

Factors That Impede Democratic Consolidation in Botswana

David Sebudubudu

Abstract

Botswana's democratic path is considered unprecedented in the sub-Saharan Africa (SSA) region to the extent of being regarded as a prime example of successful experimentation with democracy on the continent. The country has conducted eleven uninterrupted multiparty elections, when the pre-independence elections of 1965 are counted, maintained a democratic system of government whereby the rule of law is upheld, demonstrated general respect for human rights, and allowed opposition parties to freely contest elections, among other exercises of democratic practice. Analysts are trying to understand why Botswana followed a different democratic path than most of its African peers, which are struggling to realize democratization. Botswana is among four countries including Mauritius, Namibia, and South Africa, known for their democratic eminence in SSA. Considering the country's achievements over the last fifty years, Botswana could be regarded as well on its way toward consolidating its democracy. Yet, a number of factors impede democratic consolidation in the country. These include disproportionate power of the executive, a lethargic civil society, restricted media, and the absence of an even electoral playing field. This essay offers a critical examination of these challenges.

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Democracies have increased in number more than ever before since Samuel Huntington's "Third Wave" in 1974,¹ but their consolidation remains a

David Sebudubudu is a Professor of Political Science and Dean of the Faculty of Social Sciences at the University of Botswana, Gaborone, and a Research Associate at the Transformation Research Unit (TRU): Democracy Globally, Stellenbosch University, Stellenbosch, South Africa. <sebudubu@mopipi.ub.bw>

¹ Larry Diamond and Leonardo Morlino, "Introduction," in *Assessing the Quality of Democracy*, ed. Larry Diamond and Leonardo Morlino (Baltimore, MD: Johns Hopkins University Press, 2005); Peter Arthur, "Democratic Consolidation in Ghana: The Role and Contribution of the Media, Civil Society and State Institutions," *Commonwealth and Comparative Studies* 48, no. 2

major challenge in most countries and a democratic regression has been noted in a number of cases over the recent decade.² This explains why the literature on democracy has been skewed toward consolidation of democratic regimes.³ Democratic consolidation is a critical stage in the democratization process that has been widely studied, and its desirability is beyond dispute. Even though conceptualization is riddled with difficulties and challenges, scholars have offered definitions to attempt to explain what it entails for a democracy to be considered “consolidated.”

The classical definition of consolidation was concerned with regime endurance.⁴ In terms of this definition, democratic consolidation meant “reducing the probability of its breakdown to the point where they can feel reasonably confident that democracy will persist”⁵ A democracy also has been considered consolidated “when a government elected in a free and fair electoral contest is defeated at a subsequent election and accepts the result.”⁶ The salient issue in terms of this definition is the peaceful alternation of power. Furthermore, as David Beetham noted, some scholars prefer a simple longevity or the generation test of some twenty years, or accept that “regular competitive elections are sufficient to judge a democracy consolidated, even without a change of ruling party, since habituation to the electoral process would make any alternative method for appointing rulers unthinkable.”⁷ Beetham raised a valid question about the latter definition, pointing out that if a party stays in power for a prolonged period of time, “the more indistinguishable it becomes from the state apparatus on one side and powerful economic interests on the other, and the more doubtful whether electoral competition takes place on a genuinely level playing field, or that electoral accountability retains much force.”⁸ As will be shown below, this is a challenge confronting Botswana’s democracy.

According to Larry Diamond, consolidation is

the process of achieving broad and deep legitimation, such that all significant political actors, at both elite and mass levels, believe that the democratic regime is the most right

(2010): 203-226; and Rod Hague and Martin Harrop, *Comparative Government and Politics: An Introduction* (Hampshire, UK: Palgrave Macmillan, 2013).

² Larry Diamond, “Facing Up to the Democratic Recession,” *Journal of Democracy* 26, no. 1 (2015): 141-155.

³ Diamond and Morlino, “Introduction.”

⁴ Andreas Schedler, “What Is Democratic Consolidation?” *Journal of Democracy* 9, no. 2 (1998): 91-107.

⁵ *Ibid.*, 94.

⁶ David Beetham, “Conditions for Democratic Consolidation,” *Review of African Political Economy*, no. 60 (1994): 157-172.

⁷ *Ibid.*, 160.

