1.

⁵⁸ *Ibid.*, p. 2.

for ensuring that the limitations on the government are legally enforceable.⁵⁹ Scholars of constitutionalism are concerned with limiting political power because of a belief that unlimited power will be abused. This belief is based on the assumption that it is human nature for self-interest to prevail over common good. Although benevolence and sacrifice for public interest can exist, which means that unrestrained power may not always be abused, the ‘imperfection of men’ means that it would occur sometimes, and that this alone is reason to place effective limits on this power.⁶⁰

The separation of powers doctrine falls under the intellectual tradition of constitutionalism.⁶¹ It is a normative doctrine that aims to arrange these organs in such a way that “each should prevent the other from having sufficient power to act tyrannically,”⁶² which includes parliament being a check and balance on executive power despite the fusion of the two in parliamentary systems. The principle of checks and balances, thus, falls under the doctrine of the separation of powers as it refers to a constitutional order that allows the branches of government to ‘check’ each other’s power to avoid tyranny; which refers to leaders maximising their interests at the expense of the governed, and to avoid one branch becoming too powerful in relation to the other branches.⁶³

The type of political system in place in each country determines the scope of the separation of powers. Thus, understanding the nature of the separation of powers in Botswana lies in understanding the nature of the political system. However, a brief description of the key elements of the political system is sufficient as a foundation to the understanding of the separation of powers in Botswana.⁶⁴

⁵⁹ Fombad, Charles. n.d. *Challenges to Constitutionalism and Constitutional Rights in Africa and the Enabling role of Political Parties: Lessons and Perspectives from Southern Africa*. Online: http://www.saifac.org.za/docs/res_papers/RPS%20No.%2018.pdf p. 5 (Date Accessed: 17 May 2013).

⁶⁰ Gywn, William. 1986. “The Separation of Powers and Modern Forms of Democratic Government” in Goldwin, Robert & Kaufman, Art (eds.). *Separation of Powers-Does It Still Work?*. Washington: American Enterprise Institute, p. 67.

⁶¹ Ibid.

⁶² Ibid., p. 3.

⁶³ Gywn, 1986. *The Separation of Powers and Modern Forms of Democratic Government*, p. 66.

⁶⁴ For more on political systems and specifically Botswana’s political system in relation to the separation of powers, please see: Fombad, Charles. 2005. *The Separation of Powers and Constitutionalism in Africa: The Case of Botswana*. *Boston College Third World Law Journal*. Vol. 25, Issue: 2, pp. 301-342.

There are two main types of political systems: presidential and parliamentary. While there are different variants of each, there are some key common features which allow for the grouping of the different variants under each system. In presidential systems, the constitution vests executive power in the President who is both head of government and also the symbolic head of state, and generally; is in full control of the composition of the cabinet, is directly elected by the people for a set period of time and cannot be dismissed between elections except if impeached.⁶⁵ In parliamentary systems, however, the President (or prime minister) is selected by the democratically elected representatives in parliament, and is therefore often the leader of the majority party who may be removed from office through a vote of no confidence and in most instances is only the head of government. Therefore, a key difference is that in a presidential system, while the president is vested with considerable power, the president has full claim to democratic legitimacy as he or she is popularly elected.

Botswana, is often referred to as having a parliamentary system. However, the country's political system has key elements of both the parliamentary and presidential systems. Botswana falls within the parliamentary realm as the president is selected by the democratically elected parliament and may be removed from office through a vote of no confidence. At the same time, however, it falls within the presidential system as the president, although according to the constitution may be removed through a vote of no confidence is both head of state and head of government is vested with executive power, appoints the cabinet and may dissolve the democratically elected parliament. Botswana therefore, having key elements of both systems, is a hybrid political system as opposed to a parliamentary system.

In presidential systems, the principle of separation of powers is usually enunciated, making the three branches of government separate, distinct and independent.⁶⁶ In Parliamentary systems (Westminster model), the executive and legislature are fused as members of the executive are selected from the legislature and the doctrine facilitates a relatively independent

⁶⁵ Linz, Juan. 1985. Democracy: Presidential or Parliamentary. Does it Make a Difference? Online: http://pdf.usaid.gov/pdf_docs/PNABJ524.pdf (Date Accessed: 25 May 2014) (Unpublished), p. 3.

⁶⁶ United Nations Economic Commission for Africa. 2005. *African Governance Report*. (Addis Ababa: Economic Commission for Africa), p. 22.

Judiciary.⁶⁷ Fombad notes that in this type of parliamentary system (Westminster), the important aspect is that although the legislature and executive are fused, the three organs have their distinct and largely exclusive domain and instances where one organ exercises the functions of another are an exception which occurs out of practical necessity.⁶⁸ In hybrid systems, given the various types, the specific nature of governmental structure determines how separate the legislature and executive are and the nature of their working relationship.⁶⁹ In respect to the separation of powers doctrine, the Constitution of Botswana, however, uses the Westminster model (legislature and executive fused) which does not take into account the presidential aspects of the system: the immense power of the executive, and therefore its ability to dominate the legislature.

According to Fombad, the separation of powers in Botswana has strengthened the pillars of constitutionalism and good governance.⁷⁰ The constitution does not explicitly deal with the separation of powers between the judiciary, executive and legislature, but does so implicitly by dealing with each branch of government in separate sections.⁷¹ Although this serves to divide the powers of government to different branches, it does not ensure the independence of each branch. As will be illustrated below, despite this implicit separation of powers, the executive is prominent over the legislature, which prevents the legislature from fulfilling its oversight function.

The Judiciary is generally perceived to be independent. However, the President appoints the Chief Justice and the President of the Court of Appeal, which casts doubt on their independence. Additionally, other judges, registrars and magistrates are appointed by the President with the recommendation of the Judicial Service Commission (JSC).⁷² However, the JSC is comprised of presidential appointees except for one member from of the Law

⁶⁷ Fombad, Charles. 2005. The Separation of Powers and Constitutionalism in Africa: The Case of Botswana. *Boston College Third World Law Journal*. Vol. 25, Issue: 2, p. 319.

⁶⁸ *Ibid.*, pp. 315-316.

⁶⁹ United Nations Economic Commission for Africa, 2005. African Governance Report, p. 23.

⁷⁰ Fombad, 2005. The Separation of Powers and Constitutionalism in Africa, p. 303.

⁷¹ *See*: Republic of Botswana. 1966. Constitution of Botswana, ss. 30-56 (Executive), ss. 57-94 (Legislature), ss. 95-107 (Judiciary).

⁷² African Development Bank. 2009. *Botswana: Country Governance Profile*, Online: http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Botswana%20Country%20Governance%20Profile_01.pdf, p. 14 (Date Accessed: 23 March 2013).

Society, calling into question the autonomy of the JSC.⁷³ Despite this, the Judiciary has mostly acted independently, indicated by its impartial decision-making in cases against the government.⁷⁴ It is the presidency's relationship with the legislature and cabinet, which causes concern, particularly as it affects the everyday decision-making processes in Botswana.

A Powerful Presidency, the Executive & Weak Parliament

The executive is made up of the President, the Vice-President and Ministers. Executive power rests in the hands of the President.⁷⁵ The constitution explicitly states that the President “shall act in his own deliberate judgement and shall not be obliged to follow the advice of any other person or authority.”⁷⁶ Therefore, the cabinet only advises the president and legally it is the President who makes final decisions. This phenomenon of unilateral decision-making exists throughout the continent, enabling Presidents to make major policy decisions or ‘laws’ without consultation.⁷⁷ The wide existence or practice of this phenomenon, however, does not validate the practice; it simply reflects that several African countries face a threat to sustaining and consolidating democracy.

The constitutional provision which allows for unilateral decision-making by the president highlights that the often-celebrated ‘consultative’ nature of Botswana’s democracy is not constitutionally embedded. It is, similar to the traditional Kgotla system,⁷⁸ which is a consensus building system where the other ‘elders’ (cabinet members) support the decisions made by the Chief (President). Once the President makes a decision, the cabinet is legally bound to support it; due to the principle of collective responsibility which stipulates that

⁷³ Transparency International. 2007. *National Integrity Systems, Country Study Report: Botswana 2006/7*.

Online: http://www.africanpeople.it/documenti/NIS_Botswana_report_2007.pdf, p. 28 (Date Accessed: 17 June 2013).

⁷⁴ One such case was the Court of Appeal’s ruling about Basarwa’s (the San community) rights to water in the Central Kgalagadi Game Reserve (CKGR). There is, however, a belief that political pressure has played a role in the expedition of certain prosecutions, and that there are in fact judges who are known to favour the government, who are then appointed to politically sensitive cases such as in the Kenneth Good appeal case after the President declared him to be a Prohibited Immigrant.

⁷⁵ Republic of Botswana. 1966. Constitution of Botswana, s. 47 (1).

⁷⁶ Ibid., s. 47 (2).

⁷⁷ Prempeh, Kwasi. 2008. Presidents Untamed. *Journal of Democracy*. Vol. 19, No. 2, p. 19.

An example of this was President Frederick Chiluba’s decision to declare Zambia to be a ‘Christian nation’ without consulting his Cabinet.

⁷⁸ The Kgotla is a traditional space where traditionally the men of a village convene with the Kgosi to decide upon governance matters within the village. The Kgotla has a judicial function as well.

members of the executive cannot question executive decisions while they sit as legislators in Parliament. cabinet members who oppose the president's decisions have the option to resign.⁷⁹ The only constraint on the President in his decision-making therefore is that he or she is selected by Parliament, which, as will be illustrated in discussing the lack of internal democracy in the BDP is a weak constraint.

Maundeni notes that although there have been instances where the President has decided alone, there have been few of these instances, and that never has any Cabinet Minister resigned in opposition to a Presidential decision.⁸⁰ However, it is not the number of times in which Presidents have used this power which is problematic. It is in fact that the president has this power at all which is the issue; as it makes the country's democracy dependent on the benevolence of the president, rather than safeguarded by the constitution. Additionally, the absence of a resignation from the cabinet does not signify acceptance of presidential decisions, but (as will be seen throughout this paper) is more likely because Botswana's politics is often not based on differences in principles or ideology but is based on opportunism.

The President has sweeping powers across a wide range of areas. The President is the leader of the ruling party, head of state, head of government and since 1977 Commander-in-Chief of the Military.⁸¹ The President may dissolve the popularly elected Parliament at any time.⁸² Additionally, a wide array of legislation grants the president extensive powers, for instance, the Immigration Act states that, in the interests of national security, the President may declare a foreigner to be a Prohibited Immigrant.

⁷⁹ Maundeni, Zibani. 2008. *Transparency, Accountability and Corruption in Botswana*. Cape Town: Made Plain Communications, p. 30.

⁸⁰ Ibid.

⁸¹ In 1977 the military was formed mainly as a tool for foreign policy. The military was formed as a reaction to Rhodesian acts of aggression around the Botswana Rhodesia border. Botswana's Police Mobile Unit (paramilitary police responsible for internal security) could not cope, and thus forced the government to accede to opposition (primarily the BPP) for the establishment of the army. This added to the roles of the President, making the President the Commander in Chief of the military.

⁸² Republic of Botswana. 1966. Constitution of Botswana, s. 91 (2).

There have been four major constitutional changes directly affecting the presidency since independence. In 1972, the constitution was amended to make the President an ex-officio member of the National Assembly.⁸³ This amendment abolished the need for the President to stand for constituency election, while still having the power to speak and vote in all Parliamentary proceedings.⁸⁴ The often-cited reason for this amendment, as stated in Khama's autobiography, is that it was because Seretse Khama was not 'happy' with having to participate in constituency politics and parliamentary debate.⁸⁵ While this may to a certain extent explain this decision, it was largely influenced by the need to eliminate the chances of the preferred BDP presidential candidate losing a constituency election. Although this was unlikely during Seretse Khama's tenure, it was a possibility for future candidates. In fact, his Vice-President, Masire, in 1969 lost to former-chief Bathoen.⁸⁶

The last three constitutional amendments were in 1997.⁸⁷ The constitution was amended to ensure the automatic succession of the Vice-President should the Office of President be vacant, and the second amendment was that the President was allowed to elect the Vice-President only from elected members of Parliament (not specially elected). This appointment must be supported by the National Assembly.⁸⁸ While the automatic succession amendment allowed the President to choose the country's next President as the support of the National Assembly can be forced, (as will be seen in the discussion on Festus Mogae's tenure) at least it would be a candidate who is popularly elected. Supporters of automatic succession claim that it ensures certainty, stability and predictability in political processes. However, the main reason for this change at that particular time was a result of the factionalism in the BDP. The automatic succession provision ensured that the Vice-President (soon to ascend to the Presidency) would be beyond the reach of factionalism within the party.⁸⁹ Lastly, the

⁸³ Picard, Louis. 1987. *The Politics of Development in Botswana: A Model for Success?* Boulder: Lynne Rienner, p. 146.

⁸⁴ Fombad, 2005. *The Separation of Powers and Constitutionalism in Africa*, p. 320. Republic of Botswana. 1966. *Constitution of Botswana*, s. 57, s. 58.

⁸⁵ Good, Kenneth and Taylor, Ian. 2008. Botswana: a minimalist democracy. *Democratization*. Vol. 15, No. 4, p. 758.

⁸⁶ Maundeni, 2005. *40 Years of Democracy in Botswana: 1965-2005*, p. 86.

⁸⁷ In the same set of legislative changes, the following two changes were made: the voting age was changed from 21 to 18 years and an absentee ballot for Batswana abroad was established.

⁸⁸ The Parliament of Botswana. 2012. *History of Parliament*. Online: <http://www.parliament.gov.bw/about-parliament/history> (Date Accessed: 16 July 2013).

⁸⁹ Good, 2009. *The Presidency of General Ian Khama*, p. 320.

Presidential term was limited to ten years. Before this, Presidential terms were limited by death or the President's decision to resign.

The Parliament of Botswana consists of the National Assembly, four specially elected members, the Attorney General and since 1972, the President. Botswana's Parliament has the power to "make laws for the peace, order and good government of Botswana."⁹⁰ Parliament is entrusted with legislative power to scrutinise bills from the executive. One of Parliament's key functions is to constrain or check the power of the executive.⁹¹ The cabinet is accountable to Parliament, which is a check and balance function meant to promote accountability and transparency.⁹² The legislature approves the national budget and policies and can also pass motions requesting the review of certain government policies therefore allowing Parliament to hold the executive accountable and act as a check and balance on its power. The main method of doing so is meant to be through the use of question time⁹³ and Parliamentary committees.

Botswana's Parliamentary committees system is, however, "weak and underdeveloped."⁹⁴ The committees are not well functioning in that the recommendations made or questions posed by these committees are often ignored, as there is no obligation for Ministers to respond, but also because the committees do not have research staff to allow them to adequately question executive proposals.⁹⁵ The committees have to rely on administrative staff from the Office of the President, which affects the independence of these committees.⁹⁶ This, on top of the lack of portfolio and departmental committees that cover all aspects of government operations, means that the cabinet cannot be subjected to strict inquisition and monitoring.⁹⁷

⁹⁰ Republic of Botswana. 1966. Constitution of Botswana, s. 86.

⁹¹ Barei, Geoffrey. 2008. "Parliament" in Maundeni, Zibani (ed.). *Transparency, Accountability & Corruption in Botswana*. Cape Town: Made Plain Communications, p. 16.

⁹² Ibid.

⁹³ Ibid., p. 12.

⁹⁴ Sebudubudu, David and Oswei-Hwedie, Bertha. Z. 2006. Pitfalls of Parliamentary Democracy in Botswana. *Africa Spectrum*. Vol. 41, No. 1, p. 38.

⁹⁵ Mogalakwe, Monageng. 2008. Exploding the Myth of Exceptionality. *Africa Insight*. Vol. 38, No. 1, p. 111.

⁹⁶ Sebudubudu & Oswei-Hwedie, 2006. Pitfalls of Parliamentary Democracy in Botswana, p. 39.

⁹⁷ Ibid.

Section 92 of the Constitution enables Parliament to declare that it has no confidence in the executive. This declaration is not effective as, should it be passed, this would mean that Parliament is dissolved,⁹⁸ and therefore the decision to “commit suicide” discourages MPs to take this step. The clause has only been used once in 1995 by the Botswana National Front (BNF), but lacked support from the BDP dominated parliament.⁹⁹ Another barrier to Parliament’s ability to check and balance the powers of the executive is that its members are selected from Parliament, and thus these MP’s cannot question executive decisions as they must abide to the principle of collective responsibility. This principle essentially binds Ministers to be loyal to the President, as he has the power to decide alone. The representation of the executive in Parliament therefore makes Parliament merely a branch that legitimises the agenda of the President.¹⁰⁰ While the principle of collective responsibility is not unusual in parliamentary systems, in Botswana where the cabinet has no decision-making power it is problematic. The President is able to decide alone, and the cabinet then supports these decisions, limiting challenges to unilateral-decision-making.

Despite the president’s power to unilaterally abolish, or establish a new government Ministry and thus the ability to increase the number of MPs bound by the principle of collective responsibility, Botswana’s cabinet has remained relatively small. However, as seen in *Figure 1*, given that Parliament itself is quite small; the cabinet has on average made up a third of Parliament which means that a third of Parliament must support presidential decisions or legislation. Thus far, the policies, plans or strategies of the executive have not been vetoed by Parliament.¹⁰¹

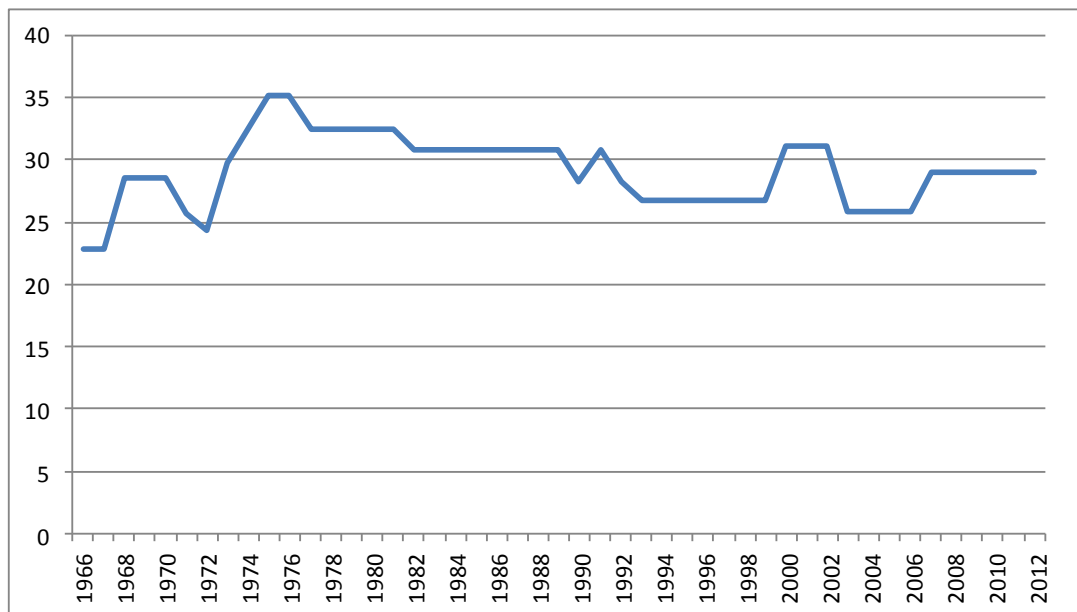
⁹⁸ Republic of Botswana. Constitution of Botswana, s. 92.

