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ACCRONYMS

BCP	Botswana Congress Party
BDC	Botswana Development Corporation
BDP	Botswana Democratic Party
BEC	Botswana Examination Council
BMC	Botswana Meat Commission
BMD	Botswana Movement for Democracy
BNF	Botswana National Front
BOCCIM	Botswana Confederation of Commerce and Manpower
BOFEPUSU	Botswana Federation of Public Sector Unions
DCEC	Directorate of Public Service Management
DIS	Directorate of Intelligence Services
DPP	Directorate of Public Prosecution
DPSM	Directorate of Public Service Management
GDP	Growth Domestic Product
MOESD	Ministry of Education and Skills Development
MPs	Members of Parliament
NDP	National Development Plan
NGOs	Non-Governmental Organisations
PPADB	Public Procurement and Asset Disposal Board
PAC	Public Accounts Committee
TEC	Tertiary Education Council
TI	Transparency International
UDC	Umbrella for Democratic Change
UTS	Unified Teaching Service
ULGS	Unified Local Government Service
VAT	Value Added Tax

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I. Introduction

Corruption seems to be proportionately related to the level of development and the types of economic activity in a society. In the case of Botswana, the level of corruption has increased with the transformation of the society from a fairly socially and economically homogeneous agrarian society to an urbanising one with a mineral-driven economy and infrastructure-led development programmes. Botswana had no direct economic attraction for the British 'colonial' government and became a classic case of colonial neglect and underdevelopment. For close to seventy years of its colonial administration as a Protectorate Botswana was ruled by its traditional chiefs who each with his or her own sphere of influence, while economically the country was highly agrarian and dependent on livestock and crop production. Infrastructure development in the form of roads, schools, health facilities and mines was overwhelmingly neglected.

It was only at the end of the Second World War, specifically in the early 1950s within the context of the rapidly changing international political environment in favour of de-colonisation, that proper development infrastructure began in Botswana - which was then known as the Bechuanaland Protectorate. Nascent infrastructural initiatives, which took the form of the construction of an abattoir and a High Court in the town of Lobatse, were initiated by the Colonial Administration, but at independence Botswana had an underdeveloped economy. However, corruption was very low and closely controlled through social pressures evoking ethical and moral codes of conduct, and any corruption that did exist in agrarian Botswana revolved around self-allocation of land or the exploitation of privileged positions in society to access European goods and services. For example, a public water point might be declared private property, or transport routes designated for the exclusive use of individuals for their benefit. Licences for shops and other businesses were subject to the same sort of control by individuals (Masire, 2006).

The first decade and a half following Botswana's independence - from 1966 to 1980 under the leadership of the country's first President - Seretse Khama - can rightly be described as years of the democratisation of society characterised by the lowest possible rate of corruption with zero-tolerance approach. For instance, a Minister of Mineral Resources who fell into the trap of corruption decided to commit suicide before his misdeed could become publicly known (*Botswana Daily News*, 1977). However, the discovery of rich diamond deposits and their immediate positive impact on government revenues combined with increased development assistance from the mid-1970s eventually led to the type of corruption which has become inherent in Botswana today. The massive infrastructural development programme in the form of construction of roads, schools, health and water facilities and telecommunications opened the way for a culture of public procurement in construction services which in turn gave birth to the emergence to the sub-culture of

“tenderpreneurship”, i.e. businesses that survive by tendering for government works and corruption associated with it.

This report documents the origin, types, and areas of concentration and mechanisms of controlling or managing corruption in Botswana since independence. The general thesis of the report is that corruption has risen exponentially with the huge infrastructural development programme that followed the increased government revenues from the mining of rich diamond and other mineral deposits combined with large in-flows of foreign development assistance. The latter was both a global clarion call of post-war support for poor postcolonial countries as well as the result of Botswana’s precarious political situation. The country stood for a multi-racial and multi-party democratic system against white minority racially dominated neighbours South Africa and what was then Ian Smith’s Southern Rhodesia, now Zimbabwe. This report demonstrates that the traditional social, ethical and moral pressures and codes used to control corruption have declined, giving way to a more legal-oriented and journalistic after-facts mechanisms of managing corruption. These latter mechanisms are however, shown to have limited effectiveness, so that there is an upward trend of corruption in Botswana today. This report is based on primary² and secondary sources of data.

II. Main Section

Botswana has relatively strong and well-functioning governance institutions, both public and private. The Constitution, adopted in 1965, lays down an institutional framework that includes the parliament as a representative, law-making, and oversight organ intended to ensure that the executive, led by the President as the Head of State, delivers on its mandate. The parliament also monitors the implementation of its laws and the management of public resources by the executive and administrative arms of government. The executive in turn has a largely politically neutral civil service to implement all policies, plans and development programmes, including the provision of services to the public without discrimination or favouritism (Wallis, 1989; Acemoglu, Johnson and Robinson, 2001). Apart from the parliament, the executive, judiciary and civil service, the country has an elaborate local government system, relatively new and therefore weak but replete with nongovernmental organizations. There are both public and burgeoning private media. Even so, the executive dominates both the economy and society because of the powers bestowed on the presidency in relation to parliament (Republic of Botswana, 1966).

² Interviews were conducted with key informants such as officials of the anti-corruption agency, the Directorate of Corruption and Economic Crime (DCEC), journalists, and officials of the Botswana Confederation of Commerce and Manpower (BOCIMM).

