

UNIVERSITY OF THE FREE STATE
DEPARTMENT OF GOVERNANCE AND POLITICAL
STUDIES

Programme Governance and Political Transformation

TOPIC:

**The impact of Western-oriented governance on sub-Saharan
States with special reference to South Africa, Botswana
and Namibia.**

Submitted in fulfilment of the requirements in respect of the Master's Degree qualification in Governance and Political Transformation in the Department of Governance and Political Studies in the Faculty of the Humanities at the University of the Free State.

Name & Surname: Ms Beaula M Kruger

Supervisor: Dr. Tania Coetzee

Submission date: December 2016

DECLARATION

I, Beaula Millicent Kruger, declare that the Master's Degree thesis is my independent work and that I have not previously submitted it for a qualification at another institution of higher education. I declare that I am aware that the copyright is vested in the University of the Free State. I declare that all royalties as regards to intellectual property that was developed during the course of and/or in connection with the study at the University of the Free State will accrue to the University. Furthermore, I hereby declare that I am aware that the research may only be published with the Dean's approval.

ACKNOWLEDGMENTS

I would like to acknowledge my support network that walked this long and difficult journey with me;

- The Alpha and Omega, my Lord, Jesus Christ who has steadily held my hand throughout my academic journey. Thank you for giving me the strength to complete this project despite the numerous challenges I faced.
- My supervisor, Dr. Tania Coetzee, thank you for your patience, motivation, guidance and for the academic and emotional support during this time. In addition, I would like to extend my appreciation to Mrs Cathy De Lange and Mrs Juanita Potgieter, thank you for always going the extra mile.
- My friend and mentor, Ms Chantel Kader, thank you for keeping me on straight path and for the endless support you have given me over the years.
- My mother, Rosette Kruger- Maine and Gogo Florence Guys; my inner strength comes from you ladies. My sisters, Joyce and Syleen and cousin Eunice Kruger thank you for the love and support.
- To all my friends (Kimberley and Bloemfontein), thank you all for your support, love and sacrifices our friendship had to endure over the years, a special thanks to Nomzamo Khoba, Marche Petrus and Lauren-Lisa Bezuidenhout.
- My skatebol, I appreciate the unwavering support you have given me and my son, Beau thank you for your understanding when Mommy could not be there. Thank you Mrs Hester Molieleng for your assistance with my son and for the family time you had to sacrifice with your own family to support mine.
- Thank you to the Free State government for awarding me with a bursary.

DEDICATION

I dedicate this thesis to all the underprivileged girls and young ladies of South Africa. My academic journey is testament that our circumstances do not determine your future. *“Be strong and courageous, do not let this good book depart from your right or left, meditate on it day and night”* -Joshua 1: 6-9. To my late father, thank you Ben Kruger for the blessings you spoke over my life before your passing.

ABSTRACT

Good governance reform policies have swept through sub-Sahara Africa like wildfire over the past two decades (Haruna & Kannae, 2013:493). However, the impact of Western-orientated governance in sub-Sahara Africa has not been universal amongst these African countries. As a result, some sub-Sahara African countries have experienced daunting challenges irrespective of implementing the Western-orientated governance principles. The aim of this study was to analyse the impact of Western-orientated governance on sub-Saharan states with special reference to South Africa, Botswana and Namibia. These three sub-Saharan African countries have been identified as some of the most successful countries in terms of implementing Western-orientated governance models. This study evaluates the three countries' state institutions by utilising good governance principles, namely; accountability, transparency, the rule of law, and public participation as an evaluation tool. The organs of state (also known as the three branches of government) of each state were evaluated and comparisons were drawn where applicable. A qualitative research methodology was used, entailing a literature review of a collection of relevant documents and publications, which enabled the researcher to do content analysis and critical textual review. The study was concluded by making recommendations to sub-Sahara African countries identified in the case study on improving their unique adaptations of Western-orientated governance principles in order to have a more significant impact.

Keywords: *accountability, good governance, transparency, rule of law, public participation, sub-Sahara African countries, Western-orientated governance principles*

ABSTRAK

Beleide rakende goeie regeerkundebeginnels het gedurende die afgelope twee dekades soos 'n veldbrand deur sub-Sahara-Afrika getrek (Haruna & Kannae, 2013:493). Die impak van Westers-georiënteerde regeerkunde was egter nie dieselfde in die Afrikalande suid van die Sahara nie. Die gevolg daarvan was dat sommige sub-Sahara-Afrikalande deur reuse uitdagings in die gesig gestaar word, ongeag of Westers-georiënteerde regeerkundebeginnels geïmplementeer is of nie. Die doel van die studie was om die impak van Westers-georiënteerde regeerkunde op sub-Sahara-state, met spesifieke verwysing na Suid-Afrika, Botswana en Namibië, te analiseer. Dié drie sub-Sahara-Afrikalande is geïdentifiseer as van die suksesvolste lande wat betref Westers-georiënteerde regeermodelle. In die studie is die staatsinstellings van die drie genoemde lande geëvalueer aan die hand van goeie regeerkundebeginnels. Staatsinstellings in die drie lande is geëvalueer deur goeie regeerkundebeginnels, naamlik verantwoordbaarheid, deursigtigheid, die oppergesag van die reg en openbare deelname as meetinstrumente te gebruik. Die staatsorgane (ook bekend as die drie vertakkings van die regering) van elke staat is geëvalueer en vergelykings is waar toepaslik getref. 'n Kwalitatiewe navorsingsmetodologie is gebruik en het die volgende behels: 'n literatuurondersoek van 'n versameling toepaslike dokumente en publikasies, opgevolg deur 'n inhoudsanalise en kritiese teksoorsig. Die studie is afgesluit deur aanbevelings aan die sub-Sahara-Afrikastate wat in die gevallestudie geïdentifiseer is, te maak rakende hoe hulle hul unieke aanpassings van Westers-georiënteerde regeerbeginnels kan verbeter sodat dit 'n meer betekenisvolle impak kan hê.

Sleutelwoorde: *verantwoordbaarheid, goeie regeerkunde, deursigtigheid, oppergesag van die wet, openbare deelname, sub-Sahara-Afrikastate, Westers-georiënteerde regeerkundebeginnels*

TABLE OF CONTENTS

	Page (s)
1. INTRODUCTION	
1. Introduction: Governance in Africa.....	1
1.2. Analytical and conceptual framework of study: Governance.....	4
1.2.1 Conceptual Clarification.....	7
1.3 Problem Statement.....	11
1.3.1 Challenges of good governance.....	12
1.4 Research question.....	15
1.5 Aim and objectives of the study.....	16
1.6 Research design and methodology.....	17
1.7 Layout of the Chapters.....	20
1.8 Value of Study and Contribution.....	22
 2. THEORETICAL FRAMEWORK	
2.1 Introduction.....	23
2.2 Theoretical perspective of Governance.....	24
2.3 The origins of Governance Network Theory.....	27
2.4 Core assumptions of Governance Network Theory.....	30
2.5 Dilemmas and critics associated with components of good governance.....	31
2.6 Western Orientated Governance.....	36
2.7 Good Governance in Africa: A new paradigm?.....	38
2.8 Four selected Components of Governance.....	40
2.8.1 Accountability.....	41
2.8.2 Transparency.....	44

2.8.3 Rule of Law.....	45
2.8.4 Public Participation.....	49
2.9 Summary.....	54

3. GOVERNANCE IN SUB-SAHARA: OVERVIEW OF SELECTED CASE STUDIES

3.1 Introduction.....	55
3.2 South Africa: Colonialism and Apartheid to the inception of Democracy.....	59
3.2.1 Parliament and the separation of powers.....	64
3.2.2 Implications of Checks and Balances.....	71
3.2.3 South African approach to public participation.....	74
3.3 Botswana: unique colonial history.....	81
3.3.1 Post-colonial State Institutions.....	86
3.3.2 Executive branch.....	90
3.3.3 Botswana's Westminster parliamentary system.....	92
3.3.4 Inherited British judicial system.....	93
3.3.5 Institutions and Forums for public participation.....	95
3.4 Overview of Namibian history.....	100
3.4.1 Namibian colonial history.....	101
3.4.2 Separation of Powers and the Executive branch.....	103
3.4.3 The Legislative branch.....	104
3.4.4 Namibian Judicial System.....	106
3.4.5 Political Institutions and Governance Practices.....	109
3.4.6 Forms of Public Participation in Namibia.....	112
3.5 Summary.....	121

4. ANALYSIS OF GOOD GOVERNANCE IN SUB-SAHARAN REGION: SOUT AFRICA, BOTSWANA AND NAMIBIA

4.1 Introduction.....	122
4.2 Conceptual orientation: Western-orientated governance.....	122
4.3 Liberal Democracy: an African application.....	126
4.4 State Institutions and Separation of Power.....	130
4.4.1 South Africa.....	131
4.4.2 Botswana.....	138
4.4.3 Namibia.....	144
4.5 Public participation: reality or African myth?.....	148
4.6 Summary.....	162

5. FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction.....	164
5.2 Discussion and Recommendations for Sub-Saharan countries.....	168
5.2.1 Multi-party systems.....	168
5.2.2 Independence of the Judiciary: respect for the rule of law.....	174
5.2.3 Western-orientated governance: unique application of sub-Saharan African countries.....	183
5.3 Mechanism for improving and facilitating public participation.....	189
5.4 Conclusion.....	198
5.5 Recommendations for future research.....	201
6. Bibliography.....	202

LIST OF ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
AGI	Africa Governance Inventory
ACBF	African Capacity Building Foundation
AGGN	African Good Governance Network
AGF	African Governance Forum
ANC	African National Congress
APRM	African Peer Review Mechanism
AU	African Union
ASHR	Annual State of Human Rights
AG	Auditor General
BALA	Botswana Association of Local Authorities
BFTU	Botswana Federation of Trade Unions
BEAC	Business Economic Advisory Council
CKGR	Central Kalahari Game Reserve
CGE	Commission for Gender Equality
CRL Commissions	Commission for the Promotion and Protection of the Rights of Culture, religious and Linguistic
CCMA	Commission of Conciliation Mediation and Arbitration
DA	Democratic Alliance
DCCs	District Development Committees
EFF	Economic Freedom Fighters
ECN	Electoral Commission of Namibia
FPTP	First-Past-The-Post

FDI	Foreign Direct Investment
FDI	Foreign Direct Investor
FCC	Francistown City Council
GMA	Governance Mechanism in Africa
GOB	Government of Botswana
GDP	Gross Domestic Product
HLCC	High Level Consultative Council
HDI	Human Development Index
IEC	Independent Electoral Commission
ICT	Information Communications Technology
ICCPR	International Covenant of Civil and Political Rights
IDP	Integrated Development Planning
IFI	International Financial Institutions
IMF	International Monetary Fund
JSC	Judicial Service Commission
LFTS	Local Government Turnaround Strategy
MP	Member of Parliament
NHIES	Namibia Household Income and Expenditure Survey
NANSO	Namibian National Students Organization
NBC	National Business Conference
NCOP	National Council of Provinces
NDD	National District Development Conference
NEMIC	National Employment, Manpower and Incomes Council
NHI	National Health Insurance
NIS	National Integrity System
NP	National Party

NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organization
OAG	Office of the Auditor General
OECD	Organization for Economic Cooperation and Development
ODI	Overseas Development Institute
PAC	Public Accounts Committee
PEEPA	Public Enterprises Evaluation and Privatization Agency
PSC	Public Service Commission
PP	Purchasing Power Parity
RDP	Rally for Democracy and Progress
RDC	Rural Development Council
SAP	Social Assistance Programme
SAPD	South African Police Department
SABC	South African Broadcasting Corporation
SADC	South African Development Community
SAHRC	South African Human Rights Commission
SAIIA	South African Institute of International Affairs
SWAPO	South West Peoples' Organisation
SAD	Southern African Development Community
SONA	State of the Nation Address
SSA	Sub-Saharan Africa
TI	Transparency International
TB	Tuberculosis
UDF	United Democratic Fund
UNDHR	United Nations Declarations of Human Rights
UNDP	United Nations Development Programme

UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNSC	United Nations Security Council
UN	United Nations
VDCs	Village Development Committees
WB	World Bank

CHAPTER 1

1. INTRODUCTION

Africa is a beautiful continent with the largest untapped natural resources in the world which includes; gold, diamonds, oil, natural gas and various minerals and fruits. However, one can argue that Africa's natural resources are also the biggest “curse” for the continent. The African continent's history consists of colonial legacy, armed conflicts, mismanagement, lack of rule of law and corruption. Conflict has been one of the most consistent challenges for governments in Africa and sub-Saharan region for the last four decades which is challenging for governments to govern (Wani, 2014: 5). The colonial era is historically known as the “Scramble for Africa” which officially commenced during the 1884-1885 Berlin Conference (Michalopoulos & Papaioannou, 2011: 1). Prior to the colonialization by European and United States leaders, African continent was relatively successful especially in trade. The “Scramble for Africa lasted for 20 years until the first independence by Ethiopia and Liberia in 1912 (Settles, 1996, 1-2). The African continent differs from the rest of the world in so many aspects. Africa has its own kind of civilization, traditions and value systems associated with their culture, religions, languages and unique forms of conflicts. The period of colonials in Africa literally almost destroyed the continent. The colonial rulers literally ensured the failure of Africa's transition to independence through their “*common policy of divide and rule, their effective use of tribalism, racism and assimilation to promote their policies*” (Wani, 2014: 6). Once African countries gained their independence, it called for unity in Africa and a new form of governance.

Governance is not a new phenomenon to Africa and has been debated since the 1960s following the independence of some African countries. The concept of governance has in recent times been netted by political leaders, international institutions and by the national and international communities (Mekolo & Resta, 2005: 1). According to Alence (2004: 163), governance and political institutions has become high on the priority list for African development agenda. Governance is

concerned with how a particular state is being governed, the manner in which state affairs are administered and regulated. It further embraces how national resources are managed and distributed among the state and its citizens (Mbao & Komboni, 2008: 50). In the late 1980s, African states faced great limitations due to weak policy formulations, ineffective public administration and corruption. Later, consensus was reached that the dysfunctional political institutions and governance played a vital role in the failure for African states development strategies – whether orientated towards capitalism, socialism, self-reliance or global integration. The collapse of the Soviet Union eliminated the superpower rivalry that previously discouraged Western governments from linking bilateral aid to democracy. African countries were eager to attract financial assistance, felt the pressure to transform and promote and practice more open and competitive political regimes. This resulted in a new wave to focus on broader approaches to governance and move away from only focusing on public-service reform to foster political responsiveness and accountability.