⁹⁹ Sebudubudu, David. 2010. *Issues and Challenges in Democratic Governance in Africa: The Case of Botswana*: A Paper Presented at the Conference on Governance Reform: What is the Record? Perspectives from the South and North on Governance, Policy Space and Democratic Processes. (24th – 28th March 2010). Montreal: The University of Quebec, p. 8.

¹⁰⁰ Kaunda, Jonathan. 2008. *The Progress of Good Governance in Botswana 2008*-Final Report of the UNECA project measuring and monitoring progress towards good governance in Africa: The African Governance Report II (AGRII). Gaborone: Botswana Institute for Development Policy Analysis (Bay Publishing), p. 33.

¹⁰¹ Kaunda, 2008, *The Progress of Good Governance in Botswana*, p. 33.

Figure 1: Percentage of Cabinet Members in the National Assembly (1966-2012)



Note: This graph includes only Members of Parliament who can vote in Parliamentary sessions, it therefore excludes the Attorney General. Taken into consideration is the changing number seats in Parliament; 1972: 31 to 32, in 1982: 32 to 34, in 1993: 34 to 40 and in 2003: 40 to 57, additionally, from 1972 the President no longer held a constituency seat (1972 constitutional amendment).

Source: Compiled from :i) Parliament of Botswana. 1999. *Parliament of Botswana Composition 1965-1999*. ii) Parliament of Botswana, 2012. *History of Parliament*. Online: <http://www.parliament.gov.bw/about-parliament/history> (Date Accessed: 16 July 2013) iii) Kaunda, 2008. *The Progress of Good Governance in Botswana*, p. 30 and iv) Republic of Botswana, 2009. *IEC 2009 Elections Summary*. Online: <http://www.iec.gov.bw/elections/results.php> (Date Accessed: 29 May 2013).

The executive, as in most parliamentary democracies, controls the pre-legislative stages of law-making, bills are discussed in cabinet meetings (chaired by the President), and are presented by a member of the cabinet to parliament. Parliament can then make changes to the bill; however, this rarely creates substantial changes or takes away from the main principles of the bill. The bill then goes to the President to assent the bill. If he/she withholds his assent and returns the bill to Parliament, upon its return to the President, he has 21 days to assent, otherwise Parliament will automatically be dissolved and new elections will be held.¹⁰² This provision essentially pressures Parliament to pass bills that are supported by President. According to Fombad, this ability to ensure that legislation is passed supports the conclusion that the executive controls Parliament.¹⁰³

¹⁰² Fombad, 2005. *The Separation of Powers and Constitutionalism in Africa*, p. 321-322.

¹⁰³ *Ibid.*, p. 322.

In 1988, the National Assembly passed a motion which urged the government to ensure that Parliament became an independent institution detached from the Office of the President “where it has all the time been relegated to the lower status of a minor department.”¹⁰⁴ Very little was done to implement this motion. Almost a decade later, in 1997, a similar motion was tabled in Parliament by the Botswana National Front,¹⁰⁵ under the main complaint that Parliament had no independence and was merely a rubber stamp institution as the executive had too much power.¹⁰⁶ Dingake, in his motion: “Application of the doctrine of the separation of powers in Botswana’s System of Government”, stated, “We have become some sort of department of the Ministry of Presidential Affairs and Public Administration, maybe even less than a department. We have become a division or even a unit.”¹⁰⁷

The Botswana National Front further argued that the legislature is totally subordinate to the executive, administratively, politically and financially. Administratively; Parliament falls under the Ministry of State President and its staff is employed like any other civil servant, Parliament therefore does not have an independent administration, as the staff are not independent of the executive.¹⁰⁸ This is because the Directorate of Public Service Management (DPSM) is responsible for the all public servants appointments, promotions, transfer, dismissal and discipline. The DPSM is under the Ministry of State Presidency. Politically, Parliament is subordinate to the executive in that often when Parliament questions the executive; they are never fully answered or ridiculed. Financially, Parliament has no control over their budget, and is therefore financially controlled by the executive.¹⁰⁹ In fact, Prempeh notes that the President’s ability to influence the legislature’s decision-making is based on the nature of the African political economy, which grants the President control of external rents, from both natural resource exports and foreign donor support.¹¹⁰ The opposition further emphasised that they were advocating for an actual practice of the

¹⁰⁴ Barei, 2008. Parliament, p. 17.

¹⁰⁵ Specifically M.K. Dingake – then MP representing Gaborone Central.

¹⁰⁶ Republic of Botswana. 1997. Motion of the Doctrine of the Separation of Powers in Botswana System of Government (resumed debate). National Assembly weekly Parliamentary debates – official report, meeting 21st February. Hansard Number 123. p. 214

¹⁰⁷ Ibid., p. 193.

¹⁰⁸ Republic of Botswana. 1997. Motion of the Doctrine of the Separation of Powers in Botswana System of Government (resumed debate) - meeting 21st February, p. 198.

¹⁰⁹ Republic of Botswana. 1997. Motion of the Doctrine of the Separation of Powers in Botswana System of Government (resumed debate). National Assembly weekly Parliamentary debates – official report, meeting 24 February – 28 February. Hansard Number 123, p. 174.

¹¹⁰ Prempeh, 2008. Presidents Untamed, p. 25.

separation of powers doctrine rather than just a written statement (the three different chapters allocated to the branches of government in the constitution).

Although not a part of the legislature, the House of Chiefs plays an advisory role to both Parliament and the executive though neither is bound to take its advice. The constitution does however note that certain bills must be referred to the House of Chiefs especially those that deal with customary or traditional matters.¹¹¹ Parliament also cannot pass a bill that alters the constitution without consulting the House of Chiefs.¹¹² The allowances of the House of Chiefs are paid by Parliament and therefore although Botswana's Parliament is unicameral, essentially this institution is part of Parliament. The House of Chiefs is, however, under the supervision of the Office of the President, which Molomo notes "aggravates the oppression of Parliament by the executive", as the executive often gives instructions to the Parliament matters relevant to the House of Chiefs.¹¹³

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Prempeh notes that the lack of experience with acting as a check and balance on the executive's power, means that without the explicit changes in the constitution to ensure that there is no executive dominance, it will most likely persist.¹¹⁴ The two motions raised in 1988 and 1997 on the need for the application of the separation of powers doctrine, as well as the subsequent lack of adoption of these motions indicates the weakness of the legislature. It is clear that although there is an implicit statement of the separation of powers in the constitution, in practice, the executive is dominant over the legislature, rendering it a weak institution unable to fulfil its oversight function. This means that the President (given that members of the cabinet play only an advisory role) is essentially a unilateral decision-maker.

¹¹¹ Republic of Botswana. 1996. Constitution of Botswana, s. 88 (2).

¹¹² Ibid.

¹¹³ Molomo, Matlapeng Ray. 2012. *Democratic Deficit in the Parliament of Botswana*. Cape Town: The Centre for Advanced Studies of African Societies (CASAS Book Series No. 91), p. 124.

¹¹⁴ Prempeh, 2008. *Presidents Untamed*, p. 23.

Endurance of Presidential Hegemony

Presidency studies must include in their analysis the socio-political context within which the presidency functions so as to explore the relational aspects between the presidency and the other branches of government, citizens and to the external world, and therefore provide a full understanding of the institution.¹¹⁵ The following section builds on the previous section by discussing the formation of the constitution, the role of political culture and international factors in Botswana in sustaining this system followed by a discussion on how the political parties; dynamics within both the BDP and the opposition enable the President to decide unilaterally and with very little challenge. The aim is to fully explain the formal and informal aspects of how such great power came and continues to rest in the hands of the president.

Formation of the Constitution

Similarly worded constitutions to Botswana's failed a short while after independence,¹¹⁶ and thus Fombad notes that the praises that Botswana has received cannot necessarily be attributed to the constitution.¹¹⁷ This essentially means that, the constitution is an inadequate tool to have facilitated stability, and therefore factors beyond the constitutional framework have resulted in the stability and prosperity Botswana now enjoys.

The colonial period in Botswana (then: Bechuanaland Protectorate) formally began in 1895.¹¹⁸ Botswana became a British protectorate at the request of the chiefs: Bathoen, Khama (the Great) and Sebele, who feared incorporation into South Africa. In 1959, the Legislative Council was formed.¹¹⁹ Botswana's first President and founding member of the BDP, Seretse Khama was elected to the Legislative Council, as well as most of the founding members of the BDP, including the second President of Botswana; Ketumile Masire.¹²⁰ A constitutional committee selected from the Legislative Council drafted a constitution for independent

¹¹⁵ Bowles, Nigel. Studying the Presidency. 1999. *Annual Reviews Political Science*, Vol. 2, p. 19.

¹¹⁶ Mosikare, 2012. Khama a Threat to Democracy- SA Professor.

¹¹⁷ Fombad, Charles. 2007. *Essays on the Law of Botswana*. Cape Town: Juta & Co Ltd, p. 23.

¹¹⁸ Bechuanaland Protectorate Government. 1962. 'Part 1: A Brief Historical Survey' in *The Constitution of the Bechuanaland Protectorate*. Lobatsi, Bechuanaland Book Centre. p. 8. .

¹¹⁹ Freddie, Khunou. 2011. Traditional Leadership: Some Reflections on Morphology of Constitutionalism and Politics of Democracy in Botswana. *International Journal of Humanities and Social Science*, Vol. 1, No. 14, p. 85.

¹²⁰ Bechuanaland Protectorate Government. 1962. 'Appendix "A": Membership of the Joint Advisory Council Constitutional Committee' in *The Constitution of the Bechuanaland Protectorate*. Lobatsi: Bechuanaland Book Centre. p. 23.

Botswana, which they then presented and was approved by the Legislative Council. This process did not involve the public.¹²¹

In February 1966, a conference was held in London to discuss and approve the draft constitution. Philip Matante, then ‘leader of the opposition’ was invited to participate in these discussions. Seretse Khama, then Prime Minister and leader of the Legislative Council, also invited his Deputy Prime Minister Ketumile Masire and a representative of the House of Chiefs: Bathoen. There were the only four “Africans from Bechuanaland” represented at the conference, the rest of the delegation were fifteen representatives from the United Kingdom and four colonial administrative officers from the protectorate.¹²²

Matante and Bathoen had reservations on several aspects of the constitution,¹²³ and when these reservations were not taken into consideration, Matante and Bathoen left the conference, leaving only the BDP (Seretse and Masire; the country’s first two Presidents) and the British delegation who supported the less radical party, the BDP. The BDP leadership believed that a minimalist democracy would ensure stability and control, and thus the adoption of a constitution that enabled an executive presidency.¹²⁴ The main change made to the draft constitution was that the post of Prime Minister was abolished as executive power was then placed in the hands of the President, who is also the ‘chairman’ of the cabinet, and elected by the National Assembly. This system was chosen to avoid a situation of the President not being able to command the support of a majority of Parliament.¹²⁵ It did not, however, include the necessary accompanying change in Presidential systems where the President would have to be popularly elected.¹²⁶ This change therefore, shifted Botswana’s political system from classification as a parliamentary one, to a hybrid system; with key elements of both the presidential and parliamentary system.

¹²¹ Freddie, 2011. *Traditional Leadership*, p. 86.

¹²² *Ibid.*, p. 87.

¹²³ Matante argued that Seretse’s government had no mandate to carry Bechuanaland into independence and that there had been insufficient consultation with the people of Bechuanaland.

¹²⁴ Bodilenyane, 2012. *Botswana’s Executive Presidency*, p. 190.

¹²⁵ Colclough & McCarthy, 1980. *The Political Economy of Botswana*, p. 42.

¹²⁶ Maundeni, 2005. *40 Years of Democracy in Botswana: 1965-2005*, p. 37.

Without the presence of a member of the opposition, the hegemonic presidency was born. Good notes that, “the Botswana constitution conferred powers on the President worthy more of a despotic chief than a truly democratic leader.”¹²⁷ Bodilenyane also argues that the constitution had origins in the oppressive system of the colonial period, as evidenced by the Westminster-influenced constitution and the large number of British (in comparison to Botswana) who played a role in the construction of this constitution; and was therefore one of the reasons why immense power was vested in the presidency.¹²⁸

This phenomenon of ensuring that the presidency was vested with immense power from independence does, however, explain why there have been minimal constitutional amendments in Botswana’s constitution in comparison to other African countries. Botswana’s president has not had to change the constitution in order to ensure that the office of the president is vested with immense power, this was done before independence and began the country’s democratic record with such a system which facilitated the acceptance and institutionalisation of presidential hegemony. The pre-independence process of constructing the constitution explained above is therefore key to understanding both how immense power came to rest in the hands of the president but also the continuity in Botswana’s democracy. It is essential to note that Khama’s stature played a significant role in the acceptance of the system of governance introduced by the constitution at independence.¹²⁹

Weak Civil Society & Political Culture in Botswana

The role of civil society in democracies is to act as a check and balance of the government’s power. In Botswana, the role of civil society in political matters has been minimal. Molutsi and Holm note that civil society in Botswana lacks the capacity and initiative to organise itself.¹³⁰ Civil society organisations have focused more on welfare issues rather than politically oriented issues.¹³¹ Although in more recent years, civil society organisations have pursued political issues, such as the representation of women in government and the

¹²⁷ Good, 2008. *Diamonds, Dispossession and Democracy in Botswana*, p. 28.

¹²⁸ Bodilenyane, 2012. *Botswana’s Executive Presidency*, p. 192.

¹²⁹ Sebudubudu & Botlhomilwe, 2013. *Interrogating the dominant party system in Botswana*, p. 120.

¹³⁰ Molutsi, Patrick and Holm, John. 1990. *Developing Democracy When Civil Society Is Weak: The Case of Botswana*. *African Affairs*. Vol. 89, No. 356, p. 327.

¹³¹ *Ibid.*

appointment of women in public office,¹³² none has directly tackled the issue of the dominant presidency, or its excessive power. The lack of effective Parliamentary committees also limits the participation of civil society in decision-making and policy formulation.¹³³

Civil servants are prohibited to participate in most political activity, thus, limiting a substantial amount of knowledgeable and politically attentive persons from openly being involved in any politically oriented activity.¹³⁴ Furthermore, a large number of civil society organisations are funded by the government, for instance, the Botswana National Youth Council. This limits the likelihood that they will condemn the government or the status quo as they may fear that “if they ‘step too far out of line’ government can easily reduce the flow of money or turn the tap off completely.”¹³⁵ Thus, there has been minimal input in Botswana’s democracy from civil society.

It is generally accepted that the electorate in most African states has been concerned with poverty-related issues and thus have tolerated presidential misrule, but also the continued belief that they can have either economic development or democracy, not both.¹³⁶ In Botswana, however, the tolerance of this status quo is mainly rooted in Setswana traditions. In fact, Khadiagala credits the endurance of Botswana’s constitution to the post-colonial leader’s ability to incorporate Botswana’s traditions into the democratic order.¹³⁷

Furthermore, Botswana’s electorate is considered to be risk averse with an emphasis on peaceful deliberation and respect for authority, which in a modern political system has translated to being ‘apolitical’; reflected by their minimal participation in the political arena. While voter turnout is commonly used to assess the perceived legitimacy of a political system and electoral process, it may therefore also be used to assess the citizenry’s involvement or

¹³² This has largely been championed by Women’s groups – Emang Basadi and the Botswana Caucus for Women in Politics.

¹³³ Mogalakwe, 2008. *Exploding the Myth of Exceptionality*, p. 110.

¹³⁴ Molutsi & Holm, 1990. *Developing Democracy When Civil Society Is Weak*, p. 328.

¹³⁵ Transparency International. 2007. *National Integrity Systems. Country Study Report: Botswana 2006/7*, p. 55.

¹³⁶ Prempeh, 2008. *Presidents Untamed*, p. 22.

¹³⁷ Khadiagala, Gilbert. 2010. “Botswana: Bridging Tradition and Modernization” in Deng, Francis (ed.) *Self Determination and National Unity: A Challenge for Africa*. New Jersey: Africa World Press, Inc, p. 227.

input in the country's democracy. The low levels of political awareness and political responsibility of Botswana is illustrated by the country's low voting age population turn out at national elections since 1965, as reflected in *Table 1* below. This is the case in national referendums as well. For instance, in the 1997 referendum to form the Independent Electoral Commission, lower the voting age from 21 to 18 and the creation of an absentee ballot, voter turnout was considerably low.¹³⁸

Table 1: Voting Age Population Turn Out (%) in National Elections (1965 - 2009)

Year	Voting Age Population Turn-Out (%)
1965	69.42
1969	37.46
1974	26.21
1979	46.37
1984	54.18
1989	47.90
1994	44.63
1999	41.98
2004	44.00
2009	62.20

Note: Voter Turn Out usually represents the number of actual votes in relation to the number of voters who had registered. Voter Turn Out as it is displayed above (Voting Age Population Turn Out) is calculated by dividing the voting age population (18 years and older) by the number of actual votes.

Source: International Institute for Democracy and Electoral Assistance. 2011. *Voter Turn Out Data for Botswana*. Online: <http://www.idea.int/vt/countryview.cfm?CountryCode=BW> (Date Accessed: 16 November 2013).¹³⁹

Literature on Botswana's democracy often cites the Tswana proverb "Kgosi ke Kgosi ka batho", which translates to 'a chief is a chief with the consent of his people', to support the

¹³⁸ Molomo, Mpho. 2007. The Political Implications of the 4 October 1997 referendum for Botswana. *Democratization*. Vol. 5, No. 4, p. 169.