⁸ *Ibid.*

and appropriate for their society, better than any other realistic alternative they can imagine. Political competitors must come to regard democracy (and the laws, procedures, and institutions it specifies) as the “only game in town,” the only viable framework for governing the society and advancing their own interests. At the mass level, there must be a broad normative and behavioral consensus—one that cuts across, ethnic, nationality, and other cleavages—on the legitimacy of the constitutional system, however poor or unsatisfying its performance may be at any point in time.⁹

The wide-ranging delineation of consolidation covers a number of elements, which also are advanced by Juan Linz and Alfred Stephan.¹⁰ The existence of so many definitions of the concept suggests that it has become close to impossible to “clearly specify when a democracy has become ‘consolidated.’”¹¹

In addition, the literature offers some prerequisites for a democracy to consolidate. According to Beetham, there are four factors that are critical in facilitating democratic consolidation in a country: the type of transition, the economic system, the political culture, and the constitutional arrangements.¹² In their explanation and understanding, Linz and Stephan identified the existence of an effective state as well as five additional interrelated preconditions that are critical to democratic consolidation: free and lively civil society; a relatively autonomous political society; the rule of law to which all key actors adhere; a functioning state bureaucracy; and the institutionalization of the economic society.¹³ These preconditions are deficient in a number of countries, particularly developing countries, including the case of Botswana, as we demonstrate below. Where these conditions prevail in developing countries, it is rare to find all of them in operation at once.

Furthermore, there also are impediments working against consolidation. Linz and Stephan singled out two such impediments, those posed by ethnic conflict in multinational states, and those brought on by the unfulfilled popular hopes for economic improvement in states undergoing simultaneous political and economic reform.¹⁴ Most African countries succumb to these challenges. It should be noted, however, that these challenges are not uniform across countries. And as Beetham stated, “the project of democratic consolidation is

⁹ Larry Diamond, *Developing Democracy: Towards Consolidation* (Baltimore, MD: John Hopkins University Press, 1999).

¹⁰ Juan J. Linz and Alfred Stephan, “Toward Consolidated Democracies,” *Journal of Democracy* 7, no. 2 (1996): 14-33.

¹¹ Arthur, “Democratic Consolidation in Ghana.”

¹² Beetham, “Conditions for Democratic Consolidation.”

¹³ Linz and Stephan, “Toward Consolidated Democracies.”

¹⁴ *Ibid.*, 23.

clearly more difficult in some circumstances than others, and faces much more formidable obstacles in some countries than others.”¹⁵ This is in part because countries are at different levels of development, and the magnitudes of their problems vary. For instance, the challenges of democratic consolidation in Nigeria cannot be the same as those in Lesotho. Lesotho is not a multinational state, yet conflict and violence have become part of its political culture. Even so, there are a few countries that have survived these challenges. Botswana is one such country.

Botswana is Africa’s prime example of an enduring experimentation with democracy, since it gained its independent status in 1966 and there has not been any attempt to defect from democracy ever since. The country has held eleven peaceful, successive, multiparty elections, and these have been hailed as free by both local and international observers. Fifty years later, Botswana, Mauritius, Namibia, and South Africa offer a glimpse of optimism and promise for Africa. Interestingly, at independence, Botswana was confronted with similar challenges as those faced by most of its African peers such as Kenya, Lesotho, Malawi, Nigeria, and Zambia, yet it did not go their route, that is, it did not introduce a nondemocratic regime subsequent to independence. Despite this achievement, democracy in Botswana is deficient.

Most countries resurrected or initiated their transitions to democracy during what Huntington termed the Third Wave of democracy. The Third Wave not only saw the end of repressive regimes in Southern and Eastern Europe, Latin America, and parts of Africa, but also it created an uncongenial atmosphere for the remaining nondemocratic regimes.¹⁶ Since the unfolding of the Third Wave, democracies have come in different shapes and sizes, with some being faulted for a variety of reasons that are contextual to their setting. In the case of Africa, most countries are still caught in between the stages of transition and democratic consolidation. This is supported by Peter Arthur who noted that democratic consolidation remains a critical challenge for most countries, particularly those in Africa.¹⁷ Contrary to popular belief, Botswana is no exception. This essay identifies defects in Botswana’s democracy and discusses four noteworthy challenges that stand in the way of the country’s democratic consolidation.

Political Culture and Democratic Consolidation in Botswana

This essay uses the concept of political culture to help understand and explain democratic consolidation in Botswana. The discussion draws on the concept of political culture, defined as the general pattern of values, attitudes, and

¹⁵ Beetham, “Conditions for Democratic Consolidation.”

¹⁶ Hague and Harrop, *Comparative Government and Politics*.

¹⁷ Arthur, “Democratic Consolidation in Ghana.”

beliefs of a society regarding the political system.¹⁸ Within the set of people's predominant beliefs, attitudes, values, ideals, and sentiments, citizens evaluate the political system of their country and the role of the self within that system.¹⁹

The literature points to a correlation between political culture and the endurance of a democracy, including the stability of the system. According to Tamir Sheafer and Shaul Shenhav, "The level of [cultural] congruence between democratic values among the public and in political institutions of a country is an important indication of political stability: the greater the congruence, the greater the stability."²⁰ In other words, specific orientations in political culture are essential for the sustenance of democracy.²¹ Diamond noted that "political theory has inherited concerns for the importance of moderation and tolerance and for the dangers of political extremism and unfettered populism ... among political elites."²² Such orientations in political culture are important as they assist in coping with one of the main quandaries of democracy—that of balancing "cleavage and conflict with the need for consensus."²³