Good Governance: an African Regional Perspective

The Constitutive Act of the African Union Act Article 3(a), embraces the promotion and implementation of democratic principles and institutions, public participation and good governance. Democracy and Good Governance was endorsed by the African Union's New Partnership for Africa's Development (NEPAD) because they see these as being vital to achieve sustainable development (Alence, 2004: 164), (Mbao & Komboni, 2008: 52). Therefore, Haruna and Kannae (2013: 493) states that *"for more than two decades good governance reform policies has swept through sub-Saharan Africa like wildfire"*. However, Grindle (2004: 527) argues that the dilemma associated with implementing governance agenda can be traced to the international development community that defines them on an ever growing list. In an attempt to promote adherence to the codes and standards in the Declaration, the APRM was established in 1992, Durban South Arica at an inaugural summit of the African Union (AU). The primary purpose of the APRM is to *"foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration through sharing of experiences and reinforcement of successful and best practices, including identifying deficiencies and assessing the needs of capacity-*

building” (Mekolo & Resta, 2005: 12). Therefore, it is argued that the APRM voluntary pursues a greater standard of democracy, human rights issues and economic management. In addition, their members’ voluntary yields to losing a small amount of sovereignty to their peers. The foundation of the APRM is based on the promoting and upholding of clean government, transparent economic policies, participation and a multi-party political system (Mbao & Komboni, 2008: 52-53). Governance in recent years has become a major focus point in Africa which produced key milestones. The Summit Meeting held in La Baule-France, where the Heads of States and leaders of African countries gathered with the president of France is a historical turning point where governance was adopted in order to form relations with the international community (Mekolo & Resta, 2005: 11). This resulted in tools and strategies which African countries would adopt to assist in their attempt to implement governance principles. The African Governance Forum was instigated in 1997 in Ababa, Ethiopia by the United Nations Development Programme (UNDP) and the United Nations Economic Commission for Africa (UNECA). The AGF’s main objective was to assist African governments supporting democratic and participatory governance in their quest to promote good governance practices. The outcome of the AGF resulted in the development of the Africa Governance Inventory (AGI) in 1999 by the UNDP and the UNECA (Mekolo & Resta, 2005: 11). The AGI serves as a management tool used by African governments to promote and monitor governance policies, activities, programmes, coordination, evaluation, mobilization of resources and the promotion of regional partnerships. The AGI also serves as a platform for African governments eager to share information on their governance initiatives and problems they have experienced. The AGI has since become a beneficial tool for the promotion of transparency, ownership, partnership and result-based management (Mekolo & Resta, 2005: 11-12). Good governance is considered to be one of the most important conditions for human development and therefore cannot be ignored any longer. Over the past two decades good governance has been formally recognised as a major policy consideration that makes significant differences to development. A democratic government is capable of responding more sufficiently to the needs of the people such as providing opportunities in education, health and social welfare, housing and infrastructure development (Sebudubudu, 2010: 250).

1.2 ANALYTICAL AND CONCEPTUAL FRAMEWORK OF STUDY: GOVERNANCE

At the beginning of the new millennium, the term governance was one of the most widely used terms in Social Sciences. The term also topped the search for the term globalisation which had dominated the Social Science discourse during the 1990s (Blatter, 2012: 2). The term “governance” is considered omnipresent, simply put, it is everywhere. Scholars explain the omnipresent of governance, as a theory that appears in diverse academic disciplines which includes development studies, economics, international relations, geography, political science, public relations, planning, administrations and sociology. Bevir (2010: 1) argues that there are too many scholars/ academics that take ownership over the word and therefore does not see the need to engage with others from different disciplines.

A broad definition of governance refers to theories and issues of social coordination and the nature of all patterns of rule (Heywood, 2007: 450). Furthermore, governance also refers to new theories and practices of governing and the dilemmas to which they give rise. Governance as understood in the field of Political Science discipline as a way of doing something (Bervir, 2010: 1-3). Governance as a concept is considered to be multi-faceted which is present in the execution of authority which is found in both formal and informal institutions. Some argue that the quality of governance is determined in the exercise of power which is enjoyed by its citizens (Huther & Shah, 1998: 2). According to the World Bank governance speaks to the institutional competency of public organization to provide the public goods demanded by a country's citizens or their representatives in an effective, transparent, impartial and accountable manner (Kerandi, 2008: 3). The concern of governance in sub-Saharan African (SSA) countries was first raised in 1988 in the World Bank report evaluating ten years of structural adjustment which highlighted severe institutional and managerial weakness in both the public and private sectors. The International Monetary Fund (IMF) defines governance as the manner in which a country is governed which includes their economic policies and regulatory framework that ensures the rule of law, improving their efficiency and accountability of the public sector. According to Kerandi (2008: 2), there is no universal meaning for the term

good governance or governance. Ahrens (2001) further builds on this argument and adds that no universal agreement reached on how governance should be defined or incorporated into policy reforms. This is why donor organizations hardly ever discuss governance in full, neither do they explain why one particular component of governance and while others are sometimes omitted. For instance, the ADB define good governance as (accountability, participation, predictability and transparency), while the European Commission defines it as (openness, participation, accountability, effectiveness and coherence), compared to the OECD includes (accountability, transparency, efficiency and effectiveness, responsiveness, forward vision and the rule of law), (Gisselquist, 2012: 8). The table below further demonstrates how international institutions weigh some components of governance components as being more important than others. Simply put, some organisations do not even recognise the components and operate on their own value framework.

The table 1.2.1 on the succeeding page indicates the value framework of other organizations/ institutions namely; the African Capacity Building Foundation (ACBF), United Nations (UN), Organization for Economic Cooperation and Development (OECD), World Bank and the Overseas Development Institute (ODI). This table below highlights certain criteria set to obtain good governance by various organisations.

Table 1.2.1 Governance Components and Value Frameworks

Components	ACBF	World Bank	UN	OECD	ODI
Accountability	X	X	X	X	X
Effectiveness	X	X	X	X	
Efficiency	X	X	X	X	X
Transparency	X	X	X	X	X
Openness	X	X	X	X	
Rule of Law		X	X	X	
Participation			X	X	X
Partnership	X		X		
Sustainability	X	X	X		
Ownership	X				
Leadership	X				
Decency					X
Fairness					X
Poverty reduction	X	X	X		

Source: Adopted from (Haruna & Kannae, 2013: 497).

Table 1.2.1: Indicates the different governance components and value frameworks of the following organizations/ institutions namely; ACBF, World Bank, UN, OECD and ODI. Due to the complexity of achieving good governance, Grindle (2004: 527) has replaced the term “*good governance*” with “*good enough governance*” which refers to the condition of minimally acceptable government performance and civil society (Kerandi, 2008: 7). This draws attention to Johnston’s (2013: 3) argument that good governance requires that the state has more power or political will in order for it to succeed. Due to complexity of achieving good governance it is important to discuss the key components of good governance as they are interwoven. For example, Johnston (2013: 3) argues that the rule of law, transparency and accountability are not merely technical questions of administrative processes or institutional designs but they are outcomes of democratization.

1.2.1 Conceptual clarification

Public participation as a principle of governance is important as it ensures that public goods reflect the voter's preference and accountability. Public participation is only possible in a state that enjoys political freedom where political stability triumphs (Huther & Shah, 1998: 11). The importance of public participation cannot be emphasised enough, because it reflects the ability of the peoples' voice that speaks to the legitimation of the state. This broad participation is built on freedom of association and speech which can be done in the form of voting and public hearings (Graham, Amos & Plumptre, 2003: 3). There have been incidences in Uganda, Tanzania, Ethiopia, Liberia and Kenya where the lack of good governance practices resulted in poor public participation and even threaten political stability (Kerandi, 2008: 11). According to Ghai (2003: 3), public participation is indeed an essential value democracy, and has since resulted in the political recognition of minority or ethnic groups and their culture in political rights. However, there are only a few international and regional organizations such as the Universal Declaration of Human Rights (UDHR) and the International Covenant of Civil and Political Rights (ICCPR) that promote the protection of citizens to participate in government affairs. These international instruments protect the rights of citizens to vote, and the UDHR places emphasis on the fact that the will of the people shall be reflected in government (Ghai, 2003: 6). In recent years, donor-sponsored assessments and evaluations of governance have been directly linked to good governance components which include; public participation, human rights, free and fair elections and civil freedom (Adetula, 2011:19).

When **good governance** is practiced properly it encompasses **legitimacy**, **accountability** and effective manner of obtaining public power and resources in the pursuit to serve society (Johnston, 2013: 3). It is only through the implementation of proper good governance practices that different interest can reach broad **consensus** on policies and procedures (Graham, et. al, 2003: 3). In Kenya for example, is an applicable case study where poor governance and lack of respect for the rule of law occurred. The country found itself at crossroads because factions could not agree on the nature of their constitutional reforms which dragged on for over 15 years (Kerandi, 2008: 11). The promotion and protection of the "*rule of law*" is important

because where it is present the society upholds it without any fear. Therefore, genuine rule of law requires cooperation and the respect of the rule of law by both the state and the society (Johnston, 2013: 4). This was however not the case in Kenya, the 15 year process created uncertainty and is known as the most significant transition conflict in Kenya to date. The case of Kenya demonstrates the importance of political stability during the process of constitutional making and respect for the rule of law (Kerandi, 2008: 11). People who disobey the rule of law face not only legal penalties, but also criticism in the news, social media platforms, popular disapproval and punishments from professional and trade associations (Johnston, 2013: 4). Hence, the rule of law is where government ensures that the law is equally transparent laws, regulations and codes are followed by all who resides within its borders (Gisselquist, 2012: 8). According to Kerandi (2008: 13), the dilemmas faced by most SSA countries can be traced back to poor governance where there is a lack of institutionalizing the rule of law which has been the case in 50 African countries, reported by Sikota Wina of the *The Post* daily newspaper in Zambia in 2005. Departing from this argument, here the importance of transparency is vividly demonstrated. Transparency refers to business being done in such a manner that substantive and procedural information is understandable and available to all groups of people within a society. However, this information is also subject to reasonable limits protecting security and privacy of the state. Transparency also requires that there are sufficient resources available to offer well-organized and influential interest by others (Johnston, 2013: 3-4).

Transparency is important because it provides all stakeholders with the confidence in the decision-making and management processes of the state. In order to ensure this, the criteria for decision making needs to be recorded as well as the actions that followed. When practicing good governance, the transfer of information needs to be accurate and consistent at all times. In terms of management, there need to be a clear management structure that indicates the levels of authority, with clear delegation arrangement. Citizens need to have a proper understanding of the legal constitution, the nature of the state's governance and funding arrangements (O'Reilly, 2009: 6). Simply put, transparency is built on the free flow of information from the state to its citizens. Most importantly, the free flow of information should not only be

understood but should also be closely monitored (Graham, et. al, 2003: 3). Transparency is also intertwined with accountability. An example of how states implement transparency and accountability is seen when South African President Jacob Zuma's January 8th 2016 statement in Rustenburg. The President Zuma informed South Africans that the White Paper on the National Health Insurance (NHI) scheme has been published and South Africans to participate and provide government with their feedback (Zuma, 2016: 17). This example indicates how transparency and accountability are linked. The South African President informed citizens about a proposed policy which government is accountable to ensure the public participates by giving inputs on the policy. Hence, accountability should ensure that officials are following acceptable processes and outcomes to ensure that they remain responsive to the public. Accountability in a state requires that there is transparency, because both functions best where laws are sound and supported by the citizens (Johnston, 2013: 3). Furthermore, all members of the state, staff members, governing body needs to be held accountable for their actions and the management of funds but should however not interfere with the independence of the office holder (O'Reilly, 2009: 3). This level of accountability depends on the organization and if the decisions being taken is internal or external in nature (Graham, et. al, 2003: 3).

Good governance practices ensure that government is **consensus orientated**, which will enable government to be responsive to citizens. Additionally, efficiency and effectiveness plays a significant role when government has to ensure that services are delivered to all those who resides in its borders. Ghana is one of the states in sub-Sahara Africa that has done relatively well in good governance. The Electoral Commission of Ghana is the official body in Ghana that is solely responsible for all their public elections. The Electoral Commission of Ghana is constitutionally recognised by the 1992 Ghana constitution and their current commission was established by the Electoral Commission Act 451 of 1993 (Electoral Commission of Ghana, internet). According to the United Nations Declarations of Human Rights, (Article 21) the will of the people shall be the basis of the authority of government: this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage (Graham, et. al, 2003: 3). Ghana is one of few

countries in sub-Saharan Africa that had led by example and has been a stable democracy since the introduction of constitutional democracy in 1992. Ghana has elections every four years which speak to the legitimate process of the state (Politics in Ghana, n.d: n.p). Ghana's elections processes have proven to be efficient and voting takes place in an effective manner. Ghana has ensured that an independent Electoral Commission of Ghana which forms part of the highest legal document in their country, namely their constitution. Governments measure their **efficiency and effectiveness** by examining whether their outputs match their inputs of the policymakers. They ensure that they provide services of good quality at the best cost available (Gisselquist, 2012: 8). This is also an indication of their responsiveness towards their citizens. In a state where good governance principles are implemented correctly it allows government to be responsive to the needs of the people. A responsive government is flexible and can respond accurately to the ever changing environment of its citizens thereby re-examining the role they play (Gisselquist, 2012: 8).

The components of good governance are all linked as demonstrated through this section with examples. Another sub-Saharan state that has made substantial efforts to implement good governance practices is Zambia. According to the United Nations Declaration of Human Rights (UNDHR), (Article 1) all human beings are born free and equal in dignity and rights. Furthermore it states that everyone are entitled to their human rights without any bias or discrimination such as race, colour, sex, language, religion, political or other opinion or social origin, property, birth or any other status (Graham, et. al, 2003: 4). Zambia has successfully managed to implement **equitability and inclusiveness** while being responsive to the needs of its citizens. In Zambia, the Human Rights Commission was established in 1997 and is mandated, inter alia to investigate any form of human rights violations, maladministration of justice and recommend methods to preclude human rights abuses. Zambia is responsive to the need of the people to protect and monitor human rights violations hence they produce an Annual State of Human Rights (ASHR) report. The ASHR report is easily accessible to public which demonstrates their acceptance of accountability and transparency of ensuring the free flow of information to their people (Zambia Human Rights Commission: internet). The

above mentioned components of good governance have been accepted to some extent by the international community. However, for the purpose of this study the only elements that will be focused upon is public participation, accountability, the rule of law and transparency which will be discussed in more detail in Chapter 2.

1.3 PROBLEM STATEMENT

Poor governance is considered to be one of the most important factors contributing to poor economic performance in most developing countries. Therefore, the World Bank has continuously linked poor governance to poor economic performance in sub-Saharan African (SSA) (Kerandi, 2008: 1). Although there is an active pursuit and implementation of good governance in SSA, there are daunting challenges to be considered in order to achieve the implementation of governance agenda (Kerandi, 2008: 11). Mekolo and Resta (2005: 21) further add that, despite numerous conferences towards the implementation of governance components, there is still inconsistencies between governance as a concept, the implementation of good governance practices and strategies. There is room for improvement to ensure a holistic manner in which the state, the civil society, the citizens and private institutions implement good governance. Furthermore, all actors need to improve on their implementation of their actions and there is a need to priorities achieving good governance in order to remain focused on the public interest and common good of all who resides within state borders. There are still African countries that should encourage and enforce the respect to the rule of law. The encouragement and enforcement should be centred on its leaders and its citizens because the lack of respect for the rule of law leads to great challenges of the country's stability. There is an overall improvement required to strengthen enforcement mechanisms especially the protection of rights of vulnerable minority groups (Mekolo & Resta, 2005: 22). Kerandi (2008: 11-12) agree that there is a need for constitutional reforms and institutionalizing of the rule of law. This implies that the democratic government must be based on the rule of law and that all people within state borders should adhere to it. Some of these daunting challenges are present in the countries that are identified in the case study, namely; South Africa, Botswana and Namibia.

