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Botswana Democracy: On Course or Derailing?

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Amy Poteete and John Holm

*In her October 20 **AfricaPlus** essay- “Democracy Derailed? Botswana’s Fading Halo” – Amy Poteete provides a critical assessment of democratic institutions and practices in this southern African country. She contends that in Botswana, a stellar democratic and economic performer since independence in 1966, corruption and mismanagement are increasing. The abuse of governmental authority, she claims, reflects “the absence of effective checks on executive power”. Poteete criticizes the shift from “cooperation to coercion” under President Ian Khama and the long-ruling BDP (Botswana Democratic Party). John Holm, a senior scholar of Botswana government and politics, responds to Poteete’s contentions. We publish this important debate – including remarks on the October 2014 parliamentary election and post-*

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election disputes – which should be read in conjunction with Poteete’s initial essay:

<https://africaplus.wordpress.com/2014/10/20/democracy-derailed-botswanas-fading-halo/>



President Ian Khama of Botswana, who was re-elected in the October 2014 elections. (Photo from UK Foreign and Commonwealth Office)

John Holm’s Rejoinder

Amy Poteete’s excellent essay makes a good case for the increasing authoritarian and violent context of Botswana politics. However, one wonders if it goes too far. The ruling party, from the beginning, has always made extensive use of state resources in election campaigns. Ruling party politicians always increase their speaking in *kgotlas* (the tradition-based assemblies), for instance, as an election approaches.

Outrageous statements by both government and opposition parties are a common element of Botswana campaigns. Many Batswana go to campaign events simply to enjoy the humor of very bad behavior by local cultural standards. And, since the founding of the independent government, it has harassed private newspapers with frivolous legal cases and withdrawal of journalists’ travel documents.

Other parts of the author’s discussion are not really relevant to the quality of the country’s democracy. Automatic succession did not impact the October 24 election, though it could in the

next one. Even then, it is a “legal” advantage for the ruling party and not something which places the party or its leader “above the law”.

The fact that the President cannot be sued personally has a limited impact on what the President can or cannot do. The Botswana courts can still limit government actions, as they have in a number of cases. Moreover, there is little evidence that the freedom of the President from litigation is significant for most election/democratic realities. (Thus far, it has only been used as a defense in the President’s handling of an internal party matter, and we know how democratic internal party politics can be).

What is different in the October 2014 election, and generally for the last couple of years, are two things: the political violence (mentioned by Poteete) and weakening of the BDP party organization (not mentioned). The source of the violence, rightly or wrongly, is widely perceived to derive from Khama’s military background and that of the ex-military people who surround him. In some cases, this reality has been confirmed in the courts.

The use of government force for political purposes has been motivated by the fact that extraordinary economic and educational progress over the last four decades have produced a sizable middle class. Its members now demand a more responsive government. From Khama’s perspective as a paramount chief and military officer, an expanding civil society is an illegitimate form of political action. Indeed, Khama told me in 1988, when he was still in the military, that he did not want Botswana to have the type of democracy as that in the United States in which interest groups tell government what to do.

The other difference with previous elections is that the BDP organization is in disarray. Internal trust and dialogue are significantly eroded. Dan Kwelegobe, the guru of BDP political strategy and tactics for over three decades, has been sidelined, and there is no other political leader who can unite the party’s multiple factions. Things are made worse by the fact that Khama hates to engage in “politics”. He thus avoids actions that would unite the party’s opposing interests for electoral purposes. He has made little effort to forge a vision which can attract young and old, businesspersons and laborers, and the many Tswana and non-Tswana ethnicities. He has rather relied on his power, force and discipline in lieu of cultivating diversity, dialogue and compromise. The BDP has become a shell of its former reality. It is an enforced unity without an emotional base. In this regard, Poteete and I are in substantial agreement.

