

## CHAPTER EIGHT

### THE NATURE OF LOCAL GOVERNMENT RESOURCES

#### 1. INTRODUCTION

The availability or non-availability and the size or quantity of resources and their efficient or inefficient management and utilization determine, to a large extent, the success or failure of an organization. This is equally true of government whether central or local. It is this centrality of resources which makes it imperative to assess and evaluate the nature of local government in Botswana. In this analysis the focus will be on the characteristics of local government resources in Botswana and specifically on local government finance and human resources.

##### 1.1 Local government finance

Money is the key to unlock many opportunities for people in the societies. It is able to help an individual to camouflage, enhance or promote his or her social status in the society. It also helps a person, at least in a majority of cases, to translate such potential opportunities into reality. This applies with equal validity to local government. For councils to be able to provide existing and potential services to the communities which they serve, they need money. In the analysis which follows an attempt will be made to determine the sources, size and utilization of local government finance in Botswana.

The committee which was appointed by the High Commissioner in 1963 to investigate and report on the necessity and viability of local government in Botswana, emphasized the significance and crucial role played by finance to enable local government authorities to provide the services they would be required to provide. The Committee accepted that finance was central to the success of the operations of local government. It agreed that it was essential that

adequate revenue is made available to local government to enable them to perform their functions efficiently and effectively and render the services they are required to provide. The Committee considered the use of central government subventions as an essential method of assisting local governments to establish themselves.

This recommendation was accepted by the protectorate government (Legislative Council Paper No 21:1964). The Local Government Act, 1965, as amended, adopted this recommendation without any modifications.

According to the Local Government Act, 1965 as amended, the main sources of finance for local government are Local Government Tax, which has since been abolished because of the inability of most residents to pay as well as the cost involved in its collection e.g. land rent, beer levy (traditional beer - chibuku), matimela (stray cattle), game licences, clinic fees, hawkers and vendors' licences, deficit grants from central government, service levies, trade licences and rates. The Act also stipulates that councils must raise their own recurrent revenues. In practice, they have not been able to do so since 1966.

In terms of government policy, urban councils are expected to meet almost all their expenditure because of their stronger revenue base. This is especially so with regard to Gaborone City Council, which receives no grant because it has a strong rate base and is expected to balance its budget without receiving a grant. Whilst urban councils are expected to balance up to 95 per cent of their budgets, in practice they have often fallen short of this requirement. In terms of the 1992-1995 National Development Plan 7, they were expected to finance 85 per cent of their expenditure from their own revenue sources. They were however only able to finance 40 per cent of their expenditure with 60 per cent being provided by the central government deficit grants. Table 12 illustrates this point clearly.

Urban councils derived almost two-thirds of their revenues from rates, with the remainder coming from abattoir fees, sales tax on beer, clinic fees, building material, loans, rents, trade licences, market fees and service levies. High rates of

default on loan repayments and arrears in service levies and building material loans on the Self-Help Housing Agencies (SHHA) and on property rates result in urban councils' revenues falling drastically in real terms over expenditure. This is in spite of the number of properties and the value of urban properties, during the last fifteen years, when the property market was booming, Whilst urban councils' revenues are declining, expenditure has been increasing sharply as the demand for services increases.

The revenue base for the rural or district councils is extremely weak compared to that of the urban or town councils. Their sources of revenue are identical to that of urban councils i.e. abattoir fees, beer levy, clinic fees, matimela (stray cattle), rents, trade licences, and water and sanitation fees. The size of these sources is smaller than that of urban councils hence the lower revenue. More importantly also rural councils have very few businesses from which to collect rates. According to the Ministry of Finance and Development Planning (1991:455) the result was that during the 1989/90 financial year revenue collected by district councils amounted to 5 percent of the total expenditure budget for district councils, in 1985/86 revenue from rates amounted to 18 percent.

For statistical comparison, see Tables 13, 14 and 15. The perpendicular decline in revenues generated by rural councils reflect the economic decline of the rural areas due to long periods of droughts as well as the reluctance of the business community to invest in rural areas. The abolition of local government tax also contributed to this sharp fall in locally generated revenues.

As a result of this steep decline, central government deficit grants accounted for 95 per cent of the total expenditure of rural councils. The dependence of councils especially rural councils, on central government deficit grants seem destined to continue (Recurrent and Development Budgets:1994). The situation is exacerbated by the increase in rural population which has grown by about 45 per cent in the last fifteen years and primary school enrolment by about 75 per cent. This meant an increase in the size and quantity of services which councils are required to

**Table 13: Urban Council's Revenue and Expenditure, 1985/86-1989/90**

	1985/86	1986/87	1987/88	1988/89	1989/90
<b>Revenue:</b>					
NDP 6 forecast	23 113	24 269	25 483	26 248	27 559
Actual	24 706	27 953	23 559	19 420	23 544
<b>Expenditure:</b>					
NDP 6 forecast	28 069	29 224	30 439	31 203	32 515
Actual	30 483	36 323	38 621	44 196	58 404
<b>Revenue compared to expenditure</b>					
NDP 6 forecast	82,3%	83,0%	83,7%	84,1%	84,8%
Actual	81,1%	77,0%	61,0%	43,9%	40,3%
<b>Deficit:</b>					
NDP 6 forecast	4 956	4 956	4 956	4 956	4 956
Actual	5 776	8 370	15 062	24 776	34 860

Source: Ministry of Local Government and Lands.

Note: Deficit grants to Urban Councils were not always equal to the actual deficits in a given year, which has resulted in some Councils accumulating deficits.

**Table 14: District Councils' Recurrent Budget Forecasts, 1991-1997**

	91/92	92/93	93/94	94/95	95/96	96/97
<b>Expenditure</b>	171 391	189 623	209 824	232 208	257 012	284 500
<b>Target income:</b>						
% of expenditure	3,8	4,2	4,8	5,5	6,2	7,0
Amount	6 521	7 964	10 072	12 771	15 935	19 915
Income from existing revenue base <sup>(a)</sup>	6 521	6 782	7 053	7 335	7 629	7 934
Income shortfall <sup>(b)</sup>	-					
Deficit grants and revenue sharing <sup>(c)</sup>	164 870	3 018	3 018	5 436	8 306	11 981
		199 659	199 752	219 436	241 077	264 585

Source: Ministry of Local Government and Lands

Note: Includes Land Boards

- (a) Assumes no change in revenue base or real revenue rates. Growth reflects increases in population, higher real per capita incomes and reduced arrears.
- (b) To be financed by broadening the revenue base and/or higher real rates. Any remaining shortfall to be covered either by higher deficit grants or revenue sharing, or a curtailment of expenditure, or some combination of all.
- (c) Expenditure less target income.



**Table 15: Urban Councils' Recurrent Budget Forecasts, 1991-1997**

	91/92	92/93	93/94	94/95	95/96	96/97
Expenditure	72 614	79 441	86 947	95 203	104 284	114 278
Target income compared to expenditure	30,6%	31,6%	33,4%	35,6%	37,8%	40,4%
Amount	22 197	25 103	29 040	33 892	39 419	45 711
Income from existing revenue base <sup>(a)</sup>	22 197	23 529	24 941	26 437	28 023	29 705
Income shortfall <sup>(b)</sup>	-	1 575	4 100	7 455	11 396	16 007
Deficit grants and revenue sharing <sup>(c)</sup>	50 417	54 338	57 907	61 865	64 865	68 567

Source: Ministry of Local Government and Lands

- Note:
- (a) Assumes no change in revenue base or real revenue rates. Growth reflects increases in population, higher real per capital incomes and reduced arrears.
  - (b) To be financed by broadening the revenue base and/or higher real rates. Any remaining shortfall to be covered either by higher deficit grants or revenue sharing, or curtailment of expenditure, or some combination of all.
  - (c) Expenditure less target income.

provide as well as an increase in council expenditure. Under normal circumstances an increase in the number of people should also mean an increase in the revenue available for collection by councils. In the rural areas the increase will add very little revenue because of the high level of poverty and unemployment. There is no indication that government strategy for rural industrialization is likely to become a reality.

