



FOR CIRCULATION

Corruption in Botswana's Key Institutions and Processes

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Introduction

Corruption has been an evolving conversation in Botswana's political landscape. As early as 2016¹, Botswana topped transparency international's list of least corrupt country in Africa. A few years later, Botswana has lost the title and now stands as second least corrupt country in Africa², rightfully so, considering that her overall score has been declining, showing an increase in corruption. Of the many enabling factors of corruption, one that stands out often is where the institutional processes of a country are not sufficiently guarded against acts of corruption and unethical behaviour.

Risks and Vulnerabilities in the Fight Against Corruption

This policy brief is based on the findings of a 2020 study carried out by BCPI to establish examining vulnerabilities and risks to Botswana's key institutions and governance processes as well as the outcomes of expert roundtable discussions also hosted by BCPI around the same. As shown in Box 1 below, the 2020 study by BCPI showed how although Botswana is considered an African anti-corruption success story, her public institutions are at a very high risk to corruption. On a general, corruption is particularly conducive under the following conditions:

1. Perverse incentives - When government policies or processes unintentionally create opportunities for corruption.
2. Lack of transparency - When the public does not have clear access to or an understanding of how government policies or processes are conducted.

3. Limited accountability - When the consequences for corruption are weak or non-existent³.

The first condition has played a big role in facilitating corruption in Botswana because of the weaknesses of policy and law. When put under close observation, one finds that corruption in the Botswana context is perpetuated by

- political patronage

"While the creation of public policies is important, their success lies in how well they are implemented. The implementation of preventive anti-corruption policies shares many of the challenges of implementing most other public policies, but is often further complicated by their cross-cutting nature (as they usually affect many public institutions at the same time), and by the fact that they change the distribution of power and the generation of (illicit) income, which generates many, often powerful, opponents" (Hussmann, Hechler, & Peñailillo, 2009, p. 14)

- an overbearing and powerful executive over key anti-corruption institutions
- inadequate oversight and the blurred lines between political and private business interests.

These have been reiterated by experts and academics who have repeatedly pointed to especially the need for stringent anti-corruption and anti-graft policies in government business and institutions⁴.

When speaking of reforming the legal and policy landscape to better guard against corruption, it is important that suggested legislative and institutional reforms are overarching. More than this, these reforms must form part of the constitutional review agenda to empower relevant institutions such as Parliament to provide effective oversight. Legislative



reforms must also be targeted at freedom of information laws, protection of whistle-blowers, comprehensive asset disclosure legislation and independent anti-corruption institutions.

Box 1

BCPI's 2020 Study

The study adopted a Corruption Risk Assessment (CRA) approach as the preferred tool of risk assessment. The CRA is a diagnostic tool which identifies weaknesses in a system that may present opportunities for corruption to occur and focuses on the potential for, rather than the perception, existence or extent of corruption. The research took an institutional approach to its analysis, identifying weaknesses in the rules, regulations and processes of identified institutions. There are no thoroughly comprehensive and standardized methods and guidelines for conducting a CRA, therefore, the research followed Transparency International's CRA and topic guide tools for corruption risk assessments.

The paper concluded among others, that strong political, legal, legislative and administrative action against corruption, with accompanying action to instil transparency, strengthen accountability and build integrity are still in shortage. Rhetoric has not been fully met with action.

Key Takeaways

Points raised from roundtable discussions and research

➤ The nature of corruption has become more complex, yet Botswana's institutions have been slow to catch up. Multiple policy frameworks to combat corruption have been formulated, but corruption risks and vulnerabilities persist despite these frameworks.

➤ Botswana's long-standing reputation of a relatively clean and working government has been under incremental threat. The deep structural, social, and economic impacts of corruption have chipped away at the country's institutions over the years.

➤ There are lots of gaps that exist in Botswana's institutions that make them vulnerable and at risk of corrupt practices. These gaps are due to, in most part, lack of strong compliance culture, inefficiencies, and complacency in service delivery and a continuing culture of weak accountability at the highest levels.

➤ Unmitigated interference by political and business elites stands as a barrier to combating corruption.

➤ The encroachment of private economic interests in the public sector contributes to the lax culture of senior public office holders directly and indirectly (through proxies and associates) engaging in business with government. This presents a serious ethical challenge that breeds corruption and is a clear conflict of interest.

➤ Public servants proactively competing for government business with the private sector makes for an uneven playing field as it puts private sector players at an unfair disadvantage. Evidence of blurred lines between public and private sector commercial interests through politically exposed persons has also been apparent during the COVID-19 pandemic.

➤ Asset declaration and disclosure legislation, in its current form is still insufficient to tackle vulnerabilities to corruption as it does not satisfy the basic tenets of accountability and transparency.

Recommendations

For the Botswana Government

Asset declaration and disclosure legislation must be crafted to serve the interests of transparency and accountability to the public while reasonably preserving the right to privacy of people entrusted with public funds.



Botswana's public procurement and tender systems must continue to evolve, be crisis-proofed to manage all opportunities for misuse.

For Civil Society and the Public Service

The public service needs to be strict in enforcing its codes of conduct and have a clear policy position on public office holders engaging in business with the State. Policies and regulations must clearly define conflict of interest and lay out measures to adjudicate and enforce it.

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