1.3.1 Challenges of good governance

1.3.1.1 South Africa

Corruption is one of the factors that threaten good governance in South Africa. Some have argued that corruption is challenging to measure due to its complex nature. According to van Vuuren (2014: 4), corruption has emerged in the last decade and numerous activities has been reported at national, provincial and local level. Financial misconduct has been problematic issue in South Africa as the report submitted to Parliament by the Public Service Commission (PSC). According to the report by the PSC report, cases of financial misconduct has doubled from 434 in 2001-2002, to 1,035 in 2010-2011 reaching the highest value of sum money at R 1 billion in 2011. It has been reported that over 90% of the money during the specified financial years has not been recovered. This threatens the state's ability to deliver services to its people. There has reportedly been some lack of transparency from public officials regarding disclosure of their assets and interest on an annual basis. The City Press in 2011 reported that 3,726 managers (out of a total of 12,405) at both national and provincial levels failed to submit financial disclosure forms. This causes a concern as it represents 30 percent of senior managers in key portfolios such as local government, housing, public works and transport (van Vuuren, 2014: 5). Public official's failure to disclose their assets could cause doubt in the citizens of the country and it is important that transparency is exercised at all times within a democracy.

According to the Auditor General, irregular expenditure at national level has increased from R228 million in 2007 to over R2.2 billion. At provincial level, irregular expenditure has increased from R 4 billion in 2007 to R16.7 billion in 2010 (van Vuuren, 2014: 6). Legislature portfolio committees have the responsibility to conduct practical oversight on work done by Members of the Executive Council. Therefore, Members of the Executive Council is accountable to the legislature. The portfolio committees are responsible to ensure that all state finances are utilized in an optimal manner. These portfolio committees include; Public Accounts (includes Municipal Financial performances), Government Business, Social Development (includes Education, Health and Social development), and Economic Development (Free State

Legislature Website). However, the performance of numerous municipalities in South Africa has major deficiencies in fulfilling their constitutional and legislative obligation. Municipalities have also received criticism regarding poor service delivery which has been linked with poor financial management by officials (Koma, 2010: 112). This raises a concern, according to the South African Constitution of 1996, Section 152, a development state implies that municipalities assume a greater and significant role in economic and social development (Koma, 2010: 113).

1.3.1.2 Botswana

There has been an increase of lack of public participation in Botswana. While public participation during elections was high in sub-Saharan Africa in the 1990s, it was not the case in Botswana. During Botswana's national elections in 1999 there was a low voter turnout only 42% of the population participated in the national elections. In comparison to the rest of sub-Saharan Africa which was approximately 80% participation, this was a major disappointment. Some have argued that Non-Governmental Organisations (NGOs) from Botswana are reluctant to question issues relating to human rights, gender equity, capital punishment, political education, the San and democracy (Cook & Sarkin, 2010: 477). The Botswana government has also received criticism regarding the severe limitation placed upon the freedom of media in the country. Although there is the presence of independent media in the country, government seems to dominate the majority of the media platforms through; state television, two radio stations and its newspaper, the Daily News (Cook & Sarkin, 2010: 478). Government's domination is evident for instance, the office of the President has direct control over the Daily News and public officials are prohibited to speak to the press. This is a form of lack of participation as the Botswana government dominates the flow of information to its citizens. The Botswana government has the responsibility to ensure poverty levels are decreased. Even though Botswana received great appraisals for its economic development, only the elite benefited and not the majority of its people. According to the U.N. Development Programme Human Development Indicators, "Botswana ranks third place in the world in its Gini coefficient; a measure of the inequality of income distribution, behind Comoros and Namibia" (Cook & Sarkin, 2010: 479). Simply put, majority of the population is not benefitting; between 2000 and 2007 – 31.2% of the population lived on less than \$1.25 per day, 49.4% lived on less than \$2 per day in comparison to the

10% of the population that enjoy 51.2% share of income or expenditure (Cook & Sarkin, 2010: 479). There is a lack of accountability to uphold Human Rights. Although Botswana is a member of various international treaties and conventions, it shows little support for human rights agreements. Botswana government never submitted their report to the African Commission on Human and Peoples' Rights and also failed to submit report to the Committee Against Torture (Cook & Sarkin, 2010: 481 - 482). Reports of maladministration and corruption in general are present in Botswana. According to Mbao and Komboni, (2008: 55) Botswana's issues related to maladministration and corruption threatens good governance efforts by the government of Botswana. There have been concerns raised regarding Botswana's Separation of Powers: There has been concern of the amount of power vested in the President. It has been reported that the democratic principle of separation of powers is undermined. Instances has been reported where members of the Auditor General's office was removed and placed on the bench in the High Court (Fakir, 2009: 6).

1.3.1.3 Namibia

Namibia, like other countries in sub-Saharan Africa faces challenges of maladministration and corruption through the abuse of power by public officials. This threatens the state's efforts to create a culture of good governance in its government (Diescho, 2000: 31). Criticism has been placed on Namibia regarding their level of accountability and transparency: The government of Namibia should be accountable to their people and not use public funds for personal gains as did Minister of Fisheries and Marine Resources who got business people to contribute to his wedding banquet. President Nujoma viewed this as a normal African practice and saw this as a practice of African culture (Diescho, 2000: 36). Public participation in elections of Namibia has always been relative good and consistent. Since the 1989 independent elections compared to the 2004 elections, voter turnout has been good. This is the case at both the National Assembly and Presidential Elections, however this has not been the case at Regional Council and Local Authority elections (Du Pisani 2009: 24). Some observers see this as a cause of concern regarding public participation and there is room for improving voters' turnout which the Namibian government should pay attention to. Du Pisani (2009: 25) further argues that

Namibia's voting patterns also suggest that race plays a significant role in voters' behaviour. Black Namibians have consistently voted for smaller opposition parties rather than for Swapo. The Namibian Constitution (1998: 9-17) Chapter 3 stipulates the Fundamental Human Rights and Freedoms of the people of Namibia. Chapter 3 includes; freedom of thought, conscience and belief, freedom of religion, freedom of assembly and association. However, some observers indicate that there is a need for significant improvements for opportunities available to the civil liberties since 1990. The major concern is the freedom of speech which is dominated by the Namibian government due to lack of diversity. The Namibian state is the largest media owner, following the selling of shares in Free Press Printers, the state now monopolises the media. The Free Press Printers are responsible for printing the *Republikein*, *Algemeine Zeitung*, *New Era* (a government funded paper) and the *Namibian Sun* (du Pisani, 2009: 26). Corruption does not occur in isolation, it is a part of peoples psyche and the environment they live in. If their environment is characterised by nepotism, administrative corruption, favouritism, bureaucratic intervention, official self-enrichment and protection rackets, may result in a person indulging in such activities. Despite numerous internal and external institutions, corruption, maladministration is still present which threatens good governance in a democratic state (n.d., 1997: 11-12). This is why there is a need to investigate Western-orientated governance in SSA, with special reference to South Africa, Botswana and Namibia. Western countries application of good governance is held at universal standards. This is also the case for African countries who struggles to build strong civil societies that will uphold good governance principles. This study seeks to investigate the impact of Western-orientated governance in SSA.

1.4 RESEARCH QUESTION

This research will look at the impact of Western-orientated governance on sub-Saharan States making special reference to South Africa, Botswana and Namibia. For the purpose of conducting this research, the following research questions are phrased:

- 1.4.1 *What has been the impact of Western-orientated governance on sub-Saharan states, specifically the impact on South Africa, Botswana and Namibia?*
- 1.4.2 *How has South Africa, Botswana and Namibia implemented the following good governance components; accountability, transparency, the rule of law and public participation?*
- 1.4.3 *Centred on the outcomes of the impact of good governance on the identified sub-Saharan African states; what recommendations does this study provide?*

1.5 AIM AND OBJECTIVES OF THE STUDY

With the background presented above, the main aim of the study is to investigate the impact of Western-orientated governance on sub-Saharan States with special reference to South Africa, Botswana and Namibia. Within the ambit of the aim, the secondary objectives of the study are set out as the follows:

- Provide the conceptual and theoretical framework of good governance and its key components; accountability, transparency, the rule of law and public participation. This objective seeks to explore whether theory can be translated into policy documents and the implementation in South Africa, Botswana and Namibia.
- Evaluate good governance practices of the identified countries from the case study by providing an in-depth discussion on political institutions, legislature and judicial systems. This section sets out to look at whether the four key components of good governance (namely, accountability, transparency, the rule of law and public participation) is applied to the political institutions, legislature and judiciary system of South Africa, Botswana and Namibia.
- Provide an impact analysis of good governance practices in sub-Saharan region with special reference to South Africa, Botswana and Namibia. The impact analysis seeks to include the lessons learned from the respective sub-Saharan states. If conceivable, comparison will be draw between

these three countries and determine what lessons can be learned from their respective experiences.

- To draw conclusions and provide recommendations based on the findings of the research.

1.6 RESEARCH DESIGN AND METHODOLOGY

Ontology can be described as the nature of reality while epistemology can be described as the relationship between the researcher and the reality and how this reality is known. There are two dominant ontological and epistemological traditions namely; Positivism and Interpretivism (Edirisingha, 2012: *n.d*). The *positivist ontology* firmly believes that the world is external from the researcher's beliefs. Hence, they utilise structural approaches when conducting research and are clear on the research topic then identify an appropriate research methodology. Therefore, positivist maintains distance from the participants in order to remain emotionally neutral and employs statistical and mathematical techniques which are central to positivist research. The *interpretivist ontology* and *epistemology* is embedded in believe that the *reality* is multiple and relative. Interpretivist's knowledge is socially constructed instead of objectively determined. Contrasting to positivist, interpretivist do not make use of structural frameworks of research but rather makes use of a flexible research structure. Interpretivist believes that researches and participants are interdependent and mutually interactive. Interpretivist embarks on a field with prior insight and remains open to new knowledge. Therefore, interpretivist research aims to understand and interpret the meanings of human behaviour rather than to generalize and predict causes and effects and taking a non-quantitative research methodology approach (Neuman, 2000 in Edirisingha, 2012).

This research is situated in the interpretivist tradition and has three major dimensions namely; *ontology*, *epistemology* and *methodology*. *Ontology* is characterised by multiple realities which can be explored and constructed through human interactions, and meaningful actions. *Epistemology* focuses on how events are understood through the mental processes of interpretation that is influenced by interaction with social context. Some have argued that the bases of work done by political scientist

are from their ontological and epistemological positions. These are never explicitly visible but are evident in their methodological approach to their research (Poetschke, 2003: 2). *So what does this mean for this study?* The researcher believes that there is no external reality. The researcher will attempt to *investigate the impact of Western-orientated governance on sub-Sahara states*. The *positivist* approach would choose one state to determine the impact of western governance on sub-Sahara states and through statistical evidence then generalize their findings and assume the impact is applicable to all sub-Sahara states that employ Western-orientated governance. In contrast, the interpretivist approach will attempt to investigate the experience of each sub-Sahara state, in this study South Africa, Botswana and Namibia has been identified. Interpretivist ontological approach to this study is departing from the assumption that there is no single external reality for these three countries. Interpretivist epistemological approach would be to focus on specific aspects state structures that are influenced by Western-orientated governance, focus on each state's understanding, implementation and impact of these practices. The interpretivist main concern with the data would be to understand and interpret its meaning; therefore they would primarily make use of non-quantitative research techniques. The research dimension relevant to this study is methodology which is the process of data collection through either text, interviews or reflective sessions (Thomas, 2010: 292, 298). In view of this comparison between positivism and interpretivist traditions, the researcher for the purpose attempting to investigate this study chooses the interpretivist tradition.

According to Babbie and Mouton (2001: 74) research design is explained as a plan that outlines the manner that the research will be conducted. Research design enunciates what data is required by the researcher, what methods are going to be utilised to collect and analyse the data and how it will address the research question (Van Wyk, 2012: 4). The purpose of this inquiry is characterised as descriptive and evaluative in nature. The main aim of utilizing descriptive research is to provide a truthful and valid representation of the factors that are relevant to a particular study (Van Wyk, 2012: 7). This research will make use of a Case Study which will focus on three countries from the sub-Saharan region. The researcher decided to make use of a case study in order to explore the in-depth processes of the three countries

over a period of time (Creswell, 2003: 14-15). The research methodology of this study consists of a literature review through the collection of documents, publications that will enable the researcher to do content analysis and review textual criticism (Van Wyk, 2012: 12).

1.7 LAYOUT OF THE CHAPTERS

The investigation will be divided into 5 chapters.

Chapter 1: Introduction

In the first chapter a theoretical background and the motivation for the investigation is introduced. A brief overview of governance in Africa was discussed and the case study of the three countries from sub-Saharan region was introduced. The problem statement, and aim and objectives, method used, and the layout of the investigation is provided.

Chapter 2: Theoretical perspective

The second chapter will discuss the theoretical perspectives of governance. An in-depth discussion will be provided on the components of good governance. In this chapter the researcher will narrow the theory down to the four components of good governance namely; accountability and transparency, the rule of law and public participation.

Chapter 3: Governance in sub-Sahara: Overview of selected case studies

This chapter provides an historical overview of the three countries identified for the case study namely; South Africa, Botswana and Namibia. The historical overview will focus on their transition from their respective colonial rule to independence and their integration back into the international community. This chapter will discuss how the three countries respectively progress in good governance practices by focusing on their political institutions, legislature and judiciary systems.

Chapter 4: Impact analysis of good governance in sub-Saharan region: South Africa, Botswana and Namibia

The fourth chapter will link the three countries' implementation of Western governance with the components of good governance which have been identified.

In this chapter, the evaluation of the study will be included. The political institutions, legislature and judiciary systems of these three countries will be evaluated to determine whether; accountability, transparency, the rule of law and public participation have been successfully implemented into the state structures. This chapter will also evaluate these respective states ability to respond to the needs of their citizens and how the citizens have responded to the implementation of Western governance.

Chapter 5: Findings, conclusion and recommendations

This will be the closing chapter which will summarizing the research findings and provide the reader with recommendations based on the outcomes of the analysis.

1.8 VALUE OF STUDY AND CONTRIBUTION

This study is valuable to the field of Political Studies and Governance because it focuses on the Impact of western-orientated governance on sub-Saharan states with special reference to South Africa, Botswana and Namibia. The researcher anticipates that after the completion of this study, I will be able to contribute towards the literature available on western-orientated governance in sub-Saharan Africa and make reference to impact it had on the countries identified in this study. It is further anticipated that this study will be able to contribute significantly to both Governance and Public Administration fields. This study utilises certain components of governance to evaluate the impact of western-orientated governance by looking at how it was implemented in each identified state respectively. The researcher aspires to publish this study in both South African and International Journals as this topic is still widely debated by the international community. The researcher is optimistic that the results of this study will be useful to policymakers, politicians, actors in international relations (state and non-state actors), lecturers and students from across the globe. The researcher firmly believes that during the process of this study, new knowledge will be discovered which could assist the above mentioned stakeholders and will contribute towards intellectual growth and improved understanding of the implications of western-orientated on sub-Saharan states.

