

Botswana



Key Facts

POPULATION (2011 Census^{1a}): 2,024,904
AREA²: 582,000 sq km
CAPITAL: Gaborone
CURRENCY: pula (BWP)
HEAD OF STATE AND GOVERNMENT: President Ian Khama
FORM OF GOVERNMENT: republic
PARLIAMENTARY SYSTEM: bicameral
STATE STRUCTURE: unitary
LANGUAGES: English, Setswana (official)
NATIONAL ELECTIONS:
 last: Oct 2014 turnout: 83.7% next: 2019
LOCAL ELECTIONS:
 last: Oct 2014 turnout: 84.6% next: 2019
WOMEN COUNCILLORS: 17.9% (2014)
LOCAL GOVERNMENT EXPENDITURE as a percentage of total government budget 2014/15³: 11.4%

SUMMARY

Botswana is a democratic republic with a two-tier system of government: central government headed by the president and local government headed by a mayor in towns/cities and a council chairperson in rural districts. There is no constitutional provision for local government in Botswana, and the main legislation is the Local Government Act 2012. The Ministry of Local Government and Rural Development is charged with providing policy direction and guidance. Local government comprises 16 administrative districts (ten rural and six urban). Under these, there are 20 sub-districts including four administrative authorities. Governance at the local level is also based on a traditional system of villages headed by a kgosi (chief). This traditional system works cooperatively with other district institutions. Although councils have legal powers to collect certain taxes, levies and fees, central government provides up to 90% of their total recurrent revenue. Statutory council functions include provision of primary infrastructure, tertiary and access roads, health and sanitation, economic and physical development, collection and management of waste, and general maintenance of law and order.

1. CENTRAL GOVERNMENT

Botswana is a democratic republic with a bicameral parliament made up of the National Assembly which is advised on social issues by a lower house known as the House of Chiefs or Ntlo ya Dikgosi. The president is the head of state and government and is indirectly elected by the members of the National Assembly to hold office for a maximum aggregate period of ten years. Fifty-seven of the 61 National Assembly members are directly elected by universal adult suffrage

Table 1a. Distribution of councils and population

| District | Sub-districts | Population ^{1a} (2011 Census) | % rural ^{1b} |
|----------------------|---------------|--|-----------------------|
| Central | 7 | 585,595 | na |
| Chobe | 0 | 23,347 | na |
| Francistown | 0 | 98,961 | na |
| Gaborone | 0 | 231,592 | na |
| Ghanzi | 1 | 43,095 | na |
| Jwaneng | 0 | 18,008 | na |
| Kgalagadi | 2 | 50,752 | na |
| Kgatleng | 0 | 91,660 | na |
| Kweneng | 3 | 304,549 | na |
| Lobatse | 0 | 29,007 | na |
| Ngamiland/North-West | 2 | 152,284 | na |
| North-East | 0 | 60,264 | na |
| Southern | 4 | 197,767 | na |
| Selebi Phikwe | 0 | 49,411 | na |
| South-East | 1 | 85,014 | na |
| Sowa | 0 | 3,598 | na |
| TOTAL | 16 | 2,024,904 | 35.9 |

Source: MLGRD communication with CLGF and 2011 Census^{1a}

under the first-past-the-post system from single-member constituencies. Four members are appointed by the president and endorsed by parliament. The president and the attorney general are ex-officio members of parliament.

The president appoints a cabinet of ministers from among members of the National Assembly. The Ntlo ya Dikgosi has an advisory role and has a total of 34 members. The office of the district commissioner is represented in each locality by a district commissioner, who is the senior representative of central government in each district. The district commissioner coordinates development at district level and is the chairperson of the district/urban development committee, which is a planning body.

2. LEGAL BASIS FOR LOCAL GOVERNMENT

2.1 Constitutional provisions

There is no constitutional provision for local government in Botswana^{4a}.