State of Governance

Since independence, Botswana's parliament has been dominated by the ruling Botswana Democratic Party (BDP). Although the popular vote for the BDP has been declining gradually from some 80% plus in the 1970s and 1980s to the current 52% (2009 national election), because of the winner-takes-all electoral system the ruling party commands over 77% of the 61 seats in the current parliament. Nevertheless, the small opposition group in parliament has often been more effective than their numbers would suggest. In a number of cases the opposition's vociferous attacks on the executive have even gained them the support of the BDP's backbenchers. Indeed some of the opposition proposals stated here would not have succeeded without the support of the ruling party's backbenches, but opposition politicians comment on issues of good governance outside parliament, too. The types of parliamentary questions, motions and bills proposed by opposition Members of Parliament (MPs) show an active and effective opposition parliamentary group. They have raised concerns about such things as the cancellation of school fees for general education, the introduction of an old age pension, moderation of the effects of Value Added Tax (VAT) on the poor and they have demanded investigations of the administration of school examinations (2012). They have sought inquiries into, among other things, the Botswana Development Corporation's (BDC) operations (2011) and those of the Botswana Meat Commission (2012), including passing a motion on the public airing of parliamentary debates on national television (2013). However, parliament remains weak in relation to the executive, which initiates most of the policies and legislation and determines the speed at which parliament decisions will be implemented. A case in point is the number of motions which have not been implemented even though some were passed by parliament a long time ago.

Local government is by elected representatives, but their administrations are not recognized in the Constitution of Botswana, although Councils were established by acts of parliament in the early part of Botswana's independence. At present local government in Botswana consists of four institutions – the District/Town/City Council which is an elected body headed by a chairperson/mayor; a tribal administration (a customary institution) led by the tribal chief; the Land Board responsible solely for allocation and administration of tribal land and headed by a Land Board chairman; and the district administration which represents central government at local level and is headed by a District Commissioner. The local government institutions have some overlapping memberships which is meant to enable them to work together to deliver services to local communities. However, local councils have generally been beset by the challenges of inefficiency, ineffectiveness and some high degree of nepotism and corruption. In fact, the highest number of cases received by the DCEC emanated from the Ministry of Local Government, which is responsible for local authorities (Republic of Botswana, 2012).

Central and local government institutions are complemented by the private sector, labour and trade unions, religious institutions and civil society organizations. In particular, although still relatively weak and nascent in their impact by regional and international standards, trade unions, human rights, environmental, ethnic minority groups and private media have over the years been very attentive to matters of social justice, transparency, nepotism, anti-corruption and the promotion of good democratic governance in Botswana. They successfully advocated for the rights of ethnic minority groups on land ownership and development services, the rights of children, gender equality, and related basic human rights. Other non-governmental groups have focused their efforts on conservation and good environmental management including protection of the right to land and its resources for local communities. For instance, the Kalahari Conservation Society (KCS), *Thusanyo Lefatshing* has, with others, been highly vocal and has managed to influence environmental policies over the past three decades. The trade unions and media respectively have advocated for appropriate legal and political environments by proposing legal and political reforms of labour and media laws, greater transparency and for anti-corruption laws and actions against those found engaged in acts of corruption. The existence of private media in the form of radio and newspapers has allowed them to extend their reach and helped to articulate issues more boldly than the public media normally would. Despite their efforts, however, private media remain small and limited in reach. The ownership of private media by leading business interests as well as their high dependence on advertising fees - mainly from the government - has been seen as a limiting factor to their independence.

At independence, governance institutions in Botswana were in their infancy and fragile, and were ran by officials who were poorly trained and generally too inexperienced to deal effectively with corruption. However, corruption took root and has since become deeply entrenched as Botswana's society emerged from its socially cohesive agrarian traditions with their strong ethical and moral codes and began to move rapidly towards urbanisation with its heavy influx of foreigners from different parts of the world who arrived in response to Botswana's newly discovered wealth. Although Transparency International (TI) rates Botswana as the least corrupt country in Africa, unpublished Afrobarometer survey results (see Table 1 below) suggest that TI's Corruption Perception Index ratings for Botswana at between 5 and 6 points on a scale of 0 to 10 might be underreporting the situation on the ground. Afrobarometer surveys suggest that corruption or the perception of it has been rising over the years. Today, cases of corruption occur in the whole range from public procurement, recruitment, land and housing allocation, to transport and road licensing services, management of state agencies and local government services, in mining and tourism licensing; in fact almost every sector of the economy including the allocation of student loans and scholarships, to agricultural and state welfare programmes for the poor and disabled – not forgetting the distribution of medicine in health facilities. Party membership and position

especially but not exclusively in the ruling party have become an important ticket for accessing jobs, business loans, opportunities and the winning of tenders for supplying to the government and its agencies.

Frequent media reports pointing to corruption-related court cases involving ministers, senior politicians and public officials are additional evidence and indicators of the growing rates of corruption in Botswana in the past two electoral cycles between 2004 and 2013. While the increase in corruption cases involving a whole range of “small and big fish” might itself be a sign of the success of the anti-corruption measures and mechanisms put in place to fight it, the majority of those interviewed through the past surveys (i.e Afrobarometer) and interviews conducted during June and July, 2013 by the author of this report were of the view that corruption was on the increase in Botswana. Some even suggested that nothing much was done about it as the leaders themselves were implicated.

Table 1. Corruption Perceptions Overtime, 2002 -2012 (in per cent)

Department	Year				Change	
	2002	2005	2008	2012	2002-2005	2008-2012
Office of the President	48	59	40	61	+11	+21
Members of Parliament	59	68	59	75	+9	+16
Government Officials	67	76	68	83	+9	+15
Councillors	-	66	59	74	-	+15
Police	63	76	67	81	+13	+14
Tax Officials	-	62	49	54	-	+5
Judges & Magistrates	46	55	41	50	+9	+9

Q: How many of the following people do you think are involved in corruption?

