

# Botswana's Executive Presidency: Implications for Democracy

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## Abstract

It has been argued that the leadership of Botswana has upheld liberal democracy hence the birth of an admirable nation. However reality has revealed that the Constitution of Botswana is shallow in promoting democracy. The Constitution of Botswana which espouses an executive presidency has vested sweeping powers in the Presidency. It is probable that a traditionalist culture of respect and authority, hindered any disputing of the post-colonial dispensation, and overlooked the absolutism of the Constitution. In terms of the Constitution of Botswana, the President is both Head of State and Head of Government. Thus the presidency has sweeping powers across a diverse range of areas and acts with little review. This defeats the system of check and balances which is necessary for democracy. The paper therefore argues that an executive Presidency is absolutist hence threatens the legitimacy of democracy.

**Keywords:** Democracy, executive presidency, Constitution, Legislature, Judiciary

## 1. Introduction

When it gained independence in 1966 Botswana was among the poorest countries in the world. The country has been able to enjoy uninterrupted peace and progress in virtually all areas of human endeavor (Nsereko, 2004). It has been argued that the leadership upheld liberal democracy hence the birth of an admirable nation. However this tells the other side of Botswana, and the other side remains to be explored. Democracy is highly pronounced in Botswana but it is, poorer and weaker in state structures. Section 47(1) of the Constitution Botswana created an executive presidency that is, the President who shall be Head of State and Head of Government. Otlhogile (1998) noted that the Constitution of Botswana was adopted for her by the colonial power at the time of withdrawal. From the foregoing it is evident enough that the reason why the Constitution of Botswana espouses executive presidency is because it has its origins from the oppressive system from the colonial power, where the British was head of administration. Good et al., (2008) argued that much was not done at independence because the electorate of Botswana was, apathetic, which facilitated the country's transition to a minimal democracy. The article therefore argues that Botswana's executive presidency threatens the legitimacy of democracy.

## 2. What Constitutes Democracy

Democracy is a multidimensional construct that denotes different things to different scholars, hence lack of consensus over the meaning of democracy. It is therefore important to look at democracy broadly, so that many features of democracy are incorporated. Among other things this include, a rule of law, free information, civil liberties, distribution of power that produces horizontal accountability of rulers to one another (Diamond, 1999), a system for arriving at political decisions in which individuals acquire power to decide by means of a competitive struggle for the people's vote (Schumpeter, 1947), the extent to which government are responsive to the needs of the people and properly accountable to their actions (Danevad, 1995). Hence the greater the opportunities for expressing, organizing and representing political preferences, the greater the number and variety of preferences and interest that are likely to be represented under a democratic setup (Diamond, 1991).

Democracy also has to do with how government, interest group leaders exercise their power-not just their commitment to democracy in principle, but their ability to bargain with one another, form coalitions, mobilize public support, and respond to public pressures and preferences (Diamond, 1999). Even in presidential systems where elites may be preeminent, mechanisms must exist for making it responsive to the passions, preferences and interests of the nation. The powers of the President may be checked and counterbalanced by a powerful Parliament, independent Judiciary, vibrant civil society, free and protected media and public participation. This can possibly be consolidated through constitutionalism. In concurrence Diamond (1999) used the term liberal democracy to refer to a political system in which individuals and group liberties are well protected and in which there exist autonomous sphere of civil society and private life, insulated from state control. But when state control is vested in one person 'not kept on their toes' then democracy and power are likely to be abused.

Diamond (1999: 10) interestingly summarized liberal democracy:

As a political system which assumes that the accountability of rulers to the ruled and government responsiveness to the diverse interests and preferences of the governed are basic goods. So also is the minimization of violence in political life and arbitrary action by government. Liberal democracy extends beyond this and requires, first the absence of reserved domains of power for the military or other actors not accountable to the electorate, directly or indirectly. Second, in addition to the vertical accountability of rulers to the ruled (secured mainly through elections), it requires the horizontal accountability of officeholders to one another; this constrains executive power and so helps protect constitutionalism, legality, and the deliberation process. Third, it encompasses extensive provisions for political and civic pluralism as well as for individual and group freedoms, so that contending interests and values may be expressed and compete through ongoing process of articulation and representation, beyond periodic elections.