2.2 Main legislative texts

The main legislative text is:

- Local Government Act 2012^{4b}

Other relevant Acts include:

- Public Service Act 2008
- Town and Regional Planning Act 2013
- Local Authority Procurement and Assets Disposal Act 2008.

2.2 Proposed legislative changes

The Ministry have drafted a Local Economic Development Framework for Botswana and it is awaiting cabinet approval. A process is also underway to develop a decentralisation policy.

3. STRUCTURE OF LOCAL GOVERNMENT

3.1 Local government within the state

Botswana is a unitary state that operates a two-tier system of government. The central government forms the first tier, headed by the president. Councils form the second tier, headed by a mayor in urban areas and a council chairperson in rural districts.

3.2 Ministerial oversight

The Ministry of Local Government and Rural Development⁵ (MLGRD) is charged with providing policy direction and guidance for socioeconomic and rural development at local level. It formulates and monitors implementation of policies related to local government. The MLGRD has certain powers over councils and is empowered by legislation to vary the number of councillors. The ministry has responsibility for:

- providing basic physical and social infrastructure
- ensuring efficient operation of all local authorities through good governance
- serving as central government's focal point for local government policies and operational matters
- coordinating the activities of central government at district level
- Mobilising social welfare and community resources to facilitate community participation in the development process and coordination of rural development.

3.3 Council types

Local government comprises two types of local administration: ten rural and six urban districts (four town councils, two city councils), 16 sub-districts and four administrative authorities. In 2009 sub-council fora were established – namely, sub-districts and administrative authorities – which are empowered to make certain decisions on development issues, except on the following: raising of local revenue, engaging in international relations and formulation of statutes and guidelines. These remain the responsibility of the District Headquarters. Every council with sub-districts may constitute up to two committees of any nature at all levels, whereas a council without sub-districts may constitute up to seven committees. Due to the vastness of the country, councils can establish service centres to bring services closer to the people. There is also a traditional system of village leadership which works cooperatively with the council. Each village is headed by a chief or kgosi who is an ex-officio member of the district council in their area of jurisdiction.

Table 1.c Number of local elected female representatives after the 2004, 09 & 14 elections

| Local government term | 2004-09 | 2009-14 | 2014-19 |
|----------------------------|-----------------|---------------|-----------------|
| Female councillors | 116/591 (19.6%) | 139/603 (23%) | 109/609 (17.9%) |
| Female mayors/chairpersons | 3/16 (18.8%) | 1/16 (6.3%) | 3/16 (18.8%) |

Source: MLGRD communication with CLGF

3.3.1 Urban and district councils: These are composed of elected and nominated members, with the district commissioner as an ex-officio member. In the case of district councils, kgosi and land board chairpersons (see section 3.3.3) are also ex-officio members. Councils are accountable to the electorate, and have both authority to take decisions within their localities and discretion to allocate resources within their area of jurisdiction.

3.3.2 Tribal administration: Botswana's institution of traditional village leadership has both a traditional and a development remit. It supports rural development initiatives, particularly at the community level. It comprises two units: judicial, led by the kgosi; and administrative, headed by the tribal secretary. Each tribal chief (kgosi) is an ex-officio member of the local district/sub-district council. The tribal administration system is supported by the Customary Court of Appeal and the Ntlo ya Dikgosi, which advises government on social matters.

3.3.3 Land boards: These are corporate bodies responsible for land administration and charged with holding tribal land for the purpose of promoting social and economic development. When originally established the land boards were accountable to district councils; however, this changed over time and they now report directly to the Ministry of Lands and Housing. Each of the 12 main land boards has eight members who are appointed by the minister, including the chairperson.

4. ELECTIONS

4.1 Recent local elections

The last local elections were held in October 2014⁶, with a turnout of 84.6%. The next elections are scheduled for 2019.

