

DISCUSSION PAPER 23

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Bushmen and Diamonds  
(Un)Civil Society in Botswana

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## Botswana's Liberal Democracy

Within Botswana's electoral or liberal democracy, with an open multiparty system and regular, free and fairly fair elections, many limitations exist. The governing party is always by far the best organised and funded, while the opposition has difficulty in even producing an election manifesto and campaigning properly.<sup>1</sup> Low to very low levels of electoral participation usually prevail. When important and overdue reforms – on establishing an Independent Electoral Commission, lowering the voting age to 18 years and introducing absentee voting – were put to the people in referenda in October 1997, only 16.7 per cent of eligible voters turned out. In subsequent national elections in 1999, which saw the first implementation of the reforms, participation was just over 42 per cent of those eligible.<sup>2</sup> When a referendum involving the ethnic composition of the judiciary took place in 2001, less than 5 per cent of the electorate voted.<sup>3</sup> Multiparty elections elsewhere in sub-Saharan Africa in the 1990s were, however, notable for their “high” voter turnout, “sometimes more than 80 per cent.”<sup>4</sup> In national elections in neighbouring Zimbabwe through the 1980s, participation was well above 90 per cent.<sup>5</sup> Civil society in the 1990s remained weak and generally apolitical. While its growth and dynamism had served as the primary force for democratisation in adjacent South Africa in the 1980s,<sup>6</sup> its development remained “minimal” in Botswana, according to Holm, Molutsi and Somolekae. Both civil servants and politicians, they reported, opposed engagement by groups in politics, other than by encouraging individuals to vote, and even the then leader of the opposition affirmed that only individual citizens should support politics, not groups.<sup>7</sup>

Recent research by Scanlon indicated that government had an “ambivalent attitude” to civic groups (or NGOs). Relationships between group representatives and foreign donors, she herself observed on various occasions, were “more amiable” than those between NGOs and government officials. The relationship was actually “an uneasy one,” with civic groups “being viewed negatively by those in authority in Botswana.”<sup>8</sup> This easily induced an apoliticism, a tendency towards self-censor-

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1. When the Botswana National Front (BNF), the main opposition party, issued a manifesto for the 1994 elections, this was only its second in its then twenty-nine year history.
  2. Fifty-six per cent of those eligible voted in the country's founding elections in 1965, 30 per cent did so in 1969, and 21 per cent in 1974.
  3. Zibani Maundeni, “Democracy and Democratisation in Botswana,” paper presented to the Politics Seminar, U.B., 2 April 2003, p. 17.
  4. World Bank, *Can Africa Claim the 21st Century?*, Washington, D.C., 2000, p.49.
  5. Turnout was 91 per cent in 1980, and 97 per cent in 1985 as a result of a “go-to-the-people” registration campaign. Good, “Dealing With Despotism: the People and the Presidents,” in Henning Melber (ed.), *Zimbabwe's Presidential Elections 2002*, Uppsala, Nordiska Afrikainstitutet, 2002, c.1.
  6. Argument enlarged upon in Good, *The Liberal Model and Africa: Elites Against Democracy*, Basingstoke, Palgrave, 2002, c.7.
  7. The inherited Tswana political culture, they also noted, had limited public discussion to adult Tswana men: women, youth, and ethnic minorities were silent or dependent on others to convey their thoughts to the elite. John Holm, Patrick Molutsi and Gloria Somolekae, “The Development of Civil Society in a Democratic State: The Botswana Model,” *African Studies Review*, 39, 2, 1996, pp. 43, 47 and 59.
  8. Connie Scanlon, “Educating for Peace and Human Rights in Botswana,” paper presented to the Politics Seminar, U.B., 27 March 2002, p.9.

ship and a dependency posture within NGOs. The Kuru Development Trust, for instance, is an established organisation working among the San (or Bushmen or Basarwa) in the Ghanzi district. But its specific ethnic orientation was deemed tribalistic and discriminatory by government, and Kuru reacted by avoiding any possible political engagement (e.g., refraining even from choosing among candidates during national elections) and by constantly stressing a harmonious relationship with government.<sup>1</sup> The activity of civil society in the broad and vital areas of human rights, democracy, political education and the San, Scanlon concluded, is “not welcomed” by the state.<sup>2</sup>

The government is concerned about not only what civic groups do, but how they do it as well. Ditshwanelo, the Botswana Centre for Human Rights, has campaigned actively on issues like the death penalty, racism and the Zimbabwean crisis. It has been concerned with the position of the San for many years. But when the removals of San from the Central Kalahari Game Reserve (CKGR) were under way, and the London-based Survival International demonstrated in the San’s support outside the Botswana High Commission in London and argued internationally that Botswana’s most valued exports were actually “diamonds of despair” and “conflict” diamonds, Ditshwanelo dissociated itself publicly from their campaign. Though it is fairly clear that winning international attention for the problems of the San was a big step forward, the local group declared that what it called Survival’s abrasive manner had served to harden the government’s attitudes.<sup>3</sup>

Human rights remain a “contentious topic,” according to Scanlon, especially where they interconnect directly with existing sociopolitical inequalities. This occurs, for example, in high schools, where collective beating is practised, and with the education of San children in boarding schools far from their homes. The official perception is strong, she states, that educating for human rights “exacerbates the discipline situation in schools,” and perhaps where other large inequalities exist, as in the workplace and in gender relations and in the experiences of the San. Most NGOs, she found, wished to stress Botswana’s achievements regarding democracy and stability, and avoided problematic issues like the rights of women, children, the indigenous San and capital punishment. That human rights are widely deemed “too political” in Botswana<sup>4</sup> points clearly to the frailties of democracy in the country.

Progress is possible for civic groups that manoeuvre carefully in areas where government perceives electoral advantages for itself. Emang Basadi and the representation of women in politics exemplify this possibility. The group began with a

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1. The government’s declaration of Kuru’s coordinator, the Reverend Bram le Roux, as a prohibited immigrant in 1993 appeared to emphasise the message that almost any assistance to the San could be seen as unacceptably political by government. Roberta Rivers, “The Political Status of the San in Botswana,” chapter in Lin Cassidy, Good, Isaac Mazonde and Roberta Rivers (eds.), *An Assessment of the Status of the San in Botswana*, Windhoek, Legal Assistance Centre, 2001, p.49.

2. Scanlon, *op.cit.*, p.17.

3. Reported by Spencer Mogapi, *Botswana Gazette* (Gaborone), 13 March 2002. Survival defended their tactics and said that their campaign would continue as long as there were valid mining concessions inside the CKGR and until the Bushmen were able to return freely to their land, and it stressed that they had intervened as a result of pleas that they do so from the San themselves.

4. Scanlon, *op.cit.*, pp.34-5.

“legal awareness campaign” which focused on individual voting rights, then shifted in 1993 towards the “political empowerment of women.” A Women’s Manifesto was produced the following year to “demonstrate that women’s issues are political issues” and to “convey to the politicians that they could not count on the women’s vote unless they made a commitment to address women’s issues.” Between then and the publication of a preface to the Manifesto in 1999, Emang Basadi found that their demands were addressed to “varying degrees of satisfaction.”<sup>1</sup> When President Ketumile Masire nominated professional women as Specially Elected MPs after 1994 and women gained greater representation in government, this advantaged both the civic group and the receptive, modernising image of the ruling party. Emang Basadi recognised that they gained greater acceptability for their activities because of their “collaborative efforts with government, chiefs and authority figures at many levels.”<sup>2</sup>

Botswana is distinctive for the historically high levels of social control possessed by its ruling elites, and for the smoothness of the transition to independence.<sup>3</sup> Fawcus and Tilbury were closely involved in the process, and note that there could hardly have been “a more painless transfer of power.”<sup>4</sup> A major reason for this smoothness was that the transfer took place collaboratively between an indigenous elite and a colonial elite, with little or no engagement by the people. The founding elections in March 1965 took place among “an entirely apolitical electorate.”<sup>5</sup> This was almost inevitable since access to the *kgotla*, the traditional community political forum, was dominated (as noted above) by chiefs and other elites, and offered no representation to an organised opposition. Low levels of popular participation have deep roots and continuing relevance in Botswana. Unlike South Africa, Zimbabwe and Namibia, as Alice Mogwe, Executive Director of Ditshwanelo, remarks, “we haven’t had a struggle culture,” and this has led to a “lower level of political consciousness” than in the three other countries where strong nationalist movements developed. Botswana became a liberal democracy from the outset, and within a sea of one-party states and military and racist regimes, it readily became, in Mogwe’s terms, “the darling of the North.”<sup>6</sup> Complacency readily resulted, as academics, journalists and politicians paid glowing tribute to what soon became unquestioningly known as the “shining light of democracy.”<sup>7</sup> Criticism and reform were by liberal definition redundant – open,

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1. Words of the Manifesto and Preface, quoted in *ibid.*, pp.17-19.

2. Cited in Scanlon, *op.cit.*, p.34.

3. See, e.g., Good, “Interpreting the Exceptionality of Botswana,” *Journal of Modern African Studies*, 30, 1, 1992.

4. Peter Fawcus and Alan Tilbury, *Botswana: The Road to Independence*, Gaborone, Pula Press and the Botswana Society, 2000, p.187.

5. *Ibid.*, p.182.

6. As quoted in Scanlon, *op.cit.*, p.34.

7. Thus, Prof. John Melamu, Deputy Vice Chancellor of the University of Botswana in 1993, who declared that President Masire’s government “is worth an excellent record on human rights protection,” and Botswana was “a watchdog of democracy in southern Africa.” Cited by Masupu Rakabane in *Midweek Sun* (Gaborone), 24 February 1993.

competitive elections regularly occurred – and the unchanging elections became notable for their “dullness.”<sup>1</sup>

Limited popular participation – the basis for the stability and the dullness – was, of course, a handmaid to elitism, and Botswana’s true characteristic was much more its predominant party system than its supposedly bright democracy. As in a small number of other “uncommon democracies” in the North – e.g., Sweden and Japan – a single party, the Botswana Democratic Party (BDP), won every election in open, competitive conditions. While Mauritius has seen repeated changes of government through the ballot box, and first Senegal in 2001 and then Kenya achieved the same in 2003, the opposition in Botswana has never even come close to winning over the almost forty years since the original elections in 1965. After the last national elections in 1999, the predominance of the BDP was further entrenched as the parliamentary representation of the opposition, the Botswana Congress Party (BCP), collapsed to one seat. The extent and longevity of this predominance in Botswana is greater than in either Sweden or Japan, since the country has been manifestly without a credible opposition,<sup>2</sup> and, indeed, without a credible alternative government too.

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1. Speaking soon after the November 1999 national elections, President Festus Mogae expressed a revealing pride in the dull elections, which had just seen turnout fall to almost 40 per cent, the new opposition Botswana Congress Party (BCP) almost eliminated – from 11 seats to one – and the ruling party slightly increasing its majority. By contrast, the BNF opposition had gained its largest parliamentary representation – 13 seats – in 1994, when it ran on a programme of “time for a change,” when Emang Basadi was newly active, and electoral turnout reached an all time high of 77 per cent.

2. Staffan Darnolf and John D. Holm, “Democracy Without a Credible Opposition: the Case of Botswana,” *Journal of African Policy Studies*, 5, 2 and 3, 1999.