Table 16 show the estimated recurrent budgets for district and urban councils respectively. An analysis of the estimates indicates an attempt by government to reverse the trend towards the growing perpendicular decline of self-generated revenues that has been the hallmark of local government finance since independence in 1966. What the estimates attempt to do, is to reverse the decline as a percentage of the estimated budgets. To achieve this, the 1991-1997 National Development Plan SADP 7(457), has established targets for self-generated revenues. For local government to achieve these targets, their revenue base will have to be expanded. There will also be the need to raise their real revenue rates. This will have to be preceded by improvements in *per capita* incomes.

Incomes especially in the rural areas have remained largely static and whatever increases have taken place have been marginal. This has been especially so with regard to wage earners. In the rural areas average monthly wages range between P60 - P80, and a percentage of it is paid in kind with no actual money being passed onto workers. Perhaps the most inhibiting factor would be the growing unemployment in urban and rural areas. The most conservative current estimates of unemployment are  $\pm 30$  per cent (NDP 7:45). This excludes those underemployed. With Botswana's economy presently experiencing a decline, it is doubtful whether the economy would be able to generate enough work opportunities to absorb the large army of unemployed who represent a potential source of revenue for local government. Government has already clapped down on wage and salary increases. In 1994 no wage and salary increases were given to government employees and the private sector was discouraged from making significant wage and salary increases. It does not seem likely that the current



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Source: Ministry of Local Government and Lands

Note: Includes Land Boards

- (a) Assumes no change in revenue or real revenue rates. Growth reflects increases in population, higher real per capita incomes and reduced arrears.
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economic situation will undergo a radical metamorphosis during the life span of the National Development Plan 7. The implication is that raising real revenue rates such as service levies, rents, property rates in a stagnant property market is unlikely to be a financially feasible exercise and political popular move. What is likely to happen is that the shortfall will either have to be made good by additional deficit grants and revenue sharing or a severe curtailment of expenditure programmes or a combination of both options.

In an attempt to reduce council expenditure on the provision of services the Gaborone City Council in 1994 started with an experiment of privatization of refuse, collection and removal in a section of Gaborone. Whether privatization of some services provided by councils will become a viable and politically acceptable solution to the problem of reducing dependence on deficit grants by both urban and rural councils, will have to be established. Judging by experiences in other countries such as the United Kingdom, it is likely to be a politically unpopular alternative, because privatization tends to increase the price of services provided because of the private concerns having to maintain the principle of profitability.

The long-term sustainability of local government services will continue to depend on deficit grants or some permutation of the system of central government financing. Central government has both political and social responsibility to ensure and guarantee that the services provided by local government authorities are provided at an affordable price and where possible free as it is the present case. In developed and highly industrialized countries, local government authorities have not been able to serve the needs of their communities adequately without central government financial support. It is not a unique and peculiar phenomenon that local government in Botswana have not been able to balance their budgets without central government deficit grants.

The same situation obtains in Indonesia, Phillipines, Thailand, South Korea, India and Malaysia. Writing about the state of local government finance in Indonesia, Ramachandra (1989:55) comments that:



"Local revenue sources finance only 10 per cent of the budget ... authorities ... of which 5 per cent is largely derived from charges on markets, hospitals, clinics, building permits and bus/taxi stations. Local taxes contribute a mere 2,5 per cent from taxes on entertainment, hotels/restaurants and street lighting ... A further contribution of 6 per cent comes from assigned revenues most of which is represented by the share of property tax".

This inability for self-financing by local government for their development projects afflicts most, if not all, local government authorities including South African local government authorities. The situation was even worse in South Africa during the years of apartheid, especially with regard to the pseudo black local government authorities. This situation was aggravated by the boycotting of the payment of rent and service charges to an illegitimate racially based local government system.

Whether this situation will change after November 1995 local government elections, remains to be seen. If the world wide trend serves as an indication, central government grants will remain a crucial factor in local government finance.

The Botswana government (National Development Plan 7 1991:469) believes that there is considerable viability in the extent to which local government authorities can become self-sufficient in terms of generating their own income.

This appears to be a too optimistic assessment of the viability of local government in Botswana, especially with regard to rural councils. Even urban councils with their relatively stronger revenue base will find it impossible to generate sufficient own revenues. With the growing population and the resultant expansion of services, this growing population will demand the prospects for self-sufficiency is likely to remain largely a distant and tantalizing mirage (Kweneng District Council Development Plan 4 1989).

The government concedes that expenditure has been growing faster than self-generated revenues. According to the National Development No 7 (Supra:455)

Expenditure by local government authority has grown rapidly. It has grown by 13 per cent over the period 1985/86 and 1990/91 in real prices. Real value revenues collected by urban and district councils fell during the same period. In recent years expenditures by councils have exceeded the amounts budgeted for and as a result they had to balance their budgets through central government deficit grants.

Figure 4 illustrates this situation clearly. On the basis of these statistics, it is difficult to understand government's optimism about the possibility of councils being able to finance the bulk of their services through self-generated revenues. Even improved collection of revenue is not likely to make any significant impact on the inability of councils to self-finance the bulk of their services.

## **2. MANAGEMENT OF LOCAL GOVERNMENT FINANCE**

2.1 The central tool in the management of public finance, is the budget. Mikesell (1982:23) describes the budget process as follows:

"The budget process - a formalized routine involving legislative and executive branches of government - plays a key role in the provision of public goods and services. This process fulfils tasks similar to those of an economic market as it determines what government services are provided, what individuals will receive these services, and how these services will be provided. Except for the limited number of town meetings and referenda decisions, elected representatives make the primary spending decision. In budget preparation, non elected public employees make many crucial decisions".

The budget is a tool by means of which local government allocates and manages its finances. The procedures which are intimately associated with the preparation of, and controls exercised through the budget, also provide the basis for regulating

and managing local government expenditure and income, and determining and fixing the size of the rate levy in Botswana. The local government budget-day is similar to that in Parliament.

The purpose of the local government budget or estimates is:

- (i) to force councils to comply with the requirements of Local Government Act, 1965
- (ii) to enable local government authorities to review and evaluate their finances once a year so as to be able to revise rates, rents, service levies and other charges where they consider it necessary
- (iii) to enable local governments to determine and fix the maximum expenditure to be incurred for the financial year and to forecast the likely amount of income to be self-generated and to be received in deficit grants
- (iv) to determine and establish instruments of budgetary control as a particular form of control which local governments are able to exercise over their income and expenditure
- (v) to provide for a working balance which the amount of surplus funds required by councils to enable them to meet their current expenditure before the receipt of their current income, especially rates.

The process of local government budgeting in Botswana starts in July of each year. The process starts with the treasurer of each council sending a memo to all council departmental heads, requesting them to present their estimates to his/her office not later than a specified date. In the submissions of their estimates, officials are required to supply back-up information on how they arrived at each item of expenditure, reasons for increases over the previous year, and the rationale behind

their requests should be clearly stipulated. The council's treasury department, after discussing the budgets with the respective heads of departments, prepares the agreed departmental estimates for the presentation to the Finance and General Purpose Committee of the council. Before the treasury presents the budget to the committee, it must balance the budget.

The preparation of the budgets of local governments in Botswana is undertaken within the ceilings set by the central government. These ceilings relate to deficit grants. In other words, councils are prevented from budgeting beyond the deficit ceilings. This means any excess estimates by councils would not be paid for by the central government.

A council which exceeds the deficit ceilings will have to find its own funds to pay for excess activities unless it convinces the central government of the justification of such activities. Theoretically the ceilings are intended to be a part of long term financial planning by central government. The ceilings are calculated on the basis of estimated growth rates for different sectors. In practice, however, ceilings are used to control financial spending by council and are integral components of central government control of councils. They therefore undermine the relative autonomy of councils.