Source: Afrobarometer

The number of types of corruption has also increased over the years. In the early years, corruption was widely reported in the middle and lower ranks of the public sector where officers were often caught abusing their office by selling public jobs and services for personal gain. In recent years, reports of corruption have entailed more cases of sophisticated white collar crime, and senior private business leaders, politicians and senior government officials have engaged in deals involving their own family's interests. For instance, a former Director of Public Service Management, Ms Pearl Matome was accused of nepotism whereby she had employed a relative without declaring her interest. Ms Matome was acquitted in court. Similarly, the Managing Director of the Public Procurement and Asset Disposal Board (PPADB), Mr Amando Lionjanga was charged with sitting in a meeting which awarded a close relative, his nephew, a tender without declaring his relationship to the recipient of the award. Mr Lionjanga too however, was cleared of wrongdoing. A number of other public officers have been accused of using their positions to employ relatives, by creating "ghost posts" from which they earned extra income or by granting favours to friends and relatives (The *Weekend Post*, 20 July 2013).

Public awareness of corruption has increased and the public has shown general intolerance of it, although Parliamentary questions and motions - referred to earlier - including task forces to investigate for instance, the BDC and the Botswana Meat Commission (BMC), have been post facto undertakings and therefore not preventive. Private media reports and pressure from opposition parties and non-governmental organizations have increased the demand for more transparency but only to a limited extent. For instance, following the 2009 elections, where corruption was one of the major campaign issues especially for opposition parties and civil society groups, there has been mounting pressure on politicians and senior public servants as well as on private sector leaders to declare their assets and liabilities. For

example, the leader of the Opposition Botswana Congress Party (BCP), Mr Dumelang Saleshando assisted by Non-Governmental Organisations (NGOs), proposed two bills; one on the declaration of assets and the other on freedom of information. Although both proposals were rejected by the ruling party majority in Parliament, the Minister of Presidential Affairs and Public Administration in turn promised to bring the freedom of information bill to Parliament before the end of the July 2013 parliamentary session (*Botswana Daily News*, 12 July 2013). However, even by the November 2013 Session of Parliament those bills had not been brought back by the executive. There was also an announcement in June 2013 that in the near future all public officers would be required to declare their assets (*Botswana Daily News*, June 2013).

Parliamentary debate, through its question-answer sessions and motions by members of the opposition and government backbenchers has been successful in exposing corruption in government departments and ministries. For example, the BDC, which is an investment arm of the government, and the BMC were investigated following motions initiated by MP Abram Kesupile of the Opposition Botswana National Front (BNF) and MP Kentse Rammidi of the Opposition Botswana Congress Party respectively. Parliamentary inquiries regarding the BDC and the BMC led to the resignation of both the boards and heads of the two parastatal organizations. MP Winter Mmolotsi of the Opposition Botswana Movement for Democracy (BMD) also proposed a motion which led to the investigation of problems relating to the invigilation of public examinations, and the marking and release of examination results in 2012. That investigation in turn led to the suspension and subsequent sacking of the head of the Botswana Examination Council (BEC).

Evidently, the public's perception (as shown by Afrobarometer surveys) is that corruption is growing. In this way, corruption has the potential to undermine development and the fair distribution of resources, including jobs. The public regards corruption as the amassing of wealth and use of favouritism by political clients/supporters and family relations. It is perceived as corruption if leaders and officials become involved in joint ownership with leading business persons or companies in the different sectors of the economy. For instance, in 2011 former President Festus Mogae and other prominent politicians and leading business personalities were pitted against each other over the distribution of shares in a joint venture business (*Mmegi*, 10 June 2011; *Mmegi*, 29 November 2011). The case was widely cited by those interviewed for this study.

While corruption cases appear to have increased over time, anti-corruption measures too have been stepped up. In the past few years, many government departments and ministries have introduced a toll-free telephone system and encouraged the public to report corrupt incidents to the DCEC (Radio Botswana, Morning Presentation Talk Show, 22nd July, 2013 for instance). Through a Radio Talk Show, the Ministry of Education and Skills Development

(MOESD) introduced the Ministry's toll-free number and encouraged the public to report corruption. The presentation was followed by a public radio phone-in asking whether or not using the phone to report corruption would work in curbing it. The general trend of the debate was that it would not necessarily work because the public had little faith in the institutions mandated to investigate corruption. That radio discussion represented a general public feeling that corruption in Botswana is endemic or on the increase, and that even those who have been employed to deal with it are difficult to trust.

Mechanisms

The 1990s saw a rise in the number of corruption scandals and cases. The major ones were land and housing allocation scandals in 1991 and 1992 (Republic of Botswana, 1991; Republic of Botswana, 1992; Good, 1994; Sebudubudu, 2003). Those affairs led to the temporary resignations of a minister and the Vice President and there were several similar cases in the construction industry relating to the general national procurement system. It was in that context that the government created the DCEC in 1994, and re-structured the Police, which had been responsible for investigating corruption before the establishment of the DCEC. The office of the Ombudsman was also established in the early 2000s mainly to deal with questions of internal injustice and maladministration in public service. The arguments for establishing these new institutions and re-organizing the Police service were that crime in general and corruption in particular had increased and taken a different and more complex form. In 2010, the government established yet another intelligence institution called the Directorate of Intelligence Services (DIS), which they justified in the context of global crime relating to money laundering, terrorism activities and illegal movement of drugs and people.

The key questions that have arisen however are whether or not these institutions have been given enough legal power to deliver on their mandates? Whether or not they have the necessary political and material support to do their jobs? And indeed whether or not their existence has curbed crime even in the high offices of government as well as in society in general?

Answers to those questions differ according to the type of respondents and their position in society. For a long time, the general public felt that the DCEC was targeting the small man or "small fish" as the saying went and that the "big fish" were being allowed to get away with corruption. That traditional perception seems to have subsided in recent years as the DCEC has prosecuted some ministers and heads of parastatals and private business organizations for corruption. Instead the opinion has changed to a concern that those accused do not resign from their jobs in order to stand trial or those taken to court are freed without corruption being proved against them.