CHAPTER 2

THEORETICAL FRAMEWORK

2.1 INTRODUCTION

Governance has become one of those concepts tied to increasing the phenomena of social developments. The term good governance is often tainted or misconstrued by linking it to various indicators, resulting in making the implementation almost impossible to achieve. Therefore, often governments find themselves in conflicting situations by having to determine between doing the right thing and doing what is urgently needed to set the situation right (De Vries, 2013: 2). It has been noted that since the early 1990s, the concept “good governance” was deemed as necessary to ensure sustainable development and poverty reduction among international organizations (Simonis, 2004: 2). Chigbu (2010: 5) adds that the concept good governance has emerged as a principle of international law, one which African countries are expected to adhere to. At the most basic level, governance is understood as theories and dilemmas of social management and the nature of all forms of rule (Bevir, 2010: 1). However, Grindle in (De Vries, 2013: 3), argues that good governance agenda has become an unrealistically long and growing over time. Furthermore, there is little guidance available to governments, on what should be done in the long and short terms, what is practical and what is not. If more consideration is given to the term “*good enough governance*”, then it could become an alternative solution for many governments. Good enough governance is viewed as a form of governance that rank high on those factors that are important to address or reduce societal problems.

According to the Secretary General of the United Nations, Kofi Annan; “*good governance is perhaps the single most important factor in eradicating poverty and promoting development*” (United Nations University, 2002). This is contradictory with the argument by Collier (2008), in his recent book about the *Bottom Billion*. In his book, he argues that governance is one of those traps for poor countries, which creates unrealistic ambitions that eventually lead to disappointment.

However, De Vries, (2013: 4), argues that the concept of governance has changed the interpretation given 15 years ago, differ immensely from the interpretations today. Therefore, De Vries firmly believes that the steering of developments had to be left in the hands of the societal actors, which had to employ networks where hierarchy hardly played a significant role. Therefore, it is important to discuss the different theoretical perspectives of governance. However, only one theoretical approach and selected components of governance will be identified as the working theory for the purpose of this research.

2.2 THEORETICAL PERSPECTIVES OF GOVERNANCE

What is a theory, or rather how are theories interpreted? The term “theory” originates from the ancient Greek word “theoria”, which meant contemplation. The great philosopher Aristotle referred to theoria as the “*contemplation of the cosmos*”. *Theoria* has evolved over the years and has a different set of connotations from most modern linkages of theory with “scientific construction”. While in the contemporary world of today, a theory refers to a scientific construction (Harrington, 2005: 2). According to Wacker (1998: 361), when defining a theory, it should consist of four basic criteria namely; conceptual definitions, domain limitations, relationship-building, and predictions. Furthermore, one of the importance of theories are that they provide a framework for analysis, assist the efficient development of a particular field and is needed for solving problems in the real world. Some have argued that theory for the sake theory can sometimes become uninteresting form of art. However, the practice without the theory could lead to researchers operating on dangerous grounds. What makes a “good theory” and *what is the importance of theory for both researchers and practitioners?* Firstly, it provides researchers and practitioners with a framework for analysis. Secondly, in terms of specific field development, it provides efficient method for researchers and practitioners. Thirdly, it also provides human beings with clear explanation for the rational world (Wacker, 1998: 361-363). *So what is political theory?* Political theory is concerned with the political relationships among men and more specifically it is concerned with organizations and governments. Political theory is also understood as a branch of political science mainly concerned with current and previous political thinkers (Merriam Webster: 2014: n.d). While Mead (1996: 1) argues that politics have become less focused on

fundamental values and have focused more on personal righteousness and competency. Therefore, political theory must shift as well. According to Bang and Esmark (2013: 23), the nature of state, markets and society is not only vital to governance research as investigative conceptualization of organization and modes of governance, but it is also endemic to the political theories deployed by observers of good governance. The concept governance falls under the category of political theory, however, it only gained status recently because it was always considered one of those *“lost words”* in the English language. Two decades later, it is widely assumed that governance offers a valued and challenging dimension to our understanding of our modern social, economic and political world (Chhotray & Stoker, 2009: 1). According to Toikka, (2011: 7), political scientists have in recent times claimed that there is a new principle of governing societies that have emerged. The older, monolithic governments have been substituted with something more dynamic in nature and flexible. Political scientists have been fascinated by additional stakeholders' involvement such as the private actors who participate in policy-development.

Governance is not limited to a specific political system, a historical era or a policy field. Instead it is considered to be a research framework that can be applied to any policy-making session or context and can include a variety of competing theories or models Toikka, (2011: 8). There are many competing theories and how they understand governance. In the most basic definition, governance theory is about the practice of decision making. There are often complaints across literature that the definitions provided for governance is too vague and no clear guidelines are provided for its implementation processes. These complaints are often conveyed by political scientists, (Chhotray & Stoker, 2009: 3). According to Bevir (2010: 4), **Pluralist** has historically challenged the concept of the state. They have empirically drawn attention to the complex interactions, processes and networks that contribute to governing. The radical and normative pluralist has challenged mainstream concepts of sovereignty and call for greater dispersal of authority to various societies. However, according to **institutionalist theories of governance** there are three different types namely; normative institutionalist, rational institutionalist and historical institutionalist. The normative institutionalism places emphasis on the role

of values, symbols and myths of the individual's needs in order to reshaping the institutions accordingly. In contrast, rational institutionalism utilises assumptions of rational choice theory to understand institutionalism and in order to reshape them. Historical institutionalism emphasises the perseverance of path-dependent rules and modes of behaviour. Therefore, institutionalist has also attempted to explain the rise of new governance. They can be treated as either a dependent or independent variable. Dependent variable typically refers to the response to dilemmas and other challenges in an ever changing environment. While, as an independent variable, institutions will explain the various patterns of governance, the decision-making process and even those that lead to good decisions (Bevir, 2010: 5). The **development governance theory** utilises governance inversely to discuss the status of political institutions for the purpose of economic growth, where political institutions uses older forms of the state as well as networks (Bevir, 2010: 7).

While the **interpretive theories of governance** discard the lasting positivism of most other approaches to governance. Interpretive theories view social life as being inherently more meaningful. Meaning, they see people's actions as being intentional in nature, meaning everything is done for some sort of reason. Therefore, majority of theorist concludes that social explanations necessarily involve recovering beliefs and the context of an even wider meaning. On the other hand, interpretive theory regularly challenges the idea of a set of tools for managing governance. For instance, they appeal more to "*telling stories*". The "*telling stories*" as appose to managing governance refers practitioners who discuss their experiences and depart from there in order to explore various possible actions for the future (Bevir, 2010: 5). Bob Jessop in chapter 8 of the *Handbook of Governance*, discusses the emergence of **metagovernance**. Jessop, argues that the theory and practice of metagovernance is a direct response to the severe governance failure. These failures include the failing of hierarchy which resulted in public sector reforms, intended to enhance marketization. This then resulted in the expansion of networks, however networks also proved to fail in regards to communiqué between relevant actors. Therefore, metagovernance responds to characteristic failure of the different modes of governance. Furthermore, it responds to bureaucratic failure by proposing meta-control and meta-coordination, to market failure with meta-exchanging, and to

network failure with meta-hierarchy (Bevir, 2010: 6). This section briefly discussed different theoretical approaches to governance which has included; pluralist, institutionalist theories of governance, development governance, interpretive theories of governance and metagovernance. However, the researcher ultimately has to identify one working theory for this research investigation. The researcher has identified governance network theory and the succeeding section will include; the origins of governance network theory, governance networks in empirical research and their characteristics and finally the core assumptions of governance network theory.

2.3 The Origins of Governance Network Theory

The idea of governance network is not a sudden emergence, but has built on long traditions. It is evident that over the last 40 years, recent theories on governance networks have built on organizational science, political science and public administration. The quantity of research available from different research traditions would be too elaborative. Hence, Klijn and Koppenjan (2012: 2-3) suggest the focus should rather reflect on three types of research traditions which include the following;

- ***Research on policy networks***

Research on policy networks is generally based on a tradition in *political science* that concentrates mostly on the actors who participates in decision making, those in power and have access to the decision making process. The research on policy network can be traced back to the popular discussions on power in the 1960s, subsystems or sub governments which was later adopted by British research on policy communities and policy networks between the 1980s and 1990s (Klijn & Koppenjan, 2012: 2).

- ***Research on inter-organizational service delivery and policy implementation***

According to Klijn and Koppenjan (2012: 3), this research tradition originates from the *organizational theory* and then adopts an *inter-organizational perspective*. Furthermore, it has a long tradition in organizational science,

commencing with the earlier work on inter-organizational coordination. It assumes that organizations have dependency relationship and need resources from each other in order to survive and therefore interact with each other. The main emphasis of this research tradition is based on coordination (mechanisms); and is therefore regarded as a driving force for service delivery and implementation.

- ***Research on managing networks***

Managing networks research is placed mostly within *Public Administration*. Managing networks is mainly concerned with the complex nature of decision making, problems associated with public policy and achieving policy outcomes. The emergence of this research is traced back to the 1970s with research on inter-organizational decision making and implementation. In addition, managing networks also pay special attention to the deliberation process between actors, probable outcomes and possible conflict that may arise between actors while they are attempting to find solutions to policy problems. Unlike the other two traditions, researchers who follow to this third tradition have anticipated that the governance processes in networks is a result of the development of the (post-) modern network society (Klijn & Koppenjan, 2012: 3). Table 2.1 provides a brief overview of the three research traditions.

Table 2.1. Governance networks in empirical research and their characteristics

Items	Policy networks	Inter-organizational service delivery and implementation	Managing networks
Core origin	Political Science	Organizational science/ inter-organizational theory	Public Administration
Focus	Decision making processes, power relations on issues and agenda setting.	Coordination, effective policy, service delivery, integrated policy and general services.	Resolving societal problems, managing horizontal relations, linking networks to traditional institutions and negotiation processes.
Core research questions	-Which actors are involved in decision making processes? -Which network then exist around the decisions being taken? -What are the effects on decision making?	-What are the appearances of the network around service delivery? -How is the coordination of networks and integrated services done? -Which mechanism (i.e. contracting or partnership, etc.), are effective and efficient?	-How will the management of networks around societal problems be done? -How can traditional institutions be connected and organized to networks? -How can diverse content be improved? -How will the combination of different value judgments take place?
History	Traced back to 1960s: pluralist political science research, focused on subsystems, policy communities and policy networks.	Traced back to 1980s: Initially with inter-organizational theorist focusing on inter-organizational coordination and remains to focus on service delivery, contracting and implementation.	Commenced Mid-1970s with inter-governmental relations. Advanced with analysis of new practises of management which includes their effects and their requirements.

Adopted from Klijn and Koppenjan (2012: 4).

Although these traditions focused on different types of networks, there are some notable common interests. There is a vivid indication that these three traditions have a common interest in the nature of the relationship between the actors. Their interest further rather focuses on the actions and policy of the actors, they amplify the scope of analysis to the context in which policy and policy programs emerge and are sustained (Klijn & Koppenjan, 2012: 4).

2.4 Core Assumptions of Governance Network theory according to Klijn & Koppenjan (2012: 5).

- ***Actors, interdependency and frames***

The network of interdependency of actors is demonstrated in their implementation of policy and service delivery. A majority of the network researches have reached consensus that interdependency is the core factor that initiates and sustains networks. However, emphasis is placed on the fact that all these actors select their strategies based on their perceptions (or frames) of the world and therefore hold different views on problems and resolutions.

- ***Interactions and complexity***

As a result of the nature of interdependency between actors, their different perceptions (or frames) which they depend on, this directly impacts and therefore leads to complex interactions, negotiations, problem solving strategies, policy implementation strategies and service delivery. Therefore, governance network emphasises that the outcomes of policy and policy services are direct consequences of the interactions amongst actors involved and not just caused by one actor.

- ***Institutional features***

The interactions between actors create certain patterns in the institutions. This is understood by governance network theorists as patterns of social relations (meaning their interactions, power relations, etc.) and patterns of rules. Nonetheless, institutional relations also encourage the emergence of rules that regulate actors' behaviour in networks.

- ***Network management***

During the complex processes within networks, clear guidance and management of their interactions are required. This is usually referred to as network management. These activities are meant to facilitate interactions because these platforms provide space to explore new content and an opportunity to organize interactions between the various actors. The fact that network management is horizontal implies that it differs from the traditional intra-organizational management.

2.5 DILEMMAS AND CRITICS ASSOCIATED WITH COMPONENTS OF GOOD GOVERNANCE AND GOVERNANCE NETWORKS

Bervic (2010: 1) argues that new theories, practices and dilemmas of **governance are all collective in actual activity**. These theories assist those who govern and who are governed to act in ways that help give them direction to new practices and how to deal with new dilemmas. Hence the argument is that newly found dilemmas require new theories. The emergence of the concept governance in political science and public administration is the idea that there has been a hollowing out of the state. Some have argued that at a domestic level, the **state has become more fragmented** due to managerial changes such as the introduction of semi-independent government agencies. These semi-independent government agencies and arms-length bodies of different types have assisted governments to deliver policies, programmes and even services. These domestic fragmentations of governments derive from the pressure received by new political forces promoting local and regional decentralisation. At an international level the pressure has also resulted in number of decision forums such as the United Nations, European Union and African Union amongst *inter alia* (Chhotray & Stoker, 2009: 18-19). This is where the second criticism comes in relating to the **importance of different actors in the governance processes**. The concept of governance has always been used to refer to the changing role of the state, an example being the public management reforms of the 1980s Bevir et al, (2003: 13) in (Toikka, 2011:13).

Hence, Kearns (1999) in (Toikka, 2011: 13) argues that **accountability** in networks can be problematic. However, this can vary depending on the context or level of governance; at local level for example, we have seen improvement of participation in democratic governments. However, when it comes to **legitimacy**, it is becomes problematic through the theory of governance. Analysing legitimacy through the theory of governance is a problem when discussion of the historical changes attributed to governance theory, which should be present at most empirical results of research based on the theory. Simply put, governance framework does not assume a power structure. Jordan et.al, (2005: 478) contradicts this argument and states that the critic writers of governance has overestimated the role of private actors in policy-making. The sixth critic is the dilemma associated with governance is that it

places more attention to the complexity of **the rule of law**. Governance draws attention to the formal institutions of the states and governments, while recognizing their diverse activities that often blur the lines between the state and a particular society (Bervic, 2010: 2). However, Pierre and Peters (2000: 3) have a more positive approach to governance networks and argues that governance is seen as a new approach, even a new model that should emerge. Nyholm and Havery (2009: 120) in (Toikka, 2011: 14) place emphasis on the distinction between the different roles of the private actors and governments. Private actors operate in networks of governance, while metagovernance is the role played by governments above the network, meaning governments set conditions for all the network processes. Therefore, Sørensen (2014: 4) agrees that through this theory indeed promote collaboration between public and private sectors. Furthermore, theorist argues that governance networks should be metagoverned in order to enhance efficiency and effectiveness, to ensure democratic quality and innovative capacity for public governance. However, some authors such as (Alence, 2004: 164-165) argue that in terms of governance, the problem in Africa is that their approach has always been neopatrimonialism governance. Neopatrimonial governance refers to states that irrespective of their formal structures of modern bureaucracies operate on patrimonial principles. These patrimonial principles are characterised by personalised political authority, with poor monitoring mechanism on the private appropriation of public resources and pervasive clientelism. The critic has been included regarding the utilisation of governance networks approaches and their recommendations on governance practices. *However, the concern needs to be raised whether these governance networks can be governed, if so, how?* According to Kooiman, (1993, 2003) in (Sørensen, 2014: 4) because governance networks are play such a huge factor, their autonomous and self-governing nature needs to be taken into account. They cannot be governed in the old-fashioned hierarchical ways because it could undermine their functionality, however, this does not imply that they are ungovernable. The proposed governing method for autonomous and other self-governing actors are summarised under the name meta-governance (Sørensen and Torfing, 2007, 2009) in Sørensen (2014: 4 – 5), in four main forms of metagovernance in table 2.2.