The use of ceilings by the central government has caused concern in the local governments because councils feel that they hamper their activities. To make the situation more incomprehensive with regard to the relative autonomy of councils, is that the level of central government deficit and development grants decisions regarding ceilings are taken by central government officials. The result is that councillors who are elected by the people are forced to provide services which are largely determined by unelected officials. This arbitrary way of deciding on the levels of ceilings in deficit grants or refunds to fund extra-ceilings services can harm the political integrity of councillors. In fact, the system of bureaucratically determined deficit ceilings undermines the basic norms and rules of democracy for it empowers civil servants to giving orders to elected representatives.

The Local Government Structure Commission recommended that the system be ended for it reduces councillors to the level of beggars who go hand in cap to central government officials pleading for deficit funding. The central government has so far been reluctant to change this system. This raises the fundamental question of political accountability. For only elected representatives are politically accountable for the management of public finance. How can councillors be held politically accountable when they have no say in the financial allocation of funds required to pay for the services they provide or fail to provide?

## 2.2 Council Finance Committee

The Local Government Act, 1965 (No 35 1965:78) as amended, requires every council to appoint a Finance Committee at its first meeting. The Finance Committee, which is a counterpart of the National Assembly's Select Committee on Public Accounts, is the political instrument of the council with regard to public finance. Its main role is to scrutinize and assess all financial estimates submitted by the council's treasury department before their submission to the full council for approval. In terms of the Local Government Act, 1965, (Ibid:32):

"The finance committee shall review estimates as approved by the committee of the council and submit them to the council not later than four months before the commencement of the financial year together with such summaries, statements, reports and recommendations in relation thereto as they consider desirable and shall recommend the rate, tax, tariffs and fees to be levied for the ensuing financial year".

This demonstrates clearly that the finance committee plays a crucial role in the financial affairs of the council. It is considered the expert and technical arm of the council whose decision with regard to council's income and expenditure is rarely rejected by the full council. This central role of the finance committee is clearly

indicated by the fact that section 31 of the Local Government Act, 1965, stipulates that the council shall not consider any proposal to raise a loan except on the recommendation of the Finance Committee (Local Government Act, 1965:31).

In order to guarantee financial control over income and expenditure the Local Government Act, 1965, (No 35, 1965:29) stipulates that a committee shall not consider any proposal even if it is included in the annual estimates for the current financial year, involving expenditure or diminution of income on capital or revenue account unless the committee shall have before it can estimate of the initial cost of the proposal and of the annual cost of diminution.

Technically, Botswana has a very sound system of political control over local government finances. In practice however, the situation leaves much to be desired. This is because of the level of financial knowledge of finance committee members. Most of the Finance Committee members have very little knowledge of public finance and the intricate processes that are involved in the budgeting process. This is largely due to the fact that the majority of the committee members are either semi-literate or have low educational qualifications, which prevent them from understanding the complexities of local government income and expenditure processes and other related financial technicalities (Molutsi, 1993:20). The result is that the deliberations of finance committees of councils are dominated by one or two individuals who are knowledgeable. In most cases budget estimates presented by council bureaucrats are rarely rejected. The same problems afflict the full council (Somolekae 1989:75).

The next stage in the process of examination and approval of council estimates, is the submission by the finance committee of the recommended estimates with the necessary recommendation to full council for approval. After the full council has approved the budget, is submitted with supporting notes to the Ministry of Local Government, Lands and Housing. These estimates are received by the Ministry's Estimates Committee. After reviewing and examining the estimates, the Ministry

includes in its annual estimates an amount equal to the deficits of councils and this is presented to Parliament together with all government estimates.

### 2.3 Management of public finance

According to the Handbook for Chairmen, Mayors, Secretaries and Members of District Town Councils (Ibid:34), the town clerk/secretary is responsible in consultation with the treasurer of the council, for the finance, supervision and control of all accounting, stores and cost systems and financial records of the council. These records must be kept in terms of Accounting Instructions to Staff.

The town clerk, in the case of town councils, and the secretary in the case of district councils, is the chief accounting officer of the council and is answerable for the management of council's finance and stores. In the performance of his or her duties, the chief accounting officer is required to be guided by the following principles (Ibid:34-35):

- "(a) The duty of providing information, calculating, checking and recording the sums due to or from the council shall be separated as completely as possible from the duty of collecting or disbursing these sums.
  
- (b) Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of those transactions ... All cheques, official receipt forms, books, and tickets, licences and other documents and vouchers and tax stamps representing money or money's worth shall be in a form approved by the town/secretary ... Whenever any matter arises which may involve irregularity in financial, stores or accounting transactions, the town clerk/secretary in consultation, where appropriate, with the treasurer, shall investigate the same and if an irregularity is disclosed he shall refer the matter to the Finance Committee".

Whilst in theory, the instruments and principles designed to ensure an efficient and effective management of local government finances and stores affective in practice their application have been inadequate. According to the (National Development Plan 7 1991:453):

"Audits of the local authorities have revealed shortcomings including lack of expenditure control due to inadequate bookkeeping, failure to account for losses and abuse of privileges".

The major cause of this shortcoming is the continued shortage of trained accounting and purchasing and supplies staff. Shortages range between 30 - 40 per cent. These shortages are certainly a major constraint on the efficient and effective management councils finances and stores (Ministry of Local Government, Lands and Housing, The Working Group on Training Needs and Logistics, 1989:4).

#### **2.4 Internal Audit**

An internal audit is a management arrangement which is aimed at carrying out a continuous appraisal, evaluation and monitoring of accounting, financial, stores and other essential processes and systems within the local government authorities. It is in essence a reviewing, advisory and protective service available to the council and intended to keep the council informed of the status of local government finance and stores. In order to enhance its effectiveness internal audit units in the councils in Botswana are relatively autonomous because they report directly to the chief accounting officer, i.e. the town clerk/secretary. The ability of internal audit units in the councils have been effectively undermined by staff shortages (National Development Plan 7 1991:453). The units lack educationally and professionally qualified personnel. The problem is one of both quality and quantity. For the councils to improve the quality of their internal audits it is necessary for them to improve the quality and quantity of their internal audit personnel because the



quality of internal audits falls short of the basic requirements of an efficient internal audit system which is capable of spotting financial discrepancies and leakages of stores (NDP 7:448).

The problem of personnel shortages is compounded by the siphoning of quality accountants by the central government to personnel the central government finance units, i.e. by the Ministry of Local Government, Lands and Housing. Most of the siphoned off audit staff are usually absorbed by the Local Government Audit.

## 2.5 External auditing

The external audit of the councils' finances, i.e. auditing by auditors from outside the councils, is provided in terms of Cap 40:01 and Cap 40:22 of the Local Government Act, 1965 (No 35, 1965:448). In practice:

"... council's accounts are audited by the Department of Local Government Audit. Legislation requires that each ... council must produce its annual financial statements within three months of the end of each fiscal year, i.e. by 30 June each year. The Department of Local Government Audit aims to issue annual audit reports within six months of receiving annual reports from ... councils".

This Department is situated in the Ministry of Local Government, Lands and Housing and as such it is an integral component of the central government. The main objective of this Department is:

- (i) To review the systems of decision making of councils, budgeting and the authorization of expenditure;
- (ii) To review the adequacy of the design and operation of accounting systems, and inventory controls; and

- (iii) To review the system of internal audit control systems and recommend the introduction of internal audit systems where applicable.

The Department has so far been hampered in its attempts to achieve its objectives because of the poor accounting and internal audit systems in the councils. In a number of instances councils have been operating without any reliable accounting systems. This means accounting and audit records on which the department could base its reviews and audits are inadequate and fail to produce a reliable audit. The accounting instructions designed for council personnel are not comprehensive enough to assist them to maintain adequate accounting and audit controls. As a result the Department has recommended in the Report on Audits of the Accounts of Local Authorities in Botswana (1988:35) that:

"The Local Authorities also need an Accounting Handbook which will detail the accounting process. This would not only bring uniformity to the authorities accounting records, but will also assist those treasurers who introduce accounting practices which are not internationally accepted ... I recommend that the Ministry address itself urgently to this need as it is impractical to expect local authorities to follow sound accounting practice without a guideline".