Although public perceptions suggest that corruption is growing in Botswana, serious doubts are being expressed as to the commitment of authorities to fight it. One of the major pitfalls in the fight against corruption is the weak legislation that makes the DCEC answerable to the President, which in turn has made the independence and indeed the effectiveness of the DCEC a public issue (Interviews with the Deputy Editor of the Sunday Standard, 24 June 2013; a senior DCEC official, 26 June 2013; Editor of the Weekened Post, 4 July 2013). The mood of investigative journalists and respondents is rather on the sceptical side. The general feeling, in the words of one respondent, is that “nothing serious was attempted to curb corruption” (Interview with a senior BOCCIM official, 25 June 2013) because “the DCEC has little or no impact on curbing corruption because of the way it was set up. Its independence is a real issue” (Interview with the Editor of the Weekened Post, 4 July 2013). Thus, the disposition is that the current legislative framework is constraining the DCEC because of how it is structured and its lack of adequate power to prosecute. The DCEC refers the results of its investigations to the Directorate of Public Prosecution (DPP), so that eventual prosecution is dependent on the willingness of the DPP. According some respondents The DPP might lack experience in prosecuting corruption (Interview with a senior DCEC official, 26 June 2013). That might very have something to do with the high rate of acquittals in certain high profile cases and with the convictions in lower courts being set aside or reversed by the higher courts.

Admittedly, the DCEC is also faced with a challenge of capacity. As one respondent puts it “the biggest challenge facing the DCEC is capacity because the case load per investigator is quite high with each investigator dealing with between 20 and 40 cases at any given time compared to international best practice of 7 to 10 cases” (Interview with a senior DCEC official, 26 June 2013). Thus, although the DCEC appears content with its independence, some respondents are guarded on the fact that the position of the Director of the DCEC is not institutionalised (Interviews with a senior DCEC official, 26 June 2013), which gives credence to the suggestion that its independence is suspect. It should of course be noted that the DCEC cannot bestow independence on itself.

However, one positive aspect of the Botswana governance system in relation to corruption has been its relative responsiveness. The cases of the BDC and BMC referred to above, the changes in the laws resulting from pressure from the political opposition parties, media and civil society are all examples of that. The number of court cases too involving even senior ministers and senior executives of state agencies can rightly be seen as indicators of a relatively responsive governance system. There are, however, other areas where the system has been slow to act or has been openly resistant to reforms, such as in the areas of trade disputes, electoral reform from a first-pass-the-post to a proportional electoral system - or a mixture of both. Cases involving minority group rights, relocations and the deportation of foreigners without explanation are some of the cases in point here.

Fundamentally, corruption mechanisms have not been sufficiently preventive in nature. Instead, they have been about containment and have been post facto in nature. That is a demonstration of the shortcomings of the legally driven as opposed to socially-based, ethically and morally driven approaches to corruption control. Indeed, in Botswana as in many African societies it is normal for the Head of State to appoint into ministerial and senior government positions his or her own brothers, cousins, nephews and nieces with impunity. The trend has become more prominent in the current administration in Botswana where something over 50% of cabinet members come from one region of the country, showing that public control of corruption has weakened, owing to the overwhelming powers of the presidency.

My argument is that the international corruption rating for Botswana has been somewhat conservative. Respondents, including DCEC officials, affirm that there has been a serious increase in corruption (Interviews, June 2013). In the words of one respondent, “corruption is becoming more institutionalised as it is no longer an exception, and institutions that are expected to curb it have been weakened” (Interview with Deputy Editor of the Sunday Standard, 24 June 2013). In the words of that respondent, failure or reluctance of the President to speak decisively about corruption has given rise to concerns that he ‘condones corruption’ (Interview with Deputy Editor of the Sunday Standard, 24 June 2013). Such perceptions are given credence by an emerging and disturbing trend whereby some ministers have been charged with corruption but have refused to resign until they have cleared their names, and the President has declined to dismiss them. Even DCEC officials as well as other respondents are concerned that such ministers fail to resign (Interviews with Deputy Editor of the Sunday Standard, 24, June 2013; a senior DCEC official, 26 June 2013; the Editor of the Weekend Post, 4 July 2013). Yet, when civil servants are charged they are suspended from office under the terms of the Public Service Act (Interview a senior DCEC official, 26 June 2013). On balance taking of all the above into account I would contend that although corruption is on the increase in Botswana it remains low when compared to other African countries, for it is not yet a way of life in Botswana.

Trends

At independence, Botswana was counted among the poorest nations in the world (du Toit, 1995; Holm, 2000). The country’s resource base was highly dependent on agriculture in general and livestock production in particular. Independence coincided with one of the country’s severest cyclical droughts, making the country’s economic viability at independence highly suspect (Sebudubudu and Molutsi, 2011). For almost a decade from 1965 to 1973/74 Botswana depended on budget subsidy/grant-in-aid from the British Government to balance the government’s meagre resources (Sebudubudu and Molutsi, 2011), and it was only the discovery and subsequent exploitation of diamonds in the second

half of the 1970s that had a positive impact, enough to transform the government's revenue in a short period. The context of extreme resource scarcity at independence led to the development of two important principles in the evolution of Botswana's development strategy. The first principle was *prudence* or an emphasis on expected scarcity and careful management of whatever was available. The second principle - related to the first - was *priority*. The recognition of scarcity evolved into a culture of careful strategic choices based on some sort of consensus built through consultation with key stakeholders. In that context, the National Development Plan (NDP) took root as a resource allocation and gate-keeping tool. Projects and programmes were carefully selected and included in the NDP. If a particular project or programme was not included it was not a priority, and had to wait for the next Plan period to be reconsidered for inclusion in the NDP (Wallis, 1989; Sebudubudu and Molutsi, 2011).

