

# Contextualising Bureaucratic Corruption in the Botswana Public Service

**K Mudeme\***

School of Public Management and Administration  
University of Pretoria

**N Holtzhausen**

School of Public Management and Administration  
University of Pretoria

## ABSTRACT

This article aims to contextualise the status of bureaucratic corruption as well as certain transparency and accountability mechanisms adopted by the Botswana public service to curb corruption. The article is structured as follows: first, the article provides a brief introductory background of Botswana in terms of the context of its accountability, transparency and corruption reputation. This is followed by an overview of the statutory and regulatory framework and a conceptualisation of bureaucratic corruption in the Botswana public service. Specific aspects related to corruption in Botswana such as the level of corruption in ministries, the forms and causes of bureaucratic corruption and the most occurring offences; are highlighted. Transparency and accountability mechanisms in the Botswana public service discussed include performance management, financial reporting, records management, public procurement regulation, e-government and meritocratic recruitment.

The methodology entails a desktop analysis of literature and official documents to conceptualise the area of investigation (Auriacombe 2007). The methodological approach included specific dimensions of unobtrusive research techniques. In general, unobtrusive research techniques study social behaviour to eliminate bias and promote conceptual and contextual analysis. These techniques can be applied to both quantitative and qualitative research (Auriacombe 2007).

## **INTRODUCTORY BACKGROUND**

Corruption undermines good governance and countries have invested large resources to inhibit the 'curse'. Implementation of good governance practices such as transparency and accountability mechanisms in the public service is an attempt to prevent corruption. There are various types of corruption, such as, political, economic, electoral and bureaucratic corruption. Botswana is perceived as one of the least corrupt countries in Africa and reports have suggested that corruption is the seventh most problematic issue when conducting business in the country. Furthermore, international organisations such as the Organisation for Economic Cooperation and Development (OECD) and the Mo Ibrahim Index have ranked Botswana in first position for corruption control, transparency and accountability since 2006 to date. Moreover, Botswana is considered an African role model and benchmark for good governance practices in the public service. Despite Botswana being rated as a 'clean' country, corruption is on the increase in the country. The corrupt acts have not been reported, to retain a corrupt free image with which the country has long been associated. Moreover, Botswana is not as transparent and accountable as has been reported by OECD and the Mo Ibrahim African Governance Index.

Botswana is a land-locked country located in Southern Africa and shares borders with South Africa and Zimbabwe. Botswana is sparsely populated with two million people. The governance system is a decentralised one based on the Westminster approach. The country upholds the rule of law and individual liberties (Throup 2011:5). Furthermore, the governance system accentuates institutional development which has earned the country the title of accountable, transparent and least corrupt country on the African continent as illustrated in Table 1. The institutional structures limit the power of the elite and facilitate the establishment of sound administrative, political and economic institutions (Kruis 2013:2).

The public service in Botswana is reported to be accountable and transparent in all its activities. It was granted a 100% rating by the Mo Ibrahim Index of African Governance in 2006. Furthermore, the Mo Ibrahim Index of African Governance reflects that the government and its officials are not corrupt, as illustrated in Table 1.

## **STATUTORY AND REGULATORY FRAMEWORK**

Transparency and accountability are facilitated through the Constitution, 1966 and the Finance and Audit Act, 1997. The Constitution, adopted in 1965, lays down an institutional framework that includes the parliament as a representative, law-making, and oversight organ intended to ensure that the executive, led by

**Table 1: Accountability, transparency and corruption: Botswana public service**

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Overall	73.9	75.1	75.3	73.7	74.2	75.8	76.2	74.6	70.4	72.1
Public sector accountability and transparency	100	100	100	100	100	100	100	100	100	100
Accountability of public officials	83.3	83.3	83.3	83.3	83.3	83.3	79.8	76.2	76.2	76.2
Corruption in government and public officials	100	100	100	100	100	100	100	100	100	100
Corruption and bureaucracy	71.4	85.7	85.7	71.4	85.7	85.7	85.7	85.7	76.2	76.2

Source: (Mo Ibrahim Index of African Governance)

the President as the Head of State, delivers on its mandate. The Constitution of Botswana establishes three principal organs of the state, the executive, parliament and judiciary. The Constitution specifies the appointment and powers of principal public service offices and fundamental issues concerning public finance and its management (Sebudubudu 2014:5). The Constitution, 1966, provides for internal checks and balances and requires the government to be open, accountable and transparent. To ensure accountability and transparency the Constitution, 1966, established the Office of the Auditor General to conduct an annual audit of all public accounts (Republic of Botswana Constitution 1966).

The Finance and Audit Act, 1997, ensures fiscal accountability and transparency in the public service. The Act emphasises safeguarding the collection and custody of funds for better public funds management. Further, public funds are to be disbursed with proper legislation and the finance official must be responsible to the citizenry (Finance and Audit Act 1997).

- Section 6 emphasises that every public officer concerned with or responsible for the collection, custody, or disbursement of public moneys or the receipt, custody, issue or use of public supplies, shall comply with financial or other instructions and any directions not inconsistent therewith which may from time to time be issued by the Permanent Secretary in respect of the procedure to be followed in such matters, and the accounting for the same.
- The responsibilities of the Auditor General are highlighted in Section 29, to ensure effective management of public funds. The section notes that in discharging his duties under section 124(2) and (3) of the Constitution, the Auditor-General shall satisfy himself: that all reasonable precautions have been taken to safeguard the collection and custody of public moneys and that the laws, instructions and directions relating thereto have been duly observed, the disbursement of public moneys has taken place under proper authority and for the purposes intended by such authority, all reasonable precautions have been taken to safeguard the receipt, custody, issue and proper use of public supplies, and that the instructions and directions relating thereto have been duly observed; and adequate instructions or directions exist for the guidance of officers responsible for the collection, custody, issue and disbursement of public moneys or the receipt, custody, issue and disbursement of public supplies.

Other legislation which promotes transparency and accountability in the public service of Botswana is the Public Procurement Act, 2002, which guides the procurement of goods and services by the public institutions, to facilitate transparency, accountability, fairness and equity. The Act emphasises that the board should ensure that all public procurement institutions take into account the principles of open, fair and equitable treatment of all contractors, to achieve efficiency, accountability and transparency in the management of public procurement. The

legal and regulatory framework for procurement includes a provision for the setting up of an administrative review board tasked with resolving complaints lodged concerning a procuring institution contravening any legal provisions of the Public Procurement and Asset Disposal Act (Quinot and Amusmith 2013:28).