Political culture is critical to the survival and sustenance of a political system and the consolidation of its democracy. Democratic theory makes this clear by underscoring that democracies require the participation of active citizens in civic affairs, a high level of information about public affairs, and a pervasive sense of civic responsibility.²⁴ For democracy to thrive, all key players must believe and participate in it, as stressed by Diamond when he noted that,

unless elites accept, in a regular and predictable way, the rules and limits of the constitutional system and the legitimacy of opposing actors who similarly commit themselves, democracy cannot work... . Ultimately, if democracy is to become stable and effective, the bulk of the democratic citizenry must develop a deep and resilient commitment to it.²⁵

Botswana's political culture reflects some of the traits identified above by Diamond. We argue that it is the specific character of the political culture of

¹⁸ Hague and Harrop, *Comparative Government and Politics*.

¹⁹ Diamond, "Developing Democracy."

²⁰ Tamir Sheafer and Shaul Shenhav, "Political Culture Congruence and Political Stability: Revisiting the Congruence Hypothesis with Prospect Theory," *Journal of Conflict Resolution* 57, no. 2 (2012): 232-257.

²¹ Diamond, "Developing Democracy."

²² *Ibid.*, 165.

²³ *Ibid.*, 166.

²⁴ Gabriel A. Almond and Sidney Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations* (Princeton, NJ: Princeton University Press, 1963).

²⁵ Diamond, "Developing Democracy," 173-174.

the country that has contributed much to the survival of its democracy for fifty years. Commentators have noted that the traditional values in Botswana are characterized by public discussions and community consensus, nonviolence, and moderation, and that they are critical to the promotion of democratic political culture and political stability.²⁶ Significantly, the political culture in Botswana that promotes moderation and the building of consensus is congruent with the traditional Tswana culture in which violent behavior enjoys no moral or media support.²⁷ In the words of John Holm, Tswana culture is “more antithetical to physical violence than [is the case in] many other parts in Africa.”²⁸

However, while certain Tswana values facilitate the persistence of democracy in the country, other cultural traits advance the dominance of the ruling party, the Botswana Democracy Party (BDP). The party has won all eleven multiparty elections that the country has organized so far (see table 1). As noted, Tswana culture promotes stability and has enabled a transition to democracy.²⁹ Yet, the culture is also rigid and places emphasis on respect and obedience to authority, as it springs from the historical Tswana social and political structures that were authoritarian and highly stratified.³⁰ Thus, some of the structures and values are antithetical to the deepening of liberal democracy in Botswana.

The Political Landscape in Botswana

Factors Promoting Democratic Consolidation

With the same political party having been continuously in power since independence, Botswana is yet to experience the test of alternation of power. A number of factors have been attributed to the absence of this test, but these are not the focus of this essay. What must be noted is that, although the country has not experienced the alternation test, it nevertheless has endured as a democracy for fifty years, albeit without competitive elections, the one exception being the 2014 election. In this election, the ruling BDP secured less than 50 percent of the popular vote, yet won a sufficient number of seats to remain in power. In 2014, three opposition parties, the Botswana Movement for Democracy

²⁶ John D. Holm, “Botswana: A Paternalistic Democracy,” in *Democracy in Developing Countries: Africa*, ed. Larry Diamond, Juan J. Linz, and Seymour M. Lipset (Boulder, CO: Lynne Rienner, 1988), 196.

²⁷ Zibani Maundeni, “Mutual Criticism and State/Society Interaction in Botswana,” *Journal of Modern African Studies* 42, no. 4 (2004): 621.

²⁸ Holm, “Botswana: A Paternalistic Democracy,” 196.

²⁹ David Sebudubudu and Patrick Molutsi, “Botswana’s Democracy: Explanations for Success?” *Politeia* 27, no. 1 (2008): 47-64.

³⁰ John D. Holm, “Development, Democracy and Civil Society in Botswana,” in *Democracy and Development: Theory and Practice*, ed. Adrian Leftwich (Cambridge, UK: Polity Press, 1996), 98.

Table 1. Percentage of Seats and Votes Won by Parties in Elections in Botswana, 1965–2014

Party	1965		1969		1974		1979		1984		1989		1994		1999		2004		2009		2014	
	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes
BDP	99	80	77	68	84	77	91	75	82	68	91	65	67	55	83	54	77			54	65	47
BNF				14	7	12	6	13	15	20	9	27	33	37	15	25	21			21		
BPP	0	14	10	12	7	6	3	8	3	7	0	4	0	4						14		
BIP	0	5	3	6	2	4	0	4	0	3	0	2	0	4						0		
BAM															0	5	0					
BCP																					5	20
BCP/ BAM															2	11	2			22*		
NDF																	0					
UDC																					30**	30
Other	1	1	0	0	0	1	0	0	0	2	0	2	0	0	0	5	0			14	0	3
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Source: The 1965–2009 election results are reproduced from David Sebudubudu and Bertha Z. Osei-Hwedie, “In Permanent Opposition: Botswana’s Other Political Parties,” *South African Journal of International Affairs* 17, no. 1 (2010): 85–102. The 2014 percentages were calculated from the results released by the Independent Electoral Commission (IEC) of the Republic of Botswana.