The National Development Planning process therefore became a historic consultative and consensus-building activity that pitted central government, local government, communities and civil society organizations against each other every five years. The system somehow instilled a sense of hope among communities and departments, a sense of faith that their turn for development projects would come with the next NDP. Nevertheless, feelings that some regions or communities were more favoured than others was impossible to prevent. There were always suspicions that some ministers and senior public officials were favouring their areas of origin in allocating development projects. What was evidently transparent, however, was the process of determining priorities. That process or culture has become integral to Botswana's resource allocation for the past five decades since 1965. Currently, the country is midway in the implementation of the 10th National Development Plan and will soon be starting the process of formulating the 11th. However, others see it differently. In the words of one respondent "there is a departure from the NDP norm and therefore fairness in the allocation of resources is no longer there especially in the past five (5) since President Khama assumed office as he has personalized the way government is run" (Interview with the Deputy Editor of the Sunday Standard, 24 June 2013). Even so, that seems to be more of an exaggeration as NDP 10 is being implemented.

Human resource allocation can easily distort a country's development process in the same way as inequitable financial resource allocation. Noting that at independence Botswana had a very limited supply of the sort of skilled human resource base necessary for development, the government established centralized systems of human resource allocation. The departments of Unified Teaching Service (UTS) and Unified Local Government Services (ULGS) pooled the stock of trained teachers and other local government services and consciously distributed them equitably among districts and regions of the country. Thus, each district or region was given its fair share of available skills.

To a large extent the processes of development projects and human resources allocation curtailed corruption, nepotism and bribery. Where they occurred they were at a minimal level and tended to be limited to asking for favours like being posted closer to cities and towns rather than to remote rural areas where life was more difficult due to limited development facilities. Over time however, the system of systematic allocation of human resource to different districts and towns has been relaxed and with that, corruption and bribery seem to have slowly crept in.

For many years, the government operated a procurement system that was decentralized between central government departments and local government entities. Procurement committees were established in each ministry to be responsible for procurement of goods and services. The procurement regulation and processes were not standardised and differed from one level of government to another and from one department to another. The system subsequently became open to corruption, especially in local government. It was only in the early 1990s when the rate of corruption had increased substantially that a central procurement entity – the Public Procurement and Asset Disposal (PPADB) Board was established by law. The PPADB is an independent procurement agency with responsibility for overall legal oversight to develop and enforce procurement standards and procedures. The PPADB is also a central clearing house and supervises procurement processes at local government level. Its monitoring has for instance led to the removal from local government procurement bodies of politicians accused of benefiting from government tenders.

Since independence Botswana has experienced one of the fastest rates of economic growth in the world. In its first three independent decades the growth in the country's Gross Domestic Product (GDP) averaged 10%. However, that growth was highly concentrated in the diamond mining sector, so that the revenue so generated accrued almost exclusively to the mining companies and the State because mining rights in Botswana are state-owned. The growth was taking place in a largely ailing agricultural economy with only a small and still embryonic private sector and so there arose a new relationship of a *rich state and a poor society*. The task of the state under was then to distribute the benefits of mining among the rest of the economy and society, which then led to unusually high dependence on the state. In time, an unhealthy paternalistic or patron-client relationship was established between the state (patron) on the one hand and the general population, with the private sector and even civil society organizations acting as clients for state support.

Every sector therefore looked to the state as the distributor of development projects and benefits. It was from there that dependency by all on the state for roads, water, schools, health facilities, agricultural subsidies and housing, and social safety nets would grow and give rise to the seeds of early corruption. Indeed, it was in part the scarcity of public resources (under-funded development programme) and the associated competition for

limited resources that created opportunities for corruption. Today, the leading businesses, especially the group that has come to be known as “tenderpreneurs”, are closely associated with the ruling party. In rural and urban areas, tenders for the supply of goods and services from government are won by members of or those associated with the ruling party (see report on Mayor of Lobatse’s Bakery winning almost all bread tenders to schools, prisons, etc (The *Botswana Guardian*, May 2013). Recently, the Secretary General of the ruling party noted that “I always hear people complaining of how the BDP members win tenders but they seem to forget that we are in the ruling party. How do you expect us to rule when we don’t have money? You should just live with it and accept that we are ruling” (*The Voice*, July 2013). This was never rebutted nor condemned by the party leadership or the government thus giving credence to reports that members of the ruling party are the greatest beneficiaries of government projects and tenders. One respondent was more emphatic noting that “there is an informal group that is evidently favoured by the system and is not accountable to anyone. The group has access to the state and benefits from it. The group is more powerful and undermines established structures. Anyone who tries to emulate them is stifled by using the law”. Thus, my respondent noted that, “corruption was condoned for a few individuals”. To this extent, “the state under president Khama has been captured by some narrow interests”, and in the words of my respondent “the state is Khama and Khama is the state” (Interview with the Deputy Editor of the *Sunday Standard*, 24 June 2013). Despite that, a senior official of the DCEC noted that “President Khama is committed to fighting corruption because since he assumed office permanent secretaries in the different ministries take part in corruption prevention to the extent of reporting to the President the measures they have put in place to prevent corruption in their respective ministries” (Interview, 26 June 2013). Another respondent perceived it as corruption when politicians do business with government, because that might give rise to conflicts of interest (Interview with a senior BOCCIM official, 25 June 2013).

The foregoing observations demonstrate differing shades of opinion on corruption in Botswana. However, what is evident was that they showed a high level of public awareness and strong public concerns about creeping corruption. The issue relating to the weaknesses of anti-corruption bodies/institutions and the need to give them more power is also a positive sign that the public still believes that the institutions have the potential to curb corruption.

As stated earlier, 1990 forms a clear tipping point in the rise of corruption, and thus a challenge to Botswana’s development prospects. Since then, corruption has been growing and so has public concern about it, along with state measures to curb it (see below for landmark dates).