- Section 7 addresses fair treatment and emphasises that where, for reasons of limitations of capacity, contractors registered in Botswana are unable to satisfy wholly or in part, the specific procurement requirements, they shall be offered an equal opportunity to participate in the bidding process of the beneficiary entity (in conjunction with firms in that country) and where applicable to offer such requirements from third sources.
- In Section 9 discrimination and underpricing is expounded. In the event of evidence demonstrating discrimination in any form against Botswana registered contractors by private firms or public entities of any other country, either in that country or in a third country, in respect of procurement or disposal activities; or discrimination or underpricing or action to this effect by public or private entities of Botswana or public or private entities from another country, which limits competition and places locally registered firms at a disadvantage in the domestic market in respect of procurement or disposal activities, the board shall in consultation with other interested parties and bearing in mind any treaty obligations of the government, submit recommendations to the minister on commensurate measures to compensate for the injustices.
- Obligation to advertise is dealt with in Section 86. The board shall advertise all applications by contractors for registration and thereafter the decisions on the grades and codes accorded to applicants; and tenders being invited, bids received, and award decisions and prices.
- The Act emphasises publicity and the media in Section 87. The board shall publicise the decisions arising from complaints and challenges dealt with by the board or the Independent Complaints Review Committee; and brief the media from time to time on developments in the procurement and disposal system that are of public interest.
- Disclosure of interest by members of the board is highlighted in Section 88. Every member, on receipt of the agenda of the meetings of the board, or on notification of a matter being brought to the attention of the board shall sign a standard declaration form of the Public Procurement and Asset Disposal Board indicating whether he has, or intends to acquire, a direct or indirect personal interest in any specific agenda item or matter requiring the board's consideration and decision; and in the event of such interest, the member in question shall not participate in the deliberation or decision-making.

Corruption in Botswana is attributed to non-observance of procedures, management override of internal controls, collusion between employees, collusion

between employees and third parties, lack of control over management by directors, poor or non-existent ethics policy and poor employment practices. Corruption wrongdoings are mainly tackled in the Corruption and Economic Crime Act, the Penal Code and the Public Service Act (Tshukudu 2011:120).

The Corruption and Economic Crime Act, 1994, confers power on the DCEC to investigate suspected cases of corruption and economic crime and matters connected or incidental thereto. Part IV has a list of offences, which include;

- Corruption by or of the public officer
- Corruption in respect of official transaction
- Acceptance of bribe by public officer after doing act
- Promise of bribe to public officer after doing act
- Corrupt transactions by or with agents
- Bribery for giving assistance in regard to contracts
- Bribery for procuring withdrawal of tender
- Conflict of interest
- Cheating of public revenue
- Possession of unexplained property
- Application for confiscation order
- Application for restraining order

Section 24 of the Corruption and Economic Crime Act, 1994, deals with corruption by public officials:

- A public officer is guilty of corruption in respect of the duties of his office if he directly or indirectly agrees or offers to permit his conduct as a public officer to be influenced by the gift, promise, or prospect of any valuable consideration to be received by him, or by any other person, from any person.
- A person is guilty of corrupting a public officer if he endeavours directly or indirectly to influence the conduct of the public officer in respect of the duties of his office by the gift, promise, or prospect of any valuable consideration to be received by the public officer, or by any other person, from any person.

Section 25 of the Corruption and Economic Crime Act, 1994, addresses corruption in respect of official transaction:

- A public officer is guilty of corruption if he accepts, or agrees or offers to accept, for himself, or for any other person any valuable consideration as an inducement or reward for doing or forbearing to do anything in respect of any matter in which he is concerned in his capacity as a public officer.
- A person is guilty of corrupting a public officer if he gives or agrees or offers to give any valuable consideration to a public officer, whether for the benefit of that public officer or of another person as an inducement or reward for

doing or forbearing to do anything in respect of any matter in which the public officer is concerned in his capacity as a public officer.

Section 31 of the Corruption and Economic Crime Act, 1994, elaborates on conflict of interest:

- A member or an employee of a public body is guilty of corruption if he or an immediate member of his family has a direct or indirect interest in any company or undertaking with which such body proposes to deal, or he has a personal interest in any decision which such body is to make, and he, knowingly, fails to disclose the nature of such interest, or votes or participates in the proceedings of such body relating to such dealing or decision.

Possession of unexplained property as one of the corrupt activities is dealt with in Section 34 of the Corruption and Economic Crime Act, 1994:

- The Director or any officer of the Directorate authorised in writing by the Director may investigate any person where there are reasonable grounds to suspect that that person: maintains a standard of living above that which is commensurate with his present or past known sources of income or assets; or is in control or possession of pecuniary resources or property disproportionate to his present or past known sources of income or assets.
- A person is guilty of corruption if he fails to give a satisfactory explanation to the Director or the officer conducting the investigation under subsection (1) as to how he was able to maintain such a standard of living or how such pecuniary resources or property came under his control or possession.

Disclosure of information is elaborated in Section 4 of the Corruption and Economic Crime Act, 1994:

- Any person who, without lawful authority or reasonable excuse, discloses to any person who is the subject of an investigation in respect of an offence alleged or suspected to have been committed by him under this Act the fact that he is subject to such an investigation or any details of such investigation, or publishes or discloses to any other person either the identity of any person who is the subject of such an investigation or any details of such an investigation, shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding one year or to a fine not exceeding P2 000, or to both.

Botswana has had a codified penal system since June 1964, which parliament amends infrequently when there is need to deal with specific corruption. Penal provisions focusing on corruption are:

- Section 99 of the Penal Code deals with official corruption. The section emphasises that any person who, being employed in the public service, and being

charged with the performance of any duty by virtue of such employment, corruptly solicits, receives, or obtains, or agrees or attempts to receive or obtain any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him in the discharge of the duties of his office, is guilty of an offence.

- Section 100 which deals with extortion by public officers, emphasises that any person who, being employed in the public service, takes or accepts from any person for the performance of his duty as such officer, any reward beyond his proper pay and emoluments, or any promise of such reward, is guilty of an offence and is liable to imprisonment for a term not exceeding three years.
- Section 101 penalises receipt of property by public officers in order to show favour. The section states that any person who, being employed in the public service, receives any property or benefit of any kind for himself, on the understanding, express or implied, that he shall favour the person giving the property or conferring the benefit, or anyone in whom that person is interested, in any transaction then pending, or likely to take place, between the person giving the property or conferring the benefit, or anyone in whom he is interested, and any person employed in the public service, is guilty of an offence and is liable to imprisonment for a term not exceeding six months.
- Abuse of office is addressed in Section 104: any person who, being employed in the public service, does or directs to be done, in abuse of the authority of his office any arbitrary act prejudicial to the rights of another is guilty of an offence.
- Section 308, deals with obtaining by false pretense. Any person who by any false pretense, and with intent to defraud, obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen, is capable of an offence and is liable to imprisonment for a term not exceeding seven years.
- Section 312 deals with conspiracy to defraud. Any person who conspires with another by deceit or any fraudulent means to affect the market price of anything publicly sold, or to defraud the public, or any person, whether a particular person or not, or to extort any property from any person, is guilty of an offence and is liable to imprisonment for a term not exceeding three years.
- Section 341 emphasises making a false document. Any person who makes a false document purporting to be what in fact it is not; alters a document without authority in such a manner that if the alteration had been authorised it would have altered the effect of the document; introduces into a document without authority while it is being drawn up a matter which if it had been authorised would have altered the effect of the document; signs a document in



the name of any person without his authority whether such name is or is not the same as that of the person signing.