* In 2009, the BCP and BAM contested the elections as a pact/alliance and obtained a combined popular vote of 22 percent.

**In 2014, BMD, BNF, and BPP contested the election under the UDC coalition and secured 30 percent of the votes.

(BMD), the Botswana National Front (BNF), and the Botswana People's Party (BPP) contested elections under the Umbrella for Democratic Change (UDC) coalition and won 30 percent of the popular vote. The Botswana Congress Party (BCP) opted not to be part of the opposition coalition and secured 20 percent of the popular vote.

The 2014 elections were the most competitive in the country's history. In fact, the BDP even lost seats in some of its traditional strongholds to the UDC. The 2014 election results suggest that the BDP was saved by vote splitting between the BCP and UDC, which had happened previously. The inherent weaknesses of opposition parties in Botswana, coupled with other factors, have contributed to the dominance of the BDP and the failure of the country's democracy to consolidate—if consolidation is understood to mean experiencing an alternation in power following a free and fair election. The dominance of the BDP also has been facilitated by the Tswana culture that abhors radical organizations. The BDP always has been portrayed as a moderate and accommodating organization, while opposition parties have been regarded as radical in orientation. However, the dominance of the BDP may be in decline as shown in table 1, particularly since 1994, but the opposition so far has failed to take advantage of this.

Notwithstanding one-party dominance, the legitimacy of elections in Botswana has been consistently endorsed by election observers. The holding of elections is critical because they “are more than mere formalities, their regular conduct infuses government with new blood and may contribute to the maturation of nascent democratic cultures.” But crucial as elections are, “their importance should not be overestimated since doing so would amount to society falling into the trap of what Karl ... calls the ‘fallacy of electoralism.’”³¹

Democracy is not an automatic process, as it needs to be guided, nurtured, and protected to persist. This explains why some countries have survived as democracies while others have failed. As Diamond noted above, democracy requires both the leaders and masses to believe in it, and this has been the case for Botswana, as demonstrated especially by its founding leaders. Not only have the leaders pledged to protect the country's constitution, but also there is widespread support for democracy among ordinary people. Recent AfroBarometer Botswana Chapter surveys attest to this. For instance, of the 1,200 people who were interviewed during the 2014 AfroBarometer survey, 83 percent found democracy preferable to any other type of government. In the same survey, 88 percent of the respondents were against the army's governance of the country, while 77 percent were against one political party standing for elections and holding office. Eighty-eight percent opposed the abolishment of elections and parliament. Overall, 68 percent of those interviewed were satisfied with the way democracy works in Botswana. The survey was

³¹ Arthur, “Democratic Consolidation in Ghana,” 206.

conducted between June 28 and July 14, 2014.

With support for democracy not being in doubt, and considering the fact that the country has not experienced a military government or ever tried to abolish formal liberal democracy, it appears Botswana's challenge "is not overthrow but erosion: the intermittent or gradual weakening of democracy by those elected to lead it."³² While Botswana's liberal democracy has been widely admired, it also has received attention from scholars who doubt its full democratic credentials.³³ According to this school of critical thought, there are democratic deficiencies in Botswana that might account for the country's failure to consolidate its democracy. Among them, barring the 2014 elections, is the fact that Botswana has failed to offer competitive elections to its citizens. Upon closer examination, the author and Bugalo Maripe concluded that Botswana's elections are not what they seem, as there is a clear deficit of competition, a key requisite for democratic consolidation.³⁴ The research question we pose in the next part of the essay asks: What are the other factors that stand in the way of democratic consolidation in Botswana?

Factors Impeding Democratic Consolidation

That Botswana has functioned as Africa's enduring democratic experimentation is not in doubt. However, Botswana's democracy is yet to consolidate because a number of factors hinder its consolidation. These factors include disproportionate power of the executive, a lethargic civil society, restricted media, and the absence of an even electoral playing field.

Disproportionate Power of the Executive

Executive domination in public affairs is a defining feature of African politics, and Botswana is no exception. In terms of section 47 (1) of the constitution, Botswana has an executive president who holds extensive powers. According to section 47 (2), "in the exercise of any function conferred upon him or her by this Constitution or any other law the President shall, unless otherwise provided, act in his or her *own deliberate judgement* and *shall not be obliged*

³² Samuel P. Huntington, "Democracy for the Long Haul," *Journal of Democracy* (1996), quoted in Schedler, "What Is Democratic Consolidation?" 97.