### **3. What Constitutes an Executive Presidency?**

Nsereko (2004) argued that Botswana system of government is a hybrid between parliamentary system as practiced in Britain and the presidential system as practiced in the United States (US). For the purposes of this paper an executive presidency refers to a system of government where the President is both Head of State and Head of Government. In terms of Botswana's Constitution, the President is both Head of State and Head of Government. The Presidency has sweeping powers across a diverse range of areas and acts with little review. Section 47 of the Constitution of Botswana gives the presidency the sole repository of power thus defeating a possible system of checks and balances. The role of Parliament has been minimal more so that the ruling party dominates the Legislature. Currently 43% of the members of Parliament are members of the Executive. Under this scenario the President participates in most activities of the Legislature while being the Head of Executive.

#### ***3.1. The Executive Presidency in Botswana***

In democratic countries governed by the rule of law the Constitution is the sheet anchor on which the ship of the state and the freedom of the people lean and find support (Nsereko, 2004). In the same vein, the executive presidency that obtains in Botswana was ushered in and is entrenched by the Constitution. The Constitution of Botswana was designed by the British colonial administration such that the colony operates according to the dictates of the colonial power. But little has been done to evaluate if the Constitution of Botswana which upholds an executive presidency consolidate democracy. In find fault with Botswana Constitution, Good et al., (2008) argued that the goal of Botswana rulers was far less democratic in any active and substantive sense other than a minimalist democracy. He argued that the Botswana Democratic Party (BDP) leadership recognized that a minimalist democratic system would best ensure control and stability, hence the birth or adoption of the Constitution that supports an executive presidency. Therefore it should be understood that if the Constitution which is supposed to drive the nation is shallow in promoting democracy, then absolutism and anarchy are likely to ensue.

Bailey (2002) argue that, it is one thing that government must be given extraordinary powers to meet extraordinary demands, but it is quite another to know where to place these powers and how to limit them. Botswana found it appropriate to vest these extraordinary and enormous powers with the presidency. It is also probable that a traditionalist culture of respect and authority, hindered any disputing of the post-colonial dispensation, and overlooked the absolutism of the Constitution. In support for the executive presidency scholars like Hamilton in Christopher (1984) argued that the Presidency was appropriate so that governments can have elastic powers that expands as circumstances warrant expansion but shrinks back to original power when circumstances are stabilized. This was criticized by Bailey (2002) who argued that this was a rubber band mode of government because it solves one problem of government-establishing energy-but it creates a new one.

The first thing to be worried about in an executive presidency of Botswana is the way in which the President is brought to power. Democracy calls for a leader or government based on rule by elected representatives. Hence to lessen the shortcomings of executive presidency under a democratic setup there is need for popularly elected President. In a country highly pronounced to be a shining example of liberal democracy the President has been placed outside the electoral process, which gives potential assault to democracy. Good et al., (2008) argued that BDP government moved quickly to consolidate the ruling party predominance with the concentration of power in an Executive President. It is argued that this was a deliberate action to accommodate indirect election of the President because the BDP leadership was not happy with constituency politics and parliamentary debates (Parsons et al., 1995). This is foreign to democracy because democracy is a system for arriving at political decisions in which individuals acquire power to decide by means of a competitive struggle for the people's vote (Schumpeter, 1947).

Another aspect of the Constitution that corrodes democracy is to have President who is both Head of State and Head of Government. This is something completely alien to the Westminster model (Otlhogile, 1998), because it puts the Parliament in a subordinate position. It defeats the purpose of having horizontal institutions of governance that can keep each other in check: de facto substituting it with a vertical one that places the Executive arm above the legislative arm of government. This has the potential to lead to a regression of democracy particularly that Executive power here comes with sweeping immunity from court proceedings.