Table 2. Landmark Dates

Period	Head of Administration	Types of Corruption	Landmark Corruption Events
1966 - 1980	President Seretse Khama	Limited corruption around nepotism, land acquisition and government property	Minister of Mineral Resources corruption case – his suicide in 1977
1980 (July) - 1998	President Quett Ketumile J. Masire	Rise in corruption related to nepotism, land allocation, housing, mineral related deals, public servants deals with corporate world,	The 1992 Christie Report on Housing Scandal and death of Mr. Letsholo – Head of BHC, Mr. Kgabo Commission on Land Missappropriation in 1996 – temporary resignation of Vice President Peter Mmusi and Minister Daniel Kwelagobe.
1998 (April) to 2008	President Festus G. Mogae	Corruption evident in all sectors – student loans, purchase of textbooks, transport licences, agriculture (National Development Bank loans, etc.	Debswana – Mr. Nchindo Cases on land acquisition for his family – 2006-2008
2008 (April)	President Ian Seretse Khama	Corruption widespread in all sectors and a number of “big fish” (including ministers) prosecuted.	PPADB – 2010 DPSM – 2011 BDC – 2012 BMC – 2013

Detailed Diagnosis

Below is a detailed diagnosis of particularism and ethical universalism.

Table 3. Distinguishing between particularism and ethical universalism

	Diagnosis
Power distribution	<p>In Botswana influence is distributed unevenly resulting in rich foreign and indigenous companies, ruling party senior politicians, local councillors and business owners associated with the ruling party all consistently winning tenders and other state privileges. Many of them own large parcels of land, many houses or office accommodation which is then rented to government departments, often without following proper procurement procedures. These groups also occupy senior positions in the public sector, and executive positions in the state agencies and parastatal organizations.</p> <p>The groups are diverse - some are politicians, others business people and other executive managers of state agencies, public universities, etc.</p> <p>The groups are relatively stable though there have been slight changes over the past two elections – some ministers lost elections and were appointed</p>

	<p>ambassadors and some formerly influential senior party cadre with farming backgrounds have slowly given way to “tenderpreneurial” and “executive management” groups.</p> <p>Within the inner party circles there has been a struggle for dominance and some of the “old guard” have given way to a more aggressive group of “tenderpreneurs” – tender dependent business groups.</p> <p>The “loser group” is muted as it fears accusations of “factionalizing the party”. There are some genuine drivers of change but with limited influence. They include trade unions, opposition parties, youth/student groups, some religious organizations, academia, the media and some civil society groups.</p> <p>Losing groups fear to speak through media as they used to – see reports on recent (4-6th July 2013) Executive Committee Election Results.</p> <ul style="list-style-type: none"> • Presidential Commissions findings on Housing, Land allocation, and appointments to senior public service positions depend on political affiliation, the rate at which retiring senior public officers become members of the ruling party and there is almost a ‘transfer system’ from being public servants to ministers overnight. 13 (87%) of the 15 most senior political positions including the President, Vice President, Foreign Minister, Speaker of Parliament are currently held (2008 - 2013) held by former senior public officers. Presidential Commissions and chairpersons of boards are headed by ruling party activists – Chieftaincy Dispute in Bobirwa area, BMC’s two investigations, • Newspaper reports, judicial cases. Persistence of widespread popular perceptions of government corruption despite changes in government • High political migration from opposition parties to the party in government in search of political rents. • Of the 13 diplomatic posts – 5 (39%) are held by former ministers of the ruling party. 4 (27%) of the 15 members of cabinet are either blood relatives of the President or come from the same village as the President. • Executive Committee of the ruling party has changed greatly in the past two elections for party leadership. • The past two party executive committee elections have been very highly contested with factions evident. However, nominations of the “loser groups” from across contending groups have served to stabilize the party. • Six week strike of the Public Sector Union in 2011. Media reports on Examinations Results. The reports of the Directorate of Public Service Management (DPSM) on public servants’ role in partisan politics. • Speeches of President Khama and his ministers, and Director of the Directorate of Public Service Management (DPSM).
<p>State autonomy from private interest</p>	<p>The state is relatively autonomous but not completely so. The big car dealers, mining houses and tourist and environmental and construction businesses have strong ties with the ruling party and contribute to its financing. Some of those businesses have joint business ventures with members of the executive of the party and government.</p> <p>The middle and lower ranks of public service and private sector have gradually become politicized. They are generally sympathetic to opposition politics. Teachers, doctors and nurses, and local government workers have increased their unionization over the past five years and are generally critical of the current regime. This has led to a maiden large-scale strike of 2011.</p>

