

Information and Institutions: The Relationship Between the Executive and Legislature in Botswana

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Abstract

Researchers who study legislatures contend that groups rather than institutions shape policy. This argument forms from perceptions that institutions are unimportant because power has been transferred away from Parliament toward policy communities of actors. Accordingly, it is thought that the institutional framework bears no significance because formal institutions for scrutinising decisions do not have a great impact on policy outputs and outcomes. The thesis of this paper is that differences in access and quality of information accords the Executive an advantage on policy formulation and analysis, a factor that is meagrely extended to constituency representatives. The paper examines information availability and its significance among parliamentary stakeholders, particularly MPs. It is through this analysis that a critique of the status quo will be provided. The paper is directed by the assumption that access to quality information equips the decision maker with informed alternatives pertaining to a particular subject. Constituency representatives in Botswana lacks an elaborate information system. By contrast the Ministers have an army of information providers (bureaucrats) and hence their decisions are unlikely to be challenged by constituency representatives. The results presented here are part of an on going study and should therefore be accepted with great caution.

1. Introduction

The supreme legislative authority in Botswana is Parliament; consisting of the President and the National Assembly, and where tribal and customary matters are involved, Parliament acts in consultation with the House of Chiefs.

The main functions of Parliament are:

- a. to pass laws regulating the life of the nation
- b. to scrutinise government policy and administration and to monitor government
- c. expenditure.

The big question with the current set up is: is Parliament well placed to exercise its power to do the above functions?

In answering this question an attempt will be made to examine the information systems of Botswana Parliament vis-à-vis those of the executive. This paper begins with the often held belief that there is a balance of power in the way governments are run. In Botswana, the institutions made to balance this power are called arms of government, and are divided into the Legislature, the Judiciary and the Executive. This paper, however, concentrates on the legislature and executive only. The legislature consists of 40 elected representatives, the President, 4 specially elected members of Parliament, the Attorney General, and the Speaker. Thus the legislature consists of 47 Members of Parliament (MPs). It also has a lower House called the House of Chiefs. The House of Chiefs is an advisory body to Parliament. The executive consists of the President, the Vice and the Cabinet. The executive is supported by the bureaucracy (civil service). Of the 47 members of parliament, 27 are backbenchers or constituency representatives, the remaining 20 are members who, in essence, are at the reigns of government. The latter's loyalty is to the nation and not individual constituencies, albeit the fact that they have constituency seats.

We proceed from the premise that the availability of information and the lack of it determines the extent to which an institution is empowered to make decisions. Our task, therefore, is to identify and examine these institutions and their information structures so that we can begin to account for why the executive constitute a powerful institution as compared to constituency representatives in as far as policy making and analysis in Botswana are concerned.

The paper posits that the constituency representatives' capacity and ability to hold the executive accountable is undermined by their inadequate access to information.

In examining the Executive and Constituency Representatives capacity and ability to direct deliberations and input on policy generation and analysis, this study takes its lead from a consideration of *rational, incremental and mixed scanning theories* of policy making (Keynes, 1936; Simon, 1957; Easton, 1965; Lasswell, 1970); (Dahl & Lindblom, 1953, Lindblom, 1959; Arrow, 1994 (Etzioni, 1973). Rather than employing each of these theories, the study lends its support to mixed scanning theories, which in many ways represent an appraisal of rational and incremental theories to policy formulation. Mixed scanning views policy formulation as involving an appreciation of the problem and a consideration of alternatives without rejecting incremental strategies to existing policies and programs. Thus, this paper investigates the significance of information in policy making against the backdrop of approaches outlined above. At a micro level, the paper contends that information on policy itself should be availed to those tasked to generate and formalise a policy standpoint. The lack of such information renders those considering a policy proposal incapacitated.

2. Role of Constituency Representatives and Executive Policy Formulation

This section of the paper investigates the roles of the Executive and Constituency Representatives in Botswana. Institutions are the platform within which policy making takes place. Institutions divide powers and responsibilities between the organisations of the state; they confer rights on individuals and groups; they impose obligations on state officials to consult and to deliberate; and they can include and exclude political actors, such as interest groups, in public decision making (Schattschneider 1960).

Thus legislatures make laws, executives take decisions,
bureaucracies implement them and courts resolves disputes.

Ideally each institution balances each other because the distribution

of power and responsibilities within the state ensures that government is both effective and legitimate (John 1988).

The two players form a legislative institution. Scholars on the subject of institutions and policy making are divergent on the significance of the legislature in policy formulation, but converge on the point that institutions are the platform within which policy making takes place.