Table 2.2 Forms of metagovernance for managing governance networks

• Approach	Limited intervention	Strong Intervention
• Hands-off	1) Ensure Policy and resource framing	2) Secure Institutional design
• Hands-on	3) Ensure Facilitation	4) Active Participation

Table 2.2 Adopted from Sørensen (2014: 4).

The four forms of metagovernance can be utilised by what has been represented as metagovernors that is an actor with the intention of using governance network. 1) The metagovernors has the potential to influence governance networks by influencing the political objectives that the governance network need to address through the distribution of financial resources. This should also be done hands-off from a distance which is not an interventionist form of metagovernance. 2) Governance networks can be achieved through hands-off strategic institutional design that can be established in which they should function in. The term “institutional design” refers to both the formal institutional set up and governance arena which provides incentives and narratives that adds value to activities. 3) The entrepreneurial political leaders in government positions conduct hands-on form of metagovernance which is direct interactions with governance network. An experienced, skilful facilitator should be employed to establish trust and mutual understanding between all the network actors. 4) Metagovernors can be active participants in governance network which is a hands-on approach with interventionist nature. It allows the metagovernor to actively participate in the negotiation processes within the network (Sørensen, 2014: 4 - 5). Governance network can be effective and efficient if and when employed properly. Table 2.3 provides a brief outline of the three proposed metagovernance for governance networks that can be employed.

Table 2.3 Three proposed metagovernance strategies for governance networks

<i>Approaches</i>	Efficiency and effectiveness	Democratic Anchorage	Collaborative innovation
<i>Which actors should be involved?</i>	Actors with alternative resources (e.g. knowledge, manpower and money) to ensure government's tasks are completed.	Directly affected actors should have privileged access to influence particular government decision making processes.	Actors with averting perspectives on governance task, and provide assets and capacities such as fantasy, creativity, craftsmanship and entrepreneurial spirit.
<i>Approaches</i>	Efficiency and effectiveness	Democratic Anchorage	Collaborative innovation
<i>What activities should network actors be motivated to do?</i>	Collect their resources and shared effort and engaged effort to complete the task.	Coordinate within the hegemonic democratic norms and rules, provide feedback on their actions to selected politicians and represent and be held accountable to affected constituencies.	All engagements should promote a creative destruction of existing beliefs and practices and launch newly developed risky experiments and prototyping of new ideas.
<i>What should be done to ensure governance networks improve the functioning of the larger system of governance</i>	Ensure collaboration in assessment and reviewing and changing existing governance practices where necessary.	Connect governance networks and representative democracy that would encourage liberal democracy.	Motivate all network actors to dissolve network's innovations beyond the boundaries of the governance network.

Adopted from Sørensen (2014: 7).

This section has focused extensively on the roles of governments and private actors. However, *what about the different assumptions adopted by different organisations that make the concept rather confusing? How can governments in sub-Saharan states determine which governance components are more important than the others highlighted by international organisations?* The United Nations Development Programme (UNDP) indicates five important good governance components namely; legitimacy and voice, direction, performance, accountability and fairness. Furthermore, the UNDP in addition to their five components, collectively behind them are more than 150 indicators. While the World Bank (WB) has provided six components of good governance that each includes multiple indicators. In terms of the World Bank's approach to "government effectiveness", this institution alone has more than 40 indicators. The reader is also referred to table 1.2.1 *Governance Components and Value Frameworks* in Chapter 1 on page 6, illustrated where the components of ACBF, WB, UN, OECD and ODI were identified. Kettl (2002: 119) in (De Vries, 2013: 5) criticise these components that have been identified as missing the point of governance practices. The argument is based the fact that the emphasis should not be placed on the components, but rather on what is needed by governments to ensure that their political, administrative and financial matters are in order to for the people that reside within their borders. Furthermore, governments that lack financial, human resources or low capacity to fulfil these commitments find themselves in conflicting situations of having to decide on doing the right thing and doing what is right. This same argument was also earlier highlighted by Collier (2008), in his recent book about the *Bottom Billion*. However, for the purpose of conducting this research investigation, the focus is not only on the origins of governance, the different theoretical perspectives neither only on the criticism towards governance. This research wants to investigate the *Impact of Western oriented governance on sub-Sahara States, with special reference to South Africa, Botswana and Namibia*. Therefore, it is important to discuss the Western-orientated governance and African perspective on good governance. *What led to the evolution of good governance in the Western Community? What have been the impact, response or approaches by sub-Saharan African states and the rest of the African continent?*

2.6 WESTERN-ORIENTATED GOVERNANCE:

Governance as a concept has been widely understood as the management of a social order and state's affairs by the people. However, there has not been any consensus reached regarding the core meaning or how it should be applied. Furthermore, there is no standardised meaning for the word and neither has any meanings remained consistent in the last decade or so. As mentioned before the concept became widely spoken around the 1990s after the end of the Cold War. (Simonis, 2004: 2) There were some significant changes taking place on international and regional platforms. The first significant power shift was the collapse of the Soviet Union and the super power rivalry which had discouraged Western governments from linking bilateral aid to democracy. Secondly, some African states eager (some argue desperate) to obtain financial assistance. Therefore, to a certain extend it can be argued that African governments were almost pressurised into becoming more open and competitive political regimes. Thirdly, there was a rise in the wave calling for more democratic practices focusing on public service reforms, responsiveness and accountability of governments. These factors contributed to the influence on regional development agenda in Africa (Alence, 2004: 164) and (Onuoha & Qobo, 2012: 5). Simonis (2004: 2) further adds that during the Cold War, good governance was not seen as an importance factor to consider. The aftermath of the Cold War in principle placed good governance on the map. The international community realised at the time that market-based policies of structural adjustment had failed to resolve the economic problems of numerous countries and that aid had become ineffective to solve these problems. In countries where bad policies and bad governance was a norm, were considered the responsible for economic failures. This resulted in good governance becoming a requirement for development assistance from donor agencies. The international community has realised that post-colonial African states is to a large extent a product of historical and geopolitical developments which continue to have direct influence on their political, economic and societal affairs (Onuoha & Qobo, 2012: 8).

Therefore, a variety of agencies institutions have made numerous attempts to define good governance and in majority of the cases they define it according to their respective institutional goals. For the World Bank (WB), they place importance on

“economic scope and the state’s ability to effectively utilise their development assistance” (Chigbu, 2010: 11). However, the World Bank has also changed its aid strategies. The World Bank has placed great emphasis on good governance to the extent that it’s part of its objective and now a condition for development assistance for countries in need. The issue of “governance” has now become a focal point of departure on the agenda of International Financial Institutions (IFI). However, this approach by these institutions should not come as a surprise to the international community. At first for the World Bank the promotion for good governance was strongly linked to economic development, yet later aid conditionality was also used to encourage reform. Conditionality of aid by the World Bank and other IFI’s should not be a surprise since during the 1980s and 1990s, the scope of conditionality became more popularly exercised. In 1996, the World Bank established more than 600 governance related programs and initiatives in 95 countries and supported 50 countries with governance programs and public sector.

However, the World Bank received criticism from other international organizations and civil society. The United Nations raised concern over the traditional division of labour between the UN and IFIs governance work and their roles came into question on issues relating to global governance. Even the World Bank’s understanding of good governance remains a concern because the bank is more focused on whether the state is effective, than focusing on the entire economic system and the legitimacy of the power structure. This would raise concern because the World Bank’s interest on good governance is “politically sensitive”. The bank’s foundation charter prohibits the bank from taking into account any and all political considerations when providing aid (Santiso, 2001: 1–4). Despite the involvement and interest of the IFIs’ they have still not reached consensus on the unambiguous definition and operational strategies of good governance, however, good governance is a requirement for aid assistance. While others , consider the concept of “good governance” as an “infant” that still needs to develop since it only surfaced in 1989 in the World Bank’s report on the “crisis of governance” in sub-Saharan Africa, which was already discussed in chapter 1 (Santiso, 2001: 4-5).

Some Western liberal governments have indicated increase support towards the involvement of public innovation to solve public service delivery problems which

governments struggle to resolve. According to Christopher Hood (2010) in (Sørensen, 2014: 1-2), in a report to the Swedish government, public innovation is argued to be an alternative for governments when facing fiscal severity. The uses of public innovation prevent governments from producing unpopular political choices or making across-the-board-cuts. This alternative option promises potential solutions that could save the government on utilising public resources to solve these problems. Furthermore, Sørensen (2014: 1) adds that metagovernance approach is the best strategy to promote collaborative innovation in during the all the phases in an innovation processes that might occur. However, it has also been argued that, the promotion of good governance is not only centred on a state's prosperity and reducing social problems. The other components of good governance plays a vital role in the international community such as; the rule of law, human rights, democratisation and quality administration services which should be equally promoted in order to achieve good governance practices. It has further been argued that the Western World (western-orientated type of governing states) have an independent type of interest, in the affairs of other states' levels in standard of law and governance. Their independent interest is based on the inevitable consequences of globalisation due to events that occur in a particular part of the world would have a direct or indirect consequences on their own states affairs. Therefore, western-orientated governance should be viewed with critical lenses because these states are ultimately protecting their own interest. Therefore, it is equally vital to investigate whether the concept of good governance is a new paradigm in Africa or whether it been has always existed without much acknowledgement from the rest of the world (Netherlands Scientific Council for Government Policy, 2002: 5).

2.7 GOOD GOVERNANCE IN AFRICA: A new paradigm?

The concept *good governance* was coined by the following African authors, Claude Ake, Waheed Oshikoya and Gladson Kayira. These African authors first utilised the term in the popular 1989 World Bank report namely, *sub-Saharan Africa: from Crisis to Sustainable Growth* (Chigbu, 2010: 6). While others agree with this notion such as Aubut (2004: 11) argues that good governance is not simply just a concept but rather an agenda. Similarly, Onuoha and Qobo (2012: 4) argues that Africa's

interest in development largely depend on how the international governance reform agenda is shaped because it will directly impact the governance agenda for African states. However, Chigbu (2010: 7) places emphasis on the fact that the concept of good governance should firstly be "*Africanised*". Meaning, African countries should reach consensus on what good governance should stand for in their institutions because the concept alone carries a lot of "*ideological baggage*" which may threaten the development process of the African continent (Ayeeni in Chigbu, 2010: 7). Many African countries are still faced with challenges from the past which included; slave trade, colonialism and neo-colonialism (Onuoha & Qobo, 2012: 5). It is important to note that components of good governance such as the rule of law did not exist in pre-colonial Africa. The colonial powers were mainly focused on exploiting these countries economically which can be one of numerous reasons why after more than five decades of independence, the African continent still battles with practices of good governance (Supporting the Rule of Law Worldwide, n.d: 27). These inherited challenges from the past, still have negative impact on governance in Africa. The challenges faced today by most African states are a combination of inherited problems from the past and current problems which include; poverty, unresolved national question, violent political conflict, disjointed political terrain and regional integration (Onuoha & Qobo, 2012: 5). This could also explain why some African states are reluctant towards implementing western-orientated governance, taking into account their history of a one-sided exploitative relationship. Since their independence, the adoption and even implementation of Western-style state structures from an African perspective can be viewed as artificial, forceful in nature or even alien to their norm (Supporting the Rule of Law Worldwide, n.d: 27). Therefore, even the development research in Africa that was previously only focused in the discipline of economics, has now extended to multiple disciplines including, political science, history, anthropology and international relations (Onuoha & Qobo, 2012: 10). From the political perspective, the African Good Governance Network (AGGN) argues that governance in Africa today can be understood as being good. This is only the case when those who are in governing positions and those who are being governed have reached consensus on the aim to promote sustainable human development in their society.

Furthermore, it is also considered good when public resources are utilised to promote human development in society and that those who govern ensures that they remain accountable to all who resides in that particular society (Chigbu, 2010: 7 -8). If and when good governance is implanted properly in sub-Saharan states such as Mozambique, which deals with challenges related to their aftermath of civil war, poverty and natural disasters the state will also prosper (Johnston, 2013: 24). Nevertheless, there has been progress made on the African continent with regards to the “governance agenda”. The New Partnership for Africa’s Development (NEPAD) has also started with a “governance agenda” which focuses on political and economic governance. The NEPAD approach is focused on addressing urgent issues while improving the quality of life in Africa (Johnston, 2013: 21). In short, the approach of the NEPAD is that they fully endorse democracy and good governance as crucial conditions to ensure sustainable development in Africa (Alence, 2004: 164). The commitment by certain African states was also demonstrated through the African Peer Review Mechanism (APRM), which is a voluntary commitment launched by African Union member states to conduct monitoring and the evaluation of good governance practices collectively (Johnston, 2013: 21). The commitment of some African countries are evident, the NEPAD have demonstrated how serious they are in addressing governance issues. NEPAD voiced their concern to the South African Development Community (SADC) regarding the deteriorating acquired immune deficiency syndrome (AIDS) epidemic in Zimbabwe.

2.8 FOUR SELECTED COMPONENTS OF GOVERNANCE

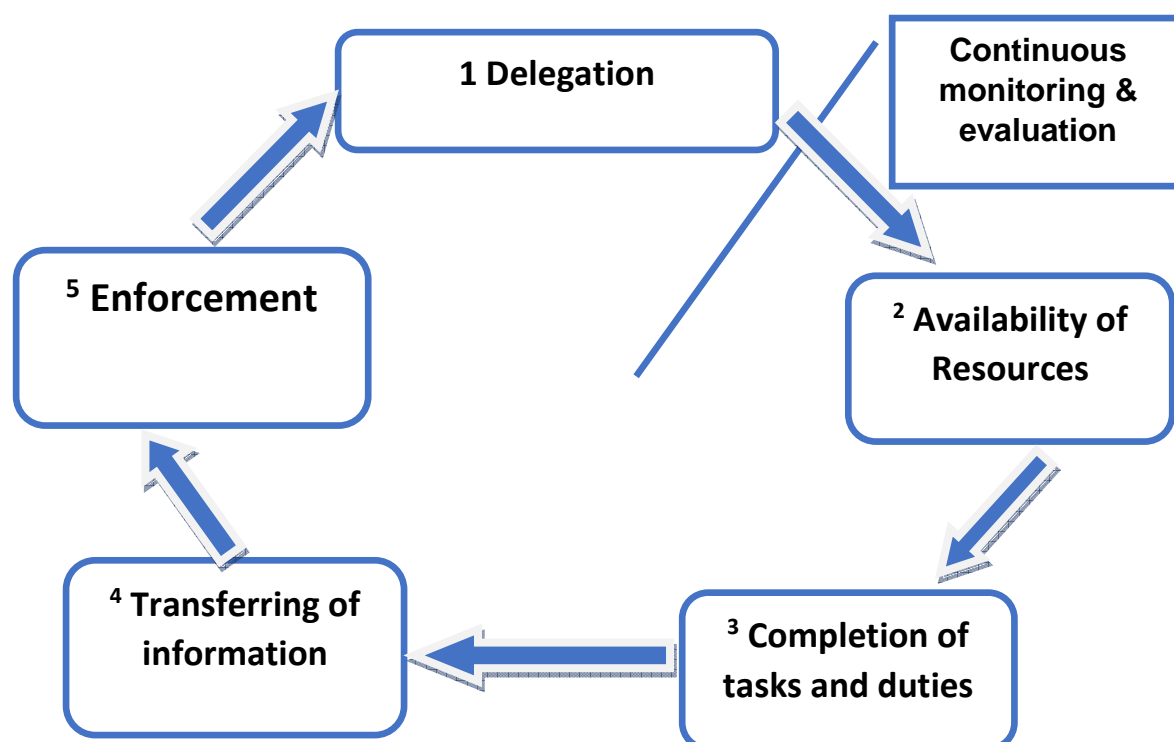
It has been established that there are various dimensions of governance, components and factors behind these components that need to be considered when dealing with the practice of “good governance” (Johnston, 2013: 2). Alence (2004: 164), argues that the fundamental question remains whether the political and institutional bases of good governance in Africa are realistic? Therefore this research investigation has identified the following good governance components; accountability, transparency the rule of law and public participation as measuring tools to determine the impact of Western-orientated governance on sub-Saharan states. As mentioned before the sub-Saharan states that have been identified are South Africa, Botswana and Namibia. Chapter 3 will provide an in-depth discussion

on the impact Western-orientated governance practices have on both political and institutional bases of these three countries. In order to answer the research questions and achieve the aim and objectives of this study, the following four components of good governance will be utilised as an evaluation tool, but let us first discuss these in more detail.