The executive presidency in itself is absolutist. Jones in Nsereko (2004) argued that the founders of executive presidency created it for efficiency by consciously deciding to vest Executive authority in one person rather than several to encourage energetic, vigorous, decisive, and speedy execution of the laws by placing in the hands of a single, constitutionally indispensable, individual the ultimate authority. This is something alien to democracy because if all the powers are exercised by one person then there would be an end to everything; more so in a country with a dominant political party and dual membership of the Executive and Legislature by some members. In concurrence Montesquieu in Nsereko (2004) argued that there is no liberty if power is vested and exercised by one person, whether of noble character or not. Disappointingly and unlike in the US where the presidential system

is practiced, the President of Botswana is the sole repository of Executive power as provided in Section 47 of the Constitution of Botswana. With this provision it is quite inappropriate to say democracy will be consolidated, when the society, the bureaucracy, the Parliament and the Ministers operates according to the dictates of the President. The provision undermines democratic freedom because power is not restricted nor checked. Liberal democracy requires horizontal accountability of officeholders to one another; to constrain Executive power and so helps protect constitutionalism, legality, and the deliberation process. Even experience has shown that power is likely to be abused when vested in one person; because he or she will carry his authority as far as they can (Montesquieu in Nsereko, 2004).

In the US system however, absolutism of the Presidency has been minimized in a number of ways. First, the President has to ‘sweat’ before he can appoint certain categories of the Executive staff because he must acquire the consent of the Senate. The US Senate has a Constitutional duty to approve certain appointments by the President as well as treaties that are to be signed with foreign countries. This is different from the case of Botswana where the President acts solely to appoint and discipline certain categories of the Executive staff. The Executive staff categories that the President can solely appoint and discipline are Ambassadors or High Commissioner, Secretary to the Cabinet, Attorney-General, Permanent Secretaries, Commissioner of Police, Commander of Armed Forces and other Senior Officers, Chief Justice and Judge President and any other superscale officer as may described by an Act of Parliament (Otlhogile, 1998). It is evident that most of the staff that the President appoints is supposed to play an oversight role, to uphold democracy. Hence being disciplined by the same person that appoints and to whom they are accountable to, constrains the credibility of these institutions, something that should be shun and criticized without hesitation in a democratic state. The oversight institutions exist for making the leader responsive to society’s passions, preferences and interests. If democracy is to be upheld Executive power has to be constrained, constitutionally and in fact, by the autonomous power of other government institutions such as independent Judiciary, Parliament, and other mechanisms of horizontal accountability. Therefore the potential patronage power wielded by the President overshadows the oversight role by institutions that are supposed to counter balance Executive power. This jeopardizes democracy.

Furthermore when the President acts solely to appoint people to Cabinet level position, it creates a Cabinet that is susceptible to absolute control by the President. This absolutism is entrenched under Section 50(1) of the Constitution of Botswana which states that ‘the Cabinet shall be responsible for advising the President with respect to policy of the government...be responsible to the National Assembly for all things done by or under the authority of the President’. In other words every decision or action taken by the ‘master’ being the President compels the Cabinet to concur, support, protect and own it, and if not, the Minister has to resign. Important to reflect on is that the Constitutional provision in Section 50(2) that provides that the President shall ‘consult the Cabinet on matters of policy and the exercise of his functions augments the absolutism provided for in Section 47 (President being sole repository of executive power).

Unlike in other Democratic states like the US, the Constitution of Botswana is superficial in the sense that it does not necessitate the President to get consent of the Cabinet, rather the President can just consult for advice on matters of policy and the exercise of his functions. The Constitution of Botswana is responsible in contributing towards Presidents who are more unilateral in their powers, more legislative in locus, more dependent in informal powers and more personalized (Bailey, 2002).. In addition for shaping executive presidency, Section 50(3) provides that the obligation of the President to consult his Cabinet and for the Cabinet to accept responsibility does not apply to the assignment of responsibility to the Vice-President or any Minister and the specification of the functions of an Assistant Minister. It must be understood that the process maybe consultative but it is not binding at all. This is treacherous because it allows for artificial creations to fulfill personal interest for the President. It is worrisome because if at any time the President wishes to do something with the assertion of safeguarding public interest, the President may do so without the consent of his colleagues in Cabinet. The powerless Ministers have to abide by or else they resign. This has been criticized by Bailey (2002) who argued that the presidency has contributed to a novel kind of government that rewards Presidents politically but damages the prospect for healthy democratic governance.