Botswana subscribes to the above theory where the role of legislators is to make laws and scrutinise the executive, the executive is suppose to take decisions and bureaucratically implement decisions. But in practice this is not the case: the executive possesses quality information as compared to the Constituency Representatives and are therefore better placed to make decisions and implement them. Due to the lack of quality information, Constituency Representatives have been reduced to what Good calls a “ rubber stamp” , that is they just endorse decisions taken by the executive. This then has ensured that decision making is skewed towards the executive.

Thus, policy making in Botswana is dominated by the executive and the role of the Constituency Representatives is either to affirm or provide half hearted input on policy and its intended outcomes.

In a parliamentary democracy Constituency Representatives are elected to champion the cause of the electorates. In the process of representing the electorates, the Constituency Representatives attempt to generate ways of improving the quality of life in his constituency. This is done through consistent dialogue with the constituency in order that aspirations of the represented are sourced. These should then be organised into policy propositions that are submitted to parliament for consideration. However practice, in Botswana parliamentary democracy does not correspond to the above outline.

In Botswana, information is generated by bureaucrats, who then channel the information to Ministers, who then present the information in Parliament. The bureaucrats are an important source of information to the executive; in fact it has been alleged (Molutsi 1988) that they are the sole policy makers. The

bureaucrats also channel information to the Constituency Representatives, but such information is lacking in quality and in most cases is denied.

3. Significance of Information in Decision Making: Information Sources, Structure and Delivery

Constituency Representatives and Information

Information is increasingly viewed as the backbone of democracy. This is so because constituency representatives are expected to know and speak on behalf of their constituents. They are however pressed for time and the information service has to always supply information to them, if possible at their door steps. What a constituency representative today wants is the relevant or the right kind of information supplied to him in good time and in precise form. Constituency representatives have varying information needs which have to be met at all times. Constituency representatives who do not possess the right kind of information will find it difficult to challenge the views of the executives. They will have problems making their point in Parliament.

The pursuit of good governance and democracy has meant that politicians have to be at all times accountable to the electorates: they have to possess the right information to question the decision of Governments and to be able to speak on behalf of their constituents. Constituency representatives have neither the time nor the patience to search for information: they also do not have the knowledge of information sources and systems. Therefore, this information has to be provided to them in good time and precise form to enable constituency representatives to make informed political judgements or choices on difficult and complex issues. The information systems put in place for them unfortunately does not reflect a quality information service.

The legislature in Botswana is not separate from the executive. The legislative library, however, depends to some extent on how separate the legislature is from the executive and how independent it is. As already mentioned above the Botswana Parliament is not at all independent from the executive.

The Botswana Parliament librarian comes from the Botswana National Library Service of the Ministry of Labour and Home Affairs. This arrangement does not help improve the library as librarians can be transferred at anytime, thereby affecting the needed continuity in the library. In order for the library to play a meaningful role it must be part of an independent Parliament controlling its own budget which it can pull straight from the Ministry of Finance and Development Planning.

The library is a small institution served by one professional librarian. It offers both Reference and Research services to its clientele. These two services fall under the Division of Information Research and Public Relations. The research and information services are offered by the library through the Research unit with two posts of the Principal Research Officer and Senior Research Officer (these two posts have been vacant for the most part of their existence) and the Information and Public Relations Unit with three posts, the Principal Information and Public Relations Officer, Information Officer and Public Relations Officer. The post of Chief Research, Information and Public Relations Officer have been vacant since its establishment.

One of the responsibilities of the Division of Information, Research and Public Relations is to repackage government bills and interpret them to constituency representatives. Since its inception, the division has never done this. Its efforts to ask for an officer who has studied law has also been shot down by government. This places constituency representatives in a difficult position as they are expected to scrutinise these bills, especially if we consider Thapisa's (1996) observation that in Africa, the MPs level of education might be an issue as most of them have not gone beyond 'O' level. Thapisa in his study of MPs information needs quotes one MP:

When a policy was debated on the need for irrigation, we needed to know how much water one required to irrigate 10 hectares of vegetables, the rate of evaporation in the dams, whether or not this was an impediment to building dams, and how many dam sites

were available in Botswana. When such information is not made immediately available...we are likely to revise the decision we took earlier. This is a waste of time. In the event information is not made available, the 'grapevine' will do because talking to individuals and relevant pressure groups provides much more immediate feedback failing which one's own initiative - moving from one place to place in the quest for information and talking to the private sector also helps. However one often lacks sharpness because of inadequacy of information to back up motions in which, one's views stand to be rejected by others. This can be extremely embarrassing (Thapisa 1996:214).