³³ Kenneth Good, "Authoritarian Liberalism: A Defining Characteristic of Botswana," *Journal of Contemporary African Studies*, no. 14 (1996): 29-51; Kenneth Good, "The Presidency of General Ian Khama: The Militarization of the Botswana Miracle," *African Affairs* 109, no. 435 (2010): 315-324; Ian Taylor, "Growing Authoritarianism in the 'African Miracle'—Should Botswana Be a Case of Concern?" Danish Institute for International Studies (DIIS) Working Paper, no. 24 (Copenhagen: DIIS, 2005); Ian Taylor, "The Limits of the African Miracle: Academic Freedom in Botswana and the Deportation of Kenneth Good," *Journal of Contemporary African Studies* 24, no. 1 (2006): 101-122; and Mokganedi Z. Bothomilwe, David Sebudubudu, and Bugalo Maripe, "Limited Freedom and Intolerance in Botswana," *Journal of Contemporary African Studies* 29, no. 3 (2011): 331-348.

³⁴ David Sebudubudu and Bugalo Maripe, "Electoral Competition in Botswana: Is the Playing Field Level?" *Journal of African Elections* 12, no. 3 (2013): 6-24.

to follow the advice tendered by any other person or authority (emphasis added).”³⁵ The powers of the executive not only give it a dominant position over other branches of government, especially the legislative branch, but also they can undermine the functioning of those branches. Section 42 (3) stipulates that the president appoints ministers and assistant ministers as well as the commander-in-chief, while section 48 provides that the president holds supreme command over the armed forces. The president also has the power to appoint the Attorney General, the Director of Public Prosecutions, the Director General of the Directorate on Corruption and Economic Crime (DCEC), and the Ombudsman, while enjoying the prerogative of mercy.

In addition, the president has the right to proclaim a state of emergency, the power to dissolve parliament, and the authority to declare a prohibition on immigration into the country. The number of people declared to be prohibited immigrants has increased at a worrisome rate since Ian Khama became president. Between 2011 and 2013, for example, 406 foreigners were declared to be prohibited immigrants.³⁶ Once so declared, the status of a prohibited person cannot be reviewed or revoked by a court of law.

Despite the extensive powers of the executive, the Constitution of Botswana does not contain an impeachment clause, which would allow the National Assembly to deal punitively with an erring president. Yet, impeachment proceedings are a necessary safeguard to ensure compliance with the law. Instead, section 92 of the constitution provides for a vote of no confidence in the government. However, the clause is inconsequential and ineffective because, if a vote of no confidence were to be successful, parliament would stand to be dissolved, unless the president resigned from office, which seems an unlikely possibility. Furthermore, and more importantly, the president appoints judges and magistrates. The preceding discussion suggests there is an overlap of responsibilities between the executive and parliament. This has a negative bearing on accountability because parliament is weak in relation to the executive, and, in the main, rubberstamps executive initiatives with few or no questions asked. The weakness is all the more pronounced because parliament remains a department under the Office of the President. This further throttles debate and prospects for reform.

Lethargic Civil Society

Another factor obstructing democratic consolidation is the absence of a developed civil society. As already noted, Linz and Stephan consider the existence of a free and active civil society to be a prerequisite for democratic

³⁵ Republic of Botswana, *Constitution of Botswana* (Gaborone, Botswana: Government Printer, 1966).

³⁶ David Sebudubudu and Keratilwe Bodilenyane, “Botswana,” in *Africa Yearbook: Politics, Economy and Society South of the Sahara in 2013*, vol. 10, ed. Andreas Mehler, Henning Melber, and Klaas van Walraven (Leiden, Netherlands: Boston, Brill, 2014), 453.

consolidation.³⁷ According to Rod Hague and Martin Harrop, civil society consists of “those groups which sit above the personal realm of the family but beneath the state. The term covers public organizations such as labour unions, interest groups and, according to some definitions, recreational bodies.”³⁸ Diamond maintains that civil society represents the realm of social life that is open, voluntary, self-generating, and at least partially self-supporting, while being autonomous from the state and regulated by a legal order or set of shared rules.³⁹ Civil society, in other words, plays an important role in a democracy— that of facilitating participation and acting as a countervailing force to the state.

What is the situation in Botswana? Civil society in the country at best can be described as lethargic. In the literature, it is portrayed as frail and muddled, and as Kenneth Good noted, it is “rudimentary in strength and density... .”⁴⁰ Looking for causes, one commentator made an interesting observation that the lack of any meaningful struggle for independence may explain the relative weakness and disorganized nature of civil society in Botswana. The same author also commented on the concomitant absence of a tradition of questioning authority, combined with an essentially top-down traditional culture of acquiescence.⁴¹ As a result, civil society is less developed in Botswana compared to other African countries.⁴² Moreover, the state has defined the boundaries within which civil society should function. Monageng Mogalakwe and the author have identified two types of civil society organizations in Botswana; those that operate within the set boundaries, such as women’s and rights groups, and those that portend the interests of the state, such as trade unions.⁴³ The former are permitted to flourish, while the latter are restricted. This is because, as Good explained, “the government of Botswana sees trade unions as conspiratorial and subversive of social control”⁴⁴

Restricted Media

The critical role played by the media in a democracy has been widely acknowledged and documented in the literature. Diamond, for example, noted that one of the prerequisites of a liberal democracy is the existence of alternative

³⁷ Linz and Stephan, “Toward Consolidated Democracies,” 16.