¹³⁹ International IDEA is an intergovernmental organisation that supports sustainable democracy worldwide. Its mission is to support sustainable democratic change by providing comparative knowledge, and assisting in democratic reform and influencing policies and politics.

claim that democratic ideals are part of Setswana tradition.¹⁴⁰ It however, merely suggests that the chief earns his authority by working in consultation with the people.¹⁴¹ At a Kgotla, while anyone has the right to speak, the norm was to build consensus on decisions already made by the chief and his advisors.¹⁴² Furthermore, the ‘most prestigious’ speakers spoke first, thus by the time others spoke, the position of those with authority was clear. Opposition to these views, if there was any at all, was therefore very cautious.¹⁴³ Additionally, patronage reinforced this ‘consensus’.¹⁴⁴ Therefore, the value of the Kgotla system is that it led ordinary tribesmen to believe that they had taken part in the decision-making process.¹⁴⁵ Thus, the romanticised Kgotla system that is credited for the consultative nature of Botswana’s democracy is in fact a system that supports the opposite. As the constitution grants the president the power to decide alone, limiting the role of the cabinet and parliament; Botswana’s democracy reflects this type of “consensus-building” around the decisions of a single individual.

Botswana’s leaders have stated that the democracy is founded on traditional political structures; particularly, the Kgotla.¹⁴⁶ This has contributed to the way authority is exercised, but more so how it is interpreted by Botswana. Furthermore, traditional institutions were retained in order to diminish their disruptive power in the course of political and economic modernisation. The Kgotla is now used to explain government policies, and although in certain instances, this had led to the reformulation of policy, it is not a common occurrence.¹⁴⁷ The discussion of government policies and plans at the Kgotla facilitates a consultative aspect to democracy, or rather the feeling of having been consulted.

¹⁴⁰ Such as: Leon, Tony. 2010. The State of Liberal Democracy in Africa: Resurgence or Retreat? *Development Policy Analysis*. No. 12, p. 14.

¹⁴¹ Molomo, Mpho. 2001. Civil-Military Relations in Botswana’s Developmental State. *African Studies Quarterly*. Vol. 5, Issue 2, p. 41.

¹⁴² Pitcher, Anne., Moran, Mary and Johnston, Michael. 2009. Rethinking Patrimonialism in Africa, *African Studies Review*, Vol. 52, No. 1, p. 146.

¹⁴³ Molutsi & Holm, 1990. Developing Democracy When Civil Society Is Weak, p. 326.

¹⁴⁴ Ibid.

¹⁴⁵ Makgala, Christian. 2010. “A Home Town Decisions? The Location of Botswana’s Second University” in Melber, Henning. (ed.) *Governance and State delivery in Southern Africa: Examples from Botswana, Namibia, and Zimbabwe*. Sweden Nordiska Afrikainstitutet. Discussion Paper 38. p. 27.

¹⁴⁶ Molutsi & Holm, 1990. Developing Democracy When Civil Society Is Weak, p. 325.

The Kgotla is an assembly where public forums are held to make policies and served as avenues for civic involvement in community affairs. The Kgotla was traditionally convened by the Kgosi and was comprised of adult males who deliberated on crucial matters

¹⁴⁷ Molutsi & Holm, 1990. Developing Democracy When Civil Society Is Weak, p. 328, 334.

Retaining these traditional institutions created continuity in the new democratic order which allowed for the acceptance of the nature of Botswana's democracy, but also put in place a system that maintained the political culture of pre-democratic Botswana. In fact, the Setswana word for President is 'Tautona', which directly translates to 'big/great lion', a vicious and feared animal in folklore.¹⁴⁸ Traditional authority therefore still has significance in Botswana, even beyond traditional settings; evident in the acceptance of the 1997 amendment to facilitate the automatic succession of the Vice-President. Maundeni notes that Presidential succession in Botswana "shows continuities with the ancient Tswana rules governing chieftaincy succession."¹⁴⁹

Max Weber's work on authority has proven to be essential in understanding the development of the modern state and is a rich source for analysing and understanding modern African politics. Weber delineates three types of authority: charismatic, rational-legal, and traditional, of which the latter two are relevant in this discussion. Botswana's political system is characterised by the co-existence of rational-legal and traditional authority. Rational-legal authority is legitimised by having been enacted by a legitimate agency and procedure such as a governing instrument; the constitution. The fundamental source of authority within a rational-legal framework is the impersonal order.¹⁵⁰ Under traditional authority, "obedience is owed not to enacted rules but to the person who occupies a position of authority by tradition or who has been chosen for it by the traditional master."¹⁵¹ According to Weber, within this scope of authority, the leader is bound by no specific rules and is free to make decisions as they see fit; whether it be according to utility or sheer personal whim. As long as the leader does not act counter to the traditional order, loyalty, to the leader is due.¹⁵² Within such systems, power is concentrated in the hands of an individual "who dominates the state apparatus and stands above its laws."¹⁵³

¹⁴⁸ Mogalakwe, 2008. *Exploding the Myth of Exceptionality*, p. 108.

¹⁴⁹ Maundeni, 2005. *40 Years of Democracy in Botswana: 1965-2005*, p. 92.

¹⁵⁰ Weber, Max. 1947. *The Theory of Social and Economic Organisation*: Translated by Henderson, A.M. and Parsons, T. Toronto: Collier-Macmillan, p.23.

¹⁵¹ Erdmann, Gero and Engle, Ulf. 2006. *Neopatrimonialism Revisited: Beyond a Catch-All Concept*. GIGA Working Papers No. 16. Hamburg: German Institute of Global and Area Studies, p. 8.

¹⁵² Weber, 1947, *The Theory of Social and Economic Organisation*, p. 61

¹⁵³ O'Neil, Tam. 2007. *Neopatrimonialism and Public Sector Reform in Good Governance, Aid Modalities and Poverty Reduction: Linkages to the Millennium Development Goals and Implications for Irish Aid*. Background Note 1, p. 2.

While 1966 marked the transition to a rational-legal framework, Seretse Khama, given his royal lineage, acted as a bridge between the old order (traditional authority) and the new (rational-legal authority), enabling the co-existence of the two in the new democracy. He used his authority “as rightful heir to a distinguished house to reinforce the post of President.”¹⁵⁴ Thus, while the president held his position as a result of a rational-legal framework, his behaviour, and the manner in which Botswana perceived him, was under the scope of traditional authority. This served to establish and institutionalise the presidency as an office which garnered the same treatment as that within the traditional system; and therefore established wide acceptance of the presidency as an office in which the office holder could make unilateral decisions, is not to be questioned and is to be obeyed.

Botswana’s private print media has played a crucial role in highlighting the weaknesses of the ruling party and the political system in general.¹⁵⁵ Unfortunately, the most widely accessed media is state owned, which means that the President can influence public opinion and thus contributing to the continued positive image of the ruling party and the nature of Botswana’s system. However, Botswana’s ‘democratic consensus’ has been disintegrating, although without overt attrition given the political culture of negotiation and dialogue.¹⁵⁶ The 2012 Afrobarometer survey findings reveal that 55% of Botswana strongly support constitutional reform as the existing constitution is inadequate to deal with the contemporary issues of governance and democracy, against 40% who believe that the constitution is still relevant and should therefore not be changed.¹⁵⁷ Additionally, as illustrated in *Figure 2* trust in the presidency and Parliament have declined.

¹⁵⁴ Henderson, Willie. 1990. Seretse Khama: A Personal Appreciation. *African Affairs*, Vol. 80, No. 354, p. 55.

¹⁵⁵ Throup, 2011. Botswana: Assessing Risks to Stability, p. 5.

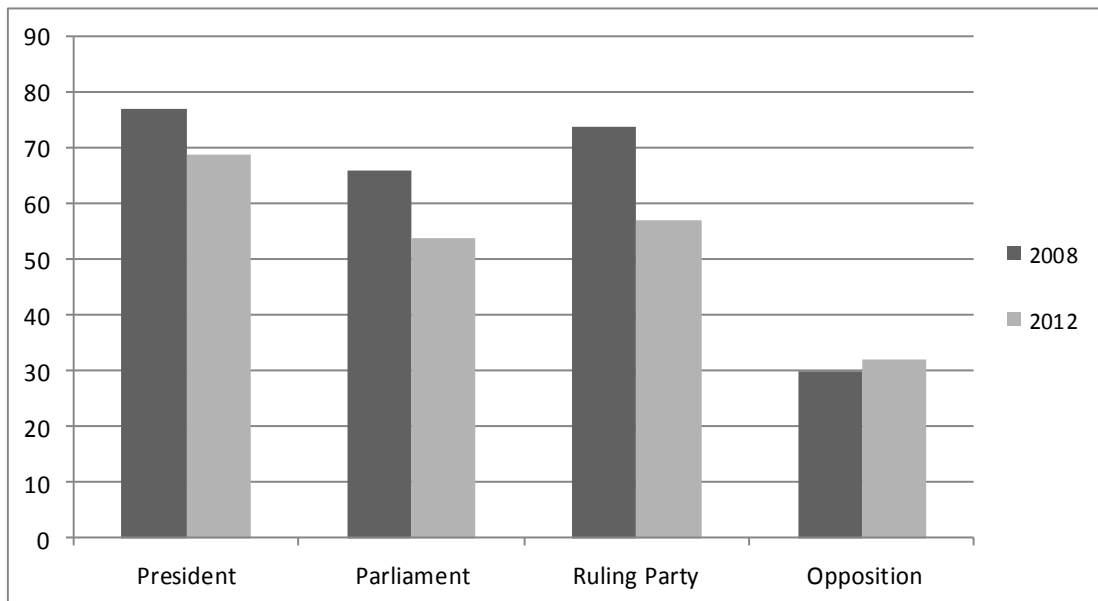
¹⁵⁶ Alexander & Kaboyakgosi, 2012. A Fine Balance, p. 6.

¹⁵⁷ Afrobarometer. 2012. *Press Release: Botswana Demand Constitutional Reform and Overwhelmingly Support Bogosi or Chieftainship*. Online:

http://www.afrobarometer.org/files/documents/press_release/bot_r5_pr8_reform_28nov2012.pdf (Date Accessed: 22 October 2013).

Afrobarometer is a comparative series of public attitude surveys. It measures public attitudes on democracy and its alternatives, evaluations of the quality of governance and economic performance. In addition, the survey assesses the views of the electorate on critical political issues in the surveyed countries. The survey interviewed 1200 adult Botswana, this yields results with a margin error of +/- 2.8 percent at 95 percent confidence level.

Figure 2: Trust in Important Political Institutions (%)



Source: Afrobarometer. 2012. *Press Release: Botswana Demand Constitutional Reform and Overwhelmingly Support Bogosi or Chieftainship*. Online: http://www.afrobarometer.org/files/documents/press_release/bot_r5_pr8_reform_28nov2012.pdf (Date Accessed: 22 October 2013)

Botswana's political culture of obedience has therefore provided the political elite with unchallenged power and popular legitimacy.¹⁵⁸ Botswana's political culture, which at independence was even more so apathetic, meant that there was very little protest to the adoption of a constitution which vested the presidency with immense power and the post-colonial Botswana this constitution would shape and therefore it enabled the introduction and institutionalisation of such an executive presidency.¹⁵⁹ This political culture therefore explains the uncontested centralisation of power in the presidency, and as will be illustrated in the following section the dominance of the BDP.

¹⁵⁸ Khadiagala, 2010. Botswana: Bridging Tradition and Modernization, p. 244.

¹⁵⁹ Bodilenyane, 2012. Botswana's Executive Presidency, p. 188.

Botswana Democratic Party Dominance & Lack of Internal Democracy

The Botswana Democratic Party (BDP) has since independence been the ruling party in Botswana and thus the country is often referred to as a ‘de-facto’ one-party state.¹⁶⁰ The party was established in 1961, and has had a monopoly over the resources and apparatus of the state from its inception, as the British, and financially influential European communities feared the consequences of the radical Botswana Peoples Party (BPP) coming to power, and thus supported the less radical BDP.¹⁶¹ The BPP was the main opposition party in the pre-independence and early years of Botswana’s democracy. Its leaders were; Phillip Matante who was an anti-apartheid and anti-European South African refugee, and Mpho Motsamai a Motswana who had worked in South Africa and was active in the African National Congress.

The BDP consisted of the most powerful members of the capitalist class, who shared common values regarding domestic economic policy and foreign policy. Given Setswana political culture; with a ‘chief’ (Seretse Khama) at the helm of party, the BDP managed to enlist the support of the peasantry, which was key to their success.¹⁶² As *Figure 3* illustrates, the BDP has received a large share of Parliamentary seats since 1965. On a systemic level, this can be attributed to the country’s First Past the Post (FPTP) electoral system which has led to disproportionate translation of votes to the number of seats.¹⁶³ This electoral system allows the winning party to win with minority votes, as it distorts the relationship between the percentage of votes and seats. The main disadvantages of this system are therefore that it excludes minor parties and exaggerates the electoral dominance of ruling party. Opposition parties have continuously called for the change of the electoral system to proportional representation, but the BDP dominant government has had no incentive to support such a change, as the FPTP electoral system benefits them.

¹⁶⁰ Alexander & Kaboyakgosi, 2012. *A Fine Balance*, p. 65, and Sebudubudu, David. and Oswei-Hwedie, Bertha. Z. 2006. Pitfalls of Parliamentary Democracy in Botswana. *Africa Spectrum*. Vol. 41, No. 1, p. 36.

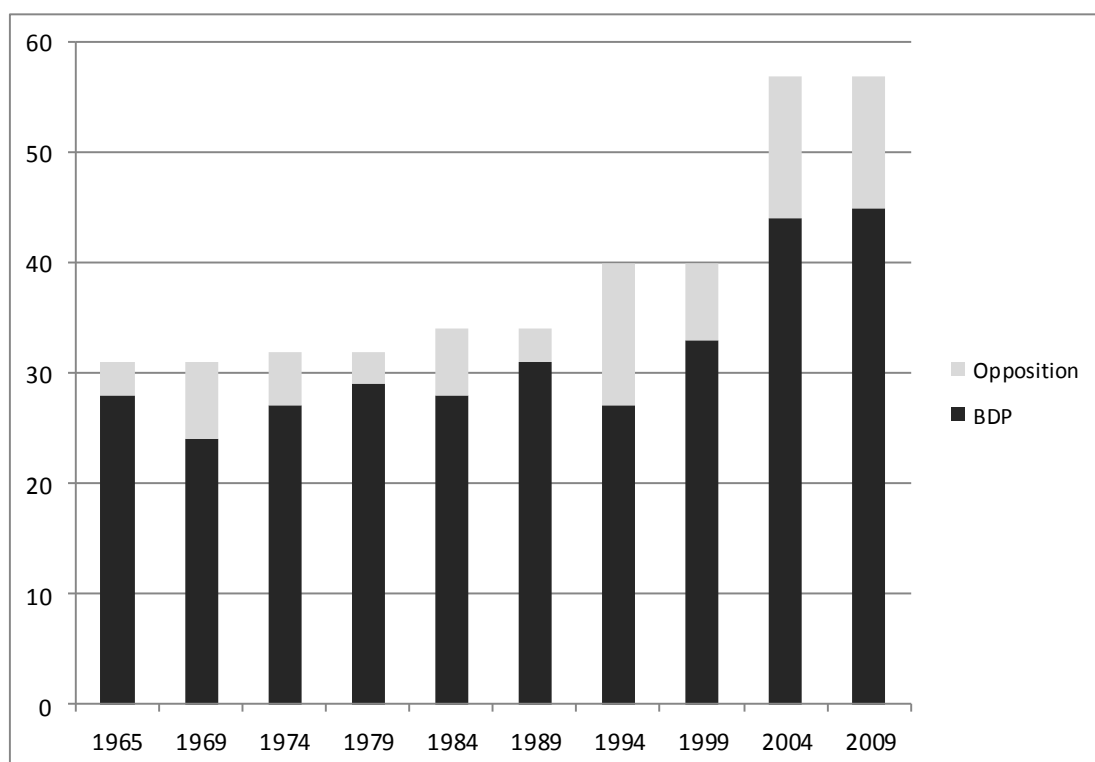
¹⁶¹ Picard, 1987. *The Politics of Development in Botswana*, pp. 138-139.

The BDP enjoyed support particularly from the Bechuanaland Resident Commissioner: Peter Fawcus.

¹⁶² Throup, 2011. Botswana: Assessing Risks to Stability, p. 602.

¹⁶³ Sokhulu, Themba. 2004. *Is Botswana Advancing or Regressing in its Democracy?*. Durban: EISA Occasional Paper No. 22, p. 5.

Figure 3: BDP and Opposition seats in Parliament under FPTP



	1965	1969	1974	1979	1984	1989	1994	1999	2004	2009
BDP	28	24	27	29	28	31	27	33	44	45
Opposition	3	7	5	3	6	3	13	7	13	12

Note: In 1972, the number of constituencies (&therefore seats) increased from 31 to 32, in 1982; 32 to 34, in 1993; from 34 to 40 and in 2003 from 40 to 57.

Source: Compiled from: Kaunda, 2008. *The Progress of Good Governance in Botswana*, p. 30 and Republic of Botswana, 2009. *IEC 2009 Elections Summary*. Online: <http://www.iec.gov.bw/elections/results.php> (Date Accessed 29 May 2013).

The large number of seats held by the BDP is a key factor in the weakness of Parliament, and therefore the dominance of the executive (and thus essentially the President) over Parliament. As the leader of the ruling party, the power of the President is magnified as head of the executive given the parliamentary aspect of Botswana's hybrid system. At the same time however, the President is meant to be obliged to take the party's views into account.

However, “internal democracy in the BDP exists only in theory.”¹⁶⁴ BDP Presidents who serve as state President have come to dominate policy-making.¹⁶⁵ In 1995, the BDP amended its constitution to state that when the party is Botswana’s ruling party, there will be no internal presidential elections. This, along with the Botswana constitutional amendment that allows for automatic succession meant that, in choosing the Vice-President, the President was also selecting the BDP leader, and making them immune from party preferences.¹⁶⁶

In Parliament, although BDP backbenchers often join the opposition bench, “the President has always successfully appealed to the party structures to impose controls on his MPs who vote with the opposition.”¹⁶⁷ The BDP has always operated in a centralised manner; the leadership decides on policy and strategy. Furthermore, MPs cannot oppose decisions made by the Parliamentary caucus, doing so leads to disciplinary action.¹⁶⁸ Lastly, speaking out as an MP could affect ones chances of being selected to join the cabinet, and therefore limits backbench MPs from being overly critical. Thus, while the BDP may be the majority of the Parliament, opportunism and the lack of internal democracy within the BDP limits the ability of these MPs to pressure and influence the Presidents decisions, and are in fact, to a certain extent, bound to follow presidential decisions. While some authors argue that the low number of ministers suggests that the President does not use his position to reward patrons, his appointment powers are far reaching, and is able to reward patrons in other key institutions.

In April 2010, citing the lack of tolerance and internal party democracy in the BDP, members of the “barata-phati”¹⁶⁹ faction of the party broke away to form the Botswana Movement for Democracy (BMD). BDP factions have, however, been based on opportunism and thus have

¹⁶⁴ Lotshwao, Kebapetse. 2011. The weakness of opposition parties in Botswana: A justification for more internal-party democracy in the dominant Botswana Democratic Party (BDP). *African Journal of Political Science and International Relations*, Vol. 5, No. 2, p. 106.