2.8.1 Accountability

There are different interpretations or understanding of the term *accountability*. Johnston (2013: 3) argues that accountability is mainly concerned with institutional design, their checks and balance system which should be incorporated with their constitutional architecture. This is especially demonstrated in horizontal accountability where one part of the government should keep the other part accountable, to investigate and if necessary stop and correct their mistakes (Johnston, 2013: 3-4). Simply put, it is a concept that involves decision-making assigned to avoid the abuse of such power. According to the Organization for Economic Cooperation and Development (OECD), accountability reflects the willingness of government to indicate that their decisions and actions are consistently objective, clearly defined and collectively agreed upon (Gisselquist, 2012: 8). Therefore, accountability is understood as a process within a principal-agent relationship where the behaviour of that particular agent is evaluated against a set standard. When the concept accountability is brought up in public service, it is understood as an approach mechanism and practices of all the stakeholders involved. According to the World Bank Seminal of 2004, there are ***five important components of accountability in public governance***. These include the following; delegation, financing, performance, knowledge about performance and enforceability. These components imply that accountability requires that all the components are followed in order for Accountable Principle-Agent to work. According to the World Bank accountability can be illustrated in the following manner (Baez-Camargo, 2011: 6-7).

Figure 2.1 Accountable Principal-Agent Relations according to the World Bank



Adopted from Baez-Camargo (2011: 6-7).

The illustration in Figure 2.1 indicates that the first step is ¹ **delegation**. This requires a mandate is set and communicated to the agent to know their specific task and duties. Therefore, in the context of public service, it will require that the targets are communicated, within a specific timeframe, clear guidelines with the approaches necessary to achieve them. The second step involves the ² **availability of all resources** need to be clearly outlined to ensure that resources does not go to waste. The principal therefore needs to ensure that the agent has access to all the resources that are need to complete the task. The third step involves the ³ **agent completing the allocated tasks and duties**, the delegated tasks are at the centre of the principal-agent relationship. In addition, a separate yet equally vital component of accountability relationship is the ⁴ **transferring of information** to the principal about how the agent has completed the mandate. This process includes monitoring performance and the set target achievement in a transparent manner where the agent explicitly motivates all decisions and actions taken. The final step

includes ⁵ **enforcement**, the principal should be able to hold the agent accountable, determining whether there were any wrongdoings. Simply put, without the effective use of enforcement mechanism and sanctions, accountability would lack an important component. This, therefore implies that accountability can be understood as being multidimensional in nature which is a continuous processes between all stakeholders (Baez-Camargo, 2011: 7-8).

Therefore, Gyong (n.d.: 74) agrees that the concept of good governance and its component of accountability is at problematic one. However, he further adds that regardless of its problematic nature, it remains a useful tool. However, he cautions that, good governance can be “*a foot in the door*” to invite judgment on how a particular state is being governed. It would create a platform where evaluative questions can be raised about the procedures, transparency, process of decision making and other relevant matters concerning the implementation of good governance practices. It is therefore crucial to ask the following question; *how can accountability be assessed?* Firstly, accountability is not a means to an end, neither is it about the output or outcome. Accountability is rather about determining whether all the necessary steps were followed to achieve institutional/ or organizational accountability (Baez-Camargo, 2011: 14). Departing from Baez-Camargo (2011: 17), the following six main questions should be probed during the accountability process;

- Has the mandate been clearly communicated to all stakeholders to ensure that the duties, responsibilities, goals and the observance of guidelines can be measured? (*Should sub-Saharan states be loyal to components identified by western-orientated governance or should they be adopted according to the needs of a specific state?*).
- Are the necessary resources in place to finance the mandate? (*Do sub-Saharan states have domestic resources to implement western-orientated governance practices such as national taxes? Or will the international community assist if/ when needed?*).
- Is the process of completing the mandate being properly documented? (*Have proper record keeping mechanisms been put place by sub-Saharan states*

that have agreed to implement Western-orientated governance practices? Will they be expected to publish yearly reports?).

- Has a sufficient monitoring mechanism been put in place to ensure proper behaviour by stakeholders *(For example how will government policymakers in sub-Saharan states be monitored by the international community, reporting on an annual basis to donor organisations/ or states?).*
- Have disciplinary guidelines been put in place if stakeholders deviate from the set mandate? *(In the event that sub-Saharan states fail to implement western-orientated governance practices, what consequences would they face? Possible sanctions or military interventions?).*
- What are the major legal or institutional gaps that need to be addressed by stakeholders? *(Do stakeholders in sub-Saharan states understand the concept of western-orientated governance when there is no universal components and how to implement it in their specific country?).*

Good governance is therefore linked to accountability, security of human rights and freedom which can be challenging for democratic regimes. However, to ensure proper accountability, as suggested by the Organization for Economic Cooperation and Development, participation, responsiveness, the rule of law, and transparency is needed when holding stakeholders accountable (Gyong, n.d: 74-75). In order to guarantee accountability, it should be done so safely without people feeling threatened, trust that government officials will respond honestly so that society's needs and demands can be met and taken seriously (Johnston, 2013: 4)

2.8.2 Transparency

Transparency refers to the open manner in which rules and regulations are followed by relevant stakeholders. Whether the information is readily and freely available to those who are directly affected by these decisions undertaken by stakeholders. This information should be accessible to the people and also be communicated in understandable forms on various platforms (Gyong, n.d: 74-75). In addition, Johnston (2013: 3) adds that transparency is also a form of partnership between the officials and the citizens who should have access to the information and have the opportunity to utilise the information if/ when needed. In addition, Parigi, Getta and

Kailasam (2004: 2) argue that transparency is the core principle of good governance which is also referred to as western-orientated governance in this research investigation. In addition the other principles (or components) that are crucial include responsibility, accountability, efficiency and effectiveness, strategic vision, inclusiveness and being consensus orientated. Transparency implies that the state considers the views of the minority, majority and the most vulnerable groups in society when decisions-making processes occur and are open about it. It takes into consideration, the current and future needs of the society where a balance between growth and distribution is achieved. Transparency is considered to be a widely recognised core component of good governance practices. However, it is important that transparency is done in the proper manner, ensuring that information is readily accessible, accurate in order to be used effectively. Concerning the relationship between transparency of a state/ or organisation and the society, an important factor is not only the flow of information, but that a state/ organisation can also openly admit when they have made a mistake and learn from it (Parigi, et.al.,2004: 2-3). However, Johnston (2013: 3) cautions that transparency demands significant resources which can slow down the administrative procedures of states. The state needs to ensure that all people have access to information, and should be available in all domestic languages and easily assessable to the literate, illiterate, the blind and death communities of the state (A guide to good governance programming, n.d: 10). Furthermore, issues of legitimacy and the privacy of citizens may be affective, however, without transparency; good governance carries little weight (Johnston, 2013: 3). There is a need for states in sub-Saharan to build a broad-based support for reform. This would require the state to ensure lasting leadership that is committed to the set mandate (mandate being implementing western-orientated governance principles). However, without the relationship between the rule of law, transparency, and accountability they will not be able to deal with everyday life problems. If and when the relationship is solid and properly implemented, the state will gain support, participation and compliance from their society (Johnston, 2013: 10-11).

2.8.3 Rule of Law

When **good governance and the rule of law** is implemented, Johnston (2013: 2) argues that where there is a strong sense of the rule of law, people uphold that law

without fear due to its effectiveness. History has taught us nevertheless, that any state can force laws onto its people, act corrupt or have repressive regimes such as the South African Apartheid regime. In contrast to this cohesive approach, genuine rule of law demands the cooperation of both the state and its society. When implemented properly, those who violate the rule of law are subject to legal penalties as well as social criticism on news media. Simply put, the rule of law is protected and guided by state powers using standardised rules that apply to all those that reside within a specific state boarder. Furthermore, the rule of law should stipulate that no one is immune to the enforcement of the law and its independent judiciary and the police force (A guide to good governance programming, n.d: 10). *What is the fundamental role of the rule of law in constitutional democracy?* Within a constitutional democratically, everyone will be subjected to a written or unwritten constitution. Either type of constitution is then enshrined as the supreme law of a state. The rule of law therefore assists in the restraining and civilizing power. Hence, it comes with little surprise that member states of the Southern African Development Community (SADC) and South Africa have adopted this concept in their own states where the constitution is the supreme law of their respective state (Madala, 2003: 36). The United Nations has defined the rule of law because it seen as an important component of good governance practices. They define the rule of law as *“a principle of governance in which all people, institutions and entities, public and private as well as the state, are held accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards”* (United States Council for International Business. 2015: 1).

Some have argued that the prosperity and the security of people within a state depend on the services they get from their government. Therefore, it is argued that at the most basic level good governance with accountability and transparency is required at the foundational level to ensure peace and stability within a society. In terms of economic development, the rule of law provides a legal certainty to formal and informal economic transactions. The law must provide clear rules and regulations for the economic system that indicates clear consequences for breaking the law in society. State officials and the people should be aware that within the rule of the law, the following will not be tolerated; corruption in any form such as conflict

of interest and bribery. In order for the system to work sufficiently it requires transparency from the leaders, so that people from a diverse group within the society so that they can hold them accountable (United States Council for International Business, 2015: 4-5).

Regarding **democracy and the rule of law**, political consensus has been reached that the rule of law and good governance are important for sustainable development, but this can be considered as broad and could carry many meanings. The application of good governance and the rule of law cannot be achieved overnight, meaning it is a gradual process that needs to change long-standing practices, interest, and cultural habits, social and religious norms (Sachiko & Durwood, 2007: 16). Hence, when attempting to address the rule of law and democracy nexus, a distinction between “rule of law” as an instrument of government where the government is considered above the law and the “rule of law” where government and the entire society is bound by the law. This means that constitutional limitation of power should be a key feature of democracy so that there is adherence to the rule of law. According to Mohamed CJ, during an address on the Role of the Judiciary in a Constitutional State, *“the separation of powers doctrine seems to be one of the essential aspects of the rule of law”* (Madala, 2003: 36). Also important to note is that most policymakers view the rule of law as one of the most effective methods to keep corruption in check. Irrespective of the form of government in place, where there is a general respect for the rule of law, it ensures that citizens and institutions, public and private sector and the state itself are held accountable before the law (United States Institute of Peace, n.d: 13).

The relationship between the **judiciary and the rule of law** is also a vital to ensure good governance. In 2008, the Secretary-General’s Guidance on the UN Approach to Rule of Law Assistance provided UN members with principles and a framework for guiding UN rule of law activities at the national level. In their view, a practical example of the importance of the rule of law in democratic societies is firstly, the constitution, which is usually considered the supreme law of that particular state. Secondly, the Judiciary system is important because it acts as the *“guardian of the*

rule of law". This requires that the judicial system needs to be independent (United States Council for International Business. 2015: 4-5). Therefore, the United Nations Development Programme (UNDP), in efforts to promote good governance and the rule of law by focusing on the following areas namely; *parliamentary development, facilitation with electoral systems and processes, improving access to justice and human rights, promoting access to information, supporting decentralization and local governance and lastly reforming public administration and civil services* (Sachiko & Durwood, 2007: 17).

However, the mistrust of some African states in Sub-Saharan states leads to one significant problem which is apparent among African leaders. There seems to be indifference between state officials towards Western values placed on the rule of law relating to human rights and institutional checks and balances and independence of the judiciary system. An appropriate example would be African presidents that have been serving for many terms, an example would be President Robert Mugabe who is serving for more than 35 years (eNCA News 2014: n.p). The rule of law also provides significant guidelines which is essential for **sustainable development**. The rule of law ensures that there is a normative and institutional framework that will enable the realization for basic rights and access to the society. It also ensures that important factors such as stability, clarity, predictability and transparency in both public and private law processes including contractual, commercial and foreign direct investment (FDI) sectors (United States Council for International Business, 2015: 4). However, Sachiko and Durwood (2007:18-19), recognises that there is a need to strengthen the enforcement and compliance of the rule of law.

They further suggest that it is the responsibility of donor agencies to ensure that African states focus on increasing the compliance to the rule of law. In contrast, the western interpretation of the concept of the rule of law has no historical roots in the traditions of sub-Sahara states and therefore only plays a small role in political culture. However, interest has been shown in the region by various actors involved in political, administrative, civil society and the judicial sector. This has resulted in the KAS worldwide Rule of Law Programme's sub-programme in sub-Saharan Africa

which is dedicated to support these group of actors with the necessary support while encouraging others to also support this initiative (Supporting the Rule of Law Worldwide, n.d: 27).

2.8.4 Public participation

This chapter clearly indicate that good governance promotes equality, transparency, rule of law and public participation, in a way that is effective, efficient and enduring. In order to achieve the implementation of the selected good governance components it is a necessity to conduct free, fair and regular elections, ensure representatives in legislatures that will make laws and provide oversight over the executive while maintaining the independence of the judiciary (Gisselquist, 2012: 6). The aftermath of the political and economic transitions around the world has been the emphasis on participation in liberal economies and politics (Johnston, 2013: 5). At international level, the global community has reached consensus on the importance of public participation and this is promoted through the International Association for Public Participation (Burgess & Malek, 2005: Internet). The International Association for Public Participation (iap²) is an international association that promotes and improve public participation of all stakeholders involved in governments, institutions and entities. The IAP² was established in 1990, in response to the international interest in public participation and over the years this association has established itself as the international leader driving public participation. The IAP² has had considerable growth over the years from 300 members in 1992 to over 1,050 members in 2007 from 26 different countries (International Association for Public Participation, 2016: Internet). In effort to enhance public participation in governments, the International Association for Public Participation has indicated the following seven standards;

- The public to convey their views on decisions about actions that would have direct impact on their lives.
- Public participation provide guarantee that the public's views/ contributions will influence the decisions making process.
- The public participation progress should ensure that the outcomes meet the needs of all participants involved.

- The process should include participants when defining in what capacity they will participate and how the entire process will be structured.
- The process should ensure that all people who will be affected by the decision is mobilised so that they can participate.
- The public participation process should ensure that the public is provided with all relevant information to make meaningful and informed decisions.
- At the end of the public participation process, officials need to communicate to the public how their inputs affected the decision (Burgess & Malek, 2005: Internet).