³⁸ Hague and Harrop, *Comparative Government and Politics*.

³⁹ Diamond, “Developing Democracy,” 221.

⁴⁰ Kenneth Good, “Enduring Elite Democracy in Botswana,” in *The Resilience of Democracy: Persistent Practice, Durable Idea*, ed. Peter Burnell and Peter Calvert (London: Frank Cass, 1999), 58.

⁴¹ Ian Taylor, “As Good as It Gets? Botswana’s Democratic Development,” *Journal of Contemporary African Studies* 21, no. 2 (2003): 221.

⁴² Ibid.

⁴³ Monageng Mogalakwe and David Sebudubudu, “Trends in State-Civil Society Relations in Botswana,” *Journal of African Elections* 5, no. 2 (2006): 207-224.

⁴⁴ Kenneth Good, “Enduring Elite Democracy in Botswana,” 56.

sources of information, such as independent media, to which citizens are permitted politically unrestricted access.⁴⁵ This is underscored by others, who concur when stating that democracy thrives on a free flow of information.⁴⁶ However, the reality in some countries is that the flow of information by means of unbiased media is restricted, and other sources of information barely exist. Unfortunately, among those countries are some considered to be democratic, and the restrictions regarding the media work against the consolidation of their democracies.

The Constitution of Botswana recognizes the importance of the media, as it provides for the protection of freedom of expression. Section 12 (1) reads:

Except with his or her own consent, no person shall be hindered in the enjoyment of his or her freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference whether the communication be to the public generally or to any person or class of persons and freedom from interference with his or her correspondence.⁴⁷

But section 12 (2) establishes limitations whereby this right may be denied in the interests of defense, public safety, public order, public morality, or public health, among other rationales. In addition, certain legislation and, indeed, some actions of government work against the spirit and letter of section 12. Examples include the National Security Act of 1986 and sections 50-51 of the Penal Code which address seditious intention and seditious offences.⁴⁸ According to Good, “the existence of these laws, and their occasional utilization, encourages self-censorship on the part of publishers, editors, journalists and others.”⁴⁹ Furthermore, Good cautions that “the National Security Act of 1986 perhaps expresses the secretive and authoritarian tendencies in Botswana’s democratic state. Its provisions are vague and sweeping and include a penalty of up to twenty-five years’ imprisonment regardless of public interest—and it has been used with high selectivity.”⁵⁰ This was the case in 1992 when “*Mmegi* ran an account of an alleged wage-agreement between the Manual Workers Union and a governmental negotiating body, the editor, Titus Mbuya, and the journalist, Prof Malema, were charged, ...with wrongly receiving and publishing a secret

⁴⁵ Diamond, “Developing Democracy,” 11.

⁴⁶ Hague and Harrop, *Comparative Government and Politics*, 126.

⁴⁷ Republic of Botswana, Constitution of Botswana.

⁴⁸ Republic of Botswana, *National Security Act* (Gaborone, Botswana: Government Printer, 1986), and Republic of Botswana, *Penal Code* (Gaborone, Botswana: Government Printer, 1964).

⁴⁹ Kenneth Good, “Enduring Elite Democracy in Botswana,” 52.

⁵⁰ *Ibid.*

document.”⁵¹

The offence of sedition also has been used. For instance, in September 2014, the editor of the *Sunday Standard* newspaper, Outsa Mokone, was arrested and charged with sedition because his newspaper published a story detailing the president’s involvement in a car accident.⁵² The sedition charge earned the government condemnation both in and outside the country. The decision to charge the editor was viewed in some quarters, such as Freedom House, as an attempt by Khama’s government to muzzle the private-sector press, which has been critical of the government.⁵³

Earlier in the same year, in June 2014, the Directorate on Corruption and Economic Crime (DCEC) tried, but failed, to secure a court order to prevent the *Sunday Standard* from circulating information on the investigation into the affairs of the Director General of the Directorate of Intelligence Services, Isaac Kgosi.⁵⁴ Kgosi was investigated on allegations of corruption. The state media, which are openly biased and tightly controlled by the government, failed to report the case against Kgosi. The *Sunday Standard*, however, brought the affair to public attention, distinguishing itself once again as one of the harshest critics of the government, which seemed to irk the political leadership.