However proponents of presidency argue that;

Government is instituted to secure political ends that are absolutely essential to civilized life. They further argue that every government inevitably faces grave emergencies –threats abroad; anarchy or resistance internally; natural calamities-that jeopardize those ends of government. The nature, force, cause, and direction of these emergencies cannot be anticipated ahead of time, nor can they be prevented altogether through prudent planning. When grave emergencies do occur, they may not allow politicians the luxury of seeking consensus on the means to meet them; rather, they may require immediate action including the use of great force (Federalist, No, 22 in Bailey, 2002).

This may be true but such emergencies could be provided for in the wording of the Constitution. It is a given for example in almost all modern democracies that the Head of Government may declare a state of emergency under which he assumes broad sweeping powers given the gravity of issues of the day. This is different from having a presidency with sweeping powers as the Republic is perpetually in a state of emergency. The deepest irony here is that democracy itself is jeopardized. Even though at grave emergencies somebody has to stand up and make a decision for public service or business to continue the heroic action for deliberation is not conducive for consolidation of democracy. In times of troubles or whatever circumstance that warrants intervention leaders have to exercise their ability to bargain with one another amicably and respond to public pressures and preference. In concurrence Molomo (1998) argued that democracy in its practice requires the participation of the people and the delegation of authority.

#### **4. The Presidency and Legislature**

The Constitution of Botswana has failed to put a clear cut between the branches of government hence it is lacking in the notion of separation of powers. This has incapacitated

Parliament in its efforts at keeping the Executive arm accountable. One of the responsibilities of the Parliament is to formulate laws and this goes beyond to regulate the manner in which the President exercises his powers. However practice has shown that our Constitution gives little or no recourse to the abuse of Executive action. The role of Parliament is unfeasible because there are developments where the Constitution allows the President to act in his own deliberate judgment without having to consult anyone, which is a potential assault to democracy. According to Molomo (1998), within a framework of political parties, in which the MPs play a leading role, the citizenry are assured of participation and representation in the democratic process. MPs are seen as true representatives of people, because they are the few who got the mandate to rule from the people hence must represent them without fail (Molomo, 1998). As such under a democratic setup, one would expect direct engagement of Parliament by the presidency in every sphere that affect the electorates, which is necessary to ensure mutual respect, listening and appreciation of advice from the Parliament. But the executive presidency has made the Parliament a toothless dog that cannot counterbalance the powers of the President. The Parliament is not given room to discuss issues but rather it is seen as a rubber stamp.

The erosion of parliamentary powers by an executive presidency was revealed in Botswana when the teacher's, veterinary services, and diamond cutting and polishing employees were classified under the essential services, without engaging or let alone consulting the Parliament. This happened immediately after the historic lawful civil servants strike of 2011. The striking unions and the government had failed to reach a consensus on wage dispute and the civil servants went on 8 weeks strike. Thereafter the government made an arbitrary decision to classify the above mentioned employees under essential services hence killing industrial action in Botswana. This was criticized by the deputy speaker of the National Assembly who expressed his disappointment on lack of consultation by Cabinet Ministers before bringing the bills to Parliament, as this amounted to violation of principles that shaped Botswana's democracy (Sejabosigo, 2011). The executive presidency undermines the fact that the Parliament is indispensable to bringing about democracy and making it work, particularly at highly uncertain periods. During the civil service strike of 2011 the Parliament could not even account to the nation as to how the decision was taken to classify the concerned employees under essential services. In expressing their distress the Kweneng South East MP Mmoloki Raletobana, lamented that they are frustrated because even when they talk to Cabinet Ministers they do not get answers, hence they are totally powerless (BDP MPs Speak Out, 2011). This has been criticized by Bailey (2002) who argued that the presidency is individual action, reflective of individual genius and individual folly, it calls for special explanation in a democracy. All the incidents during the historic lawful civil service strike of 2011 do not augur well for Botswana's democracy hence need for balance of power, such that no other branch of government dominate or swallows the other.