The situation has not improved fundamentally since this report was produced. The management and control of the finances and of councils still remain largely poor. This has resulted in wastage, under utilization of financial resources and stores, and in certain instances of theft of the property of councils (National Development Plan 7 1991-1997). The solution seems to lie in the training of accounting and audit personnel and proper and adequate personnel of councils' treasuries.

### 3. COUNCIL PERSONNEL

Local government authorities in Botswana are the second largest single employers in Botswana. In March 1989, local government authorities employed about 12 000 people. This accounted for 7 per cent of the total formal sector employment in Botswana, this number does not include primary school teachers who are employed by the Unified Teaching Service of the Ministry of Education, despite the fact that Local Government Authorities maintain schools and also provide teachers' accommodation. See Table 17 for local government establishment posts and vacancies. It is clear from the table that health personnel constitute the largest component of the local government personnel. This reflects the extent of decentralization of health services in Botswana, especially primary health care which is the statutory responsibility of local government authorities. Despite the fact that local government authorities are the second largest formal employers, second to the central government, the level of vacancies is still relatively high. According to the 1990 statistics, the vacancy rate was 13 per cent, this average disguises a 30 to 40 per cent vacancy rate in the professional and technical fields. The high vacancy rate is a constraint on the performance of the councils.

The recruitment and employment of personnel for local government is undertaken for them by the central government through the Directorate of Local Government Management Service, previously the Unified Local Government Service, which was established in 1974. Before 1974 each council recruited its own staff. This system prevented the transfer of staff from one council to another, without prior approval of the responsible council. The system lacked a career structure for personnel, especially in smaller councils such as the South East Council. The system was accused of promoting ethnic chauvinism, nepotism and political patronage. Hence its replacement by a central government department, situated in the Ministry of Local Government, Lands and Housing. This means that the planning, recruitment, selection, appointment, training, personnel development, promotion, transfers and discipline are now the responsibility of the Directorate of Local Government Management Service (Unified Local Government Service Act,

1970 (No 70 of 1970).

Councils have no say in the management of their personnel but are accountable to the public they serve for the services these personnel provide. They bear the brunt of criticism for the poor quality delivered by the council staff, even though they did not recruit them. This has recently caused unhappiness among councillors, especially with regard to the un-coordinated and haphazard transfers of personnel which are carried out without their approval and without consulting them.

The Local Government Structure Commission (1979:79) reported intense dissatisfaction with the way the Directorate of Local Government Management Service at Headquarters in Gaborone operates. The Commission recommended the strengthening and refurbishing of the Local Government Service Commission which is almost moribund since it meets very sporadically and it is almost a toothless bulldog. The ultimate goal of this recommendation was (Ibid:80):

"... to place the ultimate responsibility for all local authority staff in the hands of this commission, rather than in the ULGS Headquarters which is a department of MLGL (Ministry of Local Government and Lands)".

The rationale behind this recommendation was an attempt by the commission to place all staff matters in the hands of an independent body. The central government rejected these recommendations and instead introduced some cosmetic changes in the operation of the Directorate of Local government Management Service such as decentralizing some minor aspects of personnel. It was however not until 1994 that the central government began a programme at the Institute of Development Management of training staff from councils' personnel departments in personnel management. The overall control and management of councils' staff will remain in the hands of the Directorate Management Service. But the recentralization of the management of local government staff has not led to a remarkable improvement in the quality and performance of local government personnel.

In most cases, it has led to the decline in the efficiency, effectiveness and productivity of local government personnel. This is especially so with regard to the manner of transfers which have caused a great deal of unhappiness among council personnel. The selection of candidates for training has also been marked by controversies, local government personnel accuses the Directorate of Local Government Management Service of corruption, nepotism and inefficiency (R Nengwekhulu 1992). The ferocity and persistence of criticisms forced the central government to transfer the Director and some of his senior personnel in 1993. This has not completely silenced the critics, for councils are now demanding that the management of local government staff be retransferred back to them.

There are three main characteristics of local government personnel in Botswana. In the first place the local government personnel in Botswana is characterized by low morale. The causes of the low morale are multifaceted, but the principal ones are transfers without consultation, feelings of being looked down upon by central government personnel, inadequate incentives for those who work in remote areas, poor accommodation, and lack of adequate office accommodation. The second main feature of local government staff in Botswana is the underqualification of many staff members. Local Government authorities are unable to attract graduates. The National Development Plan 7 (1991:467) comments as follows:

"Recruitment and retaining staff in the Local Authorities especially in the more remote areas, is a challenging task. Social amenities and physical infrastructure are often below urban standards, which makes staff, especially those with families, reluctant to accept or continue assignments in outlying areas. Incentive pay and special allowances for such services may not overcome these natural inhibitions for many families, but government will continue to investigate incentives as a means of overcoming the problem".



The rationale behind the efforts by government is to try to reduce the level of vacancy rates in rural councils which are the hardest hit by staff shortages, underqualified and demoralized staff. The Directorate of Local Government Management Service has been focusing its attention on filling senior management positions, especially in the technical and professional areas. So far it has proved to be a very difficult exercise because of the reasons advanced above. One of the strategies that the Directorate has embarked on in its attempts to fill senior and middle management posts in the remote rural councils, is the coupling of promotion with transfer to any of the remote areas.

The efforts has not reduced the level of unhappiness amongst those personnel members who do not want to work in the remote areas. And whilst staff have no right to refuse to be transferred, the impact of such involuntary transfers has largely been reflected in low morale. The Directorate tends to compound these problems by the manner in which postings and transfers are handled. The tendency has been to use methods of postings and transfers, i.e. postings and transfers without any consultation with the personnel concerned. The general explanation offered personnel concerned in the transfer or redeployment is that in terms of the Local Government's conditions of employment, all personnel employed by councils are transferable every three years at the discretion of the Director of Local Government Management Service. Whilst from a legal and administrative point of view councils' staff can be voluntarily transferred or redeployed at the discretion of the director. From a human resource management point of view, personnel transfers and postings without proper consultation usually lead to the demotivation of personnel (Local Government Structure Commission 1979:79).

It seem necessary that the Directorate of Local Government Management Service should change its personnel management. Instead of a curt statement in the interest of public service you are required to transfer yourself from point A to point B which characterizes almost all letters of transfer issued by the Directorate, a more consultative approach should perhaps be adopted.

Whether the recent reshuffling of the top management personnel within the Directorate will lead to a fundamental shift in personnel management style, is difficult to predict. What is clear according to Egner, (1986:29) is that:

"Centralization of the personnel functions in Gaborone did not succeed in practice in increasing efficiency or improving morale among council staff ..."

#### 4. SUMMARY

One of the main problems facing councils in Botswana is the shortage of material and human resources to fulfil their statutory obligations. Councils have limited independent sources of revenues. This is especially so with regard to rural councils or district councils. Urban councils also suffer from this problem. It was estimated that only Gaborone has a reasonably viable independent source of revenue, and unable to meet its budgetary requirements from its own sources. The result is that councils in Botswana depend for a substantial part of their budgetary requirements on subventions from the central government. It was argued that this leads to the undermining of the relative autonomy of councils because it opens the way for a tighter central government control.

The central government has total control and freedom over how much money councils received and how and where it should be used. Councils have no freedom to manoeuvre in terms of the extent of their development and recurrent expenditure.

The analysis of the management of council resources by councils was found to be inadequate, this was especially with regard to internal accounting and auditing and attributed to the shortage of skilled personnel and the semi-literacy and illiteracy of councillors.