¹⁶⁵ Lotshwao, 2011. The weakness of opposition parties in Botswana, p. 106.

¹⁶⁶ Molomo, Mpho. 2000. Democracy Under Siege: the Presidency and executive powers in Botswana. Pula: Botswana Journal of African Studies, Vol. 14, No. 1, p. 105.

¹⁶⁷ Barei, 2008. Parliament, p. 14.

¹⁶⁸ Sebudubudu, David and Botlhomilwe, Monkganedi. 2013. “Interrogating the dominant party system in Sebudubudu & Botlhomilwe, 2013. Interrogating the dominant party system in Botswana, p. 119.

¹⁶⁹ ‘Barata-phati’ directly translates to “those who love the party” (BDP). The other faction is “the A-team”.

played no role in shaping public policy, government responsiveness and accountability.¹⁷⁰ Thus, the return of some of the BMD's prominent members to the BDP is not surprising.

Weak Opposition

The existence of a strong opposition is important for a viable democratic system as the opposition can act as a counteracting force against those holding political power. Unfortunately, Botswana's opposition parties have not been able to fulfil this role. The opposition has largely been criticised for failing to offer alternative development strategies to that of the BDP,¹⁷¹ and therefore given voters no incentive to vote for them.

In response to this critique, for the 2009 election there was a clear attempt to overcome this conception of the opposition. The Botswana Alliance Movement (BAM) and the Botswana Congress Party (BCP) decided to work together, naming their Manifesto; "A Nation at Crossroads: Which way now- Democracy and Prosperity or Dictatorship and Economic collapse." This collaboration was a result of the "call of Botswana that opposition parties must work together to provide voters with a credible alternative to the politically bankrupt BDP."¹⁷² In it, they note that choosing the BDP would allow for the further deterioration of the democracy, human rights and the economy, and set out an action plan of how they would attempt to address these issues in comparison to how the BDP has in the past.¹⁷³

The lack of public funding for political parties plays a crucial role in limiting the success of their campaigns, as they cannot reach voters in rural areas, and cannot run campaigns that reach a substantial number of people. These parties do not receive the funding to the magnitude that the BDP experiences.¹⁷⁴ The opposition has continuously challenged the lack of public funding. Unfortunately, as the opposition is outnumbered in Parliament by BDP members who have sufficient funding as a result of, as stated earlier; the economic

¹⁷⁰ Lotshwao, 2011. The weakness of opposition parties in Botswana, p. 108.

¹⁷¹ Tsie, Balefi. 1996. The Political Context of Botswana's Development Performance. *Journal of Southern African Studies*, Vol. 22, No. 4, p. 608.

¹⁷² Botswana Alliance Movement & Botswana Congress Party. 2009. *PACT Manifesto 2009-2014. A Nation at Cross Roads: Which way now – Democracy and Prosperity or Dictatorship and Economic Collapse?.* p. 9.

¹⁷³ Ibid., p. 6.

¹⁷⁴ Sebudubudu & Botlhomilwe, 2013. Interrogating the dominant party system in Botswana, p. 122.

advantages they have as a result of their control over state resources and who benefit from their opponent's inability to run effective campaigns; political parties still do not receive public funding. Additionally, the BDP's control over state resources, gives them an added advantage against the opposition, for instance, in the President and Vice-Presidents use of state choppers and vehicles for BDP purposes and functions.¹⁷⁵ Furthermore, monopoly over the state run public media, has limited the public's understanding of what the opposition stands for. The opposition often only receives coverage when in disputes,¹⁷⁶ and this ultimately affects the perception of political parties as a viable alternative to the BDP.

Factionalism and recurring splits have contributed to the lack of credibility of the opposition, as well as their inability to challenge the BDP in Parliament.¹⁷⁷ This, on top of the lack of finances in opposition parties to match the campaign donations of the BDP has greatly hindered the opposition from gaining mass support.¹⁷⁸ As a result of the above, given the risk averse political culture in Botswana, Botswana continue to vote for the BDP.¹⁷⁹ This has solidified the dominance of the BDP, and the inability of Parliament to challenge the executive, allowing the hegemonic Presidency to go unchallenged, but also a view by the electorate, given their risk averse nature, that the current system and ruling political party are the better choice.

International Image

Botswana has received praise from several international and regional bodies. For instance, the New Partnership for Africa's Development's (NEPAD) Chief Executive Officer remarked that, "we don't want countries like Botswana to be an exception. We want more countries to be like Botswana."¹⁸⁰ The international community and the several academic works which praise Botswana's democracy play a crucial role in the continued dominance, and unilateral decision making of the Office of the President.

¹⁷⁵ Keorapetse, 2013. 'Monopoly Politikos', p. 229.

¹⁷⁶ Sebudubudu & Botlhomilwe, 2013. Interrogating the dominant party system in Botswana, p. 123.

¹⁷⁷ Kaunda, 2008. The Progress of Good Governance in Botswana, p. 183.

¹⁷⁸ Ibid.

¹⁷⁹ Sebudubudu & Botlhomilwe, 2013. Interrogating the dominant party system in Botswana, p. 124.

¹⁸⁰ Mogalakwe, 2008. Exploding the Myth of Exceptionality, p. 106.

Firstly, despite the nature of Botswana's political system, the international community has not questioned the quality or nature of Botswana's democracy.¹⁸¹ This has therefore meant that unlike in other African states, there have been minimal pressures for political change accompanying international assistance. Secondly, the praise received, continues to be used as 'proof' by those who benefit from the system that indeed Botswana is a liberal democracy, and is therefore used to quell and ignore internal calls for change. For example, the current Press Secretary to the President, Jeff Ramsay has noted that "the current system has served us well and that there should be no compelling reasons for change."¹⁸² A claim he supports by listing other countries with similar systems as that of Botswana which are ranked as "free", by Freedom House.¹⁸³

Botswana has been ranked in the top 25 per cent of governance indices by most international institutions, such as Transparency International. However, as seen in *Table 2*, Transparency International continues to rank Botswana highly on its Corruption Perception Index despite Ian Khama's appointment of his friends, family and former military colleagues into government and state agencies as well as his private economic pursuits which are influenced by his position as President.¹⁸⁴ Such rankings or ratings must therefore be treated with caution as the indicators are often generated from the views of those who directly benefit from the status quo.¹⁸⁵

¹⁸¹ Alexander & Kaboyakgosi, 2012. *A Fine Balance*, p. 65.

¹⁸² Ramsay, Jeff. 2007. *Reply to "The Bitter Freedom of Festus Mogae by Kenneth Good & Ian Taylor."*

Online:

<http://hnet.msu.edu/cgi-bin/logbrowse.pl?trx=vx&list=hsafrica&month=0705&week=c&msg=ktKevgv9BJmcSHtt723e2w&user=&pw> (Date Accessed: 30 September 2013).

¹⁸³ Ibid.

Freedom House is an independent 'watchdog organisation' dedicated to the expansion of freedom worldwide. The organisation analyses challenges to freedom and speaks out against the main threats to democracy.

¹⁸⁴ Dithase, Yvonne. 2012. *Khama Inc: All the president's family, friends and close colleagues*. 2 November. Mail & Guardian. Online: <http://mg.co.za/article/2012-11-02-00-khama-inc-all-the-presidents-family-friends-and-close-colleagues/> (Date Accessed: 3 November 2012).

¹⁸⁵ Alexander & Kaboyakgosi, 2012. *A Fine Balance*, p. 31.

Table 2: Corruption Perception Index (CPI) Botswana (2005 – 2013)

Year	World Ranking	Regional Ranking	Score
2005	32	1	5.4
2006	37	1	5.6
2007	38	1	5.4
2008	36	1	5.8
2009	37	1	5.6
2010	33	1	5.8
2011	32	1	6.1
2012	30	1	6.5
2013	30	1	6.4

Note: Each year countries are scored on how corrupt their public sectors are perceived to be. The Corruption Perceptions Index is meant to send a powerful message to governments forcing them to take notice and act. 0 = Highly Corrupt, 10 = Very Clean.

This index supposedly reflects the daily reality for people living in the country, it however, captures the ‘informed’ views of analysts, business people and experts in the country.

Source: Transparency International, 2013. *Corruption Perception Index*. Online: http://www.transparency.org/policy_research/surveys_indices/cpi/ (Date Accessed: 6 January 2014).

Foreign aid plays a key role in allowing Botswana’s leaders to maintain the Presidential hegemony.¹⁸⁶ A large proportion of aid received in Botswana has been directed to lower income groups, particularly in rural areas.¹⁸⁷ The raised standards of living in the first two decades of independence as a result of aid led to the general acceptance of the political status quo; contributing to the dominance of the BDP, and apathy to Presidential dominance. Rakner notes that even after achieving budgetary self-sufficiency in 1973, minimising the importance of aid, it allowed the government to focus on development projects while also ensuring that it allocated resources to the poor allowing the government to pursue their development goals and poverty alleviation, reinforcing support for the BDP which, as discussed earlier, enables the unilateral decision-making of the presidency.¹⁸⁸ Additionally, the presidentially appointed Finance and Development Planning Minister and not the

¹⁸⁶ Victor, Jonah. 2010. African peacekeeping in Africa: Warlord politics, defense economics, and state legitimacy. *Journal of Peace Research*, Vol. 47, No. 2, pp. 217-219.

¹⁸⁷ Rakner, Lise. 1996. *Botswana – 30 years of Economic Growth, Democracy and Aid: Is there a connection?*. Norway: Chr Michelsen Institute (CMI) Report (R 1996: 8), p. 36.

¹⁸⁸ Rakner, 1996. *Botswana – 30 years of Economic Growth*, pp. 36, 37.

legislature is the main channel which external donors and financiers provide support to governments, making the legislature financially dependent on the good graces of the executive for adequate resources.¹⁸⁹

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This chapter has sought to explain some of the key defining features of Botswana's democracy, which contribute to the continued existence of Presidential hegemony in the country. These features have, since independence remained relatively unchanged throughout all four Presidents' tenure, and thus the environmental framework which they have functioned within. The challenges to this system at parliamentary level and by private media, show the widespread disapproval of it, while at the same time illustrating the difficulties that exist in successfully challenging the status quo, which ultimately requires constitutional changes, this can only be achieved if supported by the BDP dominated parliament. The discussion on the country's international image highlights that even in an indirect manner international dynamics can play a role in the endurance of presidential hegemony. Thus, what has ultimately been illustrated, is that the presidency is vested with too much power, which in itself goes against the key democratic principles of the separation of powers, checks and balances and constitutionalism and is thus a threat to democracy. The weak civil society and the nature of Botswana's political culture as well as weak opposition parties has meant that the ruling party has had very little pressure to improve or deepen democracy in Botswana. The lack of political pressure and therefore limited threats to the ruling party's control over the state, has also meant that the country has not digressed to a one-party state system as experienced in other African countries. This can also be attributed to the reliance of Botswana on her international image as a liberal democracy. The factors discussed within this chapter have facilitated the consolidation of a system that values stability and therefore the appearance of democracy rather than an actual commitment to democracy. The following chapter illustrates this commitment to the appearance of democracy.

¹⁸⁹ Prempeh, 2008. Presidents Untamed, p. 25.

CHAPTER 3

Appointment Powers and the International Dimension

Understanding the behaviour and practices of the holders of the institution of the presidency requires an in-depth approach to the defining features of the presidency as an institution. As the aim of this study is on building a complete understanding of Botswana's presidency, there is a need to assess both the internal and external dynamics of Botswana's democracy. This will be done through the exploration of the president's appointment powers and foreign policy.

Good notes that although his categorisation of Botswana as a liberal authoritarian state is rooted in a number of institutions and powers at the centre of it all being the executive presidency, the leadership of the BDP, the Office of the President and on the extensive constitutional and legal powers; "these adhere directly to the President or are directly associated with his powers of appointment".¹⁹⁰ The risk of the misuse of appointment powers exists; political or other considerations besides merit may often be used as the criteria for appointments.¹⁹¹ The second factor used to understand the character of the presidency is the country's foreign policy. As foreign policy making has, since independence, been vested in the Presidency; it will, using both the pressures of the international system as well as the manner in which the presidency has addressed them, shed light on the character of the presidency. The aim is to assess Botswana's foreign policy since independence; what has influenced it, and how international dynamics have influenced presidential behaviour.

Appointment Powers

The President exercises powers of appointment and MPs cannot veto public service appointments, thus, the President can unilaterally appoint or dismiss a range of public

¹⁹⁰ Good, Kenneth. 2004. *Realising Democracy and Legitimacy in Southern Africa*. 2nd edition. Pretoria: African Institute of South Africa, p. 19.

¹⁹¹ Keorapetse, 2013. 'Monopoly Politikos', p. 221.

servants, and of particular concern, those in institutions which are meant to play an oversight role to uphold democracy.¹⁹² For these appointees, there is a possibility of the lack of professional independence in the execution of their duties.

The main controversial issue surrounding appointment powers, however, is the nomination of ‘specially elected members’.¹⁹³ The specially elected members of parliament are selected by the President from a list provided by each political party represented in Parliament. This constitutional provision was intended to assist weak communities to gain representation.¹⁹⁴ Unfortunately, the provision has been used to appoint BDP members who despite being rejected democratically by their constituencies, are immediately appointed as MPs and Ministers. This practice has been in place since 1969 and has occurred during all four Presidents’ tenure.¹⁹⁵ This phenomenon is said to illustrate the arrogance of Botswana’s Presidents.¹⁹⁶ These specially elected members therefore vote according to the preferences of the President in Parliament, but also they are less likely to question or challenge his decisions. Although this study acknowledges the importance of the specially elected appointments, what is particularly important to emphasise given the powers of the presidency, is his powers of appointment in institutions that are meant to protect and deepen democracy.

Alexander and Kaboyakgosi note that an indicator to ‘diagnose’ Botswana’s democracy is the state of its democratic institutions.¹⁹⁷ The Directorate on Corruption and Economic Crime (DCEC), the Independent Economic Commission and the Office of the Ombudsman were established in the 1990s. Their existence, upon surface analysis of Botswana’s democracy, creates the appearance of a dedication to upholding democracy, but a deeper analysis illustrates otherwise.

¹⁹² Bodilenyane, 2012. Botswana’s Executive Presidency, p. 192.

¹⁹³ Specially elected is a euphemism for appointed (as opposed to elected) Members of Parliament.

¹⁹⁴ Good, Kenneth. & Taylor, Ian. 2006. ‘Unpacking the ‘model’: Presidential succession in Botswana’ in Southall, Roger. & Melber, Henning. *Legacies of Power: Leadership Change and Former Presidents in African Politics*. Cape Town: HSRC Press, p. 55.

¹⁹⁵ Parliament of Botswana. 1999. *Parliament of Botswana Composition 1965-1999*, and Parliament of Botswana. 2012. *History of Parliament*. Online: <http://www.parliament.gov.bw/about-parliament/history> (Date Accessed: 16 July 2013).

¹⁹⁶ Good & Taylor, 2008. Botswana: a minimalist democracy, p. 759.

¹⁹⁷ Alexander & Kaboyakgosi, 2012. A Fine Balance, p. 66.

The aim is to consider to what extent these institutions can independently discharge their functions. Institutional independence of democracy-enhancing entities refers to two main points: administrative and financial independence. Administrative independence means that the institution must not be subject to control by the government, political party or any other party, and that it should act impartially and professionally.¹⁹⁸ Assessing this type of independence requires an analysis of the manner of appointment of key persons within the institution, their tenure and the conditions of their removal.¹⁹⁹ Financial independence refers to the access of the institution to funds required which allow it to fulfil its functions.²⁰⁰

The Independent Electoral Commission (IEC)

Electoral fraud and malpractices have led to the failure of the entrenchment of democracy throughout the continent, in certain cases leading to violence and harsh socio-economic effects. In fact, the nature and quality of elections continue to reproduce one-party systems throughout the continent.²⁰¹ An independent body that ensures the transparency and accountability in the electoral process is therefore essential for the consolidation of democracy, and thus the lack of such an institution; a threat to democracy.

Although Botswana's ten national elections have all been considered to be free and fair, there have been questions raised on the bodies overseeing these elections. The Independent Electoral Commission (IEC) was thus established in 1998. Before this, elections were run by the Permanent Secretary to the President, which therefore compromised elections, as the President unilaterally appointed this Permanent Secretary. Pressure from the opposition over the years led to a constitutional change in 1996,²⁰² which established the Office of the Supervisor of Elections. The Supervisor of Elections would still be appointed by the

¹⁹⁸ Fombad, Charles. and Sebudubudu, David. 2007. "The Framework for curbing Corruption, Enhancing Accountability, and Promoting Good Governance in Botswana" in Fombad, Charles. (ed.). *Essays on the Law of Botswana*. Cape Town: Juta & Co Ltd, p. 109.

¹⁹⁹ Ibid.

²⁰⁰ Ibid.

²⁰¹ Sebudubudu, David. 2010. Issues and Challenges in Democratic Governance in Africa: The Case of Botswana: A Paper Presented at the Conference on Governance Reform: What is the Record? Perspectives from the South and North on Governance, Policy Space and Democratic Processes. (24th – 28th March 2010). Montreal: The University of Quebec, p. 3

²⁰² Sebudubudu, David. 2008. Independent Electoral Commission in Maundeni, Zibani (ed). *Transparency, Accountability & Corruption in Botswana*. Cape Town: Made Plain Communications, p. 116. The amendment changed section 66(1) of the Constitution of Botswana.

President and thus, the opposition continued to complain.²⁰³ The IEC was then established in 1998.

The main role of the IEC is to conduct and supervise elections, ensuring that they are conducted efficiently, properly, freely and fairly. As seems to be the norm in Botswana's constitution, key points are often implied rather than explicitly stated. The constitution does not guarantee the independence of the IEC, or state what attributes make it independent, its independence is simply implied by naming it an 'independent' institution. This, on top of the fact that the IEC has been placed under the Ministry of State Presidency, and particularly under the Office of the President compromises the independence of the institution.²⁰⁴ The IEC therefore, in fact retains the same issues that lay with a Permanent Secretary and Supervisor of Elections overseeing Botswana's elections: its most important officer is appointed by the President. Its placement under the Ministry of State Presidency means that it receives its funding from it, which affects the independence of the institution as this subordinates the IEC to the Ministry.²⁰⁵

The IEC is made up of seven Commissioners (appointed on a part time basis), who are appointed by the JSC from a list provided by the All Party Conference.²⁰⁶ If the All Party Conference cannot agree on a list, the JSC selects and appoints them. Fombad notes that this provision may be an advantage to an incumbent government as most of the members of the JSC are appointed by the President.²⁰⁷

The constitution does not stipulate the manner of the removal of the IEC commissioners a provision which would have ensured that they are not vulnerable to political manipulation or blackmail. The constitution does, however, state that the Secretary can be removed for

²⁰³ Sebudubudu, 2008. Independent Electoral Commission, p. 116.