4.2 Voting system

Most councillors are elected, with a minimal number (currently 19%) appointed by the Minister of Local Government and Rural Development. Elections take place every five years by universal adult suffrage using the first-past-the-post system. The local elections take place at the same time as the national elections. The country is divided into 16 districts, six of which are urban. Villages are clustered to make wards, represented by a councillor at both the sub-district/administrative authority and district levels. Councillor representation is similar in urban areas, where the area of coverage is determined by the size of the population within a constituency. Each council is divided into wards and each ward elects a single councillor. The number of polling districts is determined after each population census.

4.3 Elected representatives

There are currently 490 council wards in Botswana. The smallest council has seven wards while the largest has 140. There are currently 609 councillors in Botswana of whom 490 are elected and 119 are nominated. Chairpersons/mayors are indirectly elected from among the councillors for half the term of the council, that is, 2.5 years.

4.4 Women's representation

Following the 2014 local government elections, out of a total of 609 councillors, 109 (17.9%) are women, (63 elected and 46 nominated) which is down from 23% (139/603) following the 2009 elections and 19.6% (116/591) following the 2004 elections. Also following the 2014 election, out of 16 mayors/chairpersons three are women (18.8%), which is up from 6.3% (1/16) after the 2009 elections and back to the level of the 2004 elections (18.8% or 3/16) as shown in Table 1c.

5. SYSTEMS FOR COMMUNITY INVOLVEMENT

5.1 Legal requirements

The Local Government Act establishes village/urban development committees at ward and village levels, whose role is to coordinate development at the local level in line with Botswana's principle of bottom-up planning, where developments are to be discussed with communities before implementation (see 5.2).

5.2 Implementation

Local government uses a bottom-up planning approach whereby communities are consulted during the drafting of district/urban development plans. These plans take a long-term view (five to six years). The consultations are done with the participation of all institutions operating at the district level, coordinated by the Office of the District Commissioner. The village/ward development committees which were established by the Local Government Act 2012 are used to reach the community. Dikgosi (traditional leaders) play a critical role in mobilising communities for consultation on all government policies and programmes at the local level.

5.3 E-government

In 2010, government launched a strategy on e-government. Some of the services offered by councils can be found on their websites. In addition, the MLGRD is piloting a 'service hall' concept in two councils, Kweneng and Gaborone, in response to feedback from customers highlighting slow turnaround time, disjointed and fragmented services, manual services, poor record management, and excessive bureaucracy. The service halls represent a first step towards joined-up government and a 'one-stop shop' approach whereby a number of services are provided under one roof and also offered online.

Table 2. Aggregate income and expenditure for local government 2014/15

| Income | BWP bn | Expenditure | BWP bn |
|-------------------------------|--------------|--------------------------|--------------|
| Centre-local transfers | 3,530 | Administration | |
| restricted | na | Staff | 2,073 |
| unrestricted | na | Property maintenance | 756 |
| Locally raised revenue | 2,717 | Operational costs | 234 |
| property taxes | na | Services | |
| licences and fees | na | Development | 2,757 |
| TOTAL INCOME | 6,247 | TOTAL EXPENDITURE | 5,819 |

Source: MLGRD communication with CLGF

Note: Figures may not sum to totals due to rounding.

6. ORGANISED LOCAL GOVERNMENT

6.1 National local government association

The Botswana Association of Local Authorities⁷ (BALA) is a voluntary organisation established in 1983 to promote unity, solidarity, cohesion, and cooperation among local authorities. The association also engages and collaborates with government on matters that affect its members. Under the Local Government Act 2012, the association was mandated to develop a code of conduct for its members, which was ratified by members in 2013. The association is also enshrined in the Local Government Act 2012 and its objectives are to: provide and strengthen local governance; provide opportunities for members to discuss issues of common interest; collaborate and engage in matters of mutual understanding with central government; and build partnerships, networks and coalitions with strategic organisations. Its main funding is from central government. Some donor agencies have also provided modest support.