Public participation is viewed as one of the key ingredients for democracy. Participation processes increase transparency during decision making processes. When citizens are actively involved in policy development, they can keep government officials accountable for the decision made and ensure that they are implemented. In addition, citizens should be “active” citizens of political processes because they could provide valuable inputs to some social problems related to housing and education for example (Holdar, Zakharchenko & Natkaniec, 2002: 15). Although public participation is essential to the promotion and maintenance of good governance practices, Table 2.4 describe certain issues related to citizens’ participation and the disadvantages to governments.

Table 2.4 Disadvantages of Public Participation to Citizens and Governments

Item	Disadvantages: Citizens	Disadvantages: Governments
Decision Process	<ul style="list-style-type: none"> • Time consuming. • Pointless exercise of decisions are not considered. 	<ul style="list-style-type: none"> • Time consuming. • Exorbitant process. • May be unsuccessful and could lead to citizens becoming hostile towards government.
Outcomes	<ul style="list-style-type: none"> • Poor policy decision outcome if greatly influenced by opposing interest groups. 	<ul style="list-style-type: none"> • Leave government vulnerable and no control over decision making process. • May lead to poor

		<p>decisions that could have political implications that cannot be ignored.</p> <ul style="list-style-type: none"> • Minimized budget for implementing actual projects
--	--	---

Adopted from Irvin and Stansbury (2004: 3).

Although there are disadvantages to public participation as demonstrated in Table 2.4 this relates to aspects such as cost and time constraint, because all citizens' views need to be included. Public participation processes remains vital because the top-down decision-making approach could be unpopular. These public participation platforms are nether cheap, fast or easy. Although there is strong support for good governance practices, there are some aspects affecting communities that could have a negative impact on public participation processes;

- *Complacency amongst community members*: the Oxford dictionary defines "complacency" as an uncritical satisfaction with oneself or one's achievements. The word complacency derives from the 17th century Latin word *complacentia* (Oxford dictionaries, n.d: Internet). Although communities respond to community engagement platforms, literature has revealed that they want to avoid engaging on the implementation details. In instances where community members are complacent, there is a strong argument in favour of a top-down administration justified on the grounds of efficiency. Some observers have noted that although community members participate in decision making processes, they do not get personally involved (Irvin & Stansbury, 2004: 9).
- *Partisan Participants*: community members do not receive any monetary incentives for their time they spend to participate in decision making processes. Therefore, this often result in some communities being dominated by strong partisan participants (those whose livelihood or values are directly affected by decision made or by people who live comfortably enough to allow them to participate on a regular basis). A study conducted by Smith and McDonough (2001: 245) which involved 53 focus groups found that community members often feel that there are high levels of inequality amongst community members and unfair advantages towards certain

individuals within a community. Some participants from the focus groups even alleged that some public participation processes have been orchestrated while representatives from business and government agency get paid to stay devoted to the decision making processes (Irvin & Stansbury, 2004: 9).

- *Lack of authority:* Some observers of public participation processes argue that this process have little if any authority to influence actual policy decisions. Community members are often mislead into thinking that their decisions will be implemented and once they realised it was ignored, resentment starts to develop and built over time. It is the lack of true representation and lack of authority that contribute towards public participation failing and ultimately resulting in dissatisfied community members (Irvin & Stansbury, 2004: 10-11). According to the United Nations, the ultimate threats to good governance in any country come from corruption, violence and poverty. It is these threats of good governance that undermine transparency, security, freedom of people and their participation (Gisselquist, 2012: 6). The United States Institute for Peace (n.d: 11) further add that good governance components such as public participation amongst others can prevent corruption from taking root. Good governance components such as accountability, transparency, rule of law and public participation assist in building a stable society. Public participation contributes towards the prevention of both corruption and conflict because legitimate public forums and mechanisms are established to ensure peaceful engagements. Within the political arena, public participation is often demonstrated through conducting elections, representation in political parties and civil society organizations which assist in keeping political authorities accountable to the people. This level of accountability is enhanced by the rule of law which stipulates the processes, norms and structures and if they are not implemented properly, leaders can be legally held accountable. Where good governance is implanted properly, there are typically higher levels of civic participation (United States Institute for Peace (n.d: 11-12). Hence, public participation should not merely take place under special circumstances but should be part of citizens' everyday life, should be part of the social and political culture. In order to ensure active citizens, public participation should not be limited to elections, but citizens need to participate on different

platforms between election periods as well (Holdar, Zakharchenko & Natkaniec: 2002: 15).

This brings the reader to the concluding remarks of this section, which the researcher has phrased into a question; *how will these four components be used as an analysing tool?* It is undisputable that in order to achieve good governance within the identified sub-Saharan states, there should be a strong relationship between accountability, transparency, the rule of law and public participation. This section has discussed all the necessary aspects regarding the concerns of the four components and that it is important to take into account both the historical and present challenges of sub-Saharan states. This chapter demonstrated that none of the identified good governance components work independently but are rather interdependent. Officials should be transparent in their decision making processes and actions of which citizens should be active on public participation platforms, in order to keep government accountable. Governments can only be kept accountable through the general respect for the rule of law. The interdependency of these good governance components further indicates that it is ultimately the citizens that should be able to trust their government and its institutions. By implementing accountability, transparency, the rule of law and public participation, corruption can be avoided and peace and stability can be ensured (United States Institute of Peace, n.d: 22). The succeeding chapter 3 provides an in-depth discussion on how South Africa, Botswana and Namibia incorporates good governance principles with special focus on accountability, transparency, the rule of law and public participation.

2.9 Summary

In this chapter, the researcher provided a discussion on good governance and the selected components for this studies and the various conflicting theoretical debates of good governance. In recent years, good governance network has become a popular debate regarding the approaches by governments and other stakeholders. In this chapter, the working theory of networking theory has been identified and the core assumptions of this theory. However, discussions also led the reader to the importance of considering the dilemmas associated with good governance. This was an important factor to consider, because there is no such thing as a “*perfect theoretical approach*” therefore, it should come with no surprise that the same applies to good governance. The evaluation tools for the identified sub-Saharan states of this study have been identified and discuss which includes; accountability, transparency, the rule of law and public participation. It has also been demonstrated that in order to achieve good governance practices, a strong relationship is required for these components. The succeeding chapter 3 will provide an historical overview of the three sub-Sahara African countries as well as their application of good governance practices respectfully in political, legislative and judiciary system.

CHAPTER 3

GOVERNANCE IN SUB-SAHARA: OVERVIEW OF SELECTED CASE STUDIES

“Once thought of as an area with huge potential for economic growth, sub-Saharan Africa is now at crossroads, representing the poorest and least developed populations in the world” (Tyler & Gopal, 2010: 3).

3.1 INTRODUCTION

Sub-Saharan Africa is a portion of the African continent positioned south of the Sahara desert which includes 48 countries. Historically, sub-Sahara Africa was commonly known as “Black Africa”, making a distinction from Arab North Africa (Tyler & Gopal, 2010: 1). According to Kimenyi and Datta (2011: 2), sub-Saharan political development over the past 50-60 years can be categorised into four phases namely; Colonialism, Post-independence and single party states, Authoritarian/Military rule and lastly their Political and economic liberalism. However, it should be noted that these four phases did not occur simultaneously across sub-Saharan African countries. Prior to 1880s, only a few areas within the region were under the European colonial rule. This however changed by 1884, following the Berlin conference where Africa was divided amongst various European powers including; Britain, France, Belgium, Germany, Portugal, Spain and Italy. By 1913, South Africa, Ethiopia and Liberia were the only African countries not under the European colonial rule. Although decolonization commenced in 1957, development in the newly independent African countries did not prevail due to; institutional and political corruption, ethnic conflicts, secessionist movements and military governments. Post-independent sub-Saharan found itself at a crossroads regarding development prospects, not certain which direction to follow next. In spite of numerous efforts, involving economic reforms disseminated by national policies and international financial agencies, sub-Sahara African remains under development (Tyler & Gopal, 2010: 1-3). Beaulier (2003: 227) argues that consensus have been reached by economist that the elements that are crucial contributors to economic development

include private property, free markets and most importantly the rule of law. The White House Washington (2012: 1) believes that sub-Saharan economies are still amongst the most rapidly growing economies in the world. They have further expressed confidence in sub-Saharan African governments and regional organizations towards addressing their political and security challenges. Sub-Saharan African countries have also made their mark domestically and on the international platform through the African Union. The African Union has established itself as a vital role player and leader on political, diplomatic and peacekeeping challenges on the continent. Furthermore, another factor that needs to be considered is the geography and demography of a country because they affected the quality of institutions. For example, during the colonial era poor equality institutions in African regions that consisted of high population densities and low life expectancies. Therefore, it's no surprise that sub-Saharan Africa's colonial legacy is one that left these countries with bad institutions because colonists in Africa only had their self interest in mind Beaulier (2003: 227). Only a few Africans were educated and often referred to as the African elite who may not have influenced colonial policies but did however play crucial role during the transition phase of achieving their independence (Kimenyi & Datta, 2011: 3).

Tyler and Gopal (2010: 17-19) provide a compelling argument with regard to the development of South Africa, Botswana and Namibia post-independence. Firstly, they point out that the African continent has a set of different phenomena affecting their development. The African continent unlike the rest of the world faces challenges related to; civil war refugees, HIV, malaria and conflicts associated with natural resources which directly affects regional development and other health threats (Tyler & Gopal, 2010: 4, The White House Washington, 2012: 1. The United States have been the leading country in the international world working towards the humanitarian crises in Africa, including the Horn of Africa to prevent future crises (The White House Washington, 2012: 1). Booth and Therkildsen (2012: 4-5) adds that another challenge in sub-Sahara Africa relates to their population growth. The population growth in sub-Saharan Africa is currently at three per cent per year and therefore feeding these growing populations would require massive increase in agricultural productivity. A growing population also means that sub-Saharan African

governments are under pressure to provide public services, education, health and other services for a larger and growing population. Sub-Saharan population is facing many forms of poverty; their HDI has either stagnated or declined since 1990s, resulting in the region as the poorest in the world. The HDI levels since 1990s has declined around the world except for in the sub-Saharan African region. Instead of declining, the number of people in sub-Saharan Africa living in income poverty has increased, amounting to approximately 300 million people. It has been documented that especially poor people in the rural areas of sub-Saharan Africa are dependent on agriculture or tropical ecologies (Handley, Higgins, Sharma, Bird & Cammack, 2009: 1-2). Within the sub-Sahara African region, South Africa, Botswana and Namibia, generally have good governance indicators, in addition to the highest GDP per capita statistics in sub-Saharan Africa. The United Nations Development Programme (UNDP) recognised the vital role of education and other social variables in a countries development and this resulted in the creation of the Human Development Index (HDI). The HDI encompasses equal weight index that includes; gross domestic product (GDP per capita \$US purchasing power parity (PPP), adult literacy rate and combined gross enrolment ratio, as well as health indicators such as a country's life expectancy at birth (Tyler & Gopal, 2010: 4).

The UNDP 2008, indicated that South Africa, Botswana and Namibia are the only three countries in the region that scored an HDI above 0.6, which is a result of high education statistics and GDP per capita (Tyler & Gopal, 2010: 18-19). These figures suggest that much of sub-Saharan Africa is in desperate need for assistance. More importantly, Tyler and Gopal argue that governance appears to impact the middle stage of the development ladder in sub-Saharan Africa. Simply put, governance practices in one African region, such as Western Africa will have an effect on governance in the sub-Saharan region (Tyler & Gopal, 2010: 18-19). Therefore, the United States in collaborations the United Nations set the following four interdependent objectives towards sub-Saharan African states; firstly, strengthen their democratic institutions; secondly, increase economic growth, trade relations and investments; thirdly, advice on peace and security efforts and fourthly, enhance opportunities and development (The White House Washington, 2012: 2). At African

regional level, the NEPAD has also identified their primary objectives which include the eradication of poverty, ensure sustainable growth and development, integration of African economy and the empowerment of women in African leadership roles. The NEPAD is also believes that in order to achieve this development, the implementation of good governance principles is required (Handley *et. al*, 2009: 32). Therefore, governance is the crucial factor that will influence the future of the sub-Sahara African region. This research investigation seeks to determine the impact of Western-orientated governance in sub-Saharan states by focusing on specific components of governance. As discussed throughout the first two chapters, in order to complete this investigation; accountability, transparency, the rule of law and public participation has been identified as the evaluative tools to determine the impact of Western-orientated governance on the countries that have been identified for the purpose of this case study which include; South Africa, Botswana and Namibia. Chapter three will discuss the current “*status*” of political institutions, parliamentary system and the judiciary system of the respective sub-Sahara African countries in order to determine the impact of Western-orientated governance components.

3.2 SOUTH AFRICA: COLONIALISM AND APARTHEID TO THE INCEPTION OF DEMOCRACY

During the 19th century, the entire territory of the Republic of South Africa was dominated by the British Crown. In 1795, the Cape of Good Hope was first occupied by British forces and permanently annexed in 1806 as a Crown Colony. By 1836 non-British pioneer farmers (historically known as Voortrekkers) made South Africa their home. The Voortrekkers perceived the behaviour of the British as oppressive and hostile towards their people, hence they fought for independence from British rule. By 1850 the Boer Republics of the Orange Free State and South African Republic (Transvaal) was established by the Voortrekkers. This resulted in two British colonies and two sovereign “Boer” republics that was constitutionally recognised. Although black tribes were large in numbers, they accepted the rule under the British colonist and the Voortrekkers who were advanced in European technology and organization. When South Africa’s two largest natural resources were discovered (gold and diamonds in the interior), the British Empire decided to expand their territory to include the Boer Republics. By the 20th century, the Anglo-Boer War took place, British and Voortrekkers decided to co-exist because they now shared equal constitutional status as self-governing colonies. The British Parliament adopted the South African Act 1909 which resulted in the following; four colonies became provinces, each having autonomy but formed part of a unitary state governed in Westminster style, shaped by a national cabinet controlling a sovereign parliament (Venter, n.d: 2-4).

The South African history demonstrated that this country not only had to deal with the aftermath of colonialism which is the case of most African countries in sub-Saharan Africa, but also had the legacy of Apartheid regime. The word **apartheid** is almost globally understood as “the segregation of people on the bases of race” which is primarily understood under the conditions set in 1948 by the National Party (NP). However, segregation in South Africa did not only commence in 1948, as Welsh (2009: 146) and many other authors argue, but rather started under the leadership of Governor van Riebeeck. In 1659, Governor van Riebeeck decided that a fence should be built between black and white people in Cape Town. The black people were only seen sojourners in urban areas of Cape Town. The Natives Land

Act of 1913 further empowered the practice of segregation, since this Act stipulated that Africans could buy land only in reserves. It was under the leadership of the National Party of 1948 that racialized segregation became institutionalized. The National Party was not the only government that had segregated laws in the world, but gained international attention because they were the only party that did so openly and made it legal in South Africa by institutionalizing it. According to Welsh (2009: 146) the Apartheid regime can be divided into three phases; First phase was in 1948 to 1959, the NP increased their power and further extended segregation to all parts of life; the Second phase, 1959 to 1966, the homelands (Bantustans) were created and Africans were expected to develop along their own lines; and finally during the third phase 1966 to 1994, measures were put in place to support the government, in contrast with the African nationalism, mobilization, unification and becoming stronger (Welsh, 2009: 146-147). Although the apartheid regime was characterised by high levels of state authoritarianism and state-societal conflict which commenced during colonialism, strong social movements opposing the apartheid regime arose between the 1950s and 1980s (Legislative Sector South Africa. 2013: 12).