	<p>Botswana Federation of Public Sector Unions (BOFEPUSU) support for the Umbrella for Democratic Change (UDC) opposition coalition / party candidate in Letlhakeng West bye-election in 2013. Union leaders' public statements in the private media on campaigning against some cabinet ministers during the elections.</p> <p>Relatively speaking there is a merit-based bureaucracy though merit has slowly given place to political appointments where party activists who have lost elections are allowed back into public service. On the whole and historically, the bureaucracy has been very influential in policy formulation and implementation, largely because of a weak ruling party policy organ. However, the current President has weakened the bureaucracy's influence over policy since 2008.</p> <p>The bureaucracy is relatively the best paid in the country and by regional standards. It has also been improving in its training and academic credentials as the number of tertiary education graduates in the economy has increased.</p> <p>Salary Bill of the public service and Reports of the World Bank – 2010 on high Public Service Bill and the recommendations to reduce it.</p> <p>Public lobbying is not part of the culture of the system. Those who use their public office to influence decisions in their favour are severely criticized and seen as corrupt. The moral code on corruption is very strong. Watchdog institutions – anti-corruption bodies, police and media are fairly effective. However, the independence and capacity of the anti-corruption agency are a challenge.</p> <p>Observations of Parliamentary and Local Council's sessions. Annual Budget debates and pre-budget "pitsos" – consultative forums. Media reports.</p>
<p>Public allocation (services, goods)</p>	<p>Policy formulation and public spending are some of the most transparent aspects of Botswana's governance system. Budgeting and development planning and prioritizing processes are extensively consultative involving communities, local government structures and non-state actors and political institutions. Media and citizens are free to listen to the processes.</p> <p>Generally the allocation process targets different groups and there are specific programmes for poorer sections of the population such as inhabitants of remote areas -including indigenous San people - Self-Help Housing Programmes for the urban poor. There are also programmes to support the elderly, disabled and orphans. Allocation of budgets is seen as generally equitable. In 2013/14 allowances of these groups were increased by roughly 20% while the public service salaries were increased by only 3% in 2012/13.</p> <p>The budget allocation is generally fair regardless of whether the council (local authority) or constituency is led/held by the ruling party or not.</p> <p>Between 31% and 40% of the country's budget comes from mineral revenues – mainly diamonds.</p> <p>The budget has changed very little over time, reflecting inflation adjustments of around 10% annually.</p> <p>Until around 2010 the budgeting process was more of a technical activity done exclusively by the Ministry of Finance and Development Planning (MFDP). Now the Ministry of Finance and Development Planning holds</p>

	<p>consultative meetings - <i>dipitso</i> - to consult the public and key stakeholders in the private sector, labour and civil society. Thereafter any financial shortfalls are made good through supplementary budgeting and virements. The audit system is taken very seriously, and its activity recently further reinforced by the Parliamentary Public Accounts Committee (PAC). The latter holds its proceedings in public and has drawn a great deal of public and media attention to public spending and the weaknesses of the system.</p> <p>Annual Audit Reports and PAC Proceedings. Media Reports.</p>
<p>Separation private-public</p>	<p>Family continuity in politics, public service, private sector and political office is quite common in Botswana. Many children of the first members of parliament are current MPs and ministers succeeding their parents, such as the Khama, Blackbeard, Masisi, Balopi, Mosinyi, Saleshando families. In other sectors some of the relatives of politicians are quite visible as leaders of public institutions – The Army, Police, parastatal organizations and strategic private sector businesses.</p> <p>There was concern when the President appointed his own brother as a minister instead of better qualified MPs.</p> <p>It is very uncommon for officials to use public funds to cover private expenses, and it would awaken public disapproval if it happened.</p> <p>There is no law on the declaration of assets, which would help in monitoring personal expenditure. However both the Auditor General’s annual reports and the Public Accounts Committee of Parliament have reported several cases of failures to account by senior government officials and members of the executive. A recent example is a case in which the Executive used funds earmarked for Disaster Relief to fund the DIS (Intelligence Agency) without the authorization of Parliament.</p> <p>There is growing pressure to monitor personal expenditure of public leaders but it has not yet been acceded to. The DCEC is in support of a law on the declaration of assets and liabilities.</p> <p>Newspaper reports and Radio Botswana News during the months of May, June and July 2013. Also DCEC interviews and media reports.</p> <p>Newspaper reports and Radio Botswana News during the months of May, June and July 2013. Also DCEC interviews and media reports.</p> <p>Laws exist to cover corruption cases and the DCEC and Directorate of Public Prosecution (DPP) would deal with those - both institutions have been very active in exercising their mandates. However, the DCEC feels that it could do more if it were reporting to parliament and not to the executive.</p> <p>There were also court cases – Mr. Mathambo, Mr. Lionjanga and Ms Matome in 2011 and 2012 in which all three senior officials were accused of conflict of interest and nepotism. However, they were acquitted by the courts. In a small country such as Botswana nepotism cannot be ruled out.</p>
<p>Relation formal/informal institutions</p>	<p>The dominant norm is much closer to the formal than informal institutions. For example, there has been public outrage when funds voted for “Disaster programmes” were informally diverted by the Office of the President to DIS activities without the approval of parliament during 2012/13. That action was strongly opposed in Parliament and condemned in private media.</p>

	<p>There is no general practice of subverting formal institutions by informal ones. The system is generally formal in every respect. As a general rule and practice, leaders are expected to follow established procedures and to be able to justify their decisions.</p> <p>There is a clear and concerted effort to enforce formal and legal norms. Police and courts are very active on enforcement matters.</p>
<p>Accountability and rule of law</p>	<p>The Minister of Defence who is also a cousin to the sitting President was forced to step down from his post to answer a charge of alleged corruption in court in 2011. Another Assistant Minister of Finance and Development Planning was forced to relinquish his post in 2010 on account of alleged corruption. He has however reappeared as the Chairperson of the Ruling Party. The phenomenon of whistleblowing is growing in practice but there is no law on whistleblowing.</p> <p>Every agency is required by law to produce annual reports. Although the independence of the Judiciary remains largely intact, it has been questioned in some quarters, especially by the unions.</p>
<p>Personal autonomy and capacity for collective action</p>	<p>There is the Office of Ombudsman to deal with injustice and Maladministration in the Public Service. Many individuals have made direct appeals to the Office of the President against perceived injustice meted to them, and they were assisted.</p> <p>The private media and civil society are active especially on the human rights of minority groups, homosexuality, the death penalty and prisoners' rights.</p> <p>Private media reports demanding resignations. Two ministers facing corruption charges recently refused to resign despite pressure, contrary to best practice. The President failed to sack them resulting in some suggesting that President Khama 'condones corruption'. Corruption is not tolerated and such cases are given wide coverage in the private media.</p>

III. Summary and Conclusions

Botswana has a relatively functional democratic system with entrenched political, judicial and watchdog institutions. The culture of democratic freedom has allowed citizens and their organizations to express their views through private media and other formal mechanisms. Both the political and economic systems promote a culture of inclusiveness, participation and consultation. In general, the system displays relatively high levels of consensus-building across the different sections of the population. Visionary leadership and relatively good economic endowment in the form of minerals have provided resources that the state has used to carry out a basic development programme which has benefited different sections of the population. Schools, health facilities, water supply and roads have been widely provided to the general population. Consequently, the level of poverty has dropped from more than 80% at independence in 1966 to around 21% in 2009/10. Unemployment too has been declining from more than 50% of the labour force in the 1970s to around 17.8% in 2009/10,

according to the Botswana Core Welfare Indicators (Poverty) Survey. It appears therefore that relative economic prosperity has been an important factor in sustaining good governance and political stability (Tsie, 1996). Indeed, the current economic decline following the global economic crisis of 2008 has seen Botswana experience one of the longest and largest strikes by its public sector workers in its post-colonial history, which occurred in 2011.