## Presidentialism and Low Accountability in Government

Constitutional and political power in Botswana is highly centralised in the executive and the person of the State President who, as noted, has also to date been the president of the ruling BDP. He is not directly elected by the people, either nationally or at the local, constituency level. Nonetheless, he may speak and vote in parliament, and is constitutionally empowered to decide alone.<sup>1</sup> He nominates four so-called Specially Elected Members of Parliament who have voting rights and may, indeed often do, become cabinet ministers.<sup>2</sup> He is Supreme Commander of the armed forces (the BDF), empowered to determine their operational use and to appoint, promote or dismiss any member.<sup>3</sup> He can prorogue, dissolve or recall parliament. He appoints the Vice-President and cabinet members, and the Chief Justice as well. Through the Office of the President he has direct control over the police, the public service, the Directorate on Corruption and Economic Crime (DCEC), and Information and Broadcasting (encompassing the country's only free, daily newspaper, and Radio Botswana and Botswana Television, the only national broadcasters). He can constitute a commission of inquiry into any matter, determine whether it sits in private or not, and whether or not its report is made public. Public servants are prohibited from speaking to the press, there is no freedom of information legislation, and no whistle-blower laws exist for the protection of ethically minded bureaucrats. When a series of scandals occurred involving senior ministers in the early 1990s,<sup>4</sup> President Masire responded by establishing the DCEC, but also by tightening controls further. A number of parastatals introduced punitive confidentiality laws – providing for both fines and imprisonment – to restrict the availability of information to the public.<sup>5</sup> The combination of predom-

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1. The President shall “act in his own deliberate judgement and shall not be obliged to follow the advice tendered by any other person or authority.” *Constitution of Botswana*, Chapter 1, Part III, 47. (2).

2. These powers have often had an anti-democratic impact when, for example, two Vice-Presidents, one of them twice, were defeated in their constituencies and then reappointed to parliament and to high office – Masire in both 1969 and 1974, and his successor Peter Mmusi in 1984. Maundeni, *op.cit.*, pp. 6 and 7.

3. *Constitution*, 48. (1).

4. One scandal and consequent inquiry involved illegal land transactions in peri-urban areas adjacent to the capital, and the use of high office for personal gain on the part of the Vice-President and Minister for Local Government, Lands and Housing, Peter Mmusi, along with the Minister for Agriculture, Daniel Kwelagobe, the former being simultaneously the national chairman, and the latter the secretary-general of the ruling party. Another involved massive corruption in the Botswana Housing Corporation (BHC), where the presidential commission concluded that “ultimate administrative responsibility” was borne by the Permanent Secretary in the Ministry and Chairwoman of the BHC, Pelonomi Venson, while “political responsibility” was held by Vice-President Mmusi. Those named in these official reports insisted, nevertheless, on their innocence and claimed no responsibility for the consequences. Mmusi died in office, but Kwelagobe remains a senior figure in the government and the party, and Venson became a Specially Elected MP after 1999 and soon after Minister of the Environment. The affairs at the National Development Bank involved big loans made to the President and many ministers, but despite weeks of commotion, nothing was said officially about how these loans had been acquired in the first place, maintained, rolled-over and accumulated. *Newslink Africa* was a newspaper opened in Gaborone in 1990 by the then South African Defence Force as a regional intelligence vehicle. After 16 months it was withdrawn surreptitiously by President F.W. de Klerk – largely as a cost-saving measure – without anything being revealed subsequently by the Masire government about how and why all this had occurred.

5. That the one party dominates in both legislature and executive is fundamentally illiberal and undemocratic. Mpho G. Molomo, “Democracy Under Siege: the Presidency and Executive Powers in Botswana,” *Pula*, 14, 1, 2000. It presumably contributes further to the dullness or pointlessness of elections.



inance and presidentialism is repugnant to an active and fully functional liberal democracy.

Much of the official planning process takes place on a fairly broad and open basis – the regular national developments plans, which serve as foundations for budgetary allocations and policy priorities, are drawn up through wide institutionally based consultations. But government is more closed and unaccountable in specific areas and as regards the executive powers of the presidency. The *National Security Act* symbolises these secretive and authoritarian tendencies, mostly latent but, nonetheless, present, within the democratic state. It provides for imprisonment of up to twenty-five years regardless of public interest in the matter in hand, and its provisions are both vague and sweeping. It encompasses, on the record, all matters involving the military, trade union activities and workers' wages, and journalists and editors who write about them. The situation of the San remains an area of acute sensitivity, but increased international attention has changed this situation somewhat.

The government initiated a very large military expansion programme in the early 1990s that was notable for the government's refusal to explain, justify and account. It began with the construction of the Thebephatshwa Air Base west of Gaborone, officially opened in 1995.<sup>1</sup> Seven months later, reports appeared in the Netherlands and the local independent press that Botswana was seeking to purchase fifty Leopard 1-V battle tanks. Asked for clarification, the BDF's only response was that "the information is classified." Lengthy debate took place in Holland over the proposed sale, while the National Assembly in Gaborone did not discuss the issue. Even a parliamentary question was ruled out of order, the Minister for Presidential Affairs, Ponatshego Kedikilwe, instructing the deputy-leader of the opposition that it was "unacceptable ... to expect me to reveal such sensitive information."<sup>2</sup>

As the country's military expenditure almost trebled between 1992 and 1995 and was reported on in specialist defence journals, the official silence continued. The BDF commander, Lt.-General Ian Khama, declared in April 1996 that "it is not in the nature of any army in the world to discuss its strength." By 1994 the military was receiving 4.6 per cent of GDP, a sum large by both regional and world standards.<sup>3</sup> In June 1996 press reports indicated that Botswana had purchased 13 CF-5 (or F-5) fighter-bomber aircraft from Canada. President Masire showed no patience for any explanation: "An army is an army because it is equipped as an army. We are therefore getting equipment adequate to our needs and we need no apology to anybody for doing that."<sup>4</sup>

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1. The government estimated the cost of the base at P624 million in 1992, but *Jane's Defence Weekly* put the final cost at \$600 million (or c. P1,000 million) in 1993. Good, *Realizing Democracy in Botswana, Namibia and South Africa*, Pretoria, Africa Institute, 1997, c.7.

2. *Ibid.*

3. *Ibid.*

4. *Botswana Gazette*, 5 July 1996.

The expansion<sup>1</sup> and the secrecy seemingly persists. German laws against the export of its military equipment outside the NATO area had stymied the purchase of the Leopards, but brief reports in July 2001 indicated that Botswana had succeeded in purchasing 20 tanks from Austria and that some or all of these had already arrived the previous year. The cost to Botswana, an Austrian diplomat based in Pretoria confirmed, was \$32.5 million. An option for a further purchase existed. A BDF spokesman would neither confirm nor deny the report.<sup>2</sup> By 2000 the outlay on the military in Botswana represented over 5 per cent of GDP, a sum much greater than its neighbours. Zimbabwe was heavily engaged in war in Congo-Kinshasa, but its military expenditure that year was officially 3.5 per cent of GDP, while in both South Africa and Namibia the figure was just over 2 per cent.<sup>3</sup>

This was important in the double sense that a military build-up in the face of no known enemy could promote regional destabilisation, and constitute a weakening of the country's previously good reputation for economic rationality. But it was significant democratically too. Secrecy is a preserve of ruling elites and it stands in sharp opposition to open democracy. Information helps to empower people, while secrecy weakens them, especially the less educated majority, without access to specialist publications. The Ombudsman, Lethebe Maine, called for the establishment of a Freedom of Information Act in late 1999. Fulsome words about the Ombudsman as a pillar of democracy meant very little, he said, unless the right to complain and raise issues was fully available to all sectors of the public. "The effective flow of information about policy and administrative matters," he noted, "[we]re fundamental to the role of the Ombudsman."<sup>4</sup>

Access to information is tightly controlled because it supports stability and the status quo in the elitist society. Even questioners may be summarily dismissed and portrayed as "abusive," as "breeding a culture of contempt," and of being involved in "a witch hunt" if they endeavour to persist.<sup>5</sup> Recently, Outsa Mokona, editor of *The Botswana Guardian*, accurately observed that the country was afflicted by deference and self-imposed silence – "each time we are short changed by our leadership, we try to make excuses for them, for fear of appearing disrespectful." But the reality was that the media had great responsibility, especially in the aftermath of the 1999 elections. "The political opposition is fragmented and weak. The parliamentary watchdog role has been eroded... [and] civil society is small and still developing."<sup>6</sup>

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1. In 1998 the country's military expenditure totalled \$323 million, representing 11.5 per cent of total government spending. Gideon Burrows, *The No-Nonsense Guide to the Arms Trade*, London, Verso, 2002, table "Africa's Big Spenders."

2. Barry Baxter in *Mmegi* (Gaborone), 27 July 2001, and a shorter report in *The Star* (Johannesburg) on 24 July 2001.

3. World Bank, *World Development Indicators 2000*, and J. Clark Leith, "Why Botswana Prospered," preliminary draft, University of Western Ontario, October 2001.

4. *Botswana Gazette*, 3 November 1999.

5. Terms used by various ministers during the loans scandal in the National Development Bank in the early 1990s.

6. His statement came in the wake of his "shrinking President" story, which suggested that Mogae had become subservient to Vice-President Khama. *Botswana Guardian* (Gaborone) 21 January 2000, and *Mmegi*, 4 February 2000.

The government soon expressed its dislike of *The Botswana Guardian's* critical approach. On or around 23 April, President Mogae issued a verbal directive that all state and parastatal bodies, along with private companies in which the state had a majority shareholding, should cease advertising in *The Botswana Guardian* and its associate *The Midweek Sun*.<sup>1</sup>

Botswana Television (BTv), a new broadcaster, experienced direct interference over the facts and opinion it presented. When Chris Bishop, its short-lived editor of news and current affairs, prepared to show a documentary on the executed murderess Marietta Bosch, the Director of Information and Broadcasting, Andrew Sesinyi, told him, as Bishop stated in an affidavit, that “a government decision had been taken and that I would not be permitted to broadcast the feature.” This instruction came directly from the Vice-President and Minister for Presidential Affairs, Ian Khama.<sup>2</sup> The execution of Bosch violated her rights under the Charter of the African Commission on Human and People's Rights (ACHPR), and this was done despite the government's knowledge that the matter had been brought before the Commission.<sup>3</sup> A planned story on the San, then facing coerced removal from ancestral lands, was opposed at the highest level. Ministerial preferences in programming, Bishop stated, were backed up with “veiled threats directed against me.” Editorial independence “did not exist at BTv,” he said, and he was obliged to resign.<sup>4</sup>

The leadership of the democratic government, like its more authoritarian counterparts, does not readily engage with criticism. In April 2001 the Botswana Ombudsman, Lethebe Maine, took notice of the fact that Vice-President Khama had participated in BDP election meetings accompanied by public officers. He found that this practice was not only “against the spirit” of General Order 38 of the *Public Service Act*,<sup>5</sup> but that it also “gives the perception that such public officers are furthering the interests of [the ruling party].” He recommended that President Mogae “issue a new directive to all public officers” in the light of these concerns.<sup>6</sup>

The Vice-President also had a practice of arriving at BDP meetings in a military helicopter piloted by himself. One issue here, noted in the media, was the possible impact of such an appearance on rural voters in the BDP's heartland of Central District.<sup>7</sup> Another concerned the fact that as a civilian, the Vice-President was no longer covered by the provisions of the *Botswana Defence Act* regarding offences relating to property – he was neither authorised by the Act, nor could he be disciplined by the Commander of the BDF in the event of accident or loss of equipment

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1. From the subsequent ruling of Justice Isaac Lesetedi, which found in the *Guardian's* favour, reported by Bashi Letsididi, *Midweek Sun*, 19 September 2001.