## CHAPTER NINE

### THE CONTROL OF LOCAL GOVERNMENT BY THE CENTRAL GOVERNMENT IN BOTSWANA

#### 1. INTRODUCTION

Understanding the essence of the relationship between the central government and local government authorities poses fundamental conceptual, theoretical and analytical problems and challenges. It is possible to view local government as merely extensions and apparatuses of the central government. Similarly it is also possible to question whether the form and functions of local government authorities differ fundamentally from those of the nation-state i.e. central government. More importantly, it could be asked as to the extent and degree to which local government is autonomous from the central government. The issue of local government autonomy is central to any assessment of the central local, government relations. The higher the level of local government autonomy the higher the potential for the local government to threaten the basis of the nation-state. The issue of local government autonomy questions the essence of the local government as an independent or autonomous entity. Without some form of relative autonomy local government authorities would be simply political instruments through which central government orders are implemented.

Traditionally notions or theories of local government have however, tended to favour the idea of semi-autonomous local government authorities. These theories are largely products of an obsession with the models of the so called political pluralism. As a result, emphasis has been placed on local control of the allocation and provision of services and self-determination. This obsession with relative autonomy of local government authorities has tended to obscure the central issue of where to situate local government authorities within the state apparatus. Perhaps this tendency reflects the unquestioned acceptance of the notion of local



government autonomy and commitment to theory of political pluralism (Held 1987:186).

A deeper analysis and assessment of these notions is beyond the scope of this thesis, for it requires an extended theoretical and empirical investigation. Suffice it to state that, traditional theories of local government have tended to be structural - functional which has expressed itself essentially through a systematic cataloguing of the structures and functions of local government authorities. This tendency has largely reduced local government authorities to mere administrative apparatuses of the central government. In the analysis which follows, the focus will be on the nature of the local government autonomy and the mechanisms by which the central government controls local government in Botswana.

In this analysis an attempt will be made to assess the capacity of local government to initiate socio-economic and political change and transformation within the spaces allocated. More importantly it will be demonstrated that local government authorities are political institutions, situated within the political and social fabric of society. It will also be argued that local government authorities are both vehicles or instruments of central government and democratic institutions on their own right. An assessment of the limits and possibilities of local government authorities to become genuine vehicles for the extension of democracy in Botswana will also be made. The following are the main methods and techniques which the central government employs in its control of local government in Botswana:

## **1.2 Nomination of some councillors**

The fact that the Local Government Act, 1965 empowers the Minister of Local Government, Lands and Housing the power to nominate additional councillors, has given the central government an effective weapon to control local government authorities. Until 1984, the central government used this power to nominate additional councillors from members of its own party. This was obviously to make sure that councils would be dominated by people who are not only loyal to the

ruling party but also to the central government. This was especially so since this allowed the ruling party to control all the councils.

### 1.3 Suspension of councillors

An important method which is used by the central government to control local government authorities in Botswana, is the power entrusted to the Minister of Local Government, Lands and Housing to suspend a councillor whether popularly elected or nominated and declare the seat held by such a councillor vacant (Explanatory Guide for District and Town Councils (1985:3)). The fact that no reasons for suspension are laid down, gives the Minister wide discretion as to what constitutes grounds for suspension. This opens the door for the Minister to abuse his or her power because it is possible that the Minister may suspend a councillor for personal and political reasons. This certainly gives the central government a very strong mechanism to indirectly and directly intimidate councillors who may be considered too hostile to central government policies. The central government has hardly used this power, in fact there is no evidence that a councillor has been suspended by the Minister since the establishment of local governments in 1966. But the fact that the central government has this power at its disposal constitutes potential control mechanism.

It is a constant reminder to councillors that the central government can suspend and even remove any one of them at its own discretion. This compels them to toe the line set by the central government or not to deviate from the invisible political and ideological line which the central government would use to determine whether or not to remove or suspend a councillor. In practice, however, there is no evidence that councillors are constrained by the fact that the Minister can suspend or remove them and declare their seats vacant. No single councillor interviewed admitted ever being influenced by the fact that the Minister has the power to suspend and even remove a councillor on the grounds not specified in the Act which established the system of local government in Botswana.

#### 1.4 Establishment of local government

The Constitution of Botswana Act 1965, does not make provision for the establishment of a system of local government. It is totally silent about local government for it makes no mention of local government (Constitution of Botswana:3). According to An Explanatory Guide for District and Town Councils in Botswana (1985:3):

"Parliament has empowered the President and the Minister of Local Government and Lands respectively to establish District Councils and Town Councils to serve as local authorities for any area of the country".

Ultimately according to the Constitution of Botswana (3) it is stated that:

"Parliament decides which legal powers and responsibilities can best be handled by local rather than central government".

Legal powers given to local government authorities by Parliament are in reality determined and defined by the Minister of Local Government and Lands in consultation with the President and recommended to Parliament for approval through a bill. The powers and responsibilities are devolved to local government and is dependent on the political and ideological views of the Minister of Local Government and Lands in consultation with the President. This means that the jurisdiction, both legal and geographical, of local government can change depending on the political mood of central government, since the powers and responsibilities of local government are not constitutionally entrenched. This allows for manipulation of local government authorities by central government. While constitutional entrenchment does not and cannot prevent a determined central government to reduce the power and responsibilities of local governments or to control them, it does minimize the reckless use of central government control mechanisms. In Botswana local government authorities are extremely susceptible to the political manipulations by central government.

### **1.5 Dissolution of councils**

In terms of the Local Government Act 1965, (Act No.35, 1965:3) the Minister of Local Government, Lands and Housing is empowered to dissolve a council or suspend its sittings for an indefinite period. The Minister considers this a mechanism in the hands of central government for controlling local government authorities, for there is no definition of what is "expedient". The determination of the meaning and scope of what is expedient depends on the meaning and scope the Minister attaches to the word. This amounts to giving the Minister in particular, and the central government in general, a blank cheque on which to write whatever amount of discretion he or she gives to himself or herself. This can lead to an abuse of power by the Minister, and is especially so in situations in which the Minister does not favour the council in power, for instance where the opposition parties are in power. It is possible that in a situation in which the Minister is in disagreement with the council on specific issues, he or she may use this authority to suspend the council. More importantly, giving unlimited power to the Minister to dissolve or suspend any council undermines the whole principle of political accountability for how does one challenge the Minister's abuse of power when there are no defined boundaries within which he or she should exercise his or her discretion.

### **1.6 Requirement for ministerial approval**

In terms of of the Handbook for Chairmen, Mayors, Secretaries and Members of District and Town Councils (1974:10):

"In certain cases the decision of the council may not be put into effect without the approval of the Minister such cases are the making of bye-laws section 12 of the Law and incurring expenditure (Estimates, Section 49(3))".

The implication of this statutory requirement is that councils do not make laws but merely recommend resolutions to the Minister for him or her to transform into laws. This is a serious and fundamental infringement on the generally and universally accepted principle of the relative autonomy of local government authorities. In an interview with Mr R Nengwekhulu (1986) a senior public servant remarked as follows:

"It is just a dream to expect local government authorities to be autonomous".

This statement reflects the reality of local government relative autonomy in Botswana. In practice, the Minister must approve all and not specific decisions and he does insist to approve all decisions of councils before they can become bye-laws. In an interview with Mr R Nengwekhulu (1986) a senior council officer put it this way:

"There is no real difference between the colonial system of local government and the present one. We must refer everything to the Ministry of Local Government and Lands. They can reject our recommendations. This calls for the central government to review the situation".

The central government has recently indicated that it intends annulling the statutory requirement for ministerial approval of decisions of council. It made this announcement during the 1993 parliamentary sessions, but so far no legislation to amending the section in question has been put before Parliament. The central government's announcement may have been prompted by the fact that the requirement is not only opposed by opposition parties, but also by members of the ruling party. It is doubtful whether the central government would have decided to repeal the section on the basis of opposition parties' criticism of the offending section. It would appear that the rationale behind the introduction of this requirement by the British Colonial Administration and its adoption in toto by the post colonial government was intended to prevent the enactment of bye-laws

contradictory to the policies of the ruling party by opposition parties.