- Uttering a false document is highlighted in Section 348. Any person who knowingly and fraudulently utters a false document is guilty of an offence of the same kind, and is liable to the same punishment, as if he had forged the document in question.

The Botswana Public Service Act, 2010, lays out a comprehensive legislative framework on public service employment. Its main requirements relate to appointments, termination and retirements from the public service, duties of public officers, and penalties for misconduct or unsatisfactory service. The Public Service Act, 2010, specifies that the behaviours of all public officers must be above reproach. The Act necessitates that the public officers must not only be on their watch against corruption and abuse of office but actively contribute in the fight against corruption by quickly reporting all illegal activities. Further, the Act emphasises that transparency and accountability are paramount in challenging corruption in the public service. As such, public officers must be accountable by acknowledging and rectifying their mistakes. The public officers must be transparent by being open in all administrative matters (Public Service Act 2010).

The Botswana Public Service Act, 2010, specifies that operative checks and balances be in place to guard against misuse of power and building confidence and trust in the public service. The Act for example, highlighted the guidelines for promotions and training which are supposed to be based on performance. A public officer is also not allowed in his private capacity, to be a director of a company but may hold a minority of shares in a public or private company carrying on non-exempt activities, only if he or she has fully paid for such shares and has informed the directors through the permanent secretary. In addition, public officials are prohibited to accept paid employment in any private business either in or out of normal working hours or while on leave. Moreover, the Act necessitates that public officials declare business interests but such declaration does not extend to personal assets such as cars, banking accounts, furniture or personal residences occupied by the official making the declaration (Public Service Act 2010).

Botswana has established institutions such as the Directorate of Public Prosecutions to challenge corruption in the public service. The Directorate of Public Prosecutions was established by the Constitution, 1966, to institute criminal actions against public institutions and officials. The Directorate on Corruption and Economic Crime (DCEC) refers cases to the Directorate of Public Prosecutions for prosecutions (DCEC 2011:10). Anti-Corruption Units are also established in the public service of Botswana, to tackle corruption and ensure transparency and accountability. The purpose of Anti-Corruption Units is to monitor and provide advice on the activities of institutions. The units assess the operational areas such

as human resources, procurement, finance and contracts management and report to the DCEC and the Accounting Officer of the Ministry (DCEC 2013:22).

The Corruption Prevention Committee in the public service of Botswana has been established with the mandate of developing and initiating corruption strategies. The committee is responsible for monitoring the institution's operations and procedures, to address any opportunities for corruption. To achieve this mandate, the committee reviews reports on corruption and takes appropriate measures, implements corruption prevention programmes and educates public officials on the causes and consequences of corruption (DCEC 2011:19). Botswana signed the United Nations Convention Against Corruption 2003, which mandates state parties to pass criminal laws against corrupt practices such as bribery, embezzlement and money laundering, take preventive measures, facilitate collaboration among governments for the purposes of extradition and asset recovery (Mbao 2011:256).

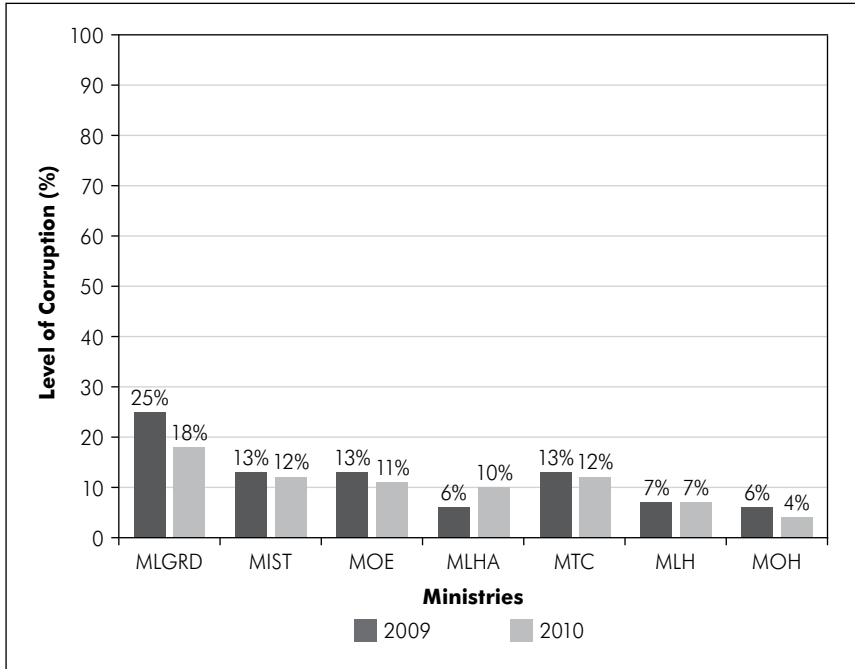
## **CONTEXTUALISING BUREAUCRATIC CORRUPTION IN THE BOTSWANA PUBLIC SERVICE**

This section provides an overview of bureaucratic corruption in the Botswana public service. Botswana ranks as the 35<sup>th</sup> least corrupt of 175 countries and scored 60 points out of 100 in 2016. According to an internet source (<http://www.transparency.org>) Botswana has progressed to manage corruption effectively. However, Groop (2017:39) reported that despite all the accolades Botswana has been receiving the country still experiences bureaucratic corruption. The level of bureaucratic corruption in the Botswana public service has grown in relation to the level of development and transformation of the country. The Botswana government grew in revenue and expanded its scope and scale, resulting in the growth of public officials' personal wealth of those who engaged in bribery and fraudulent activities. Furthermore, a survey conducted by Afrobarometer in 2014 (Afrobarometer 2008-2014) **confirms** bureaucratic corruption in Botswana is on the rise.

The data (Afrobarometer 2008-2014) provided revealed that bureaucratic corruption has been on a steady incline in the public service of Botswana since 2008. In 2008, 68% of the public perceived that public officials were corrupt, while the number grew in 2012 to 73%. Furthermore, the public perception that public officials were corrupt increased to 78% in 2014. Moreover, bureaucratic corruption has been part of the Botswana public service, but not reported because the focus was on governance (Kapunda and Moffat 2012:85).