In addition democracy should effectively address society's most pressing problems and, perhaps more important, provide the liberty, accountability and responsiveness that citizens uniquely expect from democracy and the order that they expect from any government (Diamond, 1999). Despite the need for effectively addressing the societies pressing needs

through fair bargaining, the President of Botswana decided to withdraw negotiations during the historic civil service strike of 2011 and it seems it was only the President and the Cabinet who had the plan for the wage dispute. The situation was further made complex by the reason that it is only the President who has the monopoly to summon Parliament at times of emergencies or when need arises. Therefore all the efforts to ask for a special parliamentary sitting were dismissed because the Parliament does not have the power to do so. MP for South East, Mmoloki Raletobana lamented that the Constitution is centered on one person and if he or she does not call a special Parliamentary session, they are all helpless. (BDP MPs Speak Out, 2011). All this demonstrate that even if the Parliament can be devoted in helping the nation it will be just a losing battle with an executive presidency.

Furthermore even though it is the Parliament that should formulate laws and be custodian of public finances, the supremacy of the Executive has complicated the roles of the Parliament. It has been over a decade now since Parliament unanimously passed a motion on Declaration of Assets, Business Interests and Liabilities by Members of Cabinet and MPs, instead the Executive has simply stalled (Dingake, 2011). Notable is the historic lawful public service strike of 2011, where the Parliament was useless and caught in no man's land not knowing what role it could play in addressing the demands of civil servants. Parliament does not have the powers to initiate any bill but only the President and the Finance Minister, and it is only the President who can authorize withdrawal of moneys from the Consolidations Fund (Constitution of Botswana). In addition, despite the elaborate institutional arrangement for Parliament to amend the budget its powers are limited because it cannot change the deficit or surplus amount and if the proposed budget is not approved by the Legislature on 1<sup>st</sup> April, the proposed budget stands (Botlhale, 2012:19). Thus, whether they approve or disapprove is immaterial as ultimate the proposed budget will be adopted either way. Another notion doing the rounds is that the Minister of Public Finance is appointed by the President and administratively he or she falls under the Office of the President, hence the President becomes the ultimate authority. It needs to be understood that financial autonomy is the most complete and effectual weapon on which any Constitution can repose in people's representative (Botlhale, 2012). Democracy depends upon swift and decisive action by all the concerned parties, not just one actor like an Executive President.

In addition, the Constitution of Botswana allows for reservation of domains of power for actors not accountable to the electorate which is extraterrestrial to democracy. The provision of specially Elected Members of Parliament was constitutionally intended to assist weak communities to be represented (Good et al., 2008), but the reality of its exercise is different. Conversely this provision has been used by BDP to shore up its own support and as a tool for patronage. Not going anywhere far, just of recent in 2004 we have seen this provision being used to reward loyal party members by returning the current Speaker of National Assembly Dr Margret Nasha back to Parliament after her losing a general election. It should be understood that fair representation is a key consolidation of democracy hence bringing somebody who was democratically rejected by her constituency undermines democracy.



Section 92 of Botswana Constitution which provides that the Parliament has the power to pass vote of no confidence in the President was aimed at countering Executive power. Circumstances under which it can be exercised though defeats this whole purpose. Some people like the Member of Parliament for Gaborone Central Dumelang Saleshando intended to table a motion in Parliament calling for President Khama to resign on account of having failed to avert the historic civil servants strike in 2011. This became a near impossible task as the Constitution itself ‘guards’ against the recalling of a sitting President. This is further elaborated in Section 32 (8) that motion of no confidence is only relevant when there have been highly contested by-elections. The difficulty also emanates from power of patronage wielded by the President on backbench MPs whom he can appoint to Cabinet. This is more so within the context of Botswana where one party dominates the Legislature. According to Nsereko (2004) in a situation like this one might expect the backbench Members to occasionally join hands with the few opposition MPs to challenge the Executive in Parliament. However this has not materialized, largely because Backbench MPs are potential Cabinet members hence they would be careful not to jeopardize their chances of being appointed to Cabinet posts by being overly critical of the Executive (Nsereko, 2004). This was also demonstrated during the recent civil servants strike of 2011, when Dumelang Saleshando’s efforts failed when trying to liaise with MPs from both ruling party and the opposition to request the speaker of the National Assembly to convene an emergency special parliamentary sitting to resolve the impasse between the workers and the employer. Hence need to appreciate that even though the Constitutions declare parliamentarians as people’s representatives we should appreciate the encumbrances they face due to the executive presidency. Similarly, if Parliament passes a vote of no confidence on the President, he or she is Constitutional empowered to dissolve parliament.