²⁰⁴ Fombad & Sebudubudu, 2007. "The Framework for curbing Corruption, Enhancing Accountability, and Promoting Good Governance in Botswana", p. 109.

²⁰⁵ Ibid., p. 112.

²⁰⁶ An All Party Conference refers to a meeting between all registered political parties to promote dialogue or make decisions about a particular issue.

²⁰⁷ Fombad & Sebudubudu, 2007. "The Framework for curbing Corruption, Enhancing Accountability, and Promoting Good Governance in Botswana", p. 109-110.

misconduct or the inability to perform their functions.²⁰⁸ The Secretary is responsible for the day-to-day running of the IEC and is thus one of the most important offices of the IEC. The Secretary is appointed by the President which negatively affects the independence of the IEC.

Given the electoral malpractices throughout the continent, the existence of an IEC has become a modern trend to show commitment to holding free and fair elections. However, the lack of independence which comes from the positioning of the institution under the Office of the President, the allocation of its funding from the Ministry of the State Presidency and the appointment of one of the most important offices in the hands of the President; Botswana's Electoral Commission cannot be said to be Independent. In fact, Afrobarometer notes that there has been a 9% decrease in trust of the IEC, from 70% in 2008 to 61% in 2012.²⁰⁹

The Directorate on Corruption and Economic Crime (DCEC)

Although Botswana is characterised as one of the least corrupt countries on the continent, there have been cases that illustrate that corruption is a serious issue in Botswana. Corruption scandals that involved MPs including cabinet Ministers in the early 1990s led to President Masire appointing two Presidential Commissions of Enquiry,²¹⁰ which revealed the “level, scope and extent of corruption in the country.”²¹¹ The Directorate on Corruption and Economic Crime (DCEC) was thus established in 1994.²¹² Before this, it was the role of the police (which did not have the capacity to effectively deal with such issues) to handle allegations of corruption, or up to the President to establish a Presidential Commission of Enquiry.

²⁰⁸ Republic of Botswana. *Constitution of Botswana*, s. 66 (8)

²⁰⁹ Afrobarometer. 2012. *Press Release: Botswana Trust in Political Institutions Declines, but Remains Relatively High*. http://www.afrobarometer.org/files/documents/press_release/bot_r5_pr1_trust.pdf (Date Accessed: 18 October 2013).

²¹⁰ The Christie Commission and the Kgabo Commission.

²¹¹ Mokgatlhe, Lucky and Molefe, Kaelo. 2008. “The Directorate on Corruption and Economic Crime” in Maundeni, Zibani (ed.). *Transparency, Accountability & Corruption in Botswana*. Cape Town: Made Plain Communications, p. 98.

The President alone has the power to appoint and constitute a commission of enquiry into any matter to determine whether it sits in public or private, and whether or not the report from this commission is made available to the public.

²¹² The DCEC was established using Hong Kong's Independent Commission Against Corruption (ICAC) as a model given the country's reputation as being one of the least corrupt countries in the world.

The purpose of the DCEC is to “investigate corruption in any public body, including suspected contraventions of fiscal and other revenue laws of the country.”²¹³ The DCEC, like other government departments, receives its funding from the Ministry of Finance and Development Planning, and therefore has a degree of financial independence. The Director of the DCEC is, however, appointed by the President. The Corruption and Economic Crime Act states that, “the President may appoint a Director on such terms and conditions as he thinks it.”²¹⁴

The DCEC is thus accountable to the President, as the Directorate reports directly to the Office of the President, which is justified by the notion that the Office of the President is meant to report to Parliament. This undermines the autonomy of the DCEC. Additionally, the DCEC cannot investigate the President for corruption,²¹⁵ and if the President believes the DCEC’s access to certain people or information may endanger national security, the President may deny the Directorate access.²¹⁶ A clause which, given the close ties between the political and economic elite in Botswana, grants the President the right to protect his allies. This deliberate crippling of the DCEC by the BDP government once again highlights the commitment to an appearance of democracy, rather than its actual practice.

The Ombudsman

The Ombudsman in Africa has been established in regimes that do not fit the description of a liberal democracy; which this institution is usually associated with.²¹⁷ The Botswana Ombudsman was established in 1995, to promote democracy, good governance and accountability. The first Ombudsman was however only appointed in 1997.²¹⁸ The role of the Ombudsman is to prevent maladministration in connection with the affairs of the government. The Ombudsman is appointed by the President in consultation with the leader of

²¹³ Mokgathe & Molefe 2008. “The Directorate on Corruption and Economic Crime”, p. 98.

²¹⁴ Republic of Botswana. 1994. *Corruption and Economic Crime Act*, s. 4 (1).

²¹⁵ Moore, Comrade. 2012. Ten ‘commandments’ of Fighting Corruption. *Mmegi*. 21 December. Online: <http://www.mmegi.bw/index.php?sid=2&aid=20&dir=2012/December/Friday21> (Date Accessed: 5 August 2013).

²¹⁶ Republic of Botswana. 1994. *Corruption and Economic Crime Act*, s. 15 (2).

²¹⁷ Fombad & Sebudubudu, 2007. “The Framework for curbing Corruption, Enhancing Accountability, and Promoting Good Governance in Botswana”, p. 101.

²¹⁸ Mpabanga, Dorothy. 2008. “Office of the Ombudsman” in Maundeni, Zibani (ed). *Transparency, Accountability & Corruption in Botswana*. Cape Town: Made Plain Communications, p. 107.

the opposition. Unlike the DCEC and IEC, the Ombudsman's autonomy is explicitly stated in the Ombudsman Act which states that the functions of the Ombudsman are not controlled by any other person, or authority nor can its proceedings be called in question in a court of law;²¹⁹ which protects the institution from the executive.

Despite this provision, the Ombudsman has not always been able to act effectively, particularly as he/she is appointed by and reports to the President. However, the reports produced by the Ombudsman are sent to Parliament from the Presidency. Despite this, the Ombudsman has no way to compel the Office of the President to adhere to or act upon its recommendations. Thus, only if the Presidency agrees with the recommendations made by the Ombudsman will it take action, making the Ombudsman more of a consultative body that has very little power in playing the check or balance role that it is meant to play.²²⁰ The absence of prosecution powers means that the Ombudsman must get permission from MPs in order to prosecute offenders, which is unlikely to happen as this would expose these MPs to future possible prosecution.²²¹

Mpabanga notes that the institution is overall considered to be effective given its efficiency in responding to cases and government departments often do implement its recommendations. However, the constitutional and legal framework that the Ombudsman operates within does not adequately support and empower the institution to fulfil its mandate.²²² Lastly, perhaps as an indication of the importance of Botswana's external affairs, the Ombudsman cannot investigate any matters (as certified by the President or a Minister) that affect the relations of the country with other governments or international organisations.²²³

²¹⁹ Republic of Botswana. 1995. Ombudsman Act, s. 9 (1).

²²⁰ In South Africa, the Ombudsman has a Parliamentary Select Committee to deal with non-compliance.

²²¹ Ibid., p. 32.

²²² Mpabanga, Dorothy. 2009. Promoting the Effectiveness of Democracy Protection Institutions in Southern Africa: Office of the Ombudsman in Botswana. EISA Research Report No. 44, p. xvi

Staff in the Office of the Ombudsman consider the institution to be a "toothless dog" (xvii)

²²³ Republic of Botswana. 1995. *Ombudsman Act*, s. 4 (a).

Foreign Affairs

In conceptualising foreign policy in sub-Saharan Africa, Akokpari states that foreign policy generally aims to enhance a state's ability to achieve certain goals and is thus programmes or plans which entail action towards foreign entities designed to meet these goals. These are usually security and the desire to extend influence,²²⁴ which have indeed been at the centre of Botswana's foreign affairs agenda. From independence, Botswana has attempted to develop an international position that facilitates its domestic development, ensures its security, and its ability to have significant influence in the region.²²⁵

Clapham highlights that there were some good structural reasons for the personalisation of foreign policy making in newly independent states.²²⁶ At independence, Botswana did not have the resources to operate a network of embassies nor a strong foreign relations Ministry. Control of foreign affairs in Botswana, have therefore, since independence, been concentrated within the Office of the President.²²⁷ The centralisation of foreign affairs in the presidency has created situations in other African states in which the change in government results in changes in external behaviour.²²⁸ In Botswana, however, given the geographical²²⁹ and economic constraints Botswana faced, there has been minimal scope for extreme changes in external behaviour, this is particularly evident in Botswana's relations within Africa. However, control over this vital area has enabled the Presidents to shape policy on matters of vital national interest to the state with little or no regard for the advice or input of any other ministry or department.

²²⁴ Akokpari, John. 1999. Changing with the Tide: The Shifting Orientations of Foreign Policies in Sub-Saharan Africa. *Nordic Journal of African Studies*, Vol. 8, No. 1, p. 23.

²²⁵ Parsons, Neil. 1993. *Seretse Khama as President of Botswana, 1966 -80: lessons for Southern African democracy, non-racialism and unity*. Cape Town: Center for African Studies, University of Cape Town, p. 101.

²²⁶ Ibid.

²²⁷ Zaffiro, James. 1999. "Exceptionality in External Affairs: Botswana in the African and Global Arenas" in Wright, Stephan (ed.). *African Foreign Policies*. Colorado: Westview Press, p. 69.

²²⁸ Aluko, 1977. The Determinants of Foreign Policy of African States, p. 10.

²²⁹ Botswana is a landlocked country, it shares its borders with Namibia, Zimbabwe, Zambia and South Africa. 84% of the country's land mass is desert with summer temperatures of up to 38 degrees Celsius.

The role of Parliament in external affairs has been limited to discussion on policies that have already been decided upon in cabinet or carried out by the President.²³⁰ Beyond the weakness of Parliament in general and although Parliament does have treaty ratification powers, there is no constitutionally defined role for the Parliament in foreign policy-decision making. In fact, Zaffiro states that it is premature to discuss the legislature's role in foreign policy until the Legislature exists apart from the executive.²³¹

As diplomatic activities multiplied, Seretse Khama formed a Department of External Affairs,²³² appointing a Secretary for the department and a full time staff, however, the President remained the top diplomat.²³³ In 1974, a Minister for the department was appointed, however, it was generally understood that the President still remained the top diplomat and manager of external affairs.²³⁴ Although in 1998 President Mogae created the Ministry of Foreign Affairs, it is charged with implementing decisions taken in the Office of the President.²³⁵ Furthermore, the President appoints and dismisses ambassadors, high commissioners or other principle representatives of Botswana in any other country or international organisation.²³⁶

Given the limited organisational resources and institutional infrastructure available for foreign policy decision-making in the post-independence period, the establishment of Botswana's foreign policy was reliant on the founding Presidents.²³⁷ In 1993, Zaffiro noted that Botswana's foreign policy decision-making processes, goals and patterns of international behaviour had remained consistent.²³⁸

²³⁰ Zaffiro, James. 1993. "Foreign Policy Decision-making in an African Democracy: Evolution of Structures and Processes" in Stedman, Stephen. (ed.) *Botswana: The Political Economy of Democratic Development*. London: Lynnes Rienner Publishers, Inc, p. 152.

²³¹ Zaffiro, James. 1993. African Legislatures and Foreign Policy-Making: The Botswana Case. *Botswana Notes and Records*. Vol. 25, p. 50.

²³² Housed one floor below the President's office.

²³³ Zaffiro, 1993. African Legislatures and Foreign Policy-Making, p. 41.

²³⁴ Parsons, 1993. *Seretse Khama as President of Botswana, 1966 -80*, p. 103.

²³⁵ Zaffiro, James. 2002. "Globalisation and Foreign Economic Policy making in Botswana," in Adar, Korwa. & Ajulu, Rok (eds.). *Globalisation and Emerging Trends in African States' Foreign Policy-Making Process: A comparative perspective of Southern Africa*. Hampshire: Ashgate Publishing Company, p. 43.

²³⁶ Zaffiro, 1993. African Legislatures and Foreign Policy-Making, p. 45.

²³⁷ Zaffiro, 1993. "Foreign Policy Decision-making in an African Democracy", p. 140.

²³⁸ Ibid.

The following two sections will explore Botswana's relations within Africa and with the rest of the world. Before doing so, it is important to highlight that from independence, Botswana had to follow these key routes in its early foreign policy; to develop allies among other African states, so as to strengthen its position against its minority-ruled neighbours. This was done particularly through ensuring that its anti-apartheid position was clear. Botswana had to ensure that it attracted aid to avoid reliance on South Africa, and it had to develop international visibility "to prevent any diplomatic and economic isolation that might result from being closest to South Africa."²³⁹

Botswana - Africa Relations

Botswana's foreign policy in Africa has been moulded by its economic needs, but also the desire to maintain internal security and stability, thus, being landlocked, its relationship with its neighbours has always been of critical importance. Botswana's geographical position has played a significant role in shaping its foreign policy. Surrounded by hostile neighbours, from independence to the late 1980s when the apartheid regime began to unravel, Botswana's foreign policy could be defined as that of 'survival politics',²⁴⁰ maintaining a balance between avoiding any action that may serve as a reason for external intervention, while at the same time ensuring that they did not appear to legitimise white-minority rule in South Africa, Namibia and Zimbabwe.²⁴¹ Thus, initially, Botswana's foreign policy was limited by its geography, as well as its economic dependence on South Africa.²⁴²

In response to this hostile external environment, Botswana was a founding member of the Frontline States (FLS), a group of states that played an instrumental role in the independence of Zimbabwe in 1980.²⁴³ Botswana's development has thus always been seen in the larger context of the development of its neighbours, as well as the strategic importance of regional and international institutions. It was therefore also one of the founding members of the

²³⁹ Parsons, 1993. *Seretse Khama as President of Botswana, 1966 -80*, p. 104.

²⁴⁰ Ookeditse, Lawrence (ed.). 2013. *Khama: Real Leadership for Real Delivery (2008-2013)*. Gaborone: Leapfrog Communication & Advertising Agency, p. 127.

²⁴¹ Niemann, Michael. 1993. Diamonds Are a State's Best Friend: Botswana's Foreign Policy in Southern Africa. *Africa Today*, Vol. 40, No. 1, p. 28.

²⁴² Thumberg-Hartland, Penelope. 1978. *Botswana: An African Growth Economy*. Colorado, Westview Press, Inc, p. 70.

²⁴³ Niemann, 1993. Diamonds Are a State's Best Friend, p. 28.

Southern African Development Community (SADC),²⁴⁴ which has its headquarters in Botswana.

Botswana's relationship with apartheid South Africa was a difficult one to maintain as while it was reliant on South African imports, it had to maintain a strong stance against the apartheid regime. However, the lack of a military until 1977 limited the strength of this position. Even after the establishment of a military, Botswana maintained a policy of 'non-interference'. Botswana also did not allow liberation movements to use the country as a base for military operations, to avoid attacks from Rhodesia or South Africa, but they did accept "genuine political refugees".²⁴⁵

In the early 1990s, upon the liberation and democratisation of most of its neighbours, the country shifted from 'survival non-interference politics', to a promoter of peace, democracy and good governance. Its credibility as a stable and democratic nation has enabled the country to stand against anti-democratic violations.²⁴⁶ Botswana has used a range of foreign policy tools, from participation in peacekeeping operations, military intervention, threats of economic sanctions, and particularly; behind the scenes diplomatic pressure.²⁴⁷ Botswana has however, not been consistent in its condemnation of anti-democratic behaviour, for instance the lack of response to the 1999 coup in Cote d'Ivoire. Botswana has responded more vigorously to threats to its neighbours, highlighting its concern with regional stability; and thus threats to its own security and internal stability.²⁴⁸ Regional stability has been a dominant pre-occupation, particularly to avoid the spill over of conflict and its effects, but also to enhance the country's diplomatic image.

It is important to note that foreign relations between African states have been characterised by solidarity, neglecting the promotion of good governance, democracy or human rights.

²⁴⁴ Before 1990, it was known as Southern African Development Coordination Conference (SADCC) and was formed to reduce economic dependence on, particularly, but not only South Africa.

²⁴⁵ Parsons, 1993. *Seretse Khama as President of Botswana, 1966 -80*, p. 107.

²⁴⁶ Herman, Robert and Piccone, Theodore (eds.). 2002. *Defending Democracy: A Global Survey of Foreign Policy Trends 1992-2002*. Washington, DC: Democracy Coalition Project, p. 1.

²⁴⁷ Ibid.

²⁴⁸ Ibid., p. 2.

Akokpari notes that Organisation of African Unity²⁴⁹ summits were forums where African leaders would share experiences on how to survive and clamp down opposition to their regimes.²⁵⁰ African leaders have historically failed to condemn each other's undemocratic practices and in fact have empathised with each other. This behaviour is attributed to African leaders ensuring that are safe from future criticism.²⁵¹ This does shed some light on why, "Botswana has not shown as much concern about entrenched dictatorships as it has towards other kinds of anti-democratic infractions."²⁵² An example of this is how Botswana has readily assisted in monitoring elections in Nigeria, but did not seek to impose economic sanctions in Nigeria during times of dictatorship. This has been the case during the second and third Presidents' tenure (Masire and Mogae).²⁵³

In general, however, Botswana has displayed a commitment to promoting democracy, which is rooted in its history in assisting (as far as possible given its economic and geographical circumstances) in the liberation of its neighbours; promoting majority rule in minority ruled states, to more recently; upon the introduction of democracy in the rest of Southern Africa; promoting democracy and good governance throughout the continent.

Botswana and the Rest of the World

Very few studies on African states international relations focus on the African element of Africa's relationship with the rest of the world.²⁵⁴ This is the case with Botswana, with very few authors having focused their research specifically on international affairs in Botswana. This may also be a result of the focus of Botswana's international relations with the rest of the world have been limited to aid and diamonds. The country's foreign policy has been described as one which has been pragmatic, 'low-profiled' and cautious, especially in the 1960s and 1970s, in order ensure that it could attract foreign investment. In fact, Botswana

²⁴⁹ Now the African Union (AU).

²⁵⁰ Akokpari, John. 2003. *The OAU, AU, NEPAD and the Promotion of Good Governance in Africa*. EISA Occasional Paper. No. 14, p. 3.

²⁵¹ Ibid., p. 16.

²⁵² Herman & Piccone, 2002. *Defending Democracy*, p. 4.

²⁵³ Ibid.