The DCEC Annual Report (2015) reported that despite adopting strategies and mechanisms to challenge corruption, there is a steady increase of corruption in the public service of Botswana.

**Figure 1: Level of corruption in ministries (2009–2010)**



Source: (DCEC Annual Report 2010)

In 2010, the DCEC received 1851 cases of corruption and there was a decrease of cases in 2011 and 2012 with 1800 and 1646 cases respectively. Corruption cases increased in 2013 to 1650 and a further decrease of cases was noted in 2014 where 1371 cases were received by DCEC. In 2015, cases of corruption increased to 1525 (DCEC 2015:12). The DCEC each year samples ministries to evaluate the level of corruption through analysing the cases of corruption reported; and reports have indicated there is bureaucratic corruption. Figure 1 illustrates the level of corruption for the period 2009 to 2010 (DCEC 2010:5).

The ministries surveyed were: Ministry of Local Government and Rural Development (MLGRD), Ministry of Infrastructure, Science and Technology (MIST), Ministry of Education (MOE), Ministry of Labour and Home Affairs (MLHA), Ministry of Transport and Communication (MTC), Ministry of Lands and Housing (MLH) and Ministry of Health (MOH). MLGRD reported 25% of corruption out of the total received in 2009, and the cases slightly decreased in 2010 to 18%. In 2009, 14% of cases were received from MIST and MOE and 12% in 2010. Corruption cases received from MLHA in 2009 and 2010 were 6% and 10% respectively. The cases reported by MTC were 14% (2009) and 12% (2010).

MLH corruption cases were 6% for both 2009 and 2010. In MOH corruption cases noted were 6% in 2009 and a slight decline in 2010 to 4%. The data indicated that corruption was high in 2009 and in 2010 there was a slight decrease.

The DCEC Annual Report (2011) revealed that the cases of corruption reported increased in most of the surveyed ministries, with the exception of MIST and MOE in 2011. MLGRD had a 2% increase bringing the total of cases to 20%. MIST had a small decrease of 1% compared to 2010. MOE reported the same number of cases. Cases of corruption reported in MLHA were 12%, with an increase of 2%. There were 14% of cases reported in MTC, showing an increase of 2% in comparison to 2010. Data indicated that MLH in 2011 had registered 10% corruption cases, with a 2% increase. Corruption cases in MOH increased to 6% and Ministry of Agriculture (MOA) reported corruption cases were 5%.

The DCEC Annual Report (2012) stated that ministries such as Ministry of Youth, Sports and Culture (MYSC), Ministry of Trade and Industry (MTI), Ministry of Minerals, Water and Energy Resources (MMEWR), Ministry of Finance and Development Planning (MFDP) and Ministry of Environment, Wildlife and Tourism (MEWT) were also surveyed in 2012. Corruption cases in MLGRD dropped to 18% and 10% in MIST. In MLHA corruption cases decreased to 10% from 12%, while in MTC corruption reported was the same as in 2010. MLH reported corruption cases were 8%, which is 2% lower than in 2011. The corruption cases reported according to the data showed a small decrease in most of the ministries, while MOH and MOA reported the same percentage as in 2011. Corruption cases from MYSC was 3%, and from MTI the cases were 2%. MMEWR and MFDP corruption cases were 5% and MEWT had 4%.

In 2013, according to the DCEC Annual Report (2013) some ministries had a slight decrease in corruption, while others noted an increase. Ministries such as MTC and MTI registered an increase in corruption level. Corruption in the two ministries was 16% and 4% respectively. MLGRD corruption level was noted to be 15%, MIST was assessed at 4% and MOE at 7%. Corruption levels in MLHA, MOH and MOA were 6%, 7% and 5% respectively. MYSC corruption level was reported to be 2%. In MMEWR corruption level had decreased to 4%, MFDP and MEWT was 2%.

According to the DCEC Annual Report (2014) corruption in 2014 was on the rise and corruption levels in MLGRD, MOE, MTC, MLH, MYSC and MFDP had steadily increased to 18%, 10%, 19%, 11%, 3% and 4% respectively. The following ministries reported a small decline in corruption: MIST (2%), MLHA (5%), MOH (4%) and MOA (2%). Corruption level in MTI, MMEWR and MEWT remained unchanged.

In 2015, corruption level had increased in most of the ministries. Ministries such as: MIST, MLHA, MTC, MLH, MOH, MOA, MYSC, MTI, MMEWR and MFDP experienced an increase in corruption. Corruption increased in MIST (6%),

MLHA (15%), MTC (24%), MLH (26%), MOH (8%), MOA (5%), MYSC (7%), MTI (4%), MMEWR (3%) and MFDP (7%) respectively (DCEC Annual Report 2015).

The Ministerial Anti-Corruption Units are also inundated with reports on corruption. The DCEC Annual Reports 2013 to 2015 highlighted the number of corruption cases the Units received in MLGRD, MIST, MOE, MLHA, MTC, MLH, MOH, MOA and MYSC (DCEC Annual Report 2013).

Corruption cases reported in MLGRD were 85 cases and MIST had 73 cases. MOE had 119, MLHA 46, MTC 40, MLH 75, MOH 61, MOA 38 and MYSC 28 corruption cases. The total number of corruption cases received between January and March was 90. From April to June the number of cases increased to 144. An increase was also noted between July and September (179) and in October to December cases decreased to 162. The overall total corruption cases reported by the Ministerial Anti-Corruption Units was 575 (DCEC Annual Report 2015).

According to the DCEC Annual Report (2015) corruption cases received by the Ministerial Anti-Corruption Units steadily increased in 2015 in comparison to the previous years. The following number of corruption cases was noted: MLGRD 120, MIST 27, MOE 156, MLHA 81, MTC 49, MLH 57, MOH 90, MOA 64 and MYSC 32. The total number of corruption cases received from January to March was 134. From April to June the total was 169 and 214 cases were received between July and September, with 159 reported between October and December. The overall total of corruption cases received in 2015 was 676.