Another factor responsible for the ascendancy of the Presidency in Botswana is that when due to physical or mental infirmity the President is unable to discharge the functions of his office, it is only the Chief Justice who issue a certificate to that effect (Constitution of Botswana). Surprisingly the Chief justice is appointed by the President and is not obliged to get consent or let alone consult anyone. Again it is the Chief Justice who acts as the returning officer for the purpose of electing the President. In true sense a servant cannot serve a master with a verdict, hence the Constitution operates parallel to a democratic setup, by providing for ‘wide and sweeping’ patronage powers for the President and a minimal Parliament.

## **5. The Presidency and Judiciary**

In a democratic state, freedom and pluralism , can be secured only through a ‘rule of law’, in which legal rules are applied fairly, consistently, and predictably across equivalent cases, irrespective of the class, status, or power of those subject to the rules, and the state and state agents are themselves subject to the law (Diamond, 1999). But in a situation where power is vested in one person or Office of the President to set up or decide the structures that will protect liberty, power is likely to be abused, hence decay of democracy. Liberty should be secured through Constitutional, limited government and a rule of law, hence need for a strong independent Judicial system.

Another essential component of democracy is that individual liberties are effectively protected by an independent, nondiscriminatory Judiciary, whose decisions are enforced and respected by all centers of power (Diamond, 1999). In a Constitutional state the courts should be able to enforce restrictions on popularly elected governments when they violate the laws or Constitutional rules. It is allegedly argued that the leaders violated the law when they enforced the Industrial Court Order, arrogating its (court) powers. This came about in 2011 when the government and the unions, failed to reach a consensus on wage dispute, which led to industrial action by the civil servants. Even though the laws of Botswana allow every party to dispute the right to strike when the right procedure has been followed, it was argued that the industrial action by some of the employees was unlawful as they are classified as essential service employees. Following this the employer took the striking workers to court on the basis that they are not allowed to strike, upon which the concerned employees were ordered to return to work. Feeling aggrieved the unions appealed. Disappointingly, following the Order of the Industrial Court, on the 16<sup>th</sup> May 2011 the employer dismissed employees who it said refused to return to work and continued to participate in the unlawful and unprotected strike (Motshegwa, 2012). If things are done procedurally and lawfully, it should be understood that the Order to return to work was nullified by a notice of appeal that was filed on the 6<sup>th</sup> of May, 2011 (Motshegwa, 2012). According to the BNF leader Duma Boko, under normal circumstances the whole process should have taken place in the court and is not something to be cited by government (Keoreng, 2011).

Even though we have witnessed the impartiality, integrity of the Botswana's judicial system in the recent progressive judgments by the Courts on the impasse between governments and civil servants following the 2011 civil servants strike, there are some gaps in the judicial system. If these gaps are left unchecked they may breed corruption on the side of the government. One good example is when the government deliberately acted outside its mandate to enforce the Court Order despite the fact that Judges should be the final arbiters in disputes. One would expect the judicial system to have exercised their restraint to prevent the abuse of power by the state. However due to executive presidency the striking workers were not given an opportunity by the courts to defend themselves as to why they did not obey the Court Order. This will be a drawback to our democracy if the courts are to pursue the interest of the government only. It is important to understand that quality of democracy is demonstrated by an autonomous Judiciary, as well as institutionalized means (often in separate, autonomous agency) to monitor, investigate, and punish government corruption at all levels (Sklar, 1987).

Nonetheless lack of restraint by Botswana's judicial system boils back to the way in which judges are appointed and the judgmental process. Important to note is that while the Industrial Court is at par with the High Court and the Court of Appeal, its judges are appointed directly by the President, while those of the Court of Appeal and High Court are appointed in accordance with the advice of the Judicial Service Commission. "In a democracy where the Judiciary plays a major role in adjudicating disputes about the rights, liberties and freedoms of citizens and the powers of government, it is essential that the process of appointing judges be independent from complete, unfettered control by the government of the day",

(Saleshando, 2012:3). If the appointment of judges for the Industrial Court is to be done solely by the President then the judges are likely to mediate a compromise thus adding more weight of 'legal right' to the government.