7. INTERGOVERNMENTAL RELATIONS

Good intergovernmental relations are promoted through various mechanisms such as national and local-level forums including kgotla meetings and high-level consultative meetings. Each district administration is headed by a district commissioner (DC) appointed by the permanent secretary to the president. Each DC has authority over the development, implementation and monitoring of their local district/urban development plan. Local authorities headed by council secretaries/town clerks, and heads of departments for central government provide effective communication links between communities and central government. At central government level, the MLGRD is well represented in cabinet with a minister and two assistant ministers. Additionally, in 2012 the government established a parliamentary committee, the Local Governance and Social Welfare Committee, which is responsible for local governance issues at national level. Local authorities can also establish national and international twinnings with other local authorities to undertake development projects of common interest and benefit.

8. MONITORING SYSTEMS

A number of independent scrutiny mechanisms ensure the accountability of local authorities:

- the Auditor General's Department is a statutory authority which audits the accounts of all councils annually
- the Local Authorities Public Accounts Committee, appointed by MLGRD, examines the accounts of local authorities periodically
- the Ombudsman deals with complaints of maladministration
- the Directorate on Economic Crime and Corruption investigates alleged cases of corruption in local authorities.

These organisations derive their authority from the constitution and from acts of parliament such as the Ombudsman Act, the Corruption and Economic Crime Act, the Accounts and Audit Act and the Local Authority Procurement and Assets Disposal Act.

9. FINANCE, STAFFING AND RESOURCES

9.1 Locally raised revenue

Councils have statutory powers to collect certain taxes, levies and fees to cover their operating expenses. Local sources of revenue include rates, service levies and user charges including abattoir fees, trade licences, beer levy, interest on investments, housing rents, and any other alternative sources of revenue as determined from time to time. Since 2012, property tax and business tax are applicable in both urban and district councils.

9.2 Transfers

Central government provides 90% and 80% of district and urban councils' recurrent budgets, respectively; and 100% of their capital budgets. Councils also receive development grants from central government. Since Botswana's domestic government revenues are largely generated by mining and national taxes, the revenue is pooled and shared between central and local government. In 2014/15, the MLGRD received BWP 6,246,706,730 from central government to fund recurrent and development budgets for local government, and the expenditure for the year was BWP 5,818,785,195.23.

9.3 Local authority staff

The Department of Corporate Services within the MLGRD is responsible for recruitment, postings, transfers, promotions, training, discipline and conditions of service of senior staff in all local authorities. The administrative heads of councils are town clerks in urban districts and council secretaries in rural districts. The responsibility for lower grade staff lies with the local authority and the local district commissioner. Councillors receive remuneration at a level determined by central government. Strategic leadership at local authority level is provided by mayors in towns and council chairpersons in rural districts.

10. DISTRIBUTION OF SERVICE DELIVERY RESPONSIBILITY

Councils are organised into departments to facilitate service delivery and each has jurisdiction over its own area. Coordination of council plans and activities is done through various mechanisms and forums organised by central government. Functions of councils include provision of primary education infrastructure, public health and sanitation, waste management, tertiary and secondary roads and other areas such as social welfare and community development, remote area development and maintenance of public facilities. Local authorities are empowered to undertake other functions related to those specified by legislation and as advised by the MLGRD.