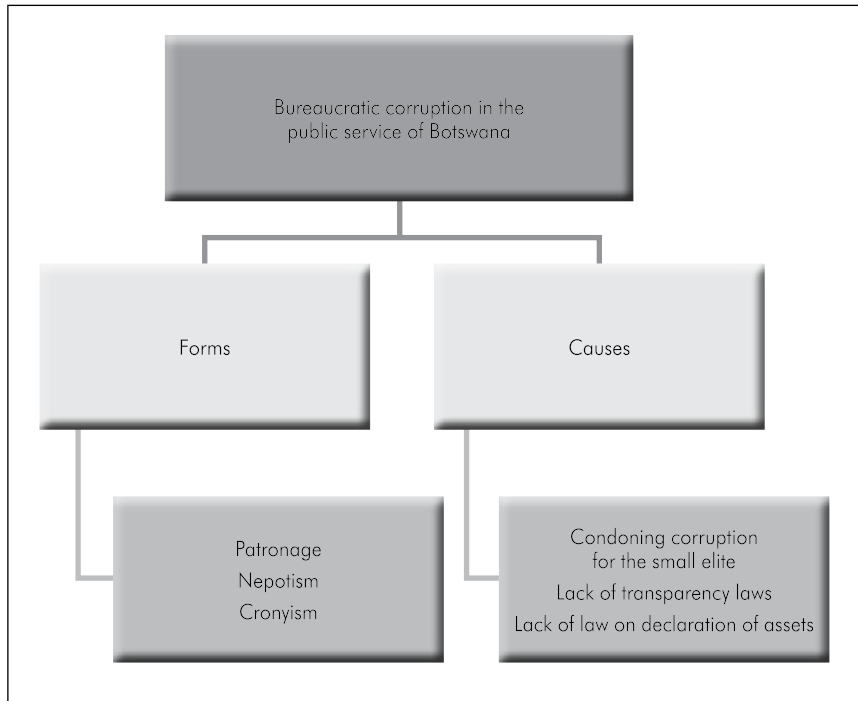
## **Forms and causes of bureaucratic corruption in the Botswana public service**

The forms and causes of public service bureaucratic corruption are highlighted in Figure 2.

Patronage, nepotism and cronyism are prevalent in the Botswana public service because public sector officials' family members and friends generally own companies which tender for the government and conflict of interest is often not disclosed (Molebatsi and Dipholo 2014:795). Nepotism, patronage and failure to disclose and declare assets in the public service were rife in government which allowed a small elite group to control its decision-making process for their own benefit. Consequently, corruption is condoned for this small elite group who are entrepreneurial and the connection between public and private interests is distorted (Sebudubudu 2014:2).

Furthermore, the lack of transparency laws has resulted in bureaucratic corruption rising in the Botswana public service. Botswana traditionally has a reputation of abiding by the democratic and freedom of expression principles in the Constitution. However, it has lost this reputation by clamping down on media freedom, freedom of expression and the right of the citizenry to access

**Figure 2: Forms and causes of bureaucratic corruption: Botswana public service**

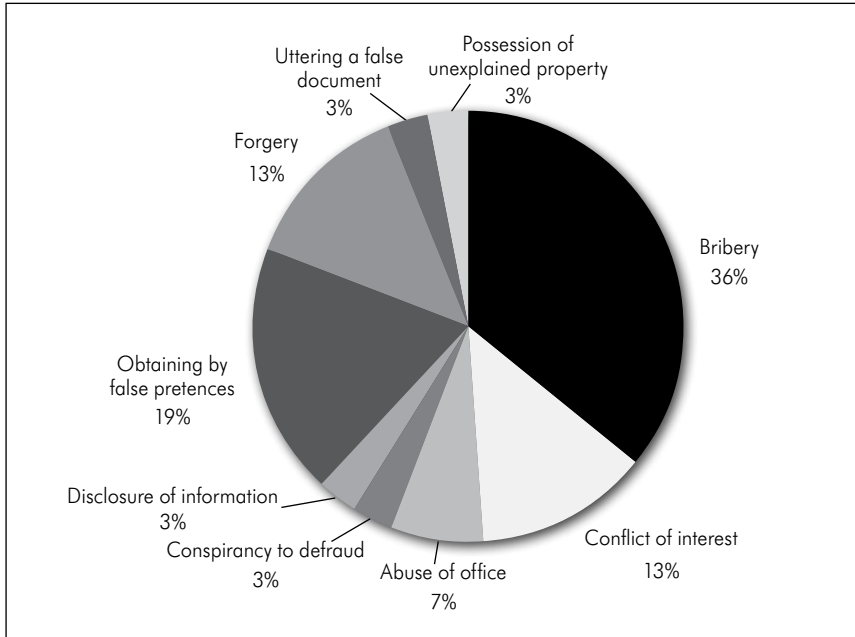


Source: (Author's own construction)

information. In 2012 the ruling party opposed the adoption of the Freedom of Information Act, which was drafted in 2010. This enabled public officials to abuse power (Kapunda and Moffat 2012:86). Furthermore, in April and May 2011 during the public service strike which was considered a massive action, the government deployed the public relations officer and government media control to work in the Office of the President. This was done to monitor the news aired. Consequently, only biased government views were aired on the state station (Kruis 2013:3).

Moreover, since 2014, the lack of freedom of expression and association including free media, contributed to the fall in transparency, public voice and accountability in the public service. Botswana scored 47 out of 100 in transparency in the Resource Governance Index. The fall was attributed to cronyism, patronage and lack of transparency laws between the government and the private sector (OECD 2014:132). Also there is no law that requires public officials in Botswana to declare their assets. Consequently, it undermines the law which could prevent wrongdoing and corruption in the public service (Kapunda and Moffat 2012:87).

**Figure 3: Most occurring offences**



Source: (DCEC Annual Report 2015)

DCEC highlighted the most occurring offences in the public service of Botswana as illustrated in Figure 3.

Bribery has been reported to be the highest among corruption practices in Botswana's public service, with 36%. Obtaining by false pretences (19%) is the second most common offence and conflict of interest and forgery are third with 13%. Abuse of office is ranked fourth with 7% occurrence. Disclosure of information, possession of unexplained property, conspiracy to defraud and uttering a false document are the lowest common offences rated at 3%.

The ministries conduct transaction monitoring exercises yearly, to evaluate and detect corrupt and fraudulent activities. In 2014 the findings revealed that the following corruption activities were prevalent in ministries:

- Payment for undelivered goods
- Favouritism in recruitment
- Unfair training opportunities
- Conflict of interest
- Inflated prices for goods and services
- Collusion in the awarding of tenders
- Fraudulent awarding of licences and permits

- Stealing of government property and misuse of vehicles
- Leakage of official information
- Fraudulent claims (overtime, substance and salaries)
- Ghost beneficiaries (employees and students) (DCEC 2014:42).

In 2015, the findings from the transaction monitoring exercise highlighted the following corrupt activities in the ministries:

- Non adherence to tender procedures
- Non adherence to licensing procedures
- Misuse of travel allowance
- Fraudulent overtime claims
- Conflict of interests
- Favouritism in recruitment and promotions
- Theft of government property
- Purchasing from friends and relatives
- Bribery in contract management
- Suspicions of corruption in the allocation of land and boreholes (DCEC 2015:50).