In Botswana today, the constraining laws are not unlike those in existence under apartheid in South Africa, by which people were detained and thereafter released without trial. These laws have a constraining effect on journalists, and work against the free flow of information. The situation is compounded by deliberate attempts to bar access to information about laws, as the state continues to resist calls for the introduction of such information.⁵⁵ Good maintains, “The Botswana state is ... characterized by the complete absence of the right-to-know legislation, and of whistle-blower protections for the public servants,”⁵⁶ which are critical to the promotion of ethical governance.

There are other telling actions by the government demonstrating that the current rulers of the country are not receptive to criticism. Note these. In 2001, the government issued an advertising ban against the *Botswana Guardian* and the *Midweek Sun* after the two papers carried stories critical of the leadership, specifically the president and the vice president. The ban was removed only following a court decision.⁵⁷ Another example was the decision

⁵¹ Ibid.

⁵² David Sebudubudu and Keratilwe Bodilenyane, “Botswana,” in *Africa Yearbook: Politics, Economy and Society South of the Sahara in 2014*, vol. 11, ed. Sebastian Elischer, Rolf Hofmeier, Andreas Mehler, and Henning Melber (Leiden, Netherlands: Boston, Brill, 2015), 426.

⁵³ Ibid.

⁵⁴ Sebudubudu and Bodilenyane, “Botswana,” 426.

⁵⁵ Bothomilwe, Sebudubudu, and Maripe, “Limited Freedom and Intolerance in Botswana.”

⁵⁶ Kenneth Good, “Enduring Elite Democracy in Botswana,” 53.

⁵⁷ Bothomilwe, Sebudubudu, and Maripe, “Limited Freedom and Intolerance in Botswana,” and Mogalakwe and Sebudubudu, “Trends in State-Civil Society.”

to commercialize the Botswana *Daily News* in 2002. Subsequent to the 2001 court decision that reversed the advertising ban against the *Botswana Guardian* and the *Midweek Sun*, the government decided “to find another way of silencing the independent press: by commercialising the *Daily News* and positioning it as a rival and competitor, in the hope that eventually the independent press would bleed to death.”⁵⁸ The actions were taken by a government that was fully aware of the importance of advertising revenue to the survival of private newspapers.

The most recent law seeking to control the media is the Media Practitioners Act of 2008, which provides for the involvement of the minister responsible for the media in the media’s operations. The act empowers the minister to invoke regulations through a statutory instrument on any issue, including the registration or the refusal to register nonresident media practitioners. The act also empowers the minister to dissolve the executive committee of the Media Council and enable a fresh committee to be chosen. Furthermore, the act provides for both the Complaints and the Appeals committees to be chosen by the minister responsible for the media. The latter committee is supposed to be chaired by a lawyer recommended by the Law Society, but the Law Society is opposed to the act and, so far, it has declined to suggest a name. This has prevented the committee from functioning, and serves to further thwart the implementation of the act.⁵⁹ All the described acts and regulations have been interpreted as attempts by the government to control the media.

The above examples point to a number of conclusions:

1. The media are aware of being under the “threat of government surveillance and control,”⁶⁰ through the use of restrictive legislation and actions, which include the possibility of sanctions.
2. The Botswana government is increasingly intolerant of the press. This applies especially to critical reporting published in privately owned outlets. Even reports that are published in government-owned media occasionally are censored.⁶¹ The intolerance of criticism shown by the political leadership goes further, as it is extended, at times, even to members of the ruling party who dare to criticize the government.⁶²

⁵⁸ Mogalakwe and Sebudubudu, “Trends in State-Civil Society,” 220.

⁵⁹ Republic of Botswana, Media Practitioners Act (Gaborone, Botswana: Government Printer, 2008).

⁶⁰ Taylor, “As Good as It Gets?” 219.

⁶¹ Boththomilwe, Sebudubudu, and Maripe, “Limited Freedom and Intolerance in Botswana,” 339.

⁶² *Ibid.*

3. The relationship between the private media and government has not always been an easy one.⁶³ Certainly, restrictions on the media and actions against them have retarded the consolidation of the country's democracy by hindering the free flow of information. To this extent, there is a need for the country to repeal laws that work against freedom of expression, and instead to embrace freedom of information laws. The government so far has used its dominance in parliament to rebuff opposition and withstand the pressure to introduce such laws. Yet, among the 1,200 people interviewed in 2014 in an AfroBarometer survey, 55 percent felt that the media should have the right to publish any views and ideas without government control, while 71 percent agreed that the news media should constantly investigate and report on government mistakes and corruption.