2. He was told that a tape of the Bosch film “had made the Vice-President angry.” *Botswana Guardian*, 13 July 2001.

3. Press release, Ditshwanelo, 20 May 2002.

4. *Botswana Guardian*, 13 July 2001 and *Sunday Independent* (Johannesburg), 15 July 2001.

5. Which prescribes the neutrality of the public servant: “s/he must not publicly speak or demonstrate for or against any politician or political party,” “take an active part in support of any candidate in an election” and “do anything by word or deed which is calculated to further the interests of any political party.” Ombudsman, *Report in Terms of Section 8 (1) of the Ombudsman Act of 1995*, 4 April 2001, p.10.

6. *Ibid.*, p.12.

7. See, e.g., “Khama ‘invades’ Nkange,” *Mmgi*, 10 September 1999.

in his charge. The Ombudsman concluded that “*only persons subject to the Act* can properly be authorised to use service property.” He recommended that the President bring to the attention of the Vice-President “the inadvisability of personally flying [BDF] aircraft”.<sup>1</sup>

Criticism here touched on substantive aspects of the powers and prerogatives of the ruling elite, but the Ombudsman’s findings were deflected, apparently ignored. The Permanent Secretary to the President, Molosiwa Selepeng, said that President Mogae had authorised the Vice-President to fly BDF aircraft, and that Mogae’s action was, in Selepeng’s view, perfectly lawful. The Permanent Secretary did not think it necessary to implement the Ombudsman’s recommendations, because he saw nothing wrong either with Khama personally flying military aircraft or in his being accompanied by public officers when he was on party political business.<sup>2</sup> In early May of the same year, Ian Khama was shown on BTV piloting an army helicopter to Tutume.<sup>3</sup> The matter apparently began and ended with the preference of the Vice-President and authorisation by the President, and government regulations were for other people.

The judiciary and the media, in the effective absence of opposition parties and the weakness of civil society, continued to draw attention to the lack of accountability and openness in government. Ombudsman Maine, in March 2003, noted that the non-compliance of the President, some two years after his recommendations concerning the Vice-President’s use of military aircraft, was against the spirit of subsection (1) of the *Ombudsman Act*, which required action “within reasonable time.” He had submitted a special report to the Minister for Presidential Affairs with a view, he suggested, that the matter be taken to parliament for resolution.<sup>4</sup> Justice Lesetedi’s judgment on *The Botswana Guardian* and *The Midweek Sun* in late 2001 affirmed that a free media was a cornerstone of democracy, that the press was in the forefront of the fight against the abuse of power, and the courts must guard that freedom. Precisely because of their high office and responsibilities, government ministers must accept more scrutiny than others, and show more tolerance of criticism.<sup>5</sup>

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1. Report, p 17. The emphasis is the Ombudsman’s.

2. Report by Bashi Letsididi, *Botswana Guardian*, 27 April 2001.

3. Alpheons Moroke, “Ian Defies Ombudsman,” *Botswana Guardian*, 11 May 2001.

4. *Botswana Gazette*, 26 March 2003.

5. *Daily News*, 18 September 2001 and the *Botswana Gazette*, 19 September 2001.

## The San, Inequalities and the Exploitation of Diamonds

The rule of law prevails in Botswana and authoritarian tendencies within the liberal state – leaving aside non-accountability – tend to be expressed in specific directions only. Nowhere perhaps is this more the case than towards the San, in a history, if it is to be properly understood, that stretches back well before independence. Evidence suggests that before the end of the nineteenth century, San peoples were in control at different times and places of valuable material resources: as cattle-keepers, hunters, artisans, traders and as the original controllers and users of the land, with autonomous political organisations and leadership.<sup>1</sup> International forces may have initiated the disruption of their economies, and rising Tswana elites set about the dispossession of their livestock and produce, the occupation of the land, and the control of their labour and persons. As the San were deprived of their property and autonomy, the Tswana elites gained in wealth and power and, according to Wylie, the “hereditary servitude” of the San followed.<sup>2</sup> Wilmsen and Denbow quote the descriptions of Siegfried Passarge of the San’s life and labour in the Ghanzi area in the 1890s – “forced pillages of property, unjust requisitions for work, and most of all daily rapes of the women and girls.” Murder almost “constantly” accompanied these ravages. “In May 1897,” for example, “a Batauana stole a Bushman woman from Kamelpan. She escaped. He returned and found her with her husband, shot him, and took the woman with him again.”<sup>3</sup>

Tshekedi inherited cattle and the land they grazed upon from his predecessor Khama III, and Wylie states that he pursued an active policy of “rendering communal property private.”<sup>4</sup> By the end of the 1930s he held the largest herd in the country, in excess of 50,000 beasts, and with them, suggest Miers and Crowder, some 1,300 serfs (or *boalata*). Other members of the Tswana elite had become wealthy too. Those who accompanied Tshekedi into exile at Rametsana in the late 1940s, whose group-identity, according to Wylie, was that of “the cream of the crop,” brought with them 25,000 to 30,000 cattle.<sup>5</sup>

As much or more than in the 1890s, the San were deprived of their humanity by a self-confident Tswana elite. As Simon Ratshosa stated in evidence against Tshekedi in 1926: “The Masarwa are slaves. They can be killed. It is no crime... They are never paid. If the Masarwa live in the veld, and I want any to work for me, I go out and take any I want.” These sentiments of exploitation and disdain were echoed by a Ngwato cattleman named Rajaba Monageng in 1930, when he whipped one of his three Sarwa to death for supposedly deserting his cattle post and stealing a cow, and declared: “I thrashed them very hard [325 lashes] to teach

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1. This section is dependent on my “At the Ends of the Ladder: Radical Inequalities in Botswana,” *Journal of Modern African Studies*, 31, 2, 1993, and in particular on the original work, acknowledged in that article, of Edwin Wilmsen, James Denbow and Diana Wylie. The story has been told before, but it bears on the present and on re-telling.

2. Cited in *ibid.*, p.208.

3. *Ibid.*, pp.208-9.

4. *Ibid.*, p.209.

5. *Ibid.*

them a lesson... [I have] never beaten dogs like I beat those Mosarwa and [I] never would.”<sup>1</sup>

In the decade following independence, serfdom “apparently” persisted, noted Robert Hitchcock, across the Western Sandveld, and in 1978, the serf class were herding the cattle of headmen “for no pay whatsoever.” Gary Childers reported on the Ghanzi area, where the 4,500 San who lived on or near the commercial farms there were “impoverished.” For beggars and squatters – often on the land that was originally theirs by fact of their occupation – the alternative, more attractive occupation was farm labourer, whose average monthly cash wage in 1976 was P6.13, though some obtained only P2 or P3. Labourers might wait two or three months before getting food rations from the farmer. Their living standards had, Childers emphasised, “decreased over the past five years,” and along with that went “the ever-widening gap between the rich and the poor sectors of Ghanzi society.” What beggars, squatters and farm labourers all faced, however, was “oppression and discrimination,” and relegation to an enduring “servitude.”<sup>2</sup> In the 1990s average wages for San labourers in the Western Sandveld were “about P25 per month with milk and food,” while they had been between P2 and P5 a month in 1977.<sup>3</sup> “Non-San” in the later period got on average P50 monthly. Payment of wages was often delayed – “gaps of 3 to 4 months are common, up to 8 months not uncommon,” and one individual “had not been paid for four years.”<sup>4</sup>

Relocation and coerced resettlement are policies typical of repressive colonial or quasi-colonial situations – the Scottish Highland Clearances, the settlement of colonial Australia, French Algeria, apartheid South Africa – and seemingly further indicate a people’s absence of human rights. San communities have been relocated on many occasions during the twentieth century in Botswana to facilitate the intensification of cattle production, for the promotion of wildlife and tourism, for bureaucratic convenience and for the exploitation of minerals. The spread and growth of cattle ranching across the Western Sandveld of Central District produced a situation, around 1980, where all “RADs” (the ugly acronym for the official designation Remote Area Dweller) “ha[d] no real land-use rights and c[ould] be told to move by anyone who has been awarded such rights by the Land Board.” All RADs by then faced removals “as a major threat to their existence.”<sup>5</sup> While the *Constitution* upholds a person’s freedom of movement, and citizens possess

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1. Cited by Wylie, *ibid.*, p.210.

2. Hitchcock and Childers work is cited in Good, “Interpreting the Exceptionality of Botswana,” *Journal of Modern African Studies*, 30, 1, 1992, pp.80-1.

3. The value of the Pula was US\$1.15 in 1976; \$1.35 in 1980; and \$0.53 in 1990. Good, *Liberal Model*, “Value of the Botswana Pula,” p. xii.

4. The researchers recorded comments from the people. One said, “One of the reasons they withhold our wages is to keep us working for them. They know that if we leave we are going to lose all the unpaid wages...,” and another said simply, “If we complain over our pay, we get fired.” Campbell, Main and Associates, *Western Sandveld Remote Area Dwellers: a Report*, Gaborone, April 1991.

5. *Ibid.*, pp. 56-7. It should be noted that Campbell and Main found that San and “other RADs” shared the same life-style, and they defined San or other Remote People primarily in terms of their landlessness and its accompaniments, not ethnicity: A San (or RAD) “is a person who has no home in a village where there is a recognised kgotla, has no claim to the use of water without [rental] conditions being imposed on its use.” In addition, “facets of the traditional [serf or *malata*] system still prevail[ed].” *Ibid.* pp.14-17.

secure rights to land, these do not apply to San. Only they and other Remote People have special Settlements assigned to them, but without exclusive rights even to the land, water and grazing resources that might or might not exist therein.<sup>1</sup>

Since the late 1990s relocations have been occurring again for San inside the Central Kalahari Game Reserve, where their ancestors resided for thousands of years. If coercion involves the absence or narrowing of choice – through rumours, veiled threats, promises, lack of alternatives – then coerced removals have increasingly occurred since 1997 and especially around 2002.<sup>2</sup> More San communities were then removed “in their entirety,” all hunting and gathering was forbidden, boreholes were destroyed and precious stocks of water were emptied by officials.<sup>3</sup> Three factors influenced government action. Though the Central Kalahari Game Reserve (CKGR) was established on the understanding that wildlife and the San lived in reasonable harmony together, the government supposedly concluded that the San presence threatened the “pristine environment” and the tourism potential it represented. Another concerned the superiority of governmental plans and the inferiority of the San. This was voiced by Festus Mogae, as Vice-President, in an article on the CKGR in the London *Guardian*, 16 July 1996, when he referred to the inhabitants of the Reserve as “stone age creature[s],” who were doomed to “die out like the dodo” if they failed to accommodate themselves to official plans for their development. The evictions from the Reserve were then about to begin. His frankness was accompanied by no recognition that the development plans involved, on the record of many decades, the assimilation of the San at the very bottom of society as a landless, resourceless, despised underclass.<sup>4</sup>

Diamond exploration had gone on at Gope, in the east of the CKGR, since 1981, first by Falconbridge Exploration alone, then, beginning in 1985 or slightly earlier, in joint partnership with De Beers. Only in July 2000, however, after repeated prevarication, did a government representative, the Minister for Minerals, Energy and Water Affairs, Boometswe Mokgothu, publicly declare that diamonds had been found in the area. Addressing the Ghanzi District Council, Mokgothu said that no definite decision had then been made as to the profitability and thus the viability of the mine, but he estimated that it would cover 46 square kilometres of the Reserve, and either he or a councillor reportedly declared that it would have a lifespan of eighteen years. Mokgothu stated that no permanent township would be established at the mine – miners would come and go on a rota-

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1. On the grounds of a citizen's freedom of movement, an outside cattleman may choose to graze his herd inside a Settlement if its grass and water happens to be good.