Constituency representatives in this study also expressed the need for development oriented information on commerce, industry, rural development and agriculture. Members lamented that this information was not available in the parliament library. In Botswana the lack of information has meant that constituency representatives add or subtract very little to what Ministers table in Parliament. Thus, the executive can be said to be more informed than the legislature as it has an educated bureaucracy to provide information. It is still, however, difficult to make any conclusion as to the relevance of the information they provide as the study is still on-going.

To assist in their work, staff at the Botswana parliament have the support of the Botswana Parliament Library services, including holdings of books which are often outdated and irrelevant, parliamentary clippings made from local newspapers and mostly Zimbabwean and South African newspapers. Staff also use government departments to get information. Researchers at the Botswana Parliament are not specialists in different areas, and because they are very few they are expected to deal with an array of issues. As the work is shaped by the interest of the Members, the prime focus is Parliamentary proceedings, and important sources used by staff are those directly relevant to events in Parliament such as Hansard and Report of the Public Accounts Committee.

While Winetrode and Seaton (1996) reported that in Britain select committees have had a significant impact on accountability as demonstrated through the authors' detailed and sustained Parliamentary scrutiny of ministerial and departmental policy, through direct and *public questioning* of ministers and, in particular, officials. In Botswana this is yet to take place. Most committees have met behind closed doors including the Public Accounts Committee. The committees in the Botswana Parliament are at best defunct.

If Parliamentary committees are defunct, can we still say that Parliament scrutinises the administration? And where is the balance of power?

Molutsi (1988) reports that very few MPs (constituency representatives) have made an attempt to study in any detail important issues such as employment, agricultural productivity, population growth and industrial policy. Because of their pre-occupation with policy implementation, both the councillors and MPs often find themselves in conflict with civil servants, as they are more interested in why various projects have not been implemented in their constituency. Molutsi further reports that civil servants believe they should make policy both at the national and local levels. Many senior civil servants he interviewed alleged that if policy making was left to the politicians there would be chaos. In their view, this was justified by their expertise and wider view of national interests as opposed to MPs naïvely and parochialism in their demands.

The Executive and Information

There are twelve Ministries and four Assistant Ministers who run ministries and departments of government. Cabinet Ministers, as Members of parliament, participate in the Parliamentary debates but are normally bound by the ethic of collective responsibility. Thus, in Parliament, Ministers are there to support and defend government.

To help them play this role Ministers are assisted by their bureaucrats. For instance, if a policy on agriculture is discussed in Parliament, the Ministry of Agriculture personnel has to be in parliament (within the official box) to capture all that is being discussed in order to help the Minister of Agriculture with

information. In many cases this researcher has observed officials passing documents and small pieces of papers to their ministers during the debate. Ministers in most cases read statements written by their official.

4. Conclusion

Parsons (1991) posited that back-bench MPs of all parties are excluded from the policy process. Parsons suggested that there was no formal exclusion of backbenchers from policy-making, but rather a lack of confidence and assertion on their part. As already mentioned above in this paper, such a lack of confidence is a deliberate attempt by Cabinet to reduce parliament to nothing. If government can develop the independence of parliament then it seems that parliament will begin to be assertive.

Gaspar (1989) observed that a small group of politicians (cabinet) has been largely content to determine the parameters, structures and boundaries of government action. They leave a high proportion of policy definition and routine allocation to their bureaucrats, who inherited and retained a high colonial status. It was a “ board of directors” approach. Picard (1979) argued that the Botswana Democratic Party (BDP) was accepted by the British from 1962 as a post - independence government and acquired this directional style in relation to expatriates bureaucrats during the 1962 - 1966 transition.

The principal decision-making section of bureaucracy appeared to have rejected the cultural trap of investing in cattle and increasingly preferred to support urban-oriented policies intending to support, protect and encourage local business outside agriculture and retailing. The Financial Assistance Policy was a classical example. The policy required skills and information management and market situations. It therefore required better educated and better informed people. Some leading Ministers were former civil servants who knew that the engine of governance lay in the bureaucracy.

Gaspar (1989) reported that the Botswana Democratic Party which has been in power since independence, felt no need to become the channel for most activities, or to have its own policy analysis structures to control government. It

ran a small office with an Administrative Secretary who took care of administrative duties but not policy issues. Instead, it saw economists as better used in other ways and the civil service as trustworthy. This has meant that even its backbenchers cannot rely on party structures to gain information to use in Parliament. On major issues too, the role of the civil servants to analyse and propose has not been curtailed or inhibited.

Constituency representatives, to varying extents, are only a little different in position of appreciation of policies and their intended outcomes than were Southern African Kings in the period of concession seekers. The period of concession seekers witnessed a rise in agreements and policies agreed and signed by the Kings on a little or no information, and tracts of land were given away unconsciously.

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