²⁵⁴ Wright, 1999. *The Changing Context of African Foreign Policies*, p. 1.

has been characterised by dependence on external markets, suppliers and capital and has faced high opportunity costs in changing those relations.²⁵⁵

A large proportion of Botswana's revenues are dependent on the export of its minerals, making access to the world market a key concern for Botswana.²⁵⁶ Botswana is unable to generate investment locally and is highly dependent on export revenues in order to fund socio-economic development.²⁵⁷ Thus, while the country is more financially independent than it was in the early years of democracy, its foreign policy objectives beyond Africa remain the same, attracting investment and aid as well as maintaining demand for the country's minerals, particularly, its diamonds. Both these two factors have largely been dependent on international perceptions of Botswana's democracy.

Botswana's relationship with the rest of the world has thus been one of establishing its credibility, in order to attract foreign direct investment and aid, while at the same time avoiding the regime changing conditionalities that often came with this assistance in countries that are perceived to be 'undemocratic'. In Africa, changes in domestic practices have often been a result of pressure from international financial institutions and donors through the threat of aid suspension and international Non-Governmental Organisations which use the influence of their home governments.²⁵⁸

There is therefore an incentive for African leaders to appear to be democratic; balancing degrees of democratic openness with degrees of authoritarian closedness so as to legitimise their regimes without having to relinquish power.²⁵⁹ Botswana, given the many flaws of its constitution and the manner in which presidential power; is engaged in this balancing act. As stated earlier, some of its democratic institutions have been constructed in a way that illustrates more of a commitment to appearing to be democratic, than a true commitment to deepening democracy.

²⁵⁵ Niemann, 1993. *Diamonds Are a State's Best Friend*, p. 27.

²⁵⁶ *Ibid.*, p. 45.

²⁵⁷ Ookeditse, 2013. *Khama: Real Leadership for Real Delivery (2008-2013)*, p. 126.

²⁵⁸ Akokpari, 2003. *The OAU, AU, NEPAD and the Promotion of Good Governance in Africa*, pp. 16-17.

²⁵⁹ Van Cranenburgh, 2008. 'Big Men' Rule, p. 966.

Botswana's sustained multi-party system in a continent where, in 1989, opposition parties in 32 of 50 independent countries on the continent were illegal,²⁶⁰ is however, why it has continued to receive praise. Without an in-depth analysis of how free and fair the electoral processes have been since independence; and thus not taking into account the lack of political party funding, the control of the media by the presidency and its control over electoral management bodies, Botswana's multi-party system continues to be perceived to be a successful multi-party democracy.

Botswana's relationship with the rest of the world, particularly its former coloniser; Britain, the United States, other European governments²⁶¹ as well as its other donors has been a relationship of avoiding external pressures to change, given the current international norms of withholding assistance to countries that are not democratic. In fact, the United States explicitly notes that democracy is a central component of its foreign policy, and that it seeks to "promote democracy as a means to achieve security, stability, and prosperity for the entire world."²⁶² Thumberg-Hartland notes that the future of foreign aid in Botswana, given its credentials was assured, but if the character of the government changed markedly; the flow of aid would decline sharply.²⁶³

Since 1992 however, when Botswana became a middle-income country, foreign aid has waned, shifting from grants to loans and technical assistance.²⁶⁴ This has made revenues from diamonds significantly more important to the country, so much so that Professor Kenneth Good's criticism of Botswana's democracy in his critical paper entitled "Presidential Succession in Botswana: No Model for Africa" (authored jointly by Ian Taylor) was considered to be a threat to national security as it threatened Botswana's image (and therefore possibly the demand for Botswana's diamonds). He was therefore declared to be a prohibited immigrant and deported. The increase of similar literature is rightly perceived to be a threat to the status quo in Botswana; as it affects perceptions of the legitimacy of the system in place,

²⁶⁰ Mogalakwe, 2008. *Exploding the Myth of Exceptionality*, p. 105.

²⁶¹ Especially Scandinavian countries and the United Kingdom.

²⁶² United States Department of State. 2013. *Diplomacy in Action: Democracy*. Online: <http://www.state.gov/j/drl/democ/> (Date Accessed: 22 September 2013).

²⁶³ Thumberg-Hartland, 1978. *Botswana: An African Growth Economy*, p. 73.

²⁶⁴ African Development Bank, 2009. Botswana: Country Governance Profile, p. 19.

and therefore the perceived liberal democracy, thus making the country vulnerable to external pressures for change.

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This first part of this chapter has highlighted the flaws in Botswana's democracy directly linked to the powers of appointment vested in the presidency. The aim was to illustrate that despite developments in the country's democracy, these developments have not limited presidential power as may have been expected in their establishment. Presidential influence within these institutions makes it very difficult for these institutions to exercise professional independence in their execution of duty; meaning that officers within these institutions must in most cases think politically before they can make a decision. What has been highlighted is the different institutional environment in which the presidency has functioned within since the mid-late 1990s, and more importantly, the continuity in Botswana's democracy despite their establishment. The international dimension aimed to achieve a similar objective by highlighting the international or foreign dynamics and environment in which Botswana's Presidents have functioned within, highlighting issues which have influenced presidential power and behaviour, and emphasising the importance of appearing to be democratic at the centre of the country's foreign policy. Having explored these dynamics, the following chapter will then look at each President's behaviour or decisions in their use of appointment powers and in the foreign policy arena, exploring the dynamics highlighted above, and therefore how they have affected each President's tenure, and ultimately the character of the Presidency.

CHAPTER 4

The Presidents

Knowledge of the institution of the Presidency can be advanced through the study of those who have been entrusted with it. As noted earlier, a large amount of literature on Botswana's presidency claims that the presidency as it exists today is more autocratic; that the power of the presidency has increased, and that the foreign policy of Botswana has become controversial. These arguments are made without the historical analysis across presidencies needed to support these claims. The following chapter therefore takes a historical approach in assessing the Presidency, focusing on behaviour of the Presidents during their different tenures as illustrated in *Table 3*. This will be done with an assessment of how each President has used their power to make unilateral decisions, and a particular focus on the manner in which they have used their appointment powers and their actions or decisions within the foreign policy realm. This will illustrate the trends and norms in the use of presidential power, allowing for a conclusion on the extent of the entrenchment of democratic principles in the behaviour of each President.

Table 3: Presidents and Vice-Presidents of Botswana 1966 - present

Tenure	President	Vice-President	Party
1966-1980	Seretse Khama	Ketumile Masire	BDP
1980-1998	Ketumile Masire	Lenyeletse Seretse (1980 - 1983) Peter Mmusi (1983-92) Festus Mogae (1992-98)	BDP
1998-2008	Festus Mogae	Lt. Gen. Ian Khama	BDP
2008-present	Lt. Gen. Ian Khama	Lt. Gen Mompoti Merafhe (2008-2012) Ponatshego Kedikilwe (2012 - present)	BDP

Note: Lenyeletse Seretse died in 1983. Peter Mmusi was forced to resign in 1992 after being implicated in the misuse of state resources. Lt. General Mompoti Merafhe fell ill in 2012 and thus resigned (*table updated from the 2010 source below to reflect this*).

Source: Good, 2010, *The Illusion of Democracy in Botswana*, p. 282.

Sir Seretse Khama

Beyond being the ‘African miracles’ founding President, Seretse is also widely known as a result of his controversial marriage to Ruth Williams, who was British.²⁶⁵ Although the Bamangwato initially opposed this marriage, they later (as a result of a series of Kgotla meetings) accepted his white wife and supported his re-installation as chief.²⁶⁶ Khama therefore received support despite his breakaway from traditional practice or norms; an early indicator of the kind of relationship between Batswana and Khama.

Seretse received a Bachelor of Arts degree from the University of Fort Hare in 1944. He then attained a law degree from the University of Oxford. In the 1965 elections, Seretse Khama won in the Serowe-North constituency by 98.5%. In the eyes of Batswana, Khama was still a Chief, and thus his legitimacy was still derived from traditional authority.²⁶⁷ Khama was President from September 1966 until his death in July 1980. He stood for constituency elections only twice, in 1965 and 1969 before the 1972 constitutional amendment which removed the need for a Presidential candidate to be an elected MP.

Seretse is celebrated for not abusing his power to “manipulate the constitution to suit his personal needs and interests”, unlike in other independent African countries in the 1960s.²⁶⁸ The decision to not do so is considered by some as a result of the leader’s commitment to democracy, while others attribute it to the perception of the opposition as too weak to win.²⁶⁹ In a BBC interview in 1965 after the first democratic elections, Khama stated that Botswana would not become a one-party state as a result of legislation creating one.²⁷⁰ Thus, while this may be considered support for a multi-party system, at the same time, the failure to introduce legislation that facilitated a multi-party system, such as the continued refusal of the BDP government to fund political parties, indicates the lack of a solid commitment to ensuring that

²⁶⁵ Melady, Thomas and Melady, Margaret. 2011. “Seretse Khama: Courageous Advocate for Racial Conciliation in Botswana” in *Ten African Heroes: The Sweep of Independence in Black Africa*. New York: Orbis Books, p. 71.

Seretse and Ruth were married in September 1948.

²⁶⁶ Picard, 1987. *The Politics of Development in Botswana*, p. 129.

²⁶⁷ Freddie, 2011. *Traditional Leadership*, p. 86.

²⁶⁸ *Ibid.*, p. 90.

²⁶⁹ Lotshwao, 2011. *The weakness of opposition parties in Botswana*, p. 103.

²⁷⁰ BBC. 1965. *Seretse Khama 1965 Post-Election interview*. Online: <http://www.youtube.com/watch?v=C1iWS7BQlqc> (Date Accessed: 26 October 2013).

Botswana remained a democratic multi-party system. That is, the absence of legislation creating a one party state is not in itself a sign of commitment to democracy, it is the absence of legislation to promote it which reflects the extent of Khama (and his successors) commitment to democracy.

Khama's leadership was influenced by his royal background and commanded great personal authority as the heir to one of the biggest tribes.²⁷¹ To the masses; he was a Chief, for the small group of educated Africans, the cattle owners and the chiefs; he was one of them and lastly, to the Europeans, in the way he dressed, spoke, behaved; he had a lot in common with them.²⁷² Khama's ability to identify with a wide range of people helped the BDP to establish large majorities in the early elections.²⁷³

Appointment Powers

Khama, unlike other African leaders did not immediately 'Africanise' the civil service after independence as he did not believe in sacrificing efficiency in the name of localisation.²⁷⁴ In fact, Seretse solicited donor agencies and countries to assist the country by providing skilled expatriates. Samatar notes that the defeat of Masire in his constituency to former chief Bathoen Gasetiwe in the 1969 elections was a result of the dissatisfaction with the rate at which localisation was occurring.²⁷⁵ Khama then used the specially elected provision to bring Masire back into the cabinet as the Vice-President, despite the electorates' decision not to make Masire an MP. This was an early indicator of the kind of democracy to be established in Botswana. This decision established the now 'norm', to subordinate the preferences of voters to those of the President.

²⁷¹ Khadiagala, 2010. Botswana: Bridging Tradition and Modernization, p. 235.

²⁷² Samatar, Abdi. 1999. *An African Miracle: State and Class Leadership and Colonial Legacy in Botswana Development*. Portsmouth: Heinemann Press, p. 71.

²⁷³ Ibid.

²⁷⁴ Ibid., p. 80.

Localisation however (in Botswana), is said to refer to the replacement of Europeans with local citizens, regardless of their race.

²⁷⁵ Ibid.

Bathoen's position as former chief did, however, contribute to the electorate's decision to choose him over Masire. After only three years of official independence, traditional authority, which Bathoen still held despite his resignation from being chief, was still widely unquestioned, and respected. Bathoen resigned because of his dissatisfaction over the symbolic nature of chiefs in independent Botswana as he had preferred a bicameral Parliament which gave the House of Chiefs more than just an advisory role in Botswana's governance.

Furthermore, in 1972, along with the provision that presidential candidates did not have to stand for elections, Khama introduced a constitutional requirement that chiefs had to have resigned from their positions for a period of five years before they could stand for Parliamentary election.²⁷⁶ This was in response to former Chief Bathoen winning ‘Masire’s constituency’. Thus, while Khama retained a multi-party system, this is in fact because political parties were not considered a credible threat, but he did enact a law that would prevent those he did see as credible opponents from participating in elections.

Another, example of how Seretse Khama used his appointment powers which left a legacy or perhaps support for the action of future Presidents was his decision to appoint his son, Ian Khama, as a Brigadier and Deputy- Commander of the BDF²⁷⁷ despite there being older (Ian Khama was at the time only 24 years old and only had four years’ experience in the ‘military’) and more experienced officers.²⁷⁸ This set a dangerous precedent, which illustrated that the President could clearly make appointments that are not based on merit but rather personal discretion. It also indicated that Batswana, given the political culture of not challenging authority, particularly given the traditional authority Khama wielded, would allow this to occur; and thus marks the beginning of the institutionalisation of appointments as a reward to loyalists.

In 1970, Seretse established the Ministry of Finance and Development Planning, giving the portfolio of this Ministry to then Vice-President Ketumile Masire, “the President’s closest political ally and confidant,” signalling that this was the most important Ministry (other than the Presidency).²⁷⁹ This Ministry was responsible for planning, budgeting and coordinating all development activities; it dominated all other Ministries, which then essentially became project implementation bodies.²⁸⁰ Khama and his Vice-President therefore, limited the power of the individual Ministries and increased the power of the presidency.

²⁷⁶ Good, 2008. *Diamonds, Dispossession and Democracy in Botswana*, p. 30.

²⁷⁷ At the time, what is now Botswana’s military (BDF) was the Mobile Police Unit.

²⁷⁸ Good, 2008. *Diamonds, Dispossession and Democracy in Botswana*, p. 26.

²⁷⁹ Samatar, 1999. *An African Miracle*, p. 84.

²⁸⁰ *Ibid.*, p. 85.

Foreign Policy

Seretse's cabinet perceived him to be the 'cosmopolitan' amongst them and he therefore took the lead in dealing with the largely expatriate civil service and in Botswana's foreign relations.²⁸¹ Khama's external affairs vision dominated the foreign affairs arena, with little room for debate.²⁸² Therefore, the role of backbenchers during Khama's tenure was not to participate in the policy formulation process but to go to the people and "sell" the policies.²⁸³

Seretse's main task at independence was to ensure the safety of Botswana. At the time, Botswana faced hostility from the South African government which wanted to incorporate Botswana into South Africa, and minority ruled Namibia and Rhodesia. Seretse, dealt with this by not establishing a military until 1977, and only offered sanctuary to 'bona fide refugees' while at the same time refusing the establishment of guerrillas in Botswana, to deprive its neighbours of any excuse to invade the country²⁸⁴ This was Botswana's way of contributing to the liberation of her neighbours without directly endangering Botswana. In fact, Khama stated that: "I recognise only too clearly that my country's prospects of fully independent development are inextricably bound up with the emancipation of all the minority-ruled populations of Southern Africa."²⁸⁵

Clapham notes that the extremely personal character of the leadership in post-independence Africa has had a pronounced effect on external relations.²⁸⁶ Given Khama's marriage to Ruth, he did not hesitate to speak against racial discrimination and to advocate reconciliation,²⁸⁷ a courageous political act given Botswana's heavy reliance for basic food imports produced in South Africa. This meant that Botswana had to maintain good relations with South Africa, and Khama decided that foreign policy towards South Africa would be defined by the interests of Botswana rather than emotion and sentiment.²⁸⁸ Botswana cooperated with South

²⁸¹ Samatar, 1999. *An African Miracle*, pp. 67-68.

²⁸² Zaffiro, 1993. *African Legislatures and Foreign Policy-Making*, p. 42.

²⁸³ *Ibid.*, p. 50.

²⁸⁴ Thumberg-Hartland, 1978. *Botswana: An African Growth Economy*, p. 71.

²⁸⁵ Khama, Seretse. 1971. African –American Relations in the 1970's: Prospects and Problems. *Africa Today*. Vol. 18, No. 3, p. 28.

²⁸⁶ Clapham, Christopher. 1996. *Africa and the International System: The Politics of State Survival*. Cambridge: Cambridge University Press, p. 37.

²⁸⁷ Melady & Melady, 2011. "Seretse Khama: Courageous Advocate for Racial Conciliation", p. 72.

²⁸⁸ Good & Taylor, 2008. *Botswana: a minimalist democracy*, p. 757.

Africa “as far as our national conscience will permit us to do,”²⁸⁹ while avoiding any action that would be interpreted as ‘condoning apartheid’,²⁹⁰ an act which would result in hostility from other African countries.

One of the most important foreign policy decisions made by Khama was in 1978. The cabinet was in consensus that Botswana would continue to recognise the Island of Taiwan as the two countries had good relations. However, Khama insisted on the recognition of the People’s Republic of China instead.²⁹¹ This was of course within his constitutional rights to do so, however, this important change in foreign policy was therefore decided by the President alone. This was reflective of the survivalist foreign policy that Botswana had adopted, but indicates that from early on in Botswana’s democracy, unilateral decision-making was in existence, despite the claims of consultative decision-making. More importantly, it illustrated that in cases where consensus building failed; the President was willing to act unilaterally.

Sir Ketumile Masire

Ketumile Masire was one of the founders of the BDP, served as Khama’s Vice-President for his entire tenure, and is Botswana’s longest serving President, having been in power for 18 years. He is generally considered to have been a conservative leader.²⁹² At the time of Sir Seretse Khama’s death in 1980, the constitution stated that should the Office of the President become vacant, the National Assembly would select a President to hold the position for the duration of that Parliament’s tenure. As Masire was not only Khama’s confidant, the Vice-President and the Secretary-General of the BDP, he was selected to be President.

²⁸⁹ Zaffiro, 1991. *State Formation and the Pre-Independence Foreign Policy-Making*, p. 15.

²⁹⁰ *Ibid.*

²⁹¹ Maundeni, 2008. *Transparency, Accountability and Corruption in Botswana.*, p. 30.

²⁹² Tutwane, Letshwiti. 2011. *The Myth of Press Freedom in Botswana: From Sir Seretse Khama to Ian Khama.* *Journal of African Media Studies*, Vol. 3, No. 1, p. 45.

The main criticisms of Masire's tenure are; the lack of economic diversification, minimal government expenditure and the continued influence of expatriates in Botswana.²⁹³ Additionally, David Magang, who was an MP during Masire's tenure states that 'easy money' and cronyism were the hallmarks of Masire's Presidency.²⁹⁴ Masire has also used his position as commander of the military to act against civilians. The 1995 riots which were sparked by the ritual murder of a young girl in Mochudi, sparked protests on several issues which spread across the country and particularly to the capital city. Masire responded with the immediate use of the military and issued the following warning: "We shall not tolerate lawlessness, destruction of public and private property as well as unruly behaviour.... Those who continue with such behaviour will regret."²⁹⁵ This illustrated that the President was willing to deploy military force against civil unrest.²⁹⁶

Masire too has used his powers of unilateral decision-making. The 1997 electoral reforms lowering the voting age, allowing Batswana abroad to vote, and the establishment of the IEC were a result of immense pressure from opposition parties, who in fact threatened to boycott elections if their electoral reform requests were not met. This led to Masire announcing his decision, without consulting the party leadership or cabinet in an interview on Radio Botswana that the government would concede to the demands of the opposition parties.²⁹⁷ Additionally, Masire, just as Khama had ensured his ascendancy to the Presidency, ensured that before his resignation the constitutional amendment allowing for automatic succession of the Vice President to the Presidency was in place.²⁹⁸ The automatic succession amendment was resisted by the cabinet, but the collective responsibility principle bound the cabinet to support this decision in Parliament.²⁹⁹

²⁹³ Picard, 1987. *The Politics of Development in Botswana*, p. 170.