2. For example, Survival International's director, Stephen Corry, said: “Not a single independent person who has talked to the Bushmen believes that they wanted to leave the CKGR,” *Mmegi*, 5 April 2002. This statement echoed the views of the academic Samora Gaborone who earlier told the UB Basarwa Research Committee that no San would have left the Reserve if there had been prior consultation with the government.

3. Survival International, “Bushmen Aren't Forever,” London, 7 April 2003, p.3.

4. These realities have begun to win international recognition. A report of the United Nations Human Rights Commission condemned Botswana's “discrimination” against Bushmen (or San), and declared that “their survival as a distinct people is endangered by official assimilationist policies,” *Mmegi*, 5 April 2002. The UN's special rapporteur on indigenous peoples, Rodolfo Stavenhagen, warned at the same time that governmental assimilation endangered the cultural survival of the San. Survival International News Release, 24 March 2003.

tional basis – and the government would protect the fragile biodiversity of the Reserve.<sup>1</sup>

The director of the Hotel and Tourism Association of Botswana (HATAB), Modise Mothogae, said that he found this revelation shocking, especially regarding the time that it took for the government to come out into the open, and he called for compensation to be made to the San. An official of the Botswana Christian Council, Letlhogile Lucas, shared these sentiments, and also proposed that the government apologise to the community and to the nation.<sup>2</sup> The official denials, however, continued. Soon after, the Permanent Secretary in the Ministry of Local Government, Lands and Housing, E. Molale, baldly stated that “there are no mines coming up in the CKGR.”<sup>3</sup> Perhaps much depended in the official mind on the semantics of “coming up” and “mine.” Minerals Resources Minister, David Magang, confirmed to the *Gazette* in November 1997 that diamonds had been discovered at Gope: “We are still conducting an evaluation and have not started developing the mine yet. In any case, the [Central Kalahari Game Reserve] is as big as Lesotho, so we can slice a piece off the Reserve for the mine development if need be.”<sup>4</sup> In 1999 what were called mineral exploration camps were set up close to Molapo, a San community within the Reserve.<sup>5</sup>

Diamond mining in Botswana is controlled by Debswana, a jointly owned (50 per cent each) operation between the government and De Beers. The latter is not a public company – it is partly owned by Anglo American – and it values secrecy, a characteristic of the diamond trade in general. “Anonymity is paramount,” and the industry is “secretive to the point of paranoia ... Contracts and written codes are virtually unheard of.”<sup>6</sup> If it can be argued that a symbiosis exists between government and business in Botswana,<sup>7</sup> Debswana typifies the inter-relationship. Half of its directors are “either in the government, at very senior levels, or closely connected to it.” For instance, its deputy chairman is A.R. Tombale, the Permanent Secretary in the Ministry of Minerals, and another director, M.L. Selepeng, is Permanent Secretary in the Office of the President. Industry sources style this as “interdependence” and as a “mutual beneficial relationship model.” President Mogae himself takes things a little further: “The partnership between De Beers and Botswana has been likened to a marriage,” he has said. “I sometimes wonder whether a better analogy might not be that of Siamese twins.”<sup>8</sup> A close friendship,

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1. Report by Spencer Mogapi, *Botswana Gazette*, 5 July 2000.

2. “Do you Trust This Government?,” Alpheons Moroke, *Midweek Sun*, 12 July 2000.

3. Letter to the editor, *Sunday Independent*, 7 September 1997. Earlier, Minister George Kgoroba, was said to have informed a *kgotla* meeting in Xade that the search for minerals in the CKGR had proved fruitless. Samora Gaborone, “Resettling of the [CKGR] Basarwa: Who Gains or Loses in a State Sponsored Dispossession?,” mimeo, Dept. of Adult Education, U.B., March 1997.

4. Quoted by Outsa Mokone, *Botswana Gazette*, 12 November 1997.

5. Survival International, with reference to the work of Robert Hitchcock, “Bushmen Aren’t Forever,” p.3.

6. Francesco Guerrera in the *Financial Times* (London), 8 November 2002, quoted in Survival International, “Bushmen Aren’t Forever,” p.3.

7. See, for example, Good, *Realizing Democracy in Botswana. Namibia and South Africa*, c.7.

8. Quoted in “Bushmen Aren’t Forever,” p.2. Corry’s view of the symbiosis affecting Debswana is as follows: Botswana is a country “with a tiny elite which holds power in both economic and political circles. The people who make decisions about what happens in mining areas ... are prominent in, or close to, both the government and the company.” His letter to Oppenheimer, London, 26 March 2002.



extending back to postgraduate student days in Britain, is said to exist between Debswana's managing director, Louis Nchindo, and Festus Mogae.

The Central Kalahari Game Reserve is located within one of the richest gem diamond fields in the country. The importance of diamonds and Debswana to Botswana is patent. Around 2001–2002, gems contributed 33 per cent to GDP, 65 per cent of government revenue, and some 80 per cent of foreign exchange earnings. Botswana was the world's top producer of diamonds by value (some 29 per cent), and Debswana's sales rose from P10.7 billion in 2001 to P11.2 billion the next year.<sup>1</sup> Industry sources inside and outside De Beers originally described the Gope find as "moderately large," and as "the best new target in the Kalahari."<sup>2</sup> Another "substantial" deposit, on the assessment of Botswana's Department of Wildlife and National Parks, in 1998, is at Kukama (or Gugama), where test drilling has taken place. De Beers is said to have spent tens of millions of dollars on the Gope site by the end of 2002. In March of that year its chairman, Nicky Oppenheimer, stated that it had no plans to mine "for the foreseeable future," but in November a spokesperson added, "We can't say we will never mine it."<sup>3</sup> At the same time, another corporate representative said that "it was likely that the firm would renew its [retention licence] option on Gope."<sup>4</sup>

Ministerial statements on Gope and the Kalahari inter-mixed the occasional clear affirmative with flat denial and ambiguity. Minerals Minister Mokgothu told the Ghanzi District Council in August 2000 that plans were at an advanced stage to open a mine at Gope, and he declared in February 2002 that various companies were prospecting in the Reserve and it might be necessary to establish "permanent structures" there. Local Government Minister, Michael Tshipinare, still claimed in November 2002 that there were "no plans" to mine diamonds at Gope, while stating that "the country reserve[d] the right to mine any resource wherever it deem[ed] feasible."<sup>5</sup>

Mining certainly appeared to be the trend of actual events on and under the ground in the Kalahari, as the attached official maps of expanding diamond concessions in the Central Kalahari Game Reserve, 1999–2002, in line with the removals of the San, graphically illustrate.<sup>6</sup> Towards the end of 2002, the resource group BHP Billiton took the initiative in forming Kalahari Diamonds Limited (KDL), a private British company, which would hold, through a wholly-owned Botswana subsidiary, Godi (Proprietary) Limited of Gaborone, exploration rights to approximately 90 prospecting licences covering some 78,000 sq. kms in Botswana. KDL was seeking to raise between \$12 and \$20 million in equity to fund a

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1. Figures in *Business Day*, 10 March 2003.

2. The first statement is that of Barry Bailey of De Beers in 1997, "Bushmen Aren't Forever," p.3, and the other assessment is mentioned by Corry in his letter to Anglo American in London, 26 April 2002.

3. From extensive correspondence between De Beers and Survival, *ibid.*

4. De Beers spokesperson Tracey Peterson on [www.busre,Q.co.za](http://www.busre,Q.co.za). 20 November 2002, *ibid.*

5. Mokgothu's statement on the need for permanent structures is from the Botswana government's website of 20 February 2002, quoted in "Bushmen Aren't Forever," p.6, and also by Corry in his letter to Oppenheimer in London, 26 March 2002.

6. The maps are those of the Geological Surveys Department, and the shading is Survival's for clarity's sake. Note the increased size of the Gope site. Appendix "Maps of the Kalahari Game Reserve before and after the Expulsions".

two to three year exploration programme. It would use Billiton's advanced "airborne Falcon Technology" to conduct highly efficient aerial surveys. "If high priority target areas are identified, KDL will follow up with ground geophysics and sampling techniques... for assessment of diamond potential." By the beginning of 2003, the International Financial Corporation (IFC), an affiliate of the World Bank, was ready to invest \$2 million in this project.<sup>1</sup>

Survival said it was "dismayed" by the IFC's involvement, and claimed that the World Bank had violated its own requirements to consult local people. A spokesperson of BHP Billiton agreed that the IFC funding gave "credibility and kudos" to the project. An earlier IFC appraisal mission had claimed that it "did not identify any groups in Botswana opposed to the project or to IFC's involvement." BHP Billiton would subscribe 20 per cent of the equity in KDL, and assist in transferring skills and knowledge (in addition to the Falcon capability) acquired in its worldwide operations.

It appeared to hold high expectations for KDL. Jwaneng Mine was currently the world's most profitable diamond mine with an annual revenue of \$1.5 billion. "Low mining costs" were expected. De Beers also announced, in early 2003, that it intended to expand production from its African operations, and it reportedly said that it would be counting on its flagship mines in Botswana.<sup>2</sup> On 6 February, senior De Beers executives briefed President Mogae, parliamentarians and Debswana management on what they termed the industry's need for more proactive and competitive marketing strategies.<sup>3</sup>

KDL was more specific and detailed than, say, Oppenheimer or Tshipinare, about its "foreseeable" development plans. "Assuming the identification of an economic pipe" within an "initial 2-3 year exploration phase," soil sampling and associated work would "likely take 3-6 months, followed by a 12 month prefeasibility ... [and then] a 12 month feasibility study and ... mine construction of a further 24 months." KDL continued, "to get an operating mine will take 4-5 years (best case) to 9 years or longer."<sup>4</sup>

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1. KDL "Summary" of February 2003 and associated IFC statement, p. ii.

2. Business Day, 7 February 2003.

3. Report by Sheryl Katz in *Rapport* (Johannesburg), personal communication, Fiona Watson, Survival, 3 March 2003.

4. "Summary," p.7.

## Diamonds, Inequalities and “Negative Peace”

Over a six-year period, 1997 to early 2003, around 1,200 San had been removed from their homes in the Central Kalahari Game Reserve,<sup>1</sup> while perhaps 100 or so had remained in or returned to the Reserve in the face of physical opposition from the government – the discontinuance, even destruction of vital water and other resources and the prevention of hunting and gathering.<sup>2</sup> The government estimates that 689 San resided in the Reserve in 2001,<sup>3</sup> on the eve of the big evictions. At the beginning of 2003 around 100 people still held out there, according to Survival, but by May, said Maribe, that number had fallen to just seventeen.<sup>4</sup> Simultaneously with these removals, planned mining exploration in and near the Reserve has expanded enormously. It has also intensified, not only on the part of De Beers, but also by the newcomer, the big and experienced Anglo-Australian BHP Billiton. They and their associate company, KDL, appear to be working to a long-term plan, as De Beers, with occasional ambiguity, seems to be too. The intimate connection between the expulsion of the San and the intensification of mining explorations cannot be ignored.