Absence of an Even Playing Field for Electoral Competition

In addition to a restricted media, another factor hindering democratic consolidation in Botswana is the absence of an even playing field. Stephen Levitsky and Lucan Way argued that one of the methods used by dictators to persist in office, although as yet not adequately studied, is asymmetrical competition.⁶⁴ The authors contend that the absence of an even playing field is not as obvious to outsiders as electoral fraud or violence, yet it can have a negative bearing on competition. They define uneven competition “as one in which incumbent abuse of the state generates such disparities in access to resources, media, or state institutions that opposition parties’ ability to organize and compete for national office is seriously impaired.”⁶⁵ Botswana, in their view, is one of those countries in which “democratic competition is undermined less by electoral fraud or repression than by unequal access to state institutions, resources, and the media.”⁶⁶ Such a situation casts doubt on the quality of electoral completion in Botswana. Sebudubudu and Maripe similarly stated that Botswana’s electoral competition is flawed and fails to meet the international norms of free and fair elections.⁶⁷ In their critical analysis, they argued that the ruling party uses resource asymmetry in electoral competition “as a *self-preservationist or protectionist* tool to enable it to

⁶³ Mogalakwe and Sebudubudu, “Trends in State-Civil Society.”

⁶⁴ Stephen Levitsky and Lucan A. Way, “Why Democracy Needs a Level Playing Field,” *Journal of Democracy* 21, no. 1 (2010): 57-68.

⁶⁵ *Ibid.*, 57.

⁶⁶ *Ibid.*

⁶⁷ Sebudubudu and Maripe, “Electoral Competition in Botswana.”

continue to dominate the political landscape.”⁶⁸ This is a plausible argument, considering the benefits that public office brings to those who are in positions of leadership.

Botswana has not experienced electoral violence, in contrast to countries such as Lesotho and Zimbabwe. But while opposition parties are free to contest for political office, the competition is biased toward the ruling party. In short, Botswana has managed to allow for some semblance of competition, while, in fact, there is no real competition because of resource asymmetry. The fairness of elections in Botswana is in doubt because of the absence of an even playing field, a situation that can be attributed to the following main shortcomings:

- State media that are biased toward the ruling party,
- Unequal access to campaign resources, and
- Doubtful independence of the electoral authority, and an electoral system that favors the dominant party.⁶⁹

The dominance by the BDP in the country’s political landscape since independence has been aptly summarized by Levitsky and Way, who noted that the ruling party has

virtual monopoly over access to state institutions, finance, and mass media. The BDP towers over the political scene. Whereas its privileged ties to business yield generous donations from the private sector, opposition parties attract virtually no donations. And whereas the BDP has routinely used state agencies and resources for partisan ends, no public financing exists for opposition parties. Media access is likewise skewed. Through the 1990s, the state owned all electronic and the country’s only daily newspaper. Although some private media emerged in the 2000s, the state-owned radio and television stations remain the dominant news sources [effectively used by the ruling BDP], and favor the ruling party. The BDP’s financial and media advantages deny opposition parties anything close to an even footing.⁷⁰

The uneven playing field renders Botswana’s electoral competition a mockery, not unlike that evident elsewhere in Africa where there is a serious

⁶⁸ Ibid., 22.

⁶⁹ Levitsky and Way, “Why Democracy Needs a Level Playing Field”; Nicola De Jager and Cara, H. Meintjes, “Winners, Losers and the Playing Field in Southern Africa’s Democratic Darlings: Botswana and South Africa Compared,” *Politikon* 40, no. 2 (2013): 233-253; and Sebudubudu and Maripe, “Electoral Competition in Botswana.”

⁷⁰ Levitsky and Way, “Why Democracy Needs a Level Playing Field,” 61.

shortfall of competitive elections. The difference is that, by offering a semblance of electoral competition, the ruling party in Botswana is preserving its power base in what is seemingly a well-functioning democratic political system.

Conclusion

Botswana is considered Africa's enduring success story in experimentation with democracy, one that, so far, never has deviated from the democratic path. But, as is the case with most countries on the continent, democracy in Botswana is caught between transition and consolidation. What is more, the country does not meet the preconditions for democratic consolidation. As shown above, Botswana's democracy, in the main, has offered a semblance of competition without any real contestation for power taking place. This being the case, the power base of the ruling party has not been threatened, which might explain why a formal multiparty democracy has been maintained.

This essay has identified four factors that present an obstacle to democratic consolidation in Botswana: disproportionate power of the executive; a lethargic civil society; restricted media; and the absence of an even playing field for electoral competition. These factors have contributed to a fragile opposition in Botswana, and have served to bolster the omnipotence of the ruling party, which successfully has rebuffed any suggestion of removing these hurdles. A ruling party's commitment to democracy can be measured by how it reacts to rigorous electoral competition, as was seen in the case of Zimbabwe in 2008, when the ruling party failed to concede defeat and instead opted for a coalition government. Botswana's ruling party is yet to undergo this test. But even if the prospects for a united opposition, such as the one that emerged in the 2014 elections, offer hope for Botswana's democracy, this might not suffice without leveling the playing field and repealing laws that work against a free flow of information.