The democratic system has generally been responsive to public demands. For instance, the opposition parties have brought questions and motions to Parliament which have brought about positive improvements in general governance and specifically in the governance of public and private institutions and organizations such as the BDC, the BMC and others.

The above notwithstanding, Botswana's governance system especially its electoral reforms have been very slowly entrenching a system of one-party dominance for close to fifty years. At times that has given rise to a certain amount of political complacency in those in power. Indeed, the numbers of opposition seats in parliament is not a true reflection of their 46% strength in the popular vote (Election Results 2009). The general weakness of Parliament when compared to the executive has also been a major blight on Botswana's democratic system. The wealth of Botswana's government has made a patron of the state so that every institution, organization and community has its potentially independent role and voice muted by its overdependence on the state for direct or indirect funding of its activities.

Though still relatively low, corruption exists and has been increasing. However, the public is fully conscious of corrupt tendencies and is openly opposed to them. The institutions set up to fight corruption such as the DCEC, DPP and PPADB have within the constraints of their mandates done their best to curb corruption through legal action and public mobilization against it. Anti-corruption institutions, particularly the DCEC, need to strike a balance between their constraints and available resources. Private media and opposition parties have also played crucial roles in alerting the nation to possible acts of corruption. More important perhaps have been the opposition political parties, who have introduced bills and motions on the declaration of assets, freedom of information and other matters in a bid to expand the democratic space and improve the reporting of corruption.

Results beyond the empirical assessment

Botswana's case study on democratic governance and the management of corruption has some interesting lessons for the wider world. Those lessons revolve around four key spheres of good governance, namely political commitment, economic management, the leadership's vision for society and the nature of corruption and mechanisms of combating it. Below is a brief elaboration of each of those four areas and the lessons to be drawn from them:

a. Political Commitment to Good Governance

Good governance has failed in many countries around the world due to the lack of political commitment to the constitution. In a democracy, the constitution is the basis of separation of powers and respect for the rule of law which allows for it and the associated checks and balances in the system. The lesson from Botswana's case study is that there has been a *relatively firm and genuine commitment to a democratic system with full political, economic and social rights for all citizens. That commitment has been a pre-condition for sustainable good governance.*

The second lesson from this case study is that *good governance must cut across the government system - both central and local government must include all non-state actors. The latter should act as both watchdogs and agenda setters.*

b. Economic Management

The term "resource curse" has been used in recent literature to portray that situation in which an endowment of natural resources such as oil, diamonds and other minerals has led to conflict and the destruction of society in many parts of the world. Botswana's case study shows that the discovery and exploitation of rich minerals such as diamonds did not spark conflict but enhanced the capacity of the state to govern more effectively and efficiently. The use of the National Development Plan as a tool for allocation of resources and managing public expectations has been the hallmark of Botswana's prudent economic success and in-built social justice. The lesson here is that *a prudent, fair and prioritized development programme enhances good governance and allows for popular participation.*

c. Visionary Leadership as the Key to Good Governance

History shows that leadership is not just an add-on to political governance but a critical factor in the success of any system – political or economic. As examples, the positive leadership of Mahatma Gandhi in India and more recently of Nelson Mandela in South Africa shows beyond doubt that visionary leaders make a major difference to the success of their societies. Those two examples avoided turning their countries into bloodbaths and instead tried to ensure peaceful co-existence in societies based on justice. *Botswana's case study shows that the postcolonial leaders were men and women of integrity and with the determination to build a free and fair society out of the ashes of poverty and colonial injustice.* That standard, set by the first generation of leaders, has put pressure on the subsequently ruling and opposition party leaders to keep to the founding principles of a democratic and socially just society. Even so, the influence of that precedent seems to be waning.

d. Corruption and its Combat Mechanisms

The final important lesson is that corruption is a historical process that grows steadily with changes in society. There is therefore the need to develop multiple anti-corruption strategies, institutions and mechanisms. In this case study I have shown that anti-corruption mechanisms go beyond formal institutions to involve non-state actors such as the private sector, civil society organizations, the media and above all the general public. *The lesson is that the fight against corruption is a collective effort.*

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Interviews were conducted between June and July 2013 with, among others;

A senior DCEC official

A senior DCEC official

A senior BOCCIM official

The Deputy Editor, Sunday Standard

The Editor, The Weekened Post.



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Project profile

ANTICORRP is a large-scale research project funded by the European Commission's Seventh Framework Programme. The full name of the project is "Anti-corruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption". The project started in March 2012 and will last for five years. The research is conducted by 21 research groups in sixteen countries.

The fundamental purpose of ANTICORRP is to investigate and explain the factors that promote or hinder the development of effective anti-corruption policies and impartial government institutions. A central issue is how policy responses can be tailored to deal effectively with various forms of corruption. Through this approach ANTICORRP seeks to advance the knowledge on how corruption can be curbed in Europe and elsewhere. Special emphasis is laid on the agency of different state and non-state actors to contribute to building good governance.

Project acronym: ANTICORRP

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