But BHP Billiton recognises that diamond exploration has lagged badly in Botswana relative to investments in other major diamond producers like Canada and Australia. According to BHP Billiton, \$17 million was spent in Australia on exploration in 2001, \$81 million was invested in Canada, but only \$4.5 million in Botswana. Botswana, they summarise, “has seen surprisingly little exploration expenditure in the past ten years relative to other countries.”<sup>5</sup> The KDL project, they state, “has the support of the government of Botswana.”<sup>6</sup> And they have already received the accolade of the World Bank. But their emphasis on inadequate investment in the past constitutes criticism of De Beers for a lack of dynamism and seriousness in pursuing new exploratory work. Debswana, we are reliably told, is the “marriage partner” or “Siamese twin” of the Botswana government, and the charge of poor investment performance concerns them too. BHP Billiton also claim experience gained over time in dealing with sensitive biodiversity and indige-

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1. Figure quoted by Foreign Minister, Lt.-General Mompoti Merafhe, in a meeting with Survival International in London, 29 July 2001. “Transcript,” p.3. The figure should be treated with caution since he apparently believes that “there are 25,000 [Basarwa] altogether” in Botswana. *Ibid.*

2. Accurate figures are difficult to determine basically because the government does not acquire census data on an ethnic basis; and officials have tended to refer over many years to an unchanging total of 40,000 to 50,000 in Botswana. But if it is recognised that there is considerable similarity between San and other so-called RADs, then, as scholarly observers such as Robert Hitchcock have estimated, the total number of all people remote from power (the real meaning of the term), San plus other “RADs” would be in excess of 100,000. See, Good, *Liberal Model*, c.2.

3. Clifford Maribe, Head of Information and Research in the Ministry of Foreign Affairs, *Botswana Gazette*, 21 May 2003.

4. *Ibid.* This number must again be treated with caution. According to Survival, one month later some thirty to forty people were again living at Molapo, of whom at least nine adult men had been charged with illegal entry (without permit) into the CKGR. Personal communication, Fiona Watson, 17 June and 11 July 2003.

5. “Summary,” pp.3 and 5.

6. *Ibid.*, p.11. Archie Mogwe, former senior BDP minister and ambassador, is a non-executive director of KDL and a special adviser to President Mogae. Biographical notes on the directors of KDL in a shares-placement prospectus in London, December 2002.

nous communities, specifically with the Ekati mine in northwest Canada just south of the Arctic Circle, and the Inuit and Dene people there. They anticipate "low mining costs" in Botswana, due to open pit mining, the "availability of cheap power from the Southern African grid," and what they see as ideal climatic conditions.<sup>1</sup> Competition between BHP Billiton and De Beers-Debswana both for diamonds and for government support is likely to increase.

Inducements have of course been offered to some Basarwa to "voluntarily" leave the Reserve. In May 2002, for example, 400 head of cattle were said to have been given to 80 families who had left the Central Kalahari Game Reserve at Kaudwane, and over 600 were distributed at New Xade shortly after.<sup>2</sup> The coerced removals, along with the existence of some people determined to return, have attracted widening international protest, and not only from Survival International with their hard-hitting campaign that diamonds in Botswana represent not development but "despair" for the San. The British parliament discussed the evictions on three occasions, with particular concern being voiced in March 2002 about the denial of access to water.<sup>3</sup> The UN Human Rights Commission has been, as noted above, highly critical of discrimination and supposed assimilation. The removals also came before the African Commission on Human and Peoples' Rights – an organ of the African Union – in May. Member states are required to submit a report every two years on rights and freedoms in their country: Botswana had accepted the Commission's Charter in July 1986, but had never submitted a country report.<sup>4</sup> The omission was simply due to complacency and bedazzlement by the old "shining light" – as Edward Raletobane, Under Secretary for Political Affairs in the Office of the President, said "[Botswana] was happy about its human rights record. The country took it for granted that it had no human right violations to report."<sup>5</sup> The UN's International Convention on the Elimination of All Forms of Racial Discrimination (CERD), meeting in Geneva in August 2002, declared that "the Constitution and the laws adopted in Botswana do not seem to fully respond to the requirements of the Convention." Sections 3 and 15 of the *Constitution* facilitated racial discrimination, and the *Chieftainship Act* and *Tribal Territories Act* "only recognised Tswana-speaking tribes." CERD declared that it was informed of the many forms of exclusion that groups like the Basarwa faced.

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1. "Summary," p.3. It should be noted that BHP Billiton is "the world's biggest diversified minerals group," while Anglo American, which owns 45 per cent of De Beers, is number two. Jodie Ginsberg in *Business Day*, 28 July 2003.

2. Galebolae Ngakame, in *Mmegi*, 17 May 2002. Five cattle are usually necessary to constitute a minimum viable herd, and in conditions of acute water shortage this number would not be less.

3. *Mmegi*, and *Botswana Guardian*, 15 March 2002. Lord Pearson, for example, asked if Britain would persuade Botswana to continue the water supply to those remaining in the CKGR, and he said that his country had a special duty "to try to persuade the government of Botswana to respect international laws which state that tribal people own the lands they have traditionally lived on and used." Cited by Abdul Salaam Moroke in *Midweek Sun*, 6 February 2002. In early July 2003 Pearson also tabled a motion declaring recognition of the CKGR as ancestral land of Bushmen and Bakgalagadi, that the Reserve was established in 1961 as a means of protecting their rights and protesting against the "forcible eviction" and other restrictions on their rights by the Botswana government. EDM 1500 on edm.ais.co.uk, 1 July 2003.

4. Press release, Ditshwanelo, 20 May 2002.

5. Cited by Letshwiti Tutwane, in *Mmegi*, 24 May 2002. One of the issues concerning the ACHPR then was the execution of Marietta Bosch.

The marginalised communities, they said, did not enjoy group rights to land and participation in the House of Chiefs, and public officials and others made “expressions of prejudice against Basarwa.” Representatives of civil society were present, including Reteng, a new amalgamation of the Kamanakao Association and Batswapong, Bakgalagadi and the Babira group, and one of their members, Professor Lydia Nyati-Ramahobo, expressed pleasure at the criticism of the Botswana government and at CERD’s recommendations. The Convention demanded that Botswana explain what they also termed the forced removals from the Reserve.<sup>1</sup> The UN High Commissioner for Human Rights, the Brazilian Sergio Vieira de Mello, stated in a speech at the British Museum in London, March 2003, that “effective development can only be achieved where people are free to participate in the decisions that shape their lives.” He allowed that it was not easy to balance the rights of indigenous people and the needs of national development. But, he added, “some requirements are clear... The prior informed consent of the affected communities is an ideal towards which we should be aiming.”<sup>2</sup>

The internationalising of the issue of the subordination of the San in Botswana is a big potential step forward. Comparisons with indigenous minorities elsewhere – the Inuit in Canada, the Saami of Norway, the Maori of New Zealand, all of whom possess much greater rights than do the San – are bound to illuminate the discrimination faced by the Remote People in Botswana’s liberal democracy. External scrutiny, if maintained, can both assist the San and expose the restricted nature of the country’s flaunted liberalism. Coming from outside, and on the concrete basis of relevant comparisons, it has the potential not to be dazzled by the erstwhile “shining light” emanating from within.

This comes at a time when ethnic minorities in the country are increasingly critical of the established “Tswanadom” – in popular parlance – and their inferior position within the supposedly “homogenous society.” Botswana is officially portrayed as “culturally homogenous,” with about 80 per cent of the population belonging to the same ethnic and linguistic group, where “tribe” is a structured and previously unquestioned part of the political system, and where “tribal cleavages” are claimed to be “not as serious a problem” as elsewhere.<sup>3</sup> The Bayeyi have organised within the Kamanakao Association, and are demanding the right to choose their own community leadership and gain representation in parliament. Under the definition of “tribe” in the *Chieftaincy Act* only the Bakgatla, Bakwena, Balete, Bangwato, Bangwaketse, Baralong and Batkola are named as tribes, and their chiefs are *ex officio* members of the House of Chiefs. The Bayeyi, as much as the Basarwa, are excluded. An urban Kalanga intelligentsia are also active and organised inside the Society for the Promotion of the Ikalanga Language (SPIL), and an even newer group, *Pitso ya Batswana*, has arisen in seemingly polarised opposition to SPIL.

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1. Letshwiti Tutwane, in *Mmegi*, 6 September 2002.

2. He was delivering the Third Annual BP World Civilisation Lecture organised by the Museum. Survival International New Release, 24 March 2003.

3. From “The National Policy on Education,” as quoted in Scanlon, *op.cit.*, pp. 4-6.

Public debate and criticism was occurring on matters hitherto ignored. *Pitso* said that its membership was open to all Batswana, but its spokesperson, Philip Monowe, was unaware when questioned if there were any members of Kalanga extraction in his group. In late 2001 "many BDP [MPs] and senior civil servants" were said to have "aligned themselves with either of the two."<sup>1</sup> Complacency and established hierarchies were being shaken, public activism was occurring, and democracy seemed likely to gain from more open debate and more equitable ethnic relations. The government recognised the concern, and unintentionally spurred an ongoing debate when it established the Balopi Commission to look into ethnically discriminatory clauses in the *Constitution*.<sup>2</sup>

Botswana is known not only for its liberalism but also for its sustained growth – the world's highest over a thirty-year period.<sup>3</sup> Real per capita incomes increased about tenfold, primary school enrolments greatly expanded, literacy rates generally improved, and the health of young children got better. The liberalism and the growth are not unrelated,<sup>4</sup> mediated through and controlled by a one-party predominant, developmental state.<sup>5</sup> But while the position of many of the poor has improved both directly and indirectly,<sup>6</sup> the high growth has not ameliorated the socioeconomic inequalities long existing in the country. The Gini index of inequality barely changed between 1985 and 1994, and remained in excess of 0.5.<sup>7</sup> Government policy favoured high salaries for top public servants – to retain their services and enhance their productivity – and low wages for unskilled manual workers – to encourage their work efforts.<sup>8</sup> Achievements especially for the already poor were not all outstanding. Botswana's adult illiteracy rate in 1999 stood at 24 per cent, while in impoverished Zambia it was 23 per cent, and in Zimbabwe only 12 per cent.<sup>9</sup> In terms of broad social indicators, Botswana has done rather poorly. It was ranked 126th out of 173 countries on the UNDP Human Development Index in 2002, falling from 95th place in 1991, and with Swaziland, Equatorial Guinea, and Gabon all doing better. The very high incidence of HIV-AIDS partially explained these differences, but policies that specifically favoured the rich did so too.

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1. *Botswana Gazette*, 17 October 2001.

2. Republic of Botswana, *Report of the Presidential Commission into Sections 77, 78 and 79 of the Constitution of Botswana*, November 2000; Republic of Botswana, "Draft Government White Paper No. of 2001" (sic), November 2001; and Republic of Botswana, "Government White Paper No. 2 of 2002... (As Approved by the National Assembly on 30th April 2002)." April 2002, Gaborone.

3. World Bank, *Can Africa Claim the 21st Century?*, Figure 1.1 Change in GDP Per Capita, 1970–97, p.9.

4. A politics of choice, where voters choose between competing elites, supported by an economy of choices, for those – unlike the San – with the requisite resources. Rewards in goods, services, profits and wages, the government had made plain, would go to those who made the biggest contribution to the growth economy.

5. The idea of the developmental state is discussed in Adrian Leftwich, *States of Development*, Cambridge, Polity, 2000, and its application in Botswana in Zibani Maundeni, "State Culture and Development in Botswana and Zimbabwe," *Journal of Modern African Studies*, 40, 1, 2001, and Good, "Enduring Elite Democracy," *Democratization* (London), 6, 1, Spring 1999.

6. Infrastructural development, such as roads and schools, benefit the nation on a variable basis.

7. Leith, "Why Botswana Prospered," Tables 5 and 6.

8. Policies most explicitly enunciated in the seminal White Paper, *The Revised National Policy on Incomes, Employment, Prices and Profits*, Republic of Botswana, Gaborone, 1990.