The outcome of the October election depended on whether civil society groups were to give

their support to the opposition parties to enhance their ability to influence government. In the past they have been unwilling to participate in partisan politics because of 1) a national culture strikingly averse to engaging in public confrontation and 2) the fact, mentioned earlier, that four decades of economic growth have produced a very comfortable middle class. However, increasing fear of government-supported violence may induce changes in the thinking of the middle class and help mobilize opposition votes. Tswana culture has a surprisingly non-violent strain. As a consequence, interest groups — churches, unions, professional organizations, and even civil servants — could well become a new factor in resistance to government coercion and intimidation. If this convergence has not yet occurred, it could happen by the next election in 2019.

Amy Poteete Responds

John Holm believes that my analysis of the hardening of authoritarianism in Botswana goes too far. My response addresses three points: abuse of state resources, the relevance of automatic succession to the presidency, and the weakness of the Botswana Democratic Party (BDP).

It is true, as Holm asserts, that the BDP has long abused state resources. Indeed, the extent of incumbency advantage prompted scholars Steven Levitsky and Lucan Way to categorize Botswana as a competitive authoritarian system prior to the onset of state-sponsored intimidation and violence.^[1] In my assessment, the extent of abuse has become more blatant. In 2014, the frequency of ministerial and presidential visits to hotly contested constituencies increased and, in contravention of protocol, opposition incumbents were sidelined in favor of BDP candidates. My assessment may be a matter of historical perspective. I am considering the period since the early 1990s, when Botswana experienced a period of political liberalization. It may be that current abuses are equally or even less severe than those of the 1970s and 1980s. It is also possible that past abuses were equally serious but not publicized. If previous campaign managers attended cabinet meetings or traveled to campaign events using military aircraft in the past, the public did not know about it. In any case, the observation that the abuse of state resources for political gain is an entrenched practice confirms that current problems are more deeply rooted than most observers acknowledge.

Events during the week following the elections underline the centrality of both automatic succession and dynamics within the BDP for the 2014 elections and the next few years. As mentioned in “Democracy Derailed?”, President Quett Masire’s resignation in 1998 delinked presidential term limits from the electoral cycle. Consequently, Ian Khama’s final term will expire

at the end of March 2018, some 18 months before the 2019 elections. Whoever is Khama's Vice President at that point will ascend to the presidency. Khama has not yet identified his successor. Anyone he chooses will face resistance, not only from the opposition but also from within the BDP. Some options, such as the nomination of his brother, Tshekedi Khama, would be especially polarizing.

Khama must choose his Vice President from among elected MPs. Parliamentary endorsement of his preferred candidate also depends on their support. BDP politicians contested primary elections with an eye on the looming choice of a Vice President, and the issue probably influenced the BDP's performance in general elections. Presidential aspirants sought to ensure their own election, the election of enough supporters to ensure their endorsement, and the defeat of likely rivals. More than a quarter of the BDP incumbents, including seven cabinet members, were eliminated during primary elections. Another six cabinet members lost during the general elections. Newcomers account for nearly half (18 of 37) of the BDP's elected MPs.

It is in this context that, within hours of Khama's inauguration as President, the Attorney General challenged the constitutionality of parliamentary Standing Orders governing the endorsement of the Vice President and election of the Speaker and Deputy Speaker, thereby preventing Parliament from commencing its work. In parliamentary systems, Standing Orders govern the internal organization (e.g., committees) and procedures of parliament. The sections of the constitution concerned with endorsing the Vice President or electing the Speaker and Deputy Speaker do not specify the voting procedures to be used. The Standing Orders require a secret ballot. Khama's lawyers and the Attorney General argue that voting should be by a show of hands and that, in requiring the use of secret ballot, the Standing Orders violate the constitution. To make its case, the president's legal team must demonstrate that the use of the secret ballot for these parliamentary votes violates the constitution in some way.