## **TRANSPARENCY AND ACCOUNTABILITY MECHANISMS IN BOTSWANA PUBLIC SERVICE**

### **Performance management**

This section provides an overview of the performance management process in the Botswana public service. The performance management system was introduced in the 1990s as a mechanism to enhance accountability and transparency in the public service. The focus was on establishing performance measurements to assess its effectiveness and efficiency. The establishment of clear and actionable lines of accountability and service standards were underscored (Marobela and Mawere 2011:5311). The performance management system is based on ethical and operational principles which ensures that the system is fair and achieves its purpose of assessing performance in an equitable manner (Bulawa 2012:322).

The performance management system is implemented as a corrective system and not utilised to punish those who underperform. Performance review meetings are characterised with honesty and openness and the officials express their concerns freely without discrimination and intimidation (Tshukudu 2014:27). A balanced scorecard and performance-based rewards system was adopted to measure performance in the public service. Consequently, it is simple to recognise exceptional performance and public officials are promoted based on



competence and merit rather than seniority (Kealesitse, O' Mahony, Lloyd-Walker and Polonsky 2013:34).

To ensure transparency in the performance management system, the Public Service Reform Unit (PSRU) in the office of the President facilitates, monitors, and evaluates the performance system. The PSRU provides advice to enhance the management of service standards (Bulawa 2012:34). Also, the National Strategy Office (NSO) plays a crucial role in facilitating transparency and accountability in the performance management system. The NSO ensures that the government institutions submit their bi-annual reports timeously (Marobela and Mawere 2011:5312). Furthermore, various committees have been established to ensure the performance management system is effective. The Ministerial Performance Improvement Committee is tasked with reviewing public service performance quarterly and the Performance Improvement Committee of Permanent Secretaries for Permanent Secretaries to engage and acquire enhanced solutions to improve performance in the public service (Bulawa 2012:322).

## **Financial reporting**

Public finance management and budgeting is controlled through the Constitution of the Republic of Botswana, 1966. The process and procedures to manage public finances are stipulated (section 117 of the Constitution of the Republic of Botswana, 1966). The administration of finance and the budget in the Botswana public service is the primary function of the MFD, Minister of Finance and Development Planning and line ministry accounting personnel. Their roles and responsibilities are regulated by the Public Finance and Audit Act, 2011 (Act 2 of 2011) to ensure that all revenues and expenditure, assets, and liabilities are managed efficiently and effectively (Botlhale 2011:28).

Botswana adopted the International Public Sector Accounting Standards (IPSAS) and advanced from using cash-based accounting to accruals accounting which provides a clear understanding and transparency of all costs and revenues (Haruna and Vyas-Doorgapersad 2016:7). The Government Accounting and Budgeting System (GABS) is the integrated financial management system adopted in 2002. The implementation of GABS has led to a high level of predictability, transparency and accountability. Work is conducted according to set rules and standards (Tonkope, Baliyan and Tobedza 2017:104). Hence, reporting is conducted timeously and information is accessible and comprehensible which enhances transparency. Also accountability is facilitated through GABS by comparing the actual and the budgeted results on income and expenditure. This has resulted in low incidents of financial corruption (Botlhale 2011:29).

The Public Finance Management Reform Programme (PFMRP) which was implemented focuses on addressing challenges with the management of public

finance. The purpose is to strengthen the financial management system and to maintain financial discipline and accountability (OECD 2014:132). Through PFMRP, Public Expenditure and Financial Accountability (PEFA) was established in 2009 to hold public officials accountable for the utilisation of public funds and promote transparency in financial reporting. The public service financial status is assessed and transparency and comprehensiveness is achieved (Botlhale 2011:27). Botlhale discusses how PFMRP is intended to strengthen financial control.

The implementation of Public Financial Accountability (PFA) arrangements between Executive, Parliament and Judiciary established through the Botswana Public Accounts Committee (PAC) ensures that public funds are utilised properly. Furthermore, it ensures that value for money is achieved when public funds are utilised (Haruna and Vyas-Doorgapersad 2016:8). The PFA also entails explaining, justifying conduct and interrogating actions. By so doing the resources are equitably allocated with the intention to benefit the nation rather than the privileged few (Tonkope *et al.* 2017:106).

## **Records management**

The records management strategy was implemented in the early 1960s to enhance the smooth functioning of the public service. Furthermore, the purpose of the records management strategy is to enhance transparency, accountability and prevent corruption (Ngoepe and Keakopa 2011:148). To promote transparency, the Botswana National Archives and Records Services (BNARS) was established in 1978 under the Archives Act to improve the flow of information and accuracy and is mandated with the preservation, control and disposal of records. BNARS achieves its objectives through coordinating and managing records management practices (Sebina, Moahi and Bwalya 2014:241).

The Botswana public service has a regulating framework under BNARS to maintain transparency and accountability such as the BNARS Records Management Policy 2009 which compels the public service to implement policies, procedures and systems to maintain and preserve government records (Jain and Mujama 2017:104). Through the BNARS Records Management Policy, the public service is obliged to appoint staff to oversee the management of records so that record management is strengthened to avoid retaining misleading information which might lead to manipulation, corruption and fraud (Ngoepe and Keakopa 2011:149). The BNARS Records Management Procedure Manual 2009 is another regulating mechanism which provides guidance for records management procedures and practices. Furthermore, it addresses issues related to mail management, file management, retention and disposal of records. Hence, the public officials are able to keep accurate records which in turn provide evidence of administration and operation (Bwalya and Mutula 2015:175).

## Public procurement regulation

Botswana is one of the first countries in Africa to introduce public procurement legislation to evaluate and monitor public service procurement. It is considered an early reformer in public procurement and serves as a benchmark for other countries. Countries such as Uganda have adopted Botswana's procurement strategy to manage the procurement process (Quinot and Arowsmith 2013:36). All public procurement is subject to the Public Procurement and Disposal Act 2002 and the regulations of the Public Procurement Disposal Act 2002 are executed through the Public Procurement and Asset Disposal Board Operations Manual 2008. The latter Manual of 2008 provides standard operational policies and procedures for public procurement (Nyeck 2016:281).

To promote transparency and curb corruption in public procurement, Botswana established an integrated system to circulate and collect procurement information such as requests for proposals, tender information and contract awards. The system provides updated information on all contracts at central government (Botlhale and Lotswao 2015:43). Procurement plans are published on institutions, PPADB websites including the government portal. The plans are posted timeously to enable all the contractors and suppliers to have access to the information and ensure fairness and equality (Tonwe 2013:12).

Accountability is enhanced through ensuring that there is clarity and separation of responsibilities assigned to the public officials to avoid conflict of interest and illegal involvement in the execution of procurement transactions (OECD 2014:136). Furthermore, quality control standards have been established to assess and evaluate public procurement officials' performance and ensure integrity in managing tenders and awarding contracts (Quinot and Arowsmith 2013:33). Moreover, procurement actions cannot be initiated without proper and approved budgets. Consequently, the financial management and procurement systems are interfaced to hold public officials accountable for engaging in any procurement transactions without approval (Nyeck 2016:281).