9. World Bank, *World Development Report 2002*, Washington D.C., pp. 232-3.

Botswana is an Upper Middle-Income Country (UMC), one of only six in sub-Saharan Africa,<sup>1</sup> but it is not known for generous welfare programmes towards official destitutes – again to not discourage them from seeking work – and pensions for the elderly are markedly lower than in Namibia and South Africa. The country's Poverty Datum Line was purposely set much higher than commonly used measures of poverty elsewhere, such as the international standard of a dollar a day.<sup>2</sup> That sum in Botswana would represent good money for most San.<sup>3</sup> Serious inequalities and injustices are present, and when political institutions and economic structures are closely and historically examined, Botswana appears, for all its existing stability and absence of actual armed conflict, as a country of “negative peace.”<sup>4</sup> Latent conflict and routinised, everyday injustice are certainly the situation of the San. A World Bank study in 2001 suggested that countries with a dependence of more than 32 per cent of GDP on a single primary export commodity are in underlying but real danger of civil conflict.<sup>5</sup> Botswana is no Sierra Leone, Liberia or, say, Iraq, but much will depend on how diamonds in and around the Central Kalahari Game Reserve, and the people directly affected by their extraction, are successfully, democratically managed. The long history of subordination, exploitation and discrimination of the San, and the huge inequalities between Remote People and urban elites, do not augur well. Gary Childers spoke of the minuscule wages accorded to San workers by rich cattlemen in Ghanzi as a crime, and persisting inequalities in the country suggest that the underlying, structural injustices continue. The potential for conflict – the negative, fragile quality of peace and stability – do so too.

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1. *Ibid.*, pp.232 and 241. Gross national income was \$5.3 billion in 2000, representing in per capita terms \$3,300. The other UMCs then were South Africa, Gabon, Mauritius and the mini-states of Seychelles and Mayote.
  2. Good, “The State and Extreme Poverty in Botswana: the San and Destitutes,” *Journal of Modern African Studies*, 37, 2, 1999.
  3. Leith believes that the number of people existing on less than a dollar a day has fallen from 33 per cent to 23 per cent of total population since independence. Leith, *op.cit.*, p.15. Many of the poor may be better off than before, but not that 100,000 or so Remote from power and resources, and the rich elite are much better off still.
  4. Concept of Johan Galtung, used by Scanlon, *op.cit.*, p.14. It recognises that underlying conditions that induce or are synonymous with conflict – inequalities, discrimination, poverty, etc. – exist.
  5. Newsletter, Survival, 4 January 2003.

## Protest, “Terrorism” and Democracy

Credible witnesses and Central Kalahari Game Reserve residents say they were not consulted by the government about the removals, or if they were it was not on an open basis but simply in terms of what inducements in cash or livestock might be provided if they accepted their predetermined fate. Observers also say that in the resettlement camps outside the Reserve, “there is nothing to do but drink alcohol and await handouts from the government.” Some or all “are determined to return home.” A young man in New Xade reportedly told Survival: “After we g[e]t our land, that’s when you can stop campaigning. Don’t let this sleep!”<sup>1</sup>

Government attitudes to the removals hardened considerably at the end of 2002 and in early 2003. In the process, President Mogae himself gave the lie to repeated official assertions that relocation was on a voluntary basis after full consultation. He declared in November that Basarwa who returned to the Central Kalahari Game Reserve would be prosecuted for breach of contract. He disclosed that all financial and material handouts to Basarwa to leave the Reserve were given under a supposed agreement that the recipients would leave forever. Those who went back would now be taken to court.<sup>2</sup> Government reports also indicated that Basarwa would have to get permits from the Wildlife Department if they wished to visit the Central Kalahari Game Reserve. Mogae suspected that such people and those who had earlier returned intended, as he put it, to poach animals. He said that people who wished to remain in the Reserve would be forcefully removed. The President specifically stated that, despite wide international criticism of the removals, the government intended to continue the policy as if nothing had happened, “If anything, we are about to witness a more aggressive and expedient implementation of that policy,” he warned.<sup>3</sup> In August, John Simpson of the BBC had filmed a waterhole at Mothomelo in the Reserve that officials had concreted over.<sup>4</sup> A UN committee in Geneva formally declared for the first time that month that access to safe and secure drinking water was a human right.<sup>5</sup>

President Mogae was equally explicit and aggressive when he visited London and Oxford in June 2003 and faced a variety of demonstrators in favour of rights for the San. He was accompanied by an “elected headman,” Kgosi Beslag, of New Xade, and a councillor from the Village Development Council in Kaudwane. There appeared to be some uncertainty whether Beslag was actually elected or merely appointed by the government, but he was San, and he appeared to have accompanied the President in order to stress publicly that he had left the Central Kalahari Game Reserve voluntarily and freely.<sup>6</sup>

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1. News Release, ECOTERRA Intl., February 2003, p.5.

2. Press statement, reported by Spencer Mogapi, *Botswana Gazette*, 13 November 2002.

3. *Ibid.*

4. His film appeared on BBC TV on 29 August 2002, and he also wrote an article on his visit in the *Evening Standard* (London), 22 November 2002. Simpson is a senior journalist, and he noted that the President had given him the impression that he valued Botswana’s diamonds much higher than the millennia-old culture of the San.

5. Newsletter, ECOTERRA, Intl., December 2002.

6. Personal communication, Fiona Watson, London, 17 June 2003.



But this pro-government message was undercut when Mogae was met by a peaceful protest, largely of students and academics, outside University College, Oxford, on 10 June. When asked by a student whether Bushmen who had been relocated outside the Central Kalahari Game Reserve would be allowed to go home, he replied hotly “No, no, no, they won’t.” He had earlier declared just as flatly that “the [Central Kalahari Game Reserve] is for animals, not people.”<sup>1</sup> The President had declined to meet representatives of Survival, and he did not explain that the people shut out of the Reserve apparently did not include resort managers and staff, tourists and diamond miners. The latter constituted a far more serious threat to the “pristine environment” of the Reserve than a few hundred Bushmen, and a good part of the reason why tourists might have been attracted in the past was the presence of Bushmen, not miners and their equipment— the point made earlier by HATAB and the Christian Council.<sup>2</sup>

The strength of Mogae’s response to the demonstrator’s question might have been related to the release of an open letter from Roy Sesana<sup>3</sup> in New Xade on 4 June. This was a “message from people who have been moved against their will from [Central Kalahari Game Reserve],” and its measured language might have had more impact on the British public than Kgosi Beslag. Sesana made the following telling points to the President: “Some of our people were relocated forcibly against our choices and wishes”; “some people continue to vocally resist relocation in all of the Relocation Settlements”; “some people ... [have] managed, despite ongoing hindrances by your regime, to return to the CKGR”; and “your regime imposes stringent measures to prevent those who have relocated from visiting their families... who resisted relocation and are still living in the CKGR.” He also said to Headman Beslag: “We respect your choice in relocating outside [the Reserve], and we similarly expect that you will respect our choice not to be relocated.” Finally, Sesana told the international community: “The rest of us cannot read nor write, we do not have money to... come to London to tell you our story and not theirs.”<sup>4</sup>

Criticism and protest, especially of the organised, global, sustained and critical kind, appeared to tax the limited tolerance of the Botswana government towards civil society activities beyond breaking point. The deliberations of, say, the House of Lords, CERD, and the African Commission on Human and People’s Rights were one thing, but Survival International, a mere and small NGO, and its public protests in world capitals, and its repeated linkage of diamonds with conflict and despair, was quite another.<sup>5</sup> This was well outside the compliant and respectful behaviour

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1. Survival International News Release, 12 June 2003. A video of the encounter was passed to Survival and can be viewed on their website.

2. Foreign Minister Merafhe had also earlier admitted that the removals were linked to diamond exploitation, when he told Survival in London: “Many Batswana have been removed because of economic interests. In Orapa, my area, a great chunk of people were removed because of the mine. Botswana is where it is today because of this facilitation. These people are no exception.” Transcript of meeting, 29 July 2001, p.4.

3. He was co-founder of the First People of the Kalahari based in Ghanzi.

4. Text of letter, date and place as given.

5. The group had obtained the signatures of 100,000 people worldwide on a petition calling for Bushmen to live in peace on their own lands in the Kalahari, and handed this to Botswana embassies in eleven countries, including the US, Germany, Japan, Sweden, Switzerland, Kenya and South Africa, in February 2003. Survival International News Release, 11 February 2003. The Botswana government also criticised the BBC and SABC for their news coverage of the San. *Ibid.*, 25 April 2003.

confidently expected of NGOs in Botswana. Botswana-based civic groups appeared to recognise the danger of overstepping the limited boundaries, allowing the IFC confidently to declare that "their appraisal mission did not identify any groups in Botswana opposed to the [KDL] project or to IFC's involvement." Furthermore, "the Botswana based NGOs representing the San contacted by IFC were not supportive of SI's approach, and advised that... SI's approach had damaged their cause and reduced the opportunity for constructive dialogue with the Botswana authorities."<sup>1</sup> The IFC had clearly not spoken to Roy Sesana and those like him in the Relocation Settlements, or to the returnees and "bitter-enders" inside the Reserve. But Ditshwanelo, for one, had publicly dissociated itself from Survival's views and tactics as early as the UN-sponsored conference on racism in Durban.

The Botswana government's underlying views on the Central Kalahari Game Reserve and Survival were only occasionally revealed, but as the issue persisted the government became more inclined to express itself frankly. One such occasion was the meeting between Survival, represented chiefly by Stephen Corry, and Foreign Minister Merafhe at the Botswana High Commission in London on 29 July 2001. Lt.-General Merafhe, among other things said this: "Our treatment of the Basarwa dictates that they should be elevated from a status where they find themselves. We all came from there. We became civilised and drive expensive vehicles... We all aspire to Cadillacs and would be concerned with any tribe to remain in the bush communing with flora and fauna." Corry later explained that: "Our position is not that they should remain as they are; it is not a question of they must or musn't catch up... Our position is that where they want to maintain a certain way of living, they should be allowed to do so. This is enshrined in international law." And Merafhe interjected: "I'm glad because they are backward."<sup>2</sup> Here there was no attempt at dialogue or accommodation, but only expressions of discrimination, racism and arrogance.

In a BBC interview, Dr. Tombale, as noted, Deputy Chairman of Debswana and Permanent Secretary in Mineral Resources, labelled Survival a "terrorist organisation,"<sup>3</sup> despite the serious connotations attached to that term then. Slightly earlier the government went further still and banned Survival from distributing its human rights education pack, intended for 8 to 12 year olds, in the country's primary, secondary and vocational schools. Entitled "We, the World," it had been given out in over seventy countries, including eight in Africa.<sup>4</sup> An official letter of 10 March was entitled "Materials Distributed to Schools/Educational Institutions Under the Guise of Promotion of Human Rights," and it concluded that dissemination of such materials "would not be allowed."<sup>5</sup> As Scanlon suggested, teaching on

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1. "Summary," pp. ii and 9.

2. Transcript of the meeting, pp.3 and 6, communication from Fiona Watson, London, 20 February 2003.

3. Survival International News Release, 13 March 2003.

4. Survival noted that the pack was described as "excellent" by the *Times Education Supplement* and "brilliant" by Ditshwanelo. It refers to Bushmen in only one short paragraph. Established in 1969 with an original interest in indigenous Brazilians, Survival has received numerous awards, including the prestigious "Right Livelihood Award." *Ibid.*, 8 February and 25 April 2003.