References and useful websites

- 1a. Central Statistics Office, 2011 Census www.cso.gov.bw/templates/cso/file/File/Census%202011%20Statsbrief_Projections%20vs%20Actual%20censusJuly%2031%202013%20.pdf
- b. Percentage of population, Urban www.cso.gov.bw/images/analytical_report.pdf
2. UN statistics surface area <http://unstats.un.org/unsd/demographic/products/dyb/dyb2006/Table03.pdf>
3. Based on figure BWP5.82bn in table 2 and BWP51.26 in section 71 the central government budget 2014/15 www.gov.bw/en/Ministries-Authorities/Ministries/Ministry-of-Finance-and-Development-Planning1/BUDGET-SPEECH
- 4a. Botswana Constitution www.parliament.gov.bw/documents-and-reports/constitution-of-botswana
- b. Local Government Act 2012 <http://aceproject.org/ero-en/regions/africa/BW/Local%20Government-District%20Councils%20Act.pdf>
5. Ministry of Local Government and Rural Development www.mlg.gov.bw
6. Independent Election Commission Botswana www.iec.gov.bw
7. Botswana Association of Local Authorities www.bala.org.bw
8. National government portal www.gov.bw
9. UNDP HDR Botswana country profile <http://hdr.undp.org/en/countries/profiles/BWA>

Annex A. Summary of service provision by different spheres of government in Botswana

| Services | Delivering authority | | | Remarks |
|--|----------------------|-----------|---------------|--|
| | Central | City/town | Rural council | |
| GENERAL ADMINISTRATION | | | | |
| Police | ■ | | | Ministry of Labour and Home Affairs is responsible for civil status register |
| Fire protection | | ■ | ■ | |
| Civil protection | ■ | | | |
| Criminal justice | ■ | | | |
| Civil status register | ■ | | | |
| Statistical office | ■ | | | |
| Electoral register | ■ | | | |
| EDUCATION | | | | |
| Pre-school (kindergarten & nursery) | | ■ | ■ | Government offers only reception class level, private pre-schools offer at a lower level |
| Primary | | ■ | ■ | |
| Secondary | ■ | | | Some apprenticeship training brigades are community-owned |
| Vocational & technical | ■ | | | |
| Higher education | ■ | | | |
| Adult education | ■ | | | |
| SOCIAL WELFARE | | | | |
| Family welfare services | | ■ | ■ | |
| Welfare homes | ■ | | | |
| Social security | ■ | ■ | ■ | |
| PUBLIC HEALTH | | | | |
| Primary care | ■ | | | Inspectorate for Licensing responsible for vector control and household malaria spray |
| Hospitals | ■ | | | |
| Health protection | ■ | ■ | ■ | |
| HOUSING & TOWN PLANNING | | | | |
| Housing | ■ | ■ | ■ | Self-help housing loans administration overseen by Ministry of Lands and Housing |
| Town planning | ■ | ■ | ■ | |
| Regional planning | ■ | | | |
| TRANSPORT | | | | |
| Roads | ■ | ■ | ■ | Botswana is a landlocked country so has no ports |
| Transport | ■ | | | |
| Urban roads | | ■ | | |
| Urban rail | ■ | | | |
| Ports | | | | |
| Airports | ■ | | | |
| ENVIRONMENT & PUBLIC SANITATION | | | | |
| Water & sanitation | ■ | | | Provided by water utilities corporations |
| Refuse collection & disposal | | ■ | ■ | |
| Cemeteries & crematoria | | ■ | ■ | |
| Slaughterhouses | ■ | ■ | ■ | |
| Environmental protection | | ■ | ■ | |
| Consumer protection | ■ | | | |
| CULTURE, LEISURE & SPORTS | | | | |
| Theatre & concerts | ■ | ■ | ■ | |
| Museums & libraries | ■ | | | |
| Parks & open spaces | | ■ | ■ | |
| Sports & leisure | ■ | ■ | ■ | |
| Religious facilities | | | | |
| UTILITIES | | | | |
| Gas services | | | | |
| District heating | | | | |
| Water supply | ■ | ■ | ■ | |
| Electricity | ■ | | | |
| ECONOMIC | | | | |
| Agriculture, forests & fisheries | ■ | | | |
| Local economic development/promotion | | | | |
| Trade & industry | ■ | ■ | ■ | |
| Tourism | ■ | | | |

| | |
|------------|--------------------------------|
| KEY | ■ Sole responsibility service |
| | ■ Joint responsibility service |
| | ■ Discretionary service |