One of the challenges of democratic deepening is to provide citizens access to power and to make institutions of democracy more responsive to their preferences. Nsereko (2004) argued that in an executive presidency the President has the power to use the public media to influence public opinion and this is one factor that has been often argued to be responsible for the ascendancy of the presidential power. Kokorwe (2011) also argued that state media propaganda has always been the propeller of the most callous deeds by evil men and women in power, and if left unchecked it creates an impression of good where there is evil. During the civil servants strike it is argued that the striking unions have been denied access to state media and as a result the public denied the other views besides those of government (Ndlovu, 2011). The state media should be a public broadcaster that serves the interests of everyone not just the government of the day. Another component of liberal democracy is that there should be alternative sources of information (including independent media) to which citizens have (politically) unfettered access. These independent media should be protected and not criticized. Without a vigorously free, independent, and investigative press and civic groups pressing for institutional reform, authoritarianism is likely to flourish. Therefore the judicial system and the Legislature should be in a position to protect the media through legislation. This is crucial because democracy requires a political system in which the society, unions and civil servants are well protected and insulated from state control.

## **6. Recommendations**

It is apparent that upholding democracy requires a state with some capacity. The first thing to be worried about is the excessive powers held by the President who is not popularly elected. If we are democrats we should understand the role of power of elections in our democratic process.

1. The President should go through competitive struggle for the people's vote, so that the public can have confidence in the presidency, and the President be removable from the office by the ruled or the electorates. Nevertheless popular elections for the president should not be in such a way that it creates a 'tug of war system' where the organs of government will operate parallel to each other. There is need for mechanisms that will keep the President accountable.
2. The Constitution needs to be amended to provide for clause that guarantees participation of the same level field between the Executive, the Judiciary and the Parliament. From this foundation, legislation and guidelines should be developed which ensure a holistic and effective contribution and participation in every decision by the three arms of government.
3. The Constitution should go beyond and widen the scope of government's responsiveness-reforms that deepen and extend the legitimacy (and hence the government capacity) of elected official. The word to 'consult' as used in Section 50

of the Constitution of Botswana is not enough to uphold democracy. Rather to limit his powers the President should get the consent from those who are supposed to check and counterbalance his power, especially the Parliament so as to safeguard democracy.

### **6.1. Future Research**

It is suggested that future research be conducted because there is information vacuum on implications of executive presidency in democracy. Research should focus on exploring the reasons why the government of Botswana is still lagging behind to amend the Constitution which espouses executive presidency more so that the Constitution was adopted for her by the colonial rule. The paper had chosen qualitative methodology in this explanatory research where the implications of executive presidency on democracy were explained through Meta analysis. It is therefore advisable for other researchers to use a quantitative methodology. It would be beneficial to have a national sample with key stakeholders such as the opposition, the electorates, think tanks, and the ruling party and or government of the day. They could utilize triangulation method (i.e. interview coupled with face to face questionnaire) so as to gather rich data to establish why the nation of Botswana is lagging behind to uphold democracy. This will also elicit information on where we see the Republic of Botswana in the near future and what should be done.

### **7. Conclusion**

From the foregoing it is evident that the Constitution of Botswana is shallow in promoting democracy. It has created imbalance of power by vesting in the presidency sweeping powers. As alluded above it is important to amend the Constitution such that we maintain a semblance of independence of Parliament. The President should be kept in check by mechanisms of horizontal accountability such as the Parliament and the Judiciary. This could also be possible if we have a minimal number of members of Executive performing Legislative functions. The sting of Parliament and civil society readiness to criticize and mobilize over perceived abuse of state authority was repeatedly felt by President Kim Young Sam of Korea, who began as a popular political reformer but was increasingly forced to backtrack and humbly apologized in the face of public scandals and controversies during the latter half of his five –year term (1993-98). Thus amendments to the Constitution will promote a culture of cooperation and bargaining among political elites to consolidate democracy. The President and Parliament are proficient and conscientious enough to decide what is best for the nation of Botswana. From his first speech as the first President of Botswana, Seretse Khama in 6 October 1966 said, Democracy just like a little plant, does not grow or develop on its own, it must be nursed and nurtured if it is to grow and flourish. And it must be fought for and defended if it is to survive .Hence working in the same playing field by arms of government will prevent wide spread disillusionment by the government of the day from turning into rejection of the entire democratic process.

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