Whether the central government will ultimately translate the intention to repeal the section into law is difficult to predict, but on the balance of probability it seems that is likely to do so. This is because of the mounting pressure from councillors from both sides who want some modicum of autonomy. Whilst this phenomenon is not peculiar to Botswana, it does raise serious questions about Botswana's commitment to a genuine system of local government with some appreciable degree of relative autonomy (Wraith 1972). As a means of controlling local government the requirement for ministerial approval is certainly the most effective and direct method. There is no attempt to disguise its ultimate objective i.e. controlling local government authorities.

#### 1.7 The ultra-vires principle

The principle of ultra-vires has also been used by the central government to control councils. According to Wraith (1972:560):

"... there is an important legal doctrine that may restrict the discretionary activities of a local authority - that of ultra-vires, the effect of which is that local authorities may do only those things which an Act specifically says they may do".

De Smith (1973:564) on the notion or doctrine of ultra-vires approach observes as follows:

"The ordinary courts have long exercised the important constitutional function of containing both the Executive and inferior tribunals within the limits of their authority. It was firmly established in the seventeenth century that the Crown could not set itself above the law ... Clearly, then if the Crown exceeded statutory powers vested in it, the courts could pronounce its acts invalid, and similarly if ... local authorities proceeded to exceed their

powers, the courts had a like authority ... Nowadays we say that ... (they) must act, *intra-vires* (within their powers). They can only do what the law permits them do, they cannot do what the law forbids them to do".

The validity of the doctrine of *ultra-vires* emanates from the fact that the local authorities are creatures of statute enacted by Parliament. Their legal and geographical jurisdiction only extends as far as the contents of the statute. This is in contrast to the central government whose jurisdiction is limited by the national geographical boundaries. But De Smith (1973:564) argues that:

"By contrast, the work of municipalities in West Germany and Sweden is based on the opposite doctrine of *intra-vires*, i.e. they may spend their money on whatever activities they choose, providing that such activities are themselves legal and provided that there is no existing legislation which already allocates them to some other arm or agency of government".

Botswana has adopted the system of local government in which the doctrine of *ultra-vires* is the fundamental mechanism for containing and restricting the actions of local government authorities. This means that local government authorities in Botswana can only undertake those activities which the Act does not expressly and implicitly forbids them to do. More importantly also is that the Act specifies which activities local government authorities can undertake. The result is that local government authorities in Botswana undertake identical activities except in instances where some local government authorities may perform additional functions, not expressly or implicitly prevented.

The *ultra-vires* doctrine is one of the control mechanisms by which the central government is able to regulate local government authorities and guarantee that they would not behave in the manner incompatible with its political and ideological interests. This minimizes the development of power conflicts between the central government and local government authorities, at least from a legal point of view. More importantly also the doctrine emphasises the subordinate nature of local

government authorities.

There are very few instances in Botswana involving the transgression of the ultra-vires doctrine by local government authorities, there is only one known instance which involved such transgressions. This was in 1984 when the Francistown Town Council passed a resolution, abolishing the system of levies for the Self Help Housing Agency residents. The Minister of Local Government, Lands and Housing refused to accede to the resolution on the grounds that it was ultra-vires. The ordinary courts of law have not had the opportunity to make pronouncements on the doctrine because no cases involving the doctrine concerning local government activities have ever been brought before the courts. It would not be an exaggeration to assume that they are likely to follow the British tradition and pronounces any ultra-vires action null and void since the system of local government in Botswana is an inheritance from the British colonial administration.

#### **1.8 Personnel appointment, dismissals, transfers and promotions**

The recruitment, selection, appointments, promotions, transfers and dismissals of personnel also serve as control mechanisms by the central government. This is because the recruitment, selection, appointments, promotions, transfers and dismissals of the non-industrial class council employees are the responsibility of the central governmental through the Directorate of Local Government Management Service (Egner 1978-1986).

By virtue of the power to appoint, promote, transfer and dismiss local government personnel, the central government is able to control councils through the appointment of personnel sympathetic to its policies. This is especially so with regard to senior and strategic council personnel. Although it is difficult to prove the existence of political patronage in the appointment, promotion and transfer of senior local government personnel such as town clerks and council secretaries, suspicions by councils have always lingered that political patronage has played a role in the appointment, promotion and transfer of senior personnel by the



directorate of Local Government Management Service (Interviews: 1991).

This suspicion has been more clearly articulated with regard to the transfer of council secretaries and town clerks. Botswana practices the merit system in the recruitment, selection, appointment, promotion, demotion, transfer and dismissal of persons. In practice however there have been indications that political considerations have played a role in the appointment, promotion and transfer of top local government personnel. In any case no country anywhere in the world, has a watertight merit system. In an interview during 1986 a senior local government employee observed as follows:

"Staff appointments by the Establishment Secretary is not fair. We are not happy with the centrally appointed staff. No allegiance to councils if staff is centrally appointed. Councils have no control over their own staff".

According to Egner (1986:32):

"Fewer councillors these days are prepared to be treated as window-dressing to cover up the realities by centralised power. They believe they have a mandate from the electorate to run the councils and a prerogative which entitles them to give orders to those who work for them, not to play second fiddle to Gaborone-based civil servants. They hear the complaints from councillors about the staff without themselves being able to do much to change matters. The non-political civil servants who control Unified Local Government Service are not well equipped to deal with the growing resentment among the councillors who have to account to the public for the actions of their staff. The civil servants have tended either to ignore this unmanageable factor or to redouble their efforts to find administrative solutions to what is essentially a political problem".

The centralization of the procurement of council personnel by the central government might have been justified in the last twenty years, but it would appear to be purely a question of controlling councils now. Councils have despite some gaps and weaknesses in their performances, now relatively matured to be able to rise above the problems applicable prior 1974 which prevented them from managing and controlling their own personnel. It does appear unlikely that the central government will willingly relinquish this lucrative power in the immediate future. Central governments anywhere in the world have always found it difficult to relinquish power to local government authorities for the accumulation of power ensures their almost total hegemony over local government authorities. The central government in Botswana is therefore not likely to be an exception.

#### 1.9 Financial control

The central government is also able to control local government authorities financially. The degree of control is determined by the amount of deficit grants the central government provides to local government authorities to balance their budgets. The higher the level of deficit grants the higher the level or degree of control. In Botswana the central government provides almost 80 per cent of deficit grants to councils. This is especially so with regard to rural councils. It is a fallacy to posit that central and local government authorities represent a viable partnership essential for the development of the society. De Smith (1973:473-474) observes as follows:

"Central - local government relationship are sometimes described in the language of partnership. The foregoing account has implied that if this is partnership, it is a partnership (to use an analogy taken from a different context) between the rider and the horse".

The use of deficit grants as an instrument by which the central government has been able to exercise effective control over the development priorities and objectives of councils has not gone unnoticed by councils. Hence the demand that

deficit grants be phased out and be replaced by direct and unfettered grants which would allow councils to determine their own development priorities.

So far the central government has resisted this pressure from councils to give them the freedom to spend their funds according to priorities determined by them. Instead, the central government has been content to pressurize councils to generate of their own funds from their own sources (National Development Plan 1991-1997).

#### **1.10 District Commissioner**

The District Commissioner is another institution of central government control over councils. Although this is not expressly stated as such, the fact that the District Commissioner is an ex-official member of the council provides the central government with a useful mechanism, to influence, directly and indirectly, council deliberations. Outwardly or in theory, the District Commissioner is merely a link between councils and the central government, in practice he or she serves to make sure that councils do not stray very far, if they are allowed to stray, from the policies of the central government. Occasional conflicts between councils and the District Commissioner occur.

## **2. SUMMARY**

Central government control over local government is generally premised on a number of assumptions. In the first place, it is argued that central governments aim to control the activities of local government for macro-economic and financial reasons, particularly with regard to those concerning expenditure because expenditure has a crucial impact on inflation, balance of payments, savings and capital investments. Secondly, that government seeks to control local governments to ensure that essential and basic needs such as education and health care are provided by local governments in terms of acceptable standards set by the central government for the country as a whole.