## E-government

Botswana introduced Information and Communication Technology (ICT) in the public service in the 1980s and has since invested substantially in developing and growing ICT through the introduction of e-government to facilitate transparency and accountability in the public service (Bwalya and Zulu 2012:240). Through the National ICT policy called Maitlamo adopted in 2007, Botswana's e-government strategy focuses on facilitating equitable and universal access to information for the public. All government information and services are available on a single government portal and accessible from all locations throughout the country.

Furthermore, the online portal service is client-oriented and provides clear instructions for users to access information and services (Nkwe 2011:128).

A common look and feel is adopted across the government portal and websites to encourage uniformity throughout the institutions. This as a result facilitates the adoption of common transparency and accountability measures (Nubafu and Maiga 2012:32). Furthermore, the public service in Botswana has similar website designs containing various information on government activities. The information ranges from contact details to question and answer forums. The public service has digitised core work by introducing e-procurement, e-legislation, administration information share centre, local government information system, e-project evaluation and e-document (Mosweu 2016:5).

Ensuring accountability through e-government is achieved by securing the government websites and portals. Thus e-signatures are included in the published information online so that the citizenry is aware of whom to hold accountable (Bwalya and Zulu 2012:248). Furthermore, e-signatures ensure that information provided can be relied upon without manipulation. The citizenry can confidently trust government actions, revealed by them taking responsibility for its functions (Nubafu and Maiga 2012:33).

## **Meritocratic recruitment**

The Botswana public service is regarded as the most professional in Africa because of limited interference by politicians. Consequently, it was able to organise and adopt an enhanced staffing strategy (Cypher 2014:260), that is, it is merit based, which implied that human resource recruitment and promotion was considered according to qualifications. For example, DPSM created a portal for unemployed graduates to upload their details. This pool is utilised for filling vacancies in government (Kanyenze, Jauch, Kanengoni, Madzamuse and Muchena 2017:108).

The recruitment system in the Botswana public service ensures equal opportunities and fairness for all applicants. There are also clear career paths, guidelines for recruitment and promotion. Furthermore, the recruitment policy is published on the government website and portal which is easily accessible. The job requirements and competencies are clearly stipulated in the policy (Ezrow and Fraritz 2013:17). Moreover, vacancies are advertised in the institution, websites and newspapers which are clear and concise for all to understand. The jobs are advertised for a period of a month so that every citizen has adequate time to submit an application (Thoroethin 2014:260). There are quality control mechanisms to monitor and assess the recruitment process in the public service. Recruitment and promotion boards have been established to evaluate the recruitment and promotion process to ensure that the rules and regulations are implemented (Cypher 2014:261).

## CONCLUSION

Botswana is considered to excel in good governance practices and is rated high by many international governance institutions. For example, the Mo Ibrahim Index of Governance in Africa has ranked Botswana high in transparency and accountability since 2006. Also the Transparency International Corruption Index perceives Botswana as a role model in terms of good governance and its ability to curb public service corruption. Despite these praises, bureaucratic corruption does exist in the public service of Botswana. Bureaucratic corruption such as nepotism, patronage, bribery, fraud and cronyism; has been alleged to be on the rise in the Botswana public service. Corruption has been attributed to the coalition of the government with the elite to benefit the privileged few which has created an opportunity for increased corruption.

Furthermore, Botswana focused on creating and maintaining the image of a clean and successful country while bureaucratic corruption, which was on the increase in the public service, was disregarded. The rise in bureaucratic corruption was inevitable because there are no laws which require public officials to declare their assets and business interests. Moreover, there are no laws which prescribe to, for example, freedom of expression; while public officials are prohibited from expressing their perceptions. The government abuses its power and authority to silence the public officials while portraying a sound image to the world. The strike in 2011 revealed how public officials were denied their right to freedom of expression and how government broadcast and published misleading information to the nation.

## NOTE

- \* The article is partly based on a PhD thesis that was completed under the supervision of Prof N Holtzhausen: Mudeme, K. *An evaluation of the practice of good governance in the public service of Botswana*. Pretoria: University of Pretoria.

## REFERENCES

- Auriacombe, C.J. 2007. Unobtrusive research methods: critical issues. *Journal of Public Administration*. 42(6). November 2007.
- Botlhale, E.K. and Lotshwao, K. 2015. The uneasy relationship between parliament and the executive in Botswana. *Botswana Notes and Records*. 45:39–51.

- Bulawa, P. 2012. Implementation of Performance Management System (PMS) in senior secondary schools in Botswana: an investigation of senior management team's expected benefits of the PMS. *European Journal of Educational Research*.1(4):321–337.
- Bwalya, K.J. and Mutula, S. 2015. *Digital solutions for contemporary democracy and government*. Hershey: Information Science Reference.
- Bwalya, K.J. and Mutula, S. 2014. *E-government implementation, adoption and synthesis in developing countries*. Berlin: Walter de Gruyter GrubH.
- Bwalya, K.J. and Zulu, S. 2012. *Handbook of research on e-government in emerging economies: adoption, e-participation and legal frameworks*. Hershey: Information Science Reference.
- Cypher, J.M. 2014. *The process of economic development*. Fourth edition. New York: Routledge.
- Directorate on Corruption and Economic Crime Annual Report (DCEC) 2010. Gaborone: Government Printer.
- Directorate on Corruption and Economic Crime Annual Report (DCEC) 2011. Gaborone: Government Printer.
- Directorate on Corruption and Economic Crime Annual Report (DCEC) 2012. Gaborone: Government Printer.
- Directorate on Corruption and Economic Crime Annual Report (DCEC) 2013. Gaborone: Government Printer.
- Directorate on Corruption and Economic Crime Annual Report (DCEC) 2014. Gaborone: Government Printer.
- Directorate on Corruption and Economic Crime Annual Report (DCEC) 2015. Gaborone: Government Printer.
- Dutta, N. and Roy, S. 2016. State fragility and transparency. *International Journal of Development Issues*. 15(3):202–223.
- Ezrow, N.M. and Frantz, E. 2013. *Failed states and institutional decay: understanding instability and poverty in the developing world*. New York: Bloomsburg Publishing Plc.
- Fatemi, M. and Behmanesh, M.R. 2012. New public management approach and accountability. *International Journal of Management, Economics and Social Sciences*. 1(2):42–49.
- Groop, C. 2017. Controlling the unruly agents—linkage between accountability and corruption within the executive structures of Botswana. *Journal of Contemporary African Studies*. 35(1):34–53.
- Haruna, P.F. and Vyas-Doorgapersad, S. 2016. *Public budgeting in African Nations: fiscal analysis in development management*. New York: Routledge.
- Jain, P. and Mujama, N. 2017. *Managing knowledge resources and records in modern organisations*. Hershey: Business Science Reference.
- Kanyenze, G., Jauch, H., Kanengoni, A.D., Madzamuse, M. and Muchena, O. 2017. *Towards democratic developmental states in Southern Africa*. Harare: Weaver Press.
- Kapunda, S.M. and Moffat, B.D. 2012. Trends in economic growth and poverty reduction in Botswana: a corruption control perspective. *Botswana Journal of African Studies*. 26(1):83–91.