²⁹⁴ Magang, David. 2008. *The Magic of Perseverance: The Autobiography of David Magang*. Cape Town: The Centre for Advanced Studies of African Society, p. 497.

²⁹⁵ Molomo, 2001. Civil-Military Relations in Botswana's Developmental State, p. 46.

²⁹⁶ Good, 2008. *Diamonds, Dispossession and Democracy in Botswana*, p. 26.

²⁹⁷ Molomo, 2007. The Political Implications of the 4 October 1997 referendum p. 158.

²⁹⁸ Ntuane, Botsalo. 2008. "The Road To State House" in Botswana Democratic Party. *Farewell President Gontebanye Mogae (1998-2008)*, Gaborone: Front Page Publications, p. 10.

Masire did, however, also facilitate the introduction of Presidential terms limits.

²⁹⁹ Maundeni, 2008. *Transparency, Accountability and Corruption in Botswana*, p. 30.

Appointment Powers

When the Vice-President, Lenyeletse Seretse, the late Presidents cousin, died in 1983, Masire appointed the Minister of Finance and Development Planning and long-time political ally; Peter Mmusi as the Vice-President ending the traditional 'balance' between the President and Vice-President in which either of the two came from the Central District.³⁰⁰

The most controversial appointments Masire made, however, were after the 1994 elections. Masire re-instated two former government members, Daniel Kwelagobe and Ronald Sebego. The two (along with Peter Mmusi) had been forced to vacate their positions in 1992, due to the Presidential commission of inquiry reports which stated that Kwelagobe had used his friendship with Mmusi, (at the time: Vice-President and the Minister of Local Government, Lands and Housing) to attain land illegally. Sebego, the Assistant Minister of Local Government, had allocated Botswana Housing Corporation (BHC) houses to friends, allowing them to skip a waiting list of approximately 20 000 people.³⁰¹ To replace the Vice-President, Masire then appointed Festus Mogae as his deputy, without consultation.³⁰²

Two years later, in 1994, Masire appointed Kwelagobe as the Minister of Works, Transport and Communication, while Sebego was appointed Assistant Minister of Agriculture. This was interpreted as Masire condoning corrupt practices, and that he did not value ideals such as political responsibility and accountability.³⁰³ That being said however, the DCEC, the IEC and the Office of the Ombudsman were formed during his tenure, a move that on the surface seemed to encourage and support democracy and were a response to the corruption incidents and pressures from the opposition, reflecting the increasing importance and role that the opposition could have on decisions made by the presidency, despite the little independence which these institutions had. By the time they were fully operational, Masire had already resigned, thus the institutions did not have a significant role during his presidency.

³⁰⁰ Picard, 1987. *The Politics of Development in Botswana*, p.170.

³⁰¹ Good, Kenneth. 1996. Towards Popular Participation in Botswana. *The Journal of Modern African Studies*. Vol. 34, No. 1, p. 67.

³⁰² Good & Taylor, 2008. Botswana: a minimalist democracy, p. 759.

This was before the 1997 constitutional amendment which stated that Parliament had to endorse the appointment of the Vice-President. Masire therefore did not require Parliament to support this decision.

³⁰³ Good, 1996. Towards Popular Participation in Botswana, p. 68.

Foreign Policy

Masire's foreign policy decisions were made in conjunction with his close advisors, Mpotokwane and Festus Mogae.³⁰⁴ Masire however, played a central role in Botswana's foreign policy.³⁰⁵ In fact, during his time as Vice-President, Masire played a key role in establishing relationships with other African leaders.³⁰⁶ After resigning from the Presidency, Masire has thus played the role of mediator and peacekeeper throughout the continent. Masire notes that although Botswana was dedicated to promoting democracy, this was done in private and quietly with the government or President of that particular country.³⁰⁷ This to an extent highlights that the solidarity norm had an influence on the manner in which he pursued the long established principle of promoting democracy on the continent.

During Masire's tenure, he was criticised for the failure to act more assertively in relation to the situation in South Africa. However, given that Botswana was still heavily reliant on South Africa, and thus the context which existed during the tenure of Seretse Khama had not changed, Masire's position in relation to South Africa remained unchanged. This approach was based on a position established during the tenure of his predecessor of not using emotions and sentiments to make decisions, but rather the interests of Botswana.³⁰⁸ Masire did however, despite pressure to sign a non-aggression accord, refuse to do so saying that he would not sign it 'at any price' and that Botswana would "not trade principles for expediency."³⁰⁹ Thus, although Botswana was still limited by its geo-political circumstances, and could not radically change its approach, the diamond fuelled economic growth gave it sufficient funds to rely less on South African imports if need be, and thus allowed it to increasingly adopt an independent and hostile approach in its relations with South Africa.

The 1997 electoral reforms, in which Masire was criticised for unilateral decision-making, are also seen to have been motivated by the concern in the international community over the

³⁰⁴ Zaffiro, 1993. "Foreign Policy Decision-making in an African Democracy", p. 148.

³⁰⁵ Ibid., p. 141.

The Minister of External Affairs did not however head a Ministry of External Affairs. External Affairs were still handled in a department under the Office of the President.

³⁰⁶ Freddie, 2011. *Traditional Leadership*, p. 89.

³⁰⁷ Masire, 2006. *Very Brave or Very Foolish?* p. 69.

³⁰⁸ Good & Taylor, 2008. *Botswana: a minimalist democracy*, p. 757.

³⁰⁹ Niemann, 1993. *Diamonds Are a State's Best Friend*, p. 35.

reluctance to adopt electoral reforms that would only strengthen the democracy. Given the importance of Botswana's image to the continued legitimacy of BDP rule, influenced Masire's decision to accede to the demands of the opposition.³¹⁰

Festus Mogae

Festus Gontebanye Mogae started his political career in 1989 as a specially elected member of Parliament and was appointed the Minister of Finance and Development Planning. Before this, however, after completing his Economics degree from the University of Oxford, and a Master's degree in Development Economics from the University of Sussex, he became a career technocrat and had only worked in departments where Sir Ketumile Masire had been the political head.³¹¹

In 1982 Mogae became Masire's Permanent Secretary, an appointment which came as a shock to pundits as he was not considered to be a contender. Following the resignation of Peter Mmusi, Mogae became the Vice-President of Botswana in 1992. In 1994, Mogae returned to Parliament as the popularly elected leader of the Palapye constituency, was once again appointed Vice-President and, as a result of the 1997 automatic succession amendment, became Botswana's third President upon Masire's retirement in April 1998.³¹² Mogae therefore, had very little political experience, having only contested elections once, and being accountable to a constituency for only one term.³¹³

Mogae stated in his inaugural address that he was one of "the new breed of African leaders."³¹⁴ Mogae's tenure is seen to have mainly been characterised by the aggressive response to Botswana's HIV/AIDS epidemic, and he has received several accolades in recognition of this. At the same time however, the intolerance in the Ian Khama presidency is said to have been institutionalised during Mogae's tenure.³¹⁵ An instance illustrative of this

³¹⁰ Molomo, 2007. *The Political Implications of the 4 October 1997 referendum*, p. 158.

³¹¹ Ntuane, 2008. "The Road To State House", p. 10.

³¹² Bothomilwe et al., 2011. *Limited Freedom and Intolerance in Botswana*, p. 333.

³¹³ Good, Kenneth. 2002. *Autocratic Elites and enfeebled masses: Africa, Botswana & South Africa. The Liberal Model and Africa: Elites Against Democracy*. New York, Palgrave, p. 14.

³¹⁴ *Ibid.*, p. 16.

³¹⁵ Lotshwao, 2011. *The weakness of opposition parties in Botswana*, p. 108.

intolerance is when BDP backbenchers questioned the privatisation of the national airline (Air Botswana), Mogae criticised these MPs, and referred to them as ‘un-castrated male goats which were making unnecessary noise.’³¹⁶ Additionally, in 2001, as a result of the Botswana Guardian and Midweeks Suns criticism of the President and Vice-President, a government directive was issued to cease advertising in these newspapers.³¹⁷

Appointment Powers

Mogae broke away from the norm established by the two former Presidents by paying little attention to the regional and ethnic balancing in choosing his cabinet; the majority of which was made up of Bangwato.³¹⁸ One of the most important appointment decisions made by Mogae, however, was that of Vice-President Ian Khama, and is indeed reflective of Mogae’s regard for democracy.

In 1997, the Schelemmer Report (commissioned to help explain the BDPs poorest performance yet in the 1994 national elections) identified factionalism as one the main factors and it recommended that someone with ‘sufficient dynamism’, be used to bring the party together. In response to this report, Mogae then selected Ian Khama as Vice-President. This decision was criticised as it was made to bring stability to the party, with little regard on the effects it would have on the nation, given the lack of experience Khama had in politics.³¹⁹ At the start of his second term as the President (2004), upon announcing his decision to appoint Ian Khama as Vice-President, Mogae threatened to dissolve the democratically elected Parliament if they did not support his decision.³²⁰ Although the constitution allows the President to do so, the threat to invoke the use of an undemocratic clause for his and his deputy’s own benefit, reflects what constitutionalists refer to as tyranny: a leader’s decision that benefit himself at the expense of the people. Furthermore, Mogae allowed the Vice-

³¹⁶ Lotshwao, 2011. The weakness of opposition parties in Botswana, p. 108.

³¹⁷ Botlhomilwe et al., 2011. Limited Freedom and Intolerance in Botswana, p. 339.

³¹⁸ Sebudubudu, David and Molutsi, Patrick. 2009. Leaders, Elites and Coalitions in the Development of Botswana. The Developmental Leadership Program. World Bank, Research Paper No. 2, p. 14. Online: <http://www.dlprog.org/ftp/download/Public%20Folder/1%20Research%20Papers/Leaders,%20Elites%20and%20Coalitions%20in%20the%20Development%20of%20Botswana.pdf> (Date Accessed: 19 August 2013).

³¹⁹ Mooketsi, Lekopanye. 2011. Opposition Parties Criticise Motsumi Move. *Mmegi Online*. 1 February. Online: <http://www.mmegi.bw/index.php?sid=1&aid=593&dir=2011/February/Tuesday1#sthash.XKgvcrrjq.dpuf> (Date Accessed: 19 June 2013).

³²⁰ Botlhomilwe et al., 2011. Limited Freedom and Intolerance in Botswana, p. 333.

President to fly BDF planes despite the recommendation from the Ombudsman not to do so. Illustrating the weakness of the Ombudsman in relation to the Presidency, but more so, Mogae's regard for the institution, as one which did not limit his power, nor one which could influence his decisions.

Foreign Policy

As a trained economist, Mogae's external relations have centred on the traditional focus of attracting investors and ensuring that the demand for Botswana's diamonds, dependent largely on the image of the country as a beacon of democracy, did not falter. As in most developing countries, there is very little distinction between foreign and domestic policy concerns. At a Diamond Trading Company gala dinner, Mogae noted that, "for our people, every diamond purchase represents food on the table; better living conditions; better healthcare; portable and safe drinking water; more roads to connect our remote communities; and much more."³²¹

Mogae's use of the Immigration Act to declare Kenneth Good a prohibited immigrant therefore falls under this foreign policy realm. Mogae's use of this clause signifies not only the importance of diamonds for Botswana, but also the lack of tolerance during his presidency. Additionally, the manner in which the matter was dealt with was in itself an indication of the type of democracy in Botswana, one which ultimately, is not committed to ensuring that democratic principles such as freedom of speech are upheld, but rather a commitment to the image of being a democracy. Mogae's foreign policy can therefore be characterised as that of 'diamond diplomacy'³²² focused on ensuring that a consumer boycott on 'blood diamonds', or the hostility shown to 'undemocratic nations' did not affect demand for Botswana's diamonds.

³²¹ Botswana Democratic Party. 2008. *Farewell President Gontebanye Mogae (1998-2008)*, Gaborone: Front Page Publications, p. 9.

The gala was held on 7 June 2006 in Tokyo, Japan.

³²² De Beers alongside the President launched the 'Diamonds for Development' campaign.

Good notes that one of Mogae's most important decisions was his unilateral decision to commit Botswana's military to quelling the political unrest in Lesotho, in 1998.³²³ Although the goal was to restore democracy and human rights, the decision is not one that should have been made without consultation of the Cabinet and parliament.

Another key occurrence during Mogae's tenure was his response to the political crisis in Zimbabwe. During Mogae's tenure, South Africa made its position on Zimbabwe very clear. In 2003, then Minister of Foreign Affairs and now African Union Commission Secretary; Nkhosana Dlamini Zuma stated that "we [South Africa] will never criticise Zimbabwe."³²⁴ Mogae, followed suit and took an 'ambivalent stance'.³²⁵ This is largely also as a result of Botswana's traditional preference for proceeding under the auspices of SADC. Thus, SADC's support for Mugabe meant that Botswana would do the same,³²⁶ particularly so as Mogae had served as the Chairperson of the SADC Council of Ministers from 1992 until 1996.³²⁷

Ian Khama

Lieutenant General Seretse Khama Ian Khama, the current President of Botswana is the oldest son of Botswana's first President Sir Seretse Khama (and Lady Ruth Khama), and is Chief of the Bangwato; a position he did not renounce despite the constitutional provision introduced by his father in 1972 that requires chiefs to have resigned for a minimum of five years before entering into politics. Khama's only formal education was military training at Sandhurst Military Academy.³²⁸ He began his political career in 1998 after he resigned from the BDF. He was appointed Minister for Presidential affairs and Administration (now State Presidency), and later on that year stood for by-elections in the Serowe-North constituency; the constituency where he is the Chief. Khama was then nominated to be Vice-President. In

³²³ Good, Kenneth. 2002. Autocratic Elites and enfeebled masses: Africa, Botswana & South Africa. *The Liberal Model and Africa: Elites Against Democracy*. New York, Palgrave, p. 17.

³²⁴ Akokpari, 2003. *The OAU, AU, NEPAD and the Promotion of Good Governance in Africa*, p. 16.

³²⁵ Herman & Piccone, 2002. *Defending Democracy*, p. 3.

³²⁶ Ibid.

³²⁷ Mmegi Online, 2008. Festus Gontebanye Mogae. March 28. Online: <http://www.mmegi.bw/index.php?sid=1&aid=12&dir=2008/march/Friday28> (Date Accessed: 16 August 2013).

³²⁸ Good, 2009. *The Presidency of General Ian Khama*, p. 319.

the 1999 general election, he once again won the Parliamentary seat for the Serowe-North constituency and was once more ‘endorsed’ by Parliament as Vice-President. In the following general elections, Ian Khama stood unopposed and won the Serowe North-West constituency and was once again appointed to be Vice-President; with Mogae’s threat to dissolve Parliament having facilitated Parliament’s support for his appointment. Upon, President Mogae’s resignation in 2008, in accordance with the ten-year term limit established towards the end of Masire’s tenure, and the automatic succession provision, Ian Khama became Botswana’s fourth President.

Khama’s leadership style has been described as ‘authoritarian’. Initially Mompoti Merafhe, who was Khama’s commander in the BDF, led the group in opposition to Khama. This group attempted to change the constitution to bar automatic succession of the Vice-President upon the retirement or death of the President. Ponatshego Kedikilwe was also against Khama’s presidency, stating that during Khama’s tenure, democracy would give way to autocracy.³²⁹ Merafhe and Kedikilwe both later served as Vice-President under Ian Khama’s first tenure, highlighting that in Botswana political differences are not based on ideological differences or principles, but on opportunism, and thus are easily changed; reflecting that in Botswana’s politics there are indeed no permanent enemies or friends, only permanent interests.

At the beginning of his presidency, Khama outlined his roadmap for the nation; which has come to be referred to as the “Five D’s”: Democracy, Development, Dignity, Delivery and Discipline. ‘Discipline’, was seen to highlight the type of rule of Khama desired, that of “command, control, programme, force and order.”³³⁰ Given the manner in which Khama came to the Presidency, and his tenure as Vice-President, widespread criticism was to be expected. However, it is the sustained nature of this criticism from the media, academics and the public which has alerted democracy watchers to assess Khama’s presidency. Khama’s presidency has been characterised by the lack of freedom of speech, both within the party and externally. For instance: a BDP backbencher was made to publicly withdraw his comments

³²⁹ Taylor, Ian. 2005. *Growing Authoritarianism in the “African Miracle” – Should Botswana be a Cause for Concern?* Danish Institute for International Studies (DIIS) Working Paper, No. 24, p. 14.

³³⁰ Mbuya, Titus. 2008. The Meaning of Discipline. *Mmegi*. 11 April. Online: <http://www.mmegi.bw/index.php?sid=2&aid=31&dir=2008/april/friday11> (Date Accessed: 8 November 2013)

against the Khama-inspired liquor regulations.³³¹ Criticism has even come from Khama's allies. A former Presidential advisor and long-time BDP member Sidney Pilane wrote an article on and to Ian Khama in which he says:

"I write with great reluctance, but the President needs to know that it is not only the Press and Opposition Parties who are concerned about his brand of democracy; many of us of the BDP and his staunch supporters (and we truly are, but refuse to be blind) are watching with growing consternation his style which is making our country look less and less like a democracy. He needs to re-think his approach; we need to see his style becoming less and less military, autocratic one-man-rule, and more and more like teamwork. The constitution enjoins him to have a Cabinet of Ministers who meaningfully participate in and aid his governance of the country, and not people he employs as errand boys and girls."³³²

Another defining feature of Khama's presidency thus far was his response to the 2011 public sector strike that lasted for almost two months.³³³ The Botswana Federation of Public Service unions (BOFEPUSU) demanded a 16 per cent salary increase; which the government could not meet. The deadlock led to the unions going on strike to force the government to meet their demands. Throughout this strike, the President consistently turned down requests for a meeting to discuss this issue.³³⁴ Once again, as in other Presidents tenures, illustrating that Botswana's democracy is not as consultative as those who praise Botswana claim. Furthermore, after this strike, the government classified the employees who had been on strike under 'essential services', which therefore meant that they would in future be unable to strike.³³⁵

Appointment Powers

Khama's decision to unilaterally nominate additional members of the faction he sympathised with to the central and sub-committees of the party, led to a break in the BDP. Gomolemo Motswaledi questioned Khama's powers to have unilaterally nominated these additional

³³¹ Botswana Alliance Movement & Botswana Congress Party. 2009. PACT Manifesto 2009-2014, p. 12 & Botlhomilwe et al., 2011. Limited Freedom and Intolerance in Botswana, p 336.