5. Unsigned communication from the Director, Vocational Education and Training.

human rights in Botswana is considered potentially subversive of the stability and unity of the supposedly homogenous society, and the authoritarian liberal government that upholds it against minority ethnic groups, and their supporters like Survival.

## Undiversified Economy, Weak Civil Society and State Incapacity

A portentous economic breakthrough was achieved when Hyundai car assembly located in Gaborone in the early 1990s. Various factors supported this development. One was access to the South African market: under the existing rules of the Southern African Customs Union (SACU), cars assembled in Botswana could be exported to South Africa almost duty free. Botswana had lower corporate taxes, simpler labour laws from the business perspective, and workers unorganised in trade unions, unlike its more developed neighbour. Wages in manufacturing in Botswana were about one-third of South Africa's. Gaborone was also closer to Johannesburg, with Africa's biggest concentration of motorists, than other South African cities with the exception of adjacent Pretoria.<sup>1</sup> By 1995, exports to South Africa were said to have reached 15,000 units, and car assembly had become in a few years the country's second largest foreign exchange earner. Factory expansion was initiated, and a new Completely Knocked Down (CKD) facility was opened in 1998, costing around P170 million. It was said to be one of the most modern in southern Africa. Hyundai was believed to have invested around 30 per cent of this sum, and the Botswana Development Corporation (BDC), the government's investment arm, put P85.6 million into the project. A workforce of 1,100 was anticipated – up from 450 in the original plant – and some P12 million was earmarked for training.<sup>2</sup>

Hyundai represented considerable investment in plant and equipment, in jobs and labour skills, in technology transfers and in diversification. In February 1998, Volvo, a leading Swedish manufacturer, announced that it would assemble its mid-market range of cars at the CKD factory starting the next year. By March that year, 170 units were being exported each month, chiefly to Australia. First shipments to South Africa followed and Volvo's production in Gaborone was anticipated to reach at least 10,000 cars a year. Knock-on effects from the CKD facility, in both manufacturing and jobs, were promising. Some twenty-four South African suppliers were considering establishing factories in Botswana in ancillary areas like automotive mouldings, painting and tyres. Hyundai experienced a 90 per cent increase in its sales in South Africa through 1999, and towards the end of the following year it displaced Toyota as the top-selling car in that country. This represented significant national gains for Botswana. Hyundai's exports had, for example, narrowed the balance of trade with its dominant neighbour from a ratio of 1:25 to 1:6.<sup>3</sup> This was decidedly the positive aspect of globalisation.

But considerable opposition existed in South Africa to the entry of the new competitor from its own established and long-protected auto manufacturers, from

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1. *Economist*, 20 November 1999.

2. Good and Skye Hughes, "Globalization and Diversification: Two Cases in Southern Africa," *African Affairs*, 101, 2002, p.48.

3. *Ibid.*, pp.49-50.

the trade unions fearful of job losses and from the African National Congress (ANC) government. Botswana's rulers were aware of this opposition. President Ketumile Masire noted in an interview in 1998 that the South African car giants were "dead opposed to the Hyundai factory," and the ANC government, reversing its earlier position of rhetorical support for regional development, stood with its own industrialists. "They were saying nothing should happen on the periphery," Masire revealed.<sup>1</sup> The experiences of his successor, Festus Mogae, were no different. As the new President observed in May 1999, South Africa "now wants protection from industries set up in other SACU countries that... might compete with industry in its own country." There were disputes over Rules of Origin, and the hegemonic power was seeking additional protection. Mogae's reaction was hardly less strong than Sir Ketumile's. "We have told South Africa, now that you are part of the world, no longer the pariah of the world, you must accept competition."<sup>2</sup>

But the successful defence of car assembly in the face of this opposition was what really counted. Botswana, represented by the BDC, had not gone into partnership directly with Hyundai, but with two newly established firms, Motor Company of Botswana (MCB), which assembled the cars, and Hyundai Motor Distributors, which sold them. MCB was jointly owned by two Zimbabwean businessmen, Nissan Franco and Billy Rautenbach, and the latter was a highly politicised entrepreneur of doubtful competence and questionable involvements on the Zimbabwean side in the war in the Congo. Association with this man, and in turn his family transport company Wheels of Africa, rendered the Hyundai project highly vulnerable. This weakness the South African government effectively exploited when it launched a massive fraud investigation against Rautenbach, and the Director of Public Prosecutions publicly named him as one of the leading crime bosses in the country. Officials close to the enquiries accused Rautenbach of "bank-rolling the war in the Congo." His assets were seized, investor confidence vanished, and Wheels of Africa collapsed. BDC reacted belatedly,<sup>3</sup> not to protect Botswana's assembly capacity, as the regional hegemonic power had effectively done for itself, but to try to secure its financial investment. In January 2000, MCB and Hyundai Motor Distributors were liquidated in Botswana's High Court by the BDC. The country was eventually left with little more than a hole in the ground, and it returned to importing the Toyotas and other established brands from South Africa.<sup>4</sup>

The termination of car assembly was no boost for Botswana's vital "investment climate" in the globalising world.<sup>5</sup> The state's capacity to diversify into manufac-

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1. Interview with Ray Hartley of the Johannesburg *Sunday Times*, detailed in *ibid.*, p.50.

2. Cited in *Mmegi*, 7 May 1999, and *ibid.*, p.51.

3. Volvo did not; it anticipated the collapse, dissociated itself from MCB's debts, and smoothly relocated its assembly capacity with Ford – its new parent company – in Pretoria.

4. This advantaged Satar Dada, the large car magnate and Toyota distributor, who was also BDP treasurer, and an MP appointed by President Mogae.

5. This involved "good economic governance," and was "a key area for action." World Bank, *Globalization, Growth and Poverty*, Washington, D.C., 2002, pp.18-19.

turing was very doubtful.<sup>1</sup> The sector's share of GDP around 2000 was little different from what it had been at independence.<sup>2</sup> The state might plan often on an apparently open and consultative basis, but its capacity to implement and manipulate change in desired directions was weak. The Selebi-Phikwe Regional Development Project was an early representation of the problems, and increasing incapacity was described by Quill Hermans, then Governor of the Bank of Botswana, in 1995.<sup>3</sup> BDC was the leading developmental parastatal, but it was not alone in its managerial weaknesses and inefficiencies. Botswana Telecommunications Corporation (BTC) was described by Boyce Sebetela, Communications Minister, in terms of "the complete failure" of management to "deal with the daily challenges" of managing a major corporation, and its "operation and maintenance facilities and procedures [we]re totally inadequate."<sup>4</sup> The weakened capacity of the developmental state – originating perhaps in the overt corruption among the ruling elite in the early 1990s and their apparent disunity over future policy and ideology – was the common theme. The national eggs remained with diamonds, and to a lesser extent long-established beef and perhaps tourism. When Debswana announced its own plans for diversification in 2002, it was into tourism that it planned to go.<sup>5</sup>

### *Subordinate and Insubordinate Civil Society*

There were profound consequences here for society and politics, broadly and specifically. The formation of a skilled and semi-skilled working class was an historical accompaniment to the development of manufacturing industry, the deepening of civil society and the growth of real, participatory democracy based on an organised working class, and increasing equality was the attempted, intended corollary in Britain in the nineteenth century and South Africa "only yesterday."<sup>6</sup> After almost forty years of independence in Botswana, the size of manufacturing was small, as was civil society too. This had negative structural consequences for democratisation in the country. South Africa is different on both counts, and though the ANC government is about as determined on its predominance as is the

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1. The collapse of Hyundai, the *Gazette's* editor noted, endangered efforts to attract quality foreign investors into the country. Good and Hughes, *op.cit.*, p.57.

2. At around 5 per cent of GDP. Leith, *op.cit.*, p.89. This is, as Leith points out, one of those "half-full" versus "half-empty" cases, and since GDP is far larger than in 1966, the size of the same share is also bigger. Personal communication, June 2002.

3. Kenneth Matambo, Managing Director of BDC, had earlier admitted to the incapacities of his corporation by saying that they were concerned with issuing loans, not with supervising company operations. Good and Hughes, *op.cit.*, pp.41-7. In a public speech in 1995, Hermans noted that the "efficiency of the public sector in managing the development process... has diminished," the "record on policy implementation has become lamentable" and the "planning of development projects is no longer well coordinated." Diversification, he observed, "ha[d] not occurred," and "the government has become the second largest sector of the economy after mining." Excerpts from his speech, *Mmegi*, 30 June 1995.

4. Boyce Sebetela briefing Parliament, *Botswana Guardian*, 20 December 2002.

5. *Business Day*, 17 April 2002.

6. Discussed in Good, *Liberal Model*, c.7, with particular indebtedness to the work of Rueschemeyer, Stephens and Stephens.

BDP, an independent civil society remains within the developed, diverse economy, smaller than before the early 1990s, but still highly active and determined. Most groups are “miniscule,” according to Drew Forrest, but they constitute a loose array of “left-leaning, community-based social movements,” united by a “shared desire to help the poor and down-trodden,” and an “antagonism to hierarchies and bureaucracies,” not least to a predominant presidentialist ANC.<sup>1</sup> The ANC government has reacted with outrage to what it sees as a “competing claim” to its old bedrock poor-black constituency, i.e., its majoritarian predominance. It has both dubbed the movements as “ultra-leftist,” deserving of isolation and disappearance, and striven to subordinate them to its leadership.<sup>2</sup> Its antagonistic anti-democratic attitude is more complex but not totally dissimilar to that of the BDP in Botswana.

The movements themselves are, however, very different. The Treatment Action Campaign (TAC) is described by Forrest as “one of South Africa’s most effective and active” groups.<sup>3</sup> Founded in 1998 by, among others, Zackie Achmat (of Coloured-Malaysian parentage, a former male prostitute, 41 in 2003), he has become the country’s “most prominent AIDS activist.”<sup>4</sup> Under his present chairmanship, the TAC works to secure free or affordable life-saving AIDS medicines for all in need. While Achmat is an ANC member, the Campaign’s membership in general is from a broad political spectrum and it is not aligned with any party. It has close links, says Forrest, with more than 170 local and international organisations, including churches, COSATU and Doctors Without Borders.<sup>5</sup>

Its tactics involve an innovative mix of marches and train journeys, court actions and, significantly, civil disobedience intended to force – by law and by notoriety and shame – international drug companies and the government to provide anti-AIDS drugs freely. Approximately 600 people die from AIDS-related illnesses in South Africa everyday. The organisation has branches nationwide and has a proven capacity to mobilise large numbers of volunteers in its demonstrations. It has endeavoured to force the police to arrest leading government ministers for culpable homicide, and it has published “Wanted” posters against them in the streets. HIV-positive himself, Achmat announced in 1999 that he “[would] not take expensive treatment until all ordinary South Africans can get it on the public health system.”<sup>6</sup> Some of these actions have been both approved and disapproved of by his own followers and sympathisers. In late 2000, he was arrested when he smuggled 5,000 fluconazole capsules into the country from Thailand and was arrested for his action, which publicised the fact that cheap generic anti-AIDS drugs existed. News about the TAC’s successful anti-AIDS pilot programme in Khayelitsha in Cape Town had also reached Nelson Mandela, and in July 2002

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1. Among the thirteen groups discussed by Forrest are the Treatment Action Campaign, the Anti-Privatisation Forum, the National Land Committee, and the Landless People’s Movement. Mail and Guardian, 31 January 2003.