- Kealesitse, B., O'Mahony, B., Lloyd-Walker, B. and Polonsky, M.J. 2013. Developing customer focused public sector rewards schemes: evidence from the Botswana government's Performance Based Reward System (PBRs). *International Journal of Public Sector Management*. 26(1):33–35.
- Kruis, G. 2013. Managing corruption risks: Botswana builds an anti-graft agency, 1994–2012.
- Marobela, M.N. and Mawere, S.P. 2011. PMS in the magistrate courts in Botswana: the unintended consequences of public service change. *African Journal of Business Management*. 5(13):5311–5318.
- Mbao, M.L.M. 2011. Law prevention and combating of corruption in Zambia. *The Comparative and International Law Journal of Southern Africa*. 44(2):255–274.
- Mo Ibrahim Index of African Governance. 2015. Country insights-Botswana.
- Molebatsi, R.M. and Dipholo, K.B. 2014. Least corrupt Botswana: image betrayed. *Journal of Public Administration*. 49(3):794–802.
- Mosweu, O. 2011. Performance audit in the Botswana public service and arising records management issues. *Journal of South African Society of Archivists*. 44(0):107–115.
- Mosweu, O. 2016. Critical success factors in electronic document and records management systems implementation at the Ministry of Trade and Industry in Botswana. *ESARBICA Journal*. 35(0):1–13.
- Ngoepe, M. and Keakopa, S.M. 2011. An assessment of the state of national archival and records systems in the ESARBICA region: a South African –Botswana perspective. *Records Management Journal*. 21(2):145–160.
- Nubafu, R. and Maiga, G. 2012. A model of success factors for implementing local E-government in Uganda. *Electronic Journal of e-government*. 10(1):31–46.
- Nyeck, S.M. 2016. *District committees forge on procurement in the rural and urban districts*. New York: Palgrave Macmillan.
- Organisation for Economic Co-operation and Development (OECD) 2013. *Trust in government: assessing the evidence, understanding the policies*. Paris: OECD.
- Organisation for Economic Co-operation and Development (OECD) 2015. *OECD public governance reviews, Estonia and Finland: fostering strategy capacity across*. Paris: OECD.
- Organisation for Economic Co-operation and Development (OECD) 2016. *Digital government strategies for transforming public services in the Welfare areas*. Paris: OECD.
- Organisation for Economic Co-operation and Development (OECD) *Investment Policy Reviews: Botswana 2014*.
- Organisation for Economic Co-operation and Development (OECD). 2009. *Government at a glance*. Available online at: <http://www.oecd.org> (Accessed: 14 March 2014).
- Qudrat-I Elahi, K. 2009. UNDP on good governance. *International Journal of Social Economics*. 6(12):1167–1180.
- Quinot, G. and Arowsmith, S. 2013. *Public procurement regulation in Africa*. Cambridge: Cambridge University Press.
- Republic of Botswana Auditor General Annual Report 2015 Gaborone: Government Printer.
- Republic of Botswana Corruption and Economic Crime Act, 1994 Gaborone: Government Printer.

- Republic of Botswana Finance and Audit Act, 1997 Gaborone: Government Printer.
- Republic of Botswana National Security Act, 1986 Gaborone: Government Printer.
- Republic of Botswana Ombudsman Act, 1995 Gaborone: Government Printer.
- Republic of Botswana Parliament Act, 1994 Gaborone: Government Printer.
- Republic of Botswana Penal Code 1964. Gaborone: Government Printer.
- Republic of Botswana Public Accounts Committee Report 2012 Gaborone: Government Printer.
- Republic of Botswana Public Accounts Committee Report 2015 Gaborone: Government Printer.
- Republic of Botswana Public Procurement Act, 2002 Gaborone: Government Printer.
- Republic of Botswana Public Service Act, 2010 Gaborone: Government Printer.
- Republic of Botswana. Constitution, 1966. Gaborone: Government Printer.
- Sebina, P.M.M., Moahi, K.H. and Bwalya, K.J. 2014. *Digital access and e-government: perspective from developing and emerging countries*. Hershey: Information Science Reference.
- Sebudubudu, D. 2010. The impact of good governance on development and poverty in Africa: Botswana. A relatively successful African initiative. *African Journal of Political Science and International Relations*. 4(7):249–262.
- Sebudubudu, D. 2014. The evolving state of corruption and anti-corruption debates in Botswana: issues in good governance. German Institute of Global and Area Studies.
- Thoroethin, P.S. 2014. Techno-bureaucratic governance and developmental state in Africa: Botswana and Nigeria in comparative perspective. *European Scientific Journal*. (August): 257–273.
- Throup, D.W. 2011. Botswana: assessing risks to stability. Washington: Centre for Strategic and International Studies.
- Tonkope, N., Baliyan, P.S. and Tobedza, G. 2017. Assessment of effectiveness of Government Accounting and Budgeting Systems (GABS). *International Journal of Accounting and Financial Reporting*. 7(1):102–132.
- Tonwe, D.A. 2013. A review of the powers and jurisdictional remit of the Ombudsman institution in Botswana. *Mediterranean Journal of Social Sciences*. 4(13):11–18.
- Transparency International (2014). Overview of corruption in Mauritius. Available online at: <http://www.cpi.transparency.org> [Accessed: 7 May 2017].
- Transparency International Corruption Index. 2016. Available online at: <http://www.cpi.transparency.org> [Accessed: 15 May 2017].
- Tshukudu, T.T. 2014. An integrated performance management model to be used by the Botswana public service sector. *Journal of Public Administration and Governance*. 4(2):26–39.

## **AUTHORS' CONTACT DETAILS**

K Mudeme  
PhD Student  
School of Public Management and Administration



Economic and Management Sciences  
University of Pretoria  
Pretoria  
Prof N Holtzhausen  
School of Public Management and Administration  
Economic and Management Sciences  
University of Pretoria  
Pretoria  
Tel: 012 420 3474  
E-mail: [natasja.holtzhausen@up.ac.za](mailto:natasja.holtzhausen@up.ac.za)