Botsalo Ntuane had complained that Botswana was becoming a 'fundamentalist state'; this was in reference to the new Liquor Act inspired by Ian Khama which restricted the operating hours of places selling alcohol.

³³² Pilane, Sidney. 2009. Would Lt Gen Ian Khama please stand down and make way for Mr. Ian Khama. *The Sunday Standard*, 1 June. Online: <http://www.sundaystandard.info/article.php?NewsID=5081&GroupID=4> (Date Accessed: 19 May 2013).

³³³ 18 April to 10 June 2011.

³³⁴ Ibid., p. 126.

³³⁵ Bodilenyane, 2012. Botswana's Executive Presidency, p. 194.

members, as this was against tradition in the party as well as his decision to side with a particular faction; which no other President had overtly done. Khama responded by suspending Motswaledi for 2 months, and recalled him as the party's candidate for Gaborone central.³³⁶ Although Motswaledi challenged the suspension and recall, he lost the case as Ian Khama being President, as stipulated by the constitution has immunity from prosecution, even for non-state related issues.³³⁷ This led to the resignation of Motswaledi and other members in the Central Committee who then formed the Botswana Movement for Democracy (BMD).³³⁸ Factionalism in the BDP had been apparent since the early nineties, and scholars have noted that only during the tenure of Ian Khama did this factionalism lead to a break within the party. This split was thus provoked by Khama's authoritarian style of ruling and his lack of tolerance for dissent.³³⁹

Khama has been accused of militarising Botswana. This is not only because a range of public offices such as the Director of the Directorate of Intelligence and Security (DIS) and Commissioner of Prisons were formerly in the military, but because Khama's cabinet is riddled with the same problem.³⁴⁰ Additionally, like his predecessor, he has not attempted to maintain an ethnic and regional balance in his cabinet, and has selected mainly MPs from the North.³⁴¹ In Khama's first cabinet, he appointed the following positions to former military members: the Vice-President was Lieutenant-General Mompoti Merafhe, Minister of Defence, Justice and Security was Brigadier Ramadeluka Seretse (Khama's cousin) and the Minister of Environment Wildlife and Tourism was Captain Kitso Mokaila.

After the resignation of Lt. General Mompoti Merafhe, Khama reshuffled the cabinet and appointed his younger brother Tshekedi Khama as Minister of Wildlife, Environment and Tourism, who, according to the opposition, was not necessarily a strong/influential performer and thus the appointment was not based on merit or his performance as an MP,³⁴² thus

³³⁶ Lotshwao, 2011. The weakness of opposition parties in Botswana, p. 108.

³³⁷ Ibid.

³³⁸ Sebudubudu & Botlhomilwe, 2013. Interrogating the dominant party system in Botswana, p. 127.

³³⁹ Throup, 2011. Botswana: Assessing Risks to Stability, p. 5.

³⁴⁰ Botlhomilwe et al., 2011. Limited Freedom and Intolerance in Botswana, p 336.

The establishment of the Directorate of Intelligence Services has raised criticism on the militarisation of Botswana, and a general fear and mistrust.

³⁴¹ Throup, 2011. Botswana: Assessing Risks to Stability, p. 6.

³⁴² Dithlase, Yvonne. 2012. Khama Inc: All the President's Family, Friends and Close Colleagues.

leading to the conclusion that the appointment was based on his relationship to the President, as well as Khama's involvement in the Tourism industry. Ian Khama is a 5% shareholder in Linyati Investments, a subsidiary of Wilderness Holdings.³⁴³ Thus, while the practice of making appointments according to loyalties rather than merit has existed since Seretse Khama's presidency, it is the extent to which Ian Khama has used this power, filling too many posts using this power, causing criticism from within the party. In response to the criticism made about how Khama uses his appointment powers, Jeff Ramsey, the Presidents Press Secretary, responded by stating that Nelson Mandela had appointed his former wife Winnie Mandela as the Deputy Arts Minister.³⁴⁴

On top of the weakness noted on the DCEC, Khama has also appointed his close ally to be the director of the DCEC (Khama's cousin-in-law), and as WikiLeaks revealed in 2011, Khama interfered with a DCEC investigation involving his brothers, Tshekedi and Anthony.³⁴⁵ Additionally, Fombad notes that under the Presidency of Ian Khama, judicial independence is at risk as not only is Khama a critic of the judiciary, he now has taken over judicial appointments, and in certain instances has made appointments without the involvement of the JSC.³⁴⁶ Furthermore, Khama's disregard for the Ombudsman's recommendations that he no longer fly BDF planes while he was Vice-President, gives little hope that during his Presidency, his lack of respect for the processes and recommendations of the Ombudsman would change.

Foreign Policy

Ian Khama's foreign policy has been markedly different from his predecessors, and is thus considered to be controversial, or as leader of the opposition; Dumelang Saleshando states, "reckless"; in response to Khama's criticism of Syria's President Assad. Saleshando notes

³⁴³ Dithlase, Yvonne. 2012. Khama Inc: All the President's Family, Friends and Close Colleagues. Wilderness Holdings Limited is a tourism company listed on the Botswana and Johannesburg stock exchange which owns a number of tourism related companies across the continent, it was established in Botswana in 1983. Survival International has criticised this company for illegally occupying Basarwa's (Bushmen) land in the Central Kalahari Game Reserve.

³⁴⁴ Dithlase, Yvonne. 2012. Khama Inc: All the President's Family, Friends and Close Colleagues.

³⁴⁵ Keorapetse, 2013. 'Monopoly Politikos', p. 221.

³⁴⁶ Mosikare, 2012. Khama a Threat to Democracy- SA Professor.

that this action was picking an unnecessary fight and placing Botswana at jeopardy.³⁴⁷ Botswana also famously stood against the African Union resolution in support of Kenya's Uhuru Kenyatta that called into question the conduct of the International Criminal Court for supposedly unfairly targeting African leaders. This decision boosted Botswana's reputation in the human rights and international justice realm.³⁴⁸

One of Khama's most controversial foreign policy positions thus far, has been his response to Zimbabwe's political crisis. The inclination for African Presidents to support and protect each other which has existed since independence, has not affected Ian Khama, who, during his presidency has been very vocal against Zimbabwe's Robert Mugabe. As has been the norm in Botswana, decisions made at the SADC level are abided by as seen during Mogae and Masire's tenure. During Ian Khama's presidency, Botswana was not deterred by SADC's decision to 'go soft' on Mugabe and pursued a unilateral approach of boycotts, and threatened military intervention.³⁴⁹ Khama, contrary to the norm established since independence of privately dealing with such matters with the government in question, publically declared its opposition against ZANU-PF and its leader. At the same time however, there have been inconsistencies in this practice which have caused criticism, such as the continued silence on the abuse of power by Swaziland's King Mswati.³⁵⁰

Khama's approach to Zimbabwe has been public, and contrary to the decisions or positions taken at the AU and SADC level. In fact, Khama has little regard for these regional bodies, illustrated by his lack of attendance at heads of state meetings.³⁵¹ According to Fombad, Botswana's most controversial action has been the refusal to join the New Partnership for

³⁴⁷ Morewagae, Isaiah. 2013. Botswana foreign policy reckless – Saleshando. Mmegi Online. 7 November. <http://www.mmegi.bw/index.php?aid=3233#sthash.XIRgiRjf.jJ5cltOO.dpuf> (Date Accessed: 15 November 2013).

³⁴⁸ Kersten, Mark. 2013. Backing the ICC: Why Botswana Stands Alone Amongst AU States. *Justice in Conflict*. Online: <http://justiceinconflict.org/2013/06/13/backing-the-icc-why-botswana-stands-alone-amongst-au-states/> (Date Accessed: 19 July 2013).

Botswana however, later supported a delay in Kenyan President and Vice-President's trials stating that it would allow them time to deal with the Al-Shabaab terrorist threat, a move seen to now stand in support with Kenya's leaders. Botswana did however, insist that the trial must go on.

³⁴⁹ Jonas, Obonye., Mandiyanike, David and Maundeni, Zibani. 2013. Botswana and Pivotal Deterrence in the Zimbabwe 2008 Political Crisis. *The Open Political Science Journal*. Vol.. 6, p. 6.

³⁵⁰ Alexander & Kaboyakgosi, 2012. A Fine Balance, p. 12.

³⁵¹ Mooketsi, 2011. Opposition Parties Criticise Motsumi Move. Khama has also not attended a United Nations summit.

African Development/African Peer Review Mechanism (NEPAD/APRM). The reason for refusing to join was that Botswana had nothing to learn from this institution.³⁵² The continued praise for Botswana is therefore seen to have given rise to “good governance complacency and isolationism.”³⁵³

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The analysis of each President’s tenure has revealed that in different ways, each President has contributed to the entrenchment of non-democratic practices. Unilateral decision-making, rooted in Botswana’s traditional chieftaincy system and non-merit based appointments have been common practice since the presidency of Seretse Khama. Ian Khama, has however, made use of these powers in a substantially different manner than his predecessors, which has even caused internal conflict within the ruling party.

The foreign policy dimension has served as an indicator for the character of the presidents as it illustrates the types of decisions they have made. Each President has taken actions within the foreign policy realm which may be considered to be controversial or reckless; for instance Seretse Khama’s bold stance on race despite being apartheid South Africa’s immediate neighbour with no military to prevent against the possible retaliation to this stance. The extensive powers of the President in foreign policy have further entrenched the culture of Presidents being able to decide alone. At the same time however, it is evident that external dynamics often do affect presidential decisions, even in their use of unilateral decision making; particularly in attempts to sustain the positive image of Botswana’s democracy. Another key aspect in the foreign policy realm is that to a certain extent all previous presidents were influenced by the solidarity norm, and therefore had a less independent foreign policy position. Ian Khama, has a much more independent foreign policy, his increased use of unilateral decision-making power in comparison to his predecessors is evident in its extension to the foreign policy realm where regional bodies have had little influence on Botswana’s foreign policy. Thus, Khama’s tenure marks a change in the style of leadership.

³⁵² Mosikare, 2012. Khama a Threat to Democracy- SA Professor.

³⁵³ Ibid.

CHAPTER 5

Conclusion

The main goal of this paper has been to assess the character of Botswana's presidency. This has been done through an analysis of the environmental, governmental and idiosyncratic levels of analysis. While not disputing the conclusions in the negative literature that has emerged on Botswana's democracy, I argued that to make such conclusions, it was necessary to take a historical approach in analysing the Office of the President, which required an assessment of both the institution and each President's tenure. In order for the character of the presidency to be fully understood, the wider scope of presidential hegemony; how and why so much power came to rest in the hands of the President as well as the endurance of presidential hegemony were explored. Furthermore, the establishment of institutions which are meant to deepen Botswana's democracy, and in different ways, place limitation on the power of the President, were explored to highlight the extent of presidential power. In taking this multi-level approach to assessing Botswana's presidency, the hope is that it has made Presidential dominance, its endurance, its scope of influence in Botswana's democracy and the role of each President in sculpting the institution of the Presidency understandable.

While the paper was to a certain extent therefore a response to literature on Ian Khama's presidency, the aim of this paper, was not simply to verify or refute claims of growing authoritarianism in the current Presidency, but more to emphasise that an understanding of the current presidency must be based in the understanding of the institution since independence, as well as the tenures of the different Presidents enabling an understanding of the different dynamics and influences that have shaped Botswana's Presidency, and to more accurately determine in what way the character of the Presidency has changed.

This paper has therefore highlighted the following:

The founding fathers; Masire and Seretse Khama, were accumulatively; in power for the first 32 years of Botswana's now 47-year-old democracy. While their leadership style may have been different, it was rooted in similar principles and ideas, and thus, no substantial changes

occurred from Seretse to Masire’s Presidency. Not only did Masire support the foundations laid by Seretse Khama, he played a key role in the formation of those principles and thus his time as President was characterised by the continuation and further entrenchment of practices established during Seretse’s presidency. In fact, in 1987, Picard noted that “continuity, rather than change, characterised the patterns of political activity in Botswana after 1966.”³⁵⁴ As seen in *Table 4*, the most significant constitutional changes to occur which directly affected the nature of Presidential power, however, occurred during these 32 years. They, however, have not expanded presidential power.

Table 4: Constitutional Amendments Affecting Presidential Power

Year	Amendments
1972	President is an ex-officio member of the national assembly.
1997	Presidential Tenure limited to 10 years.
1997	Automatic succession of Vice-President upon the Presidents vacation of office
1997	Vice-President must be selected from elected MPs

Beyond these constitutional amendments, the main change during Masire’s tenure was the institutional environment within which the President would function within. The DCEC, IEC and Office of the Ombudsman were established, marking the deepening of Botswana’s democracy and a change in the role of the Presidency. This, however, was in theory only, for while the intended purpose of the institutions reflects the deepening of democracy, the appointment powers of the President amongst other provisions, compromised the independence of these institutions.

Although Mogae began his Presidency by introducing himself as a new breed of African leadership, there was much continuity in his presidency. In 2006, Good stated that, “so elevated, all three Presidents to date have been ready to subordinate the law and constitution to the political exigencies of the time on more than one occasion.”³⁵⁵ Mogae, as the first President to rule after the establishment of the Ombudsman set a dangerous precedent by refusing to abide by the Ombudsman’s recommendation to stop his Vice-President from flying BDF planes, sending a message that indeed the newly formed democracy protection

³⁵⁴ Picard, 1987. *The Politics of Development in Botswana*, p. 142.

³⁵⁵ Good, & Taylor, 2006. ‘Unpacking the ‘model’: presidential succession in Botswana’, p. 53.

institutions essentially had little effect on the manner in which the presidency operated and therefore the character of the presidency in general.

Additionally, at the end of Mogae's tenure, there were minimal changes in Botswana's foreign policy and international relations. Foreign policy can generally be characterised as cautious during the tenure of the first three Presidents. Botswana's geographical limitations played a key role in this. Furthermore, despite the economic progress made, the need for continued international assistance and investment, and a market for Botswana's diamonds has meant that the foreign policy objectives have remained the same, and the approach of the first three Presidents relatively the same as well.

Thus, as illustrated in chapter 4, the presidency of Ian Khama, while having certain similarities with the previous three Presidents, is markedly different. Good states that "respect for the rule of law and for established institutions and processes declined" after Ian Khama became vice-President in 1998, and this worsened when he became President in 2008.³⁵⁶ The autocratic nature of Ian Khama's leadership cannot be denied. Having served as Chief, as well as in the military, Khama's decision-making style is significantly different from all three Presidents. His lack of tolerance for dissent, and the frequency with which he has made unilateral decisions at the party and governmental level, illustrate his disregard to at least appear to be interested in consensus building as Botswana's Presidents have traditionally done.

Corrupt practices, appointments based on loyalties rather than merit, presidential control over elections, the power to prohibit investigation on certain cases or people have, however, been in place since independence in 1966. It is therefore the continuation of these practices, despite the establishment of institutions that were created to limit this behaviour which is problematic, and therefore raising criticism on the last two and more particularly, the current

³⁵⁶ Good, 2010. *The Illusion of Democracy in Botswana*, p. 281.

President. Despite complaints on the lack of independence of the democracy protection institutions, Khama has been reluctant to reform the IEC, DCEC and the Ombudsman.³⁵⁷

Therefore, while the changes in the character of the Presidency are seen to have begun, but I argue were merely evident from Mogae's tenure, his tenure was the first in which institutions that were meant to play a check and balance role were introduced yet clearly had little impact in changing the status quo. Before their establishment, the extent and scope of the powers of the presidency were known, however, the emergence of these institutions was meant to limit presidential power in those specific areas. It is the inability of those institutions to do so that has exposed that their establishment was to illustrate a commitment to democracy rather than an actual commitment, as evidenced by the inability of these institutions to limit presidential power, let alone to act independently. Thus, while constitutionally there have been few changes to the character of the presidency; the institutional environment within which Mogae and Ian Khama have functioned within has highlighted the extensive powers of the presidency that make these institutions ineffective, yet are practices and behaviour which have existed since independence.

While at the foreign policy level, Ian Khama has been characterised as having been reckless and controversial, the main principles and foundations of Botswana's foreign policy have remained the same. The focus on democracy promotion and on portraying Botswana as a liberal, democratic and stable country is the same. What has changed is the manner in which these objectives have been pursued. While the first three Presidents used private mechanisms to influence democratic changes, and were influenced by a focus on unity with other African states, Khama's approach has been different. Khama has used public means, and has not been influenced or bound by decisions made at the regional and continental level, making Botswana's foreign policy independent and free from any aspect of the solidarity norm common throughout the continent, in fact, many have celebrated this as a much needed approach to anti-democratic behaviour on the continent.

³⁵⁷ Botswana Alliance Movement & Botswana Congress Party. 2009. PACT Manifesto 2009-2014, p. 12.

Thus, the character of the presidency has not changed in terms of its scope or extent of power; there have been very few constitutional changes which directly affect presidential power. What has changed is the institutional environment in which the presidency functions within, and therefore this has affected evaluations or assessments of the presidency, given the lack of an accompanying change in the behaviour or practices of the Presidency. The picture that emerges about Botswana's democracy is that it has invested in the appearance of, rather than the actual pursuit of democracy since independence, as evidenced by some of the issues and topics discussed under each President.

This project has therefore highlighted that Botswana's constitution is the main threat to Botswana's democracy, rather than the current President. The constitution vests too much power in the presidency and makes it difficult for the decisions the President makes to be challenged. Thus, although Botswana is democratic in the sense that it holds regular elections, and has basic political freedoms, the mechanisms to ensure that it functions in a democratic manner, are flawed. The constitution and several of Botswana's legislation entrust Botswana's democracy to the benevolence of the President. This evaluation highlights two key points to avoid the 'slow death of democracy' in Botswana. First, the immense powers vested in the presidency necessitates that the President be popularly elected, to ensure accountability to the electorate. Alternatively, the constitution must be amended to limit Presidential power, as well as the legislation that established and governs these democracy protection institutions (particularly the appointments of key individuals); to allow these institutions to play the check and balance role they were intended to play.

The above is unlikely to occur given that the only people who currently can make these changes (BDP government) benefit from the current system. Thus, the solution lies in literature such as this research project, to make the problem of centralized power understandable, to illustrate the threats to Botswana's democracy, and therefore inform Botswana so as to drive them to play a greater role in the country's politics, influencing decisions but more so, influencing who is in power, what power they have and how they use that power.

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