Thirdly, it is posited that central government controls are necessary to ensure administrative efficiency and effectiveness in local government. These are the same premises used by the central government in Botswana to justify its control over local government. Mechanisms have been designed to ensure this control. They are e.g.:

- (i) the nomination of some councillors by central government
- (ii) the authority to suspend councillors
- (iii) the authority to dissolve a council
- (iv) the requirement that council resolutions first be approved by the Minister of Local Government, Lands and Housing, before they can become bye-laws and financial control over income and expenditure.

These controls are also designed to make sure that councils operate within the ideological parameters of the ruling party. More importantly also, it was demonstrated that the fear of opposition parties taking control of councils was also an underlying principle which influenced the central government to design these controls.

## CHAPTER TEN

### 1. SUMMARY AND CONCLUSION

Chapter one was concerned with providing a descriptive outline of the contents of each chapter, as well as the conclusions arrived at. It also contained the problem statement, the objectives and hypotheses which formed the guiding principles. It can be concluded that the chapter succeeded in achieving this objective.

Chapter two assessed and analyzed the concepts of decentralization and local government. It identified and considered the rationale behind decentralization and its disadvantages and advantages. It argued that meaningful decentralization requires political commitment on the part of the central government, a reasonably high level of political understanding on the part of the leaders of decentralized units as well as politically fluent communities which are supposed to be the beneficiaries of decentralization. The chapter also surveyed the different definitions of decentralization, in addition it also looked at the two main categories of decentralization, i.e. devolution and deconcentration. It was demonstrated that it is possible to clearly differentiate between two categories at a conceptual and theoretical level. It is however difficult to do so at the practical level for political systems invariably contain elements of both categories. More importantly also is that there is a tendency by some scholars on decentralization to manufacture new concepts intended to capture the essence of decentralization. The existing two concepts, i.e. devolution and deconcentration, whilst not perfect, are still useful mechanisms for differentiating different categories of decentralization.

A survey of different definitions and types of local government was attempted. The conclusion was arrived at that local government was a product of devolution rather than deconcentration and looked at the reasons behind the significance of local government in the society. Local government is generally accepted as a

political mechanism for the extension of democracy to the people. It is seen as an instrument by means of which sound "grass roots" involvement and participation in government can be facilitated and guaranteed. It is an intrinsic and integral part of democracy. The implication being that without a system of local government democracy is considered largely an empty shell. It was demonstrated however, that whilst that maybe so in theory, in practice local government in a class divided society is largely a preserve and monopoly of elements of the ruling petty bourgeois class. "Ordinary" people only participate in local government largely as perpetual voters.

The mere existence of local government cannot automatically lead to the development, nourishment and maturation of political awareness and participation amongst "ordinary" people. Intensive political mobilization programmes must be introduced by these institutions to galvanize the public into active political involvement so that they begin to clearly understand the role that local government can play in improving their lives. This will require conscious political work by local government politicians carried out with the explicit objective of intensifying, accelerating and directing participation by "ordinary" people in local government politics.

The discussion was *inter alia* focused on the alleged role of local government in providing training political leadership for later involvement in national leadership. Whilst there is still merit in this logic there is no evidence to suggest that local government councillors consider their service in local government as some form of training for national political leadership. It cannot be logically deduced that legislators with experience in local government politics are better national leaders than those without such experience.

Facilitation of government accountability was identified as one of the reasons, generally advanced to justify the establishment of local government. Implied here is that the system of local government serves as a defence mechanism against

arbitrary exercise of power by the central government by preventing the concentration of power.

It was argued that it would depend on the power and authority devolved to local government, it could be stated that local government is a creature of statute which enjoys limited autonomy and is easily manipulated by the central government. Its capacity to limit the tyranny of centralization is greatly limited.

Fourthly, the desire to accommodate local differences was identified as another reason for the necessity to introduce a system of local government in the society. These differences have been identified as cultural or sub cultural variations, uneven socio-economic and political uneven development, emphasizing ethnic diversity and ideological differences. It was indicated that the need to recognize and accommodate local differences cannot be overemphasized because if they are ignored they could destabilize the political system. Local government can go a long way in dealing with local issues which cannot be adequately dealt with at the national level.

Finally the need to promote political stability and minimizing secession was identified as one of the reasons advanced in support of the system of local government. In a number of countries such as Canada, India and Nigeria the system has encouraged secessionist tendencies. Different types of local government was assessed and analyzed i.e. the French, Anglo-Saxon, Communist, and traditional systems. The chapter came to the conclusion that their differences are essentially the differences of emphasis rather than of content.

Chapter three assessed and evaluated the nature of the system of local government in pre-colonial Bechuanaland, and concluded that contrary to the generally accepted view, pre-colonial Botswana had a system of local government. This system consisted of ward organization which formed the smallest organizational unit within the political system. Each ward consisted of a kgotla, which means a people's

assembly. The kgotla was the main institution for the enactment of bye-laws within the ward. Each ward was presided over by a headman whose duties resemble those of the chair person. Every adult male Motswana was entitled and expected to participate in the kgotla, because to a considerable extent governance in pre-colonial Botswana took place in the wards. A number of wards formed a district, each district was presided over by a chief and had its own district kgotla in which most government activities took place.

It was endeavoured to demonstrate the democratic character not only of the pre-colonial political system but also of its system of local government. The alleged democracy was a system of discrimination against women who were not allowed to participate in the kgotla. It was shown that the system discriminated against subject groups such as Bakgalagadi, Bakkalanga and Basarwa.

The character of the system of local government in Colonial Bechuanaland was also analyzed, it demonstrated that no system of genuine local government existed during this period. It was not until 1963, three years before the territory became independent, that the colonial administration set in motion the process investigating the necessity and feasibility of introducing a system of local government. The system was introduced in 1966 after the territory had become independent.

Chapter four focused on the analysis and evaluation of local government in post-colonial Botswana. It was attempted to explain why post-colonial Botswana introduced a system of local government, and concluded that:

- (i) it was due to the influence of political history
- (ii) the need to satisfy the political aspirations of some elements of the petty bourgeois and chief
- (iii) the need to be seen extending the frontiers of democracy, and



- (iv) the need to promote participation in development and administrative efficiency and effectiveness.

It was demonstrated that whilst there is some evidence, these reasons played a role in influencing Botswana to introduce a system of government and motivated the desire to limit the political influence of chiefs.

Chapter five was aimed at describing and explaining the structure and membership of councils and the character of council members. It was indicated that Botswana has three types of council members i.e.

- (i) elected members
- (ii) nominated councillors, and
- (iii) ex-officio councillors.

The inclusion of nominated and ex-officio councillors was designed to provide the central government with a mechanism to control and manipulate councils, and the fear of opposition parties taking over control of councils and use them to advance their own ideological interests. Councillors in Botswana, seen from the view of class position, are members of petty bourgeois class. Male domination of councils was a characteristic of council members in Botswana, women were shown to be poorly represented, despite their active participation in politics. The majority of councillors in Botswana are either semi-illiterate or totally illiterate, this hampers their performance in the council.

Chapter six analyzed and evaluated the responsibilities and functions of councils and divided them into two main categories, i.e. mandatory and permissive functions and indicated that councils have not been able to adequately fulfil their responsibilities and meet their performance targets. This was largely due to the

shortages of material and human resources. Council committees were the instruments by means of which councils transact their business.

Chapter seven dealt with the nature of council politics focusing specifically on the nature of council election process. The most important factor identified in the process of the council elections was that they have been dominated by the ruling Botswana Democratic Party since the first local government elections in 1969. It has been able to do this because it has a wide political base from which it drew support, and enabled it to build an alliance of both traditional leaders and modern petty bourgeois elements. With this durable alliance it has been able to win support in both rural and urban areas. It was indicated that the weakness of the opposition parties has also contributed significantly to the political hegemony of the Botswana Democratic Party in the councils. Opposition parties have been unable to construct a viable and durable alliance to challenge the electoral dominance of the Botswana Democratic Party.

Chapter eight discussed the nature of local government material and human resources, and the manner in which the resources are managed. It was indicated that control and management of resources are inadequate due to the shortage of skilled personnel, and the semi-illiteracy and illiteracy of the majority of councillors.