The Attorney General served the BCP, BDP, and UDC with court papers informing them of the government's urgent application to the High Court. A few hours later, government announced that the opening of parliament and swearing in of MPs had been postponed indefinitely. The court met on the 29th but did not hear the case. Instead, it set the hearing for November 6th. Some hours later, the President issued a proclamation calling for the opening of parliament on October 30th, allowing MPs to be sworn in and cabinet to be appointed. Nomination of the Vice President, and the election of the Speaker and Deputy Speaker, must await the decision of the High Court. Indeed, until the legal dispute has been resolved, Parliament will not sit.

Will the courts uphold the right of Parliament to regulate its internal affairs? The president is beyond the reach of the law when acting in his personal capacity, but the courts can and, as Holm points out, sometimes do rule against the government. Nonetheless, the outcome cannot be taken for granted. If the High Court decides that the use of a secret ballot in Parliament violates the constitution, its decision will further strengthen the position of the president vis-à-vis his party. Even if the BDP caucus votes as a block to endorse Khama's nominee, such a vote would only cover up internal discord. Dissension over the choice of successor to president will play out over the next few years as Khama approaches the end of his term in March 2018.

Khama's actions since the elections prompted expressions of disappointment, but no mass demonstrations. As Holm points out, Botswana citizens generally do not respond to political conflicts with mass demonstrations or violence. The lack of dramatic displays of resistance should not be mistaken for consent or complaisance. Khama enjoys considerable institutional advantages, can offer patronage in exchange for support, and can draw upon the Directorate of Intelligence and Security Services (DIS) to intimidate his opponents, but these tactics will only take him so far.

The BDP is organizationally much weaker than ever, as Holm observes, and centralization of authority leaves little scope to challenge the President overtly. Nonetheless, dissidents within the BDP exist and they do have some options. Individual MPs and cabinet members can embarrass the government by leaking sensitive information to the media. Their absences in Parliament may give the opposition temporary majorities. They can put pressure on Khama by crossing the floor to the opposition or threatening to do so. In extremis, Parliament may even pass a vote of no confidence. A successful vote of no confidence would trigger fresh elections, which are costly and exhausting. In the absence of an especially egregious affront, a majority of the MPs may prefer to bide their time. Nonetheless, the next few years are likely to be tense, with sporadic bursts of more dramatic events, as the contest to control the state and define Botswana's future persists.

John Holm Responds

Amy Poteete has provided an accurate factual report of political events triggered by last month's elections. To summarize, the President fears that his newly elected BDP colleagues in the National Assembly will not support his preferred candidate for Vice President since the decision is to be taken by secret ballot of the MPs. Khama will thus not know which ones cast negative ballots for his candidate, and he will not be able to discipline the disloyal ones. That

Khama feels compelled to go to court demonstrates dramatically the decline in BDP discipline and trust, which I mentioned in my previous response is a major change in Botswana politics. In a very real sense, this decline in presidential partisan discipline has increased the potential influence of elected officials under the President, and even the citizenry as a whole, contrary to Poteete's "fading halo" thesis about Botswana's democracy.

One of the points I also made was that abuse of state resources in election campaigns is a long-standing practice in Botswana, contrary to Poteete's contention that the situation has become much worse. The one instance she cites to support her argument is the BDP's flooding of the Molepolole North constituency prior to the 2014 election with a flurry of ministerial visits to the non-partisan *kgotla* meetings. The fact is that the BDP has always directed such pre-election visits to marginal constituencies, as mentioned in the Levitsky and Way article she cites. The North constituency was likely to be a tight race given its diverse ethnicity and the BDP's razor thin margin in the 2009 election. The bottom line is that Poteete has not provided comparative evidence that abuse of state resources by the ruling party has increased since the 1990s.

Poteete and I agree on a major point of interpretation. Political violence has increased in recent years, and this change has rendered Botswana politics less democratic. A critical examination of this important subject is long overdue.

¹ "The Rise of Competitive Authoritarianism," *Journal of Democracy*, vol. 3, no. 2 (2002).



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