2. *Ibid.*

3. *Ibid.*

4. Samantha Power, “The AIDS Rebel,” New Yorker, 19 May 2003, p.54.

5. Forrest, *op.cit.*

6. Cited in Powers, *op.cit.*, p.56.

the former president visited Achmat's home. The two were photographed together and began regular conversations. It was, says Powers, "a kind of coronation."<sup>1</sup>

President Mbeki's idiosyncratic views on HIV-AIDS have prevailed in the country's health system. In March 2002 he distributed an extraordinary document of some 132 pages to his colleagues attacking pharmaceuticals, antiretrovirals, the origins of AIDS, and the supposedly omni-present racism of whites. Given a copy, Achmat said that it was now "on the record ... an indication of the madness, the irrationality, the blindness, the wilfulness, the vindictiveness of Mbeki on this question."<sup>2</sup> On another occasion he named the Health Minister, Manto Tshabalala-Msimang, in public as a "murderer." Powers believes that Achmat is "the most important [political] dissident in the country" since Mandela himself.<sup>3</sup>

TAC demonstrates the normality of Survival's behaviour in support of the San in Botswana. Important social issues demand, condone and explain strong, "outrageous" actions. Problems do not become issues for public debate and decision without assertiveness. The intolerance of the Botswana government towards "outrageous" actions is in keeping with its authoritarian and secretive tendencies. But the reactions of Ditshwanelo in publicly dissociating itself from Survival, in condemning their demonstrations over "dirty diamonds," and in blaming their "abrasiveness" for the continuance of the expulsions from the CKGR, is surprising. It was possible, after all, for the country's leading human rights group to disagree with Survival implicitly and privately, without adopting the thinking of the government on the desirability of quietism and deference. Alice Mogwe is aware that the country suffers from its culture of passivity, but then contributes to it gratuitously herself. The IFC has claimed that NGOs in Botswana oppose Survival, and Ditshwanelo's position strengthened this claim.

Without a robust democracy there will be little equality in general in Botswana, and even less for the despised San, and without the emancipation of the San there will be no real democracy either. The elitist government is unlikely to concede these changes of its own volition, and they must be struggled for by an organised people. In the process of that struggle democracy will be enhanced. The foundations for a widening and deepening of democracy remain extremely frail, and conditions of "negative peace,"<sup>4</sup> and all it involves for the continued subordination of the San, seem likely to persist.<sup>5</sup>

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1. *Ibid.*, p.64.

2. A few weeks later, Peter Mokaba, one of the alleged authors of the document, died of AIDS. *Ibid.*, p.65. The document carried no author's name but its title told all: "Castro Hlongwane, Caravans, Cats, Geese, Foot and Mouth and Statistics: HIV/AIDS and the Struggle for the Humanisation of the African."

3. *Op.cit.*, p.54.

4. Recent research by Jenny Clover of the Institute for Strategic Studies in Pretoria points to Botswana's "deeply disturbing" future, because of increasing inequalities and the absence of diversification. She notes that the country's overall living standards have been falling, and the entrenchment of a political class. The government has failed in terms of policy and institutional capacity to ensure that socio-economic development is broad-based. Report by Jonathan Katzenellenbogen, *Business Day*, 10 September 2003.

5. The more so when HIV-AIDS is drawn into the equation. Some 280,000 Botswana (in a population of some 1.5 million) are living with HIV, 39 per cent of people are HIV positive, and about 66,000 children are already orphaned. *Economist*, 11 May 2002, and *Guardian Weekly*, 11 July 2002. President Mogae is actively combating the pandemic through the free distribution of anti-retrovirals, but the problem is huge. As he has put it himself, "We are threatened with extinction" as a nation. Speaking in New York, and cited in *The Star*, 10 August 2001.



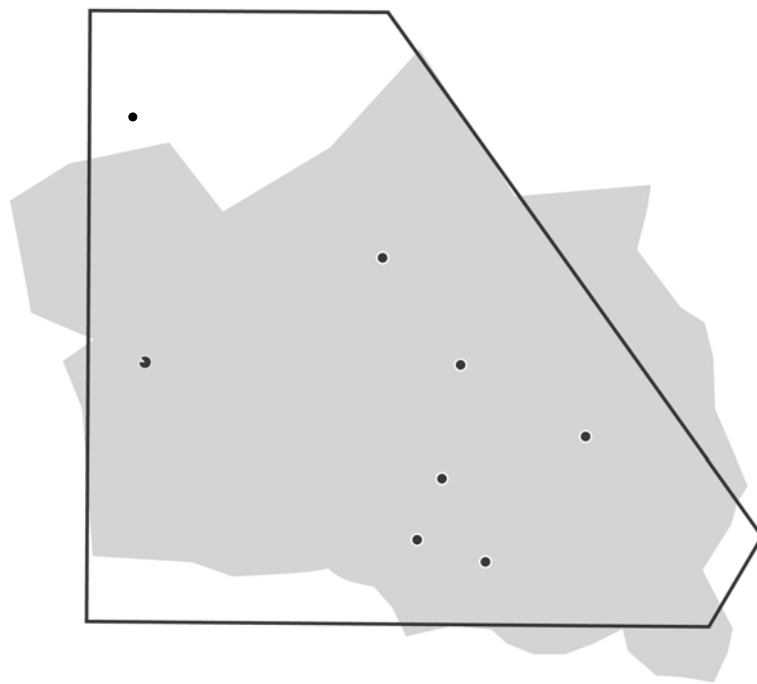





# APPENDIX

## Maps of the Central Kalahari Game Reserve before and after the Expulsions

THE CENTRAL KALAHARI GAME RESERVE

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-  Boundary of the Central Kalahari Game Reserve
-  Ancestral land of the Gana and Gwi Bushmen
-  Bushmen communities

DIAMOND CONCESSIONS  
IN THE CENTRAL KALAHARI GAME RESERVE

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September 1999, before the recent Bushman evictions






-  De Beers Prospecting Botswana (PTY) Ltd
-  Ampal (PTY) Ltd
-  TNK Resources Inc

DIAMOND CONCESSIONS  
IN THE CENTRAL KALAHARI GAME RESERVE

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March 2001, before the recent Bushman evictions



-  De Beers Prospecting Botswana (PTY) Ltd
-  Gope Exploration Company (PTY) Ltd  
(a subsidiary of De Beers)
-  TNK Resources Inc

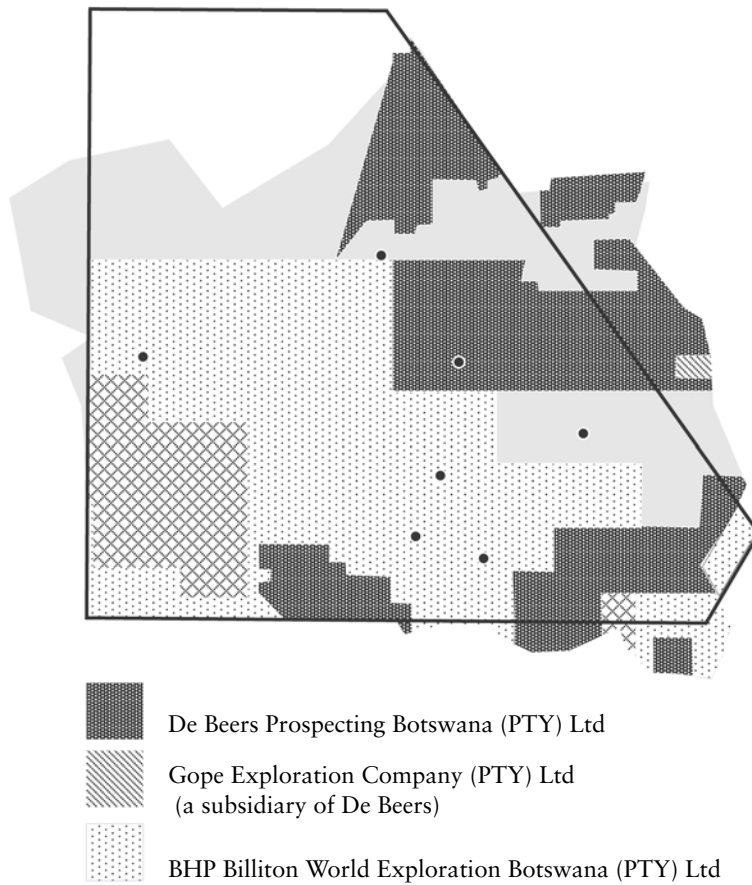
DIAMOND CONCESSION  
IN THE CENTRAL KALAHARI GAME RESERVE

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May 2002, 3 months after the recent Bushman evictions

*“We are not aware of any diamond mining prospect in the CKGR other than the uneconomic Gope... You cannot show there is mining in the CKGR, nor that there is any likelihood of any mining anywhere in the CKGR.”*

*A R Tombale, Permanent Secretary, Ministry of Minerals, Energy and Water and Deputy Chairman of Debswana (the company owned 50/50 by De Beers and the Botswana government), 2 April 2002*



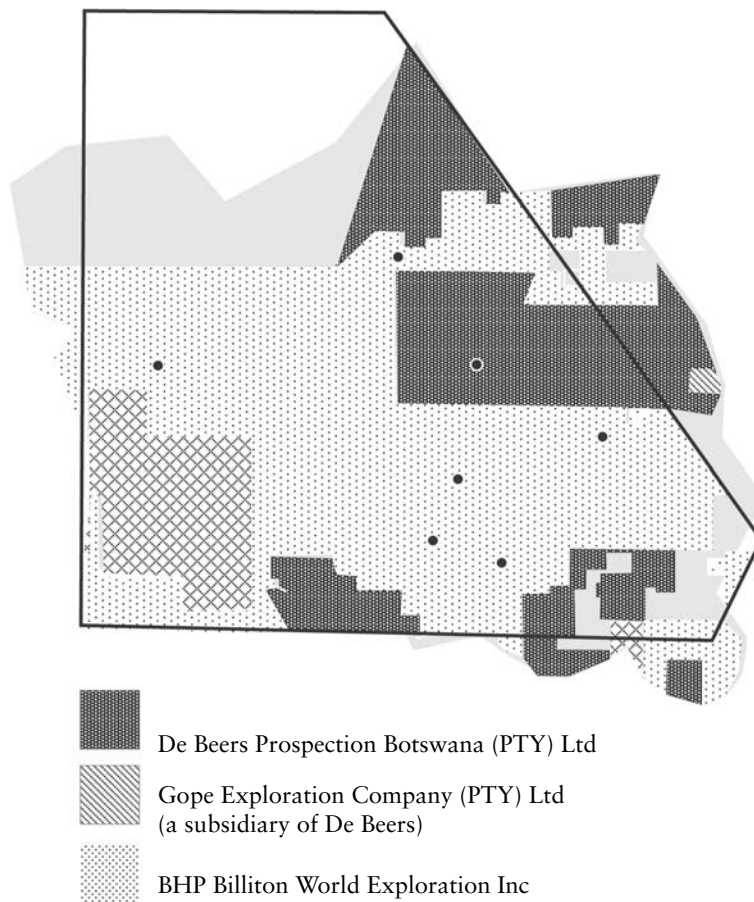
DIAMOND CONCESSIONS  
IN THE CENTRAL KALAHARI GAME RESERVE

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November 2002, 9 months after the recent Bushman evictions

*“There is neither any actual mining nor any plan for future mining  
inside the Reserve.”*

*President Mogae, 24 November 2002, Sunday Times, UK*



#### DISCUSSION PAPERS

1. Kenneth Hermele and Bertil Odén, *Sanctions and Dilemmas. Some Implications of Economic Sanctions against South Africa*. 1988, 43 pp, ISBN 91-7106-286-6, SEK 45,-
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