Chapter nine focused on the control of local government by central government. It demonstrated that in Botswana the central government has an almost total control of local government. It has been able to achieve this through a number of mechanisms such as:

- (i) the nomination of some councillors by the central government
- (ii) the power and authority to suspend councillors
- (iii) the power to dissolve councils

- (iv) the existence of the doctrine of ultra-vires
- (v) the authority to appoint council personnel
- (vi) through the presence of the District Commissioner in the Council, and
- (vii) the requirement that the Minister of Local Government, Lands and Housing must first approve all council resolutions before they can become bye-laws.

These requirements have reduced councils to the level approximating that of administrative agencies. The Government of Botswana has still some way to go before it can be seen to have a genuine form of a local state with relative autonomy.

## **2. RECOMMENDATIONS**

The foregoing analysis and assessment of post-colonial local government in Botswana has demonstrated it has weak local government institutions and as such have not been able to translate their potential into reality. The focus of these recommendations is to suggest possible solutions to this problem.

Firstly, it is suggested that the central government should remove the requirement that all council resolutions must be approved by the Minister of Local Government, Lands and Housing because this requirement undermines the relative autonomy of local government. More importantly it devalues the whole notion of local government as an extension of democracy as well as an instrument to promote community participation in the decision-making process.

Secondly, it is recommended that the central government changes the system of financial assistance to local government from deficit grants to outright grants. This

will give the council the freedom to decide how and where to use the funds. As the situation stands, it is the central government, through the system of deficit grants, which decides how and where to use the funds. This limits the council's freedom to decide on which projects to use the funds.

Thirdly, it is recommended that councils be allowed to employ its own personnel instead of the central government doing that through the Directorate of Local Government's, Management Service. This could be done either through the existing Local Government Public Service Commission or some other structure designed by councils themselves. It is possible that each council could be allowed to employ its own personnel as is the case in countries such as South Africa and Britain. This will allow councils to hire or dismiss personnel according to its own needs. Whilst there might have been good reasons to centralize the employment of personnel, there seem to be credible reasons exist now for the central government to continue to employ personnel on behalf of councils.

Fourthly it is essential that the training of councillors in the main aspects of council activities become a formal and integral component of the central government's assistance to councils. This will help improve the quality of councillors. This is especially so with regard to the area of financial management. Councillors need to be equipped with some basic understanding of public finance, in particular the process of budgeting.

Fifthly it is recommended that the training of local government personnel be accelerated in order to lessen the backlog of untrained personnel, and that training be provided on an on going basis since modern government machinery becomes more complex everyday. Tailor-made short-term and long-term training courses, especially the supervisory and managerial levels need to be designed.

In the sixth place, it is recommended that both government and political parties adopt deliberate policies which are designed to increase the number of women in

the councils. This could take the form of reserving some seats for women or parties nominating more women for council elections.

These strategies are not likely to resolve the problem of under representation of women. Firstly, because the dynamics of political mobility of women within the leadership hierarchy must be understood within the context of the party structures within which they operate. And the party structures of Botswana's political parties are designed in such a way that women will find it difficult to obtain majority support for reserving a number of seats for women. For example the executive committees of all the parties are dominated by men who are unlikely to give up their opportunities to be nominated or to be elected as councillors. Secondly, even if more women are nominated and elected into councils, it is likely that those elected will be elected on the basis of their class affinity, for class interests normally supersede gender issues. This will still leave the majority of women who belong to the working class or peasantry outside the corridors of power. Because in a class divided society, class interests and affinities are usually more dominant than gender issues. This is the cardinal principle of class politics.

In the seventh place, it is recommended that the district commissioners should cease to be members of councils since as representatives of central government, they inhibit free discussion in the council. If there is any need for co-ordination, they can be served by strengthening the existing co-ordination machinery between the District Commissioner and the council secretary/clerk. These suggestions can go a long way in improving the status, authority and power of councils. Ultimately their adoption and implementation will depend on the political will of the central government to genuine and relatively autonomous institutions capable of making local governance a political reality. More significantly are that their successful implementation will depend on the balance of class forces. As long as the ruling section of the petty bourgeois class which is in control of central government perceives local government as a potential threat to its interests it is unlikely that it will be interested in strengthening local government. The success of opposition

parties in local government elections, as evidenced by the 1995 national and council elections is likely to deter the ruling Botswana Democratic Party from extending the autonomy of local government. Without that extension local government in Botswana will remain largely an exercise in extending and camouflaging central government control over local government rather than making local government a medium through which communities participate in the decision-making processes which affect their daily lives. Genuine, relatively autonomous local governments are the positivities of genuine participatory democracy and local governance. Participatory democracy and local governance express, the notion of power to the people. It should not be assumed that decentralization of political institutions in the form of local government necessarily ensures participation at the grassroots. At the core of politics in a divided society is the notion of class and as such political power is essentially the organized power of one class for dominating another. This class hegemony undermines the essence of decentralization as an instrument for the extension of participatory democracy.

Liberal democrats and scholars have argued and continue to argue that grassroots participation is facilitated by the electoral process. But the electoral process has fundamental inadequacies and as such is unlikely to distribute political power equitably, let alone equally and proportionately. Its effectiveness in translating mass wants and needs to political and social realities is therefore questionable. This is especially so in a class divided society in which the social class relations become structured into relations of representation. Hence legislatures become representative institutions which seat individuals, not "masses" and women.

In addition to this problem, in a class divided society women, workers and poor peasants who are normally excluded from the corridors of power compete with each other unless they are organized. Similarity of class position and gender do not result in solidarity in the electoral process. Thus whilst the rules of liberal democratic electoral games are normally fair, they show no mercy for those who do not win majority representation. This means that for women, workers and poor

peasants to gain control of councils in Botswana, they will need to win a majority votes and this is unlikely unless they vote as a block.

Even if women manage to forge solidarity, they will still have to contend with the problem of inequality of material resources essential for participation in the electoral process. Thus the electoral process in a class divided society such as Botswana, functions to legitimize the political hegemony of the petty bourgeois class. The petty bourgeoisie is able to use the symbolism of voting and other peripheral acts of participation by the "masses" to give credence to their actions and policies. The electoral process is being used to maintain *status quo*. More importantly also, the process has a palliative effect on the "masses" because it assures them that what they say has an impact on policy making and implementation. The argument that the system of local government was introduced to provide opportunities for "mass" participation in the decision making processes is largely untenable in a society riddled with antagonistic and contradictory class divisions.

Whether this political scenario will change and if it does change to what extent, is difficult to predict. What is certain however, is that no historical and political period lasts indefinitely. A new historical and political period always appears on the societal horizon, but it only does so when the old one has created the seeds of its own demise and the political and institutional possibilities of a new one. This entails the ripening of objective and subjective conditions, for without the ripening of objective and subjective conditions no radical transformation of the old political order is possible. So far it does not seem that objective and subjective conditions exist at the moment in Botswana which will serve as the locomotive for the transformation of the system of local government and make it a genuine vehicle for "mass" participation in decision making. Nor do they exist to facilitate the political leadership mobility of women. This is however not to question the commitment of the male-dominated councils to make the system of local government an instrument for "mass" participation, rather to posit that political

change is not a question of the commitment of individuals, but rather of the material conditions. No amount of political and social zeal can transform a social and political system unless objective or material conditions are ripe enough to be ignited into a fundamental transformation process. This is not to suggest that social and political changes in the society are automatic and inevitable, for that would imply a metaphysical rather than an empirical conception of social and political changes. Social and political changes are brought about by the active and conscious involvement of people. It is people who set in motion objective conditions towards a process of social and political change.

In conclusion, it can therefore be generally posited that the content of local government politics has been and continues to be defined by the dimension of class and the class struggles which are being waged between and amongst the different classes. But whether the male petty bourgeoisie will continue to monopolize the control of local government in Botswana cannot be predicted. What is clear, however, is that their continued political hegemony will depend on the balance of class forces between and amongst the contending classes.