History indicates that from the mid-1970s, the South African government found itself in a period of economic and political crisis. This period of economic and political crisis was felt by all because it had lasted well into the 1980s. By 1989, both government and business leaders concluded that in order to promote economic growth, racial authoritarianism had to come to an end (Gelb, 2004: 23). This conclusion was based on the number of political formations, labour, civil and youth organisations that played vital role in mobilising communities, most noticeably during the 1980s (Legislative Sector South Africa. 2013: 7). These efforts and work done by the domestic Anti-Apartheid Movements and other international anti-apartheid movements; resulted in South Africa being politically, diplomatically, culturally and economically isolated from the rest of the world. The apartheid regime of South Africa was under pressure to start negotiation processes. After months of negotiations, on the 18th November 1993 had succeeded in rectifying the Interim Constitution which would establish the parameters of South Africa's institutional and governance architecture. On the 27th April 1994, South Africa held its first free and fair democratic non-racial elections of which nineteen political parties participated

and 22 million people voted (Twenty Year Review 1994-2004, 2005: 9-10). As a result, the first black President got voted into office, President Nelson Mandela, which also represented a hope for a new social order (Twenty Year Review 1994-2004, 2005: 10). *What were the political, social and economic consequences of Apartheid regime in South Africa?*

The newly formed democratic government had to deal with the segregated consequences in all aspects of life. The homelands were underdeveloped and trapped in a cycle of poverty and unemployment created by the apartheid government. In South Africa the majority of the population (black people) did not have access to basic municipal services such as; clean water, sanitation, refuse collection and electricity. The education system was also segregated and black schools had poor facilities compared to white schools and this included; libraries, laboratories, sports facilities and even municipal services such as water and electricity. Teachers in black schools were often under-qualified and only a few qualified teachers available for teaching mathematics and science. The health sector was in a similar situation as the education system, black people only had access to inferior public health services compared to white South Africans. These services to black people were characterised by poor quality with inadequate facilities and often a shortage of health professionals and medicines. For example the 1993 statistics of health indicates that tuberculosis (TB), (a disease associated with poverty) was 10 times higher amongst black South Africans compared to white South Africans (Twenty Year Review 1994-2004, 2005: 4-6).

What is the current situation in South Africa today? The post-1994 South African government aimed to ensure that all South Africans have access to basic municipal service delivery. The Minister of Finance, Parven Gordhan, during his opening of the 2016 Budget Speech, acknowledged that South Africa is currently facing the following issues; low growth, high unemployment, extreme inequality and painful fractures in the society (Gordhan, 2016: 1). Furthermore, the country that his department and Provincial MECs for Finance had agreed to a Joint Action Plan in order to address expenditure management and service delivery challenges the

country is currently facing. The key areas the collective have identified include the following;

- Ensure the containment of administrative personnel expenditure while ensuring the protection of education and health service staff members.
- Improve provincial revenue collection.
- Ensure the rationalisation and closure of jobless and underperforming programmes and entities throughout the country.
- Ensure the intensification of cost-containment measures in the province while keeping in mind the national guidelines (Gordhan, 2016: 23).

Despite the improvements made, the 2011 Census indicated that 10% of households do not have access to flushing toilets and 7.3% do not have a toilet at all (Gumede, 2013: 4). Table 3.1 indicates South Africans access to services and type of dwellings from 1996 to 2011 according to Census 2011.

Table 3.1 South Africans access to services and type of dwelling

Main dwellings	1996	2001	2011
Formal dwellings	65,1	68,5	77,6
Informal dwellings	16,2	16,4	13,6
Traditional	18,3	14,8	7,9
Other	0,4	0,3	0,9
Municipal Services	1996	2001	2011
Piped Water (Tap)	80,3	84,5	91,2
Electricity (lighting)	58,2	21,4	84,6
Toilet facilities	1996	2001	2011
Access to flushing toilet	82,9	82,3	90,6
Bucket toilet	4,7	4,1	2,1
No access to toilet	12,4	16,6	7,3

Adopted from Gumede (2013: 4).

Another key area of criticism towards South Africa is its Social Assistance Programme (SAP), the cash-transfer system. Table 3.2 indicates South Africa's

social assistance programme statistics as from 2000/01 to 2009/10. The aim of the SAP is to increase the income levels of the poor in South Africa, which accounts for more than 3.2% of the country's GDP. The statistics if 2010/11 indicated that 15 million people were dependents received social grants and this increased to 15.6 million people in 2011/12. Gumede (2013: 5), argues that South Africa's SAP's financial sustainability may not be as sustainable, considering the fact that its share of GDP remains considerably high at 3%. Furthermore, he refers to an ideal situation South Africa would like to create where people are in gainful employment like in Brazil or India rather than dependent on government grants to support themselves. However, Gumede (2013: 5) does acknowledge that South Africa's SAP does assist the majority of the people with the hardship they face in poverty and as well, assist them during times of global economic recession. During the 2016 Budget Speech, South Africa's Minister of Finance Pravin Gordhan, announced that the country's overall expenditure on social assistance will increase from R129 billion in 2016 to R165 billion in 2018/2019 financial year. Furthermore, old age, disability and care dependency grants will increase by R80.00 to R1500.00 from April 2016, and will increase further by R10.00 in October 2016. The child support grant will increase by R20.00 to R350.00 from April 2016, while foster care grant is scheduled to increase by R30.00 to R890.00 respectfully (Gordhan, 2016: 22).

Table 3.2 South African Social Assistance Programme (2000-2011).

Grant	2000/01	2002/03	2004/05	2006/07	2008/09	2009/10	2010/11
Old Age grant	1900 406	1943 348	2124 984	2195 018	2390 543	2546 657	2678 554
War Veterans	5617	4638	2963	2340	1500	1286	1216
Disability grant	655 822	840 424	1293 280	1422 808	1286 883	1264 477	1200 898
Foster Child	66 967	83574	195454	400 503	474 759	510 760	512 874
Child Support	33574	42 355	86 917	98 631	107 065	110 731	112 185
Total	1111 612	4913 275	7869 143	11983 141	13026 104	14004 128	14877 419
Growth rate	40.4%	23.4%	21.5%	9.5%	5.2%	7.5%	6%

Table 3.2 Adopted from Gumede (2013: 5).

The South African Constitution of 1996 represents the true turning point where the apartheid system was dismantled and the foundation for a democratic and inclusive state was formally founded on the values of human dignity, human rights, and freedom for all, non-racialism, non-sexism and the rule of law (Twenty Year Review 1994-2004, 2005: 10). The proceeding section will provide further discussions on the Constitution of South Africa, Act 108 of 1996, the separation of powers and the branches of government.

3.2.1 Parliament and the Separation of Powers

The idea of the separation of powers was articulated by Montesquieu during the mid-eighteenth century, which later influenced the French Declaration of the Rights of Man and the Constitution of the United States in 1789 (Seedat, 2015: 5-6). Mojapelo (2013: 37), argues that the modern version of the doctrine of separation of powers is explained in the constitutional theory of John Locke 1632-1704. Locke's constitutional theory cautions that one person should not have the ultimate power to make laws, execute because they might end up exempting themselves from those very laws for private advantage (Mojapelo, 2013: 37). Seedat (2016: 5-6) affirms this, by stating that the doctrine of the separation of powers was created to play a vital role of preventing tyranny and protecting freedom. This doctrine provides the specific functions, duties and responsibilities of the three spheres of government (Mojapelo, 2013: 37). Therefore, it comes with no surprise that majority of countries around the world have incorporated the principle of separation of powers between the legislature, executive and the judiciary. In South Africa an important aspect of the doctrine of the separation of powers include a system of checks and balances and it therefore makes provision for accountability, transparency and protection of human rights (Seedat, 2015: 5-6). Furthermore, the separation of powers in South Africa originates from the Constitutional Principle 5 of the Intern Constitution of 1993, and the final Constitution adopted in 1996 further enriched this principle which states that; *"There shall be separation of powers between legislature, executive and judiciary with appropriate checks and balances to ensure accountability, responsiveness and openness"* (Seedat & Naaido, 2015: 6). As a result of the constitutional supremacy in South Africa, the Constitutional court has referred to South Africa as a constitutional state; one that pursue to incorporate the separation

of powers doctrine with their specific roles and functions outlined in the different chapters of the Constitution (Seedat & Naaido, 2015: 7). Mojapelo (2013: 37), outlines the importance and authority of the three branches of government as stipulated in the constitutional framework;

- Legislative body, has the authority to make, amend and repeal rules of law in South Africa.
- Executive body, is vested with the authority to execute and enforce the rules of law.
- Judicial body, is vested with the authority to resolve disputes, determine what the law is and how it should be applied during disputes (Mojapelo, 2013: 37).

The South African **Parliament** consists of two chambers namely the National Assembly and the National Council of Provinces (NCOP). The National Assembly consists of 400 elected members for a period of a five year term, while the NCOP is made up of 90 delegates representing the different provinces throughout the country with 54 permanent members and 36 rotating members (Seedat, 2015: 8, Venter, n.d: 19-20). Section 57(1) (b) stipulates that both the National Assembly and NCOP can determine and control their own processes but must be done in the manner that is representative to the democratic, accountable and transparent principles and practices of the constitution (Seedat & Naaido, 2015: 8). The South African Parliament underwent some changes with the introduction of the new constitutional dispensation in 1994. As a result, Parliament underwent a significant change in status quo, from merely being legislative sovereignty to the superior legislature, however still subjected to the provisions of the Constitution (Venter, n.d: 20). The South African parliament in recent times has experienced major disruptions which possess challenges to its rules and procedures. There have been incidents of members from the South African Police Department (SAPD) being called and in response, the legality of police presence during parliamentary procedures have also been called into question. Some observers have argued that the events that took place during robust debates in Parliament since 2015, undermines the functionality, dignity and stability of Parliament. In 2012, the National Assembly Rules Committee recognised that there was a need to review the rules and orders to ensure that they are clear and rectify irregularities (Seedat, 2015: 1-3). The term “Speaker” is traced

back to the 14th century of England, where the speaker served in the Westminster as the interface between Parliament and the Crown. The role of the speaker during the 14th century was clear; the speaker was expected to maintain high level of impartiality between the powers of the House of Commons and the Crown in 1642 (Seedat, 2015: 28). The first ever recorded use of the term “Speaker” was 1377 by Sir Thomas Hungerford, through the title of similar meaning “prolocutor” which was first used from 1258 (Department of the House of Representatives, 2008: 4). At an international level, in most countries around the world, the speaker presides over the sittings of the House, maintain order, manage questions posed by the members and provide administrative authority and leadership in Parliament (Seedat, 2015: 28). In other countries similarly to South Africa, the Speaker of the House has various roles, the institutional role of presiding officer, the administrative head of the House and a leader in the majority party. Therefore, in comparison to the rest of the MP, the Speaker has the most visible job in the House (Heitshusen, 2015: 1). The South African Speaker of Parliament is considered the principal office-bearer in the Assembly and his/ her functions can broadly be categorised as; presiding over sittings of the Assembly, acting as the representative and spokesperson of the Assembly, in conjunction with the Chairperson of the Council (Chairs of Chair), act as chief executive officer for Parliament (Parliament of the Republic of South Africa, 2004: 17).

In recent times, the world watched as various controversial incidents occurred involving the Speaker of the South African National Parliament. Most noticeably, there have been allegations of political bias against the Speaker of Parliament, Baleka Mbete, which even resulted in opposition parties bringing forward a motion of no confidence in September 2014. The motion of no confidence in Speaker Mbete was defeated by the African National Congress (ANC's) majority vote. However, it should be noted that such allegations of political bias is not limited to South Africa, but various incidents have been reported around the world. In South Africa, the office of the Speaker and Deputy Speaker of the National Assembly is established under section 52(4) of the 1996 Constitution of South Africa. However, the challenge today is that the Constitution is “silent” on the role and powers of the Speaker and therefore Parliament looks to the Rules of the National Assembly for guidance.

Therefore, with this Constitutional “silence”, it should come with no surprise that when the speaker is a member of the majority party, and has to preside over debates, voting mandates, sittings of the House, that their actions may spur controversy (Heitshusen, 2015: 7). This has resulted in the following main questions regarding dilemma associated with the position of the Speaker in South Africa;

- What are the powers, roles and functions of the Speaker in the House?
- Should the speaker be neutral and impartial or can the speaker promote the agenda of the particular party he/ she holds membership in?
- If neutrality is expected from the Speaker, how will South Africa protect their role? For example, if a Member of Parliament (MPL) is selected as speaker, should that particular individual resign from their party? If the Speaker remains a member of their party, does this automatically imply that he/she will not be able to act independently and maintain the confidence of the multiparty representatives?
- How and what does this “neutrality and impartiality” entail in practise? How will the rules and orders of Parliament protect the neutrality and impartiality of the Speaker?
- Should parliament take into account the views of the minority political parties regarding procedural processes and decisions and if so, to what extent and manner should this be employed? (Seedat, 2015: 33).

These questions listed above are matters that observers view need to be address to avoid confusion and chaos during Parliamentary proceedings. At the State of the Nation Address (SONA) which took place on the 12th February 2015, Speaker Mbete’s conduct was questioned once again. Prior to the address by State President, Jacob Zuma, the Sitting of the House was characterised by disruptive behaviour by the Economic Freedom Fighters (EFF) MPs’ due to their dissatisfaction that the President “*failed to account to Parliament for Nkandla and follow the Public Protector’s remedial action*” (Seedat, 2015: 26-27). Speaker Mbete failed to maintain order in the Sitting, while EFF MPs’ refused her ruling to leave the house. This resulted in Mbete summoning police/ security to remove EFF MPs. Shortly after, the Democratic Alliance (DA) walked out of the House in protest against Mbete failing to respond to their questions on the identity of the police/ security personnel that entered the House. When State President Zuma addressed the nation, two of

the largest opposition parties in Parliament were absent. This also means, that a large sum of South African citizens was not presented during these proceedings (Seedat, 2015: 26-27). This was not an isolated incident. Members from the opposition parties requested that Speaker Mbete recuse herself from the debate on the motion of President Zuma in terms of Section 89 of the South African Constitution. Speaker Mbete requested that the all MPs should be able to work together without utilising unbecoming language in the House. Speaker Mbete further emphasised the importance of the Speaker's role is to preside over the proceedings and apply the rules accordingly (*News 24* 5 April 2016: 1). The Speaker's role is crucial, in that allegations such as those made against Baleka Mbete (MP), may be interpreted by observers as "*signs of a malfunctioning South African Parliament*" (Seedat, 2015: 8). It should not come with no surprise that the role of the speaker is being questioned in South Africa, as early as the 1850s, Chauncy Cleveland of Connecticut, then Member of the House, questioned the role, functions and powers of the Speaker. Cleveland found it impossible that a Speaker could one minute preside over the House, then participate in debates as a majority party member, return to their chair and be impartial. Cleveland further questioned whether it was appropriate that the majority party in the House could determine who would take on the role of the Speaker (Heitshusen, 2015: 7).

Despite these recent concerns regarding the impartiality of the Speaker, MPs have to accept that the Speaker will carry out his/ her functions impartially. The Speaker, will refrain from government activities, and is further entitled to expect the support of all MPs regardless of their party representation. The Speaker is the representative of the House and therefore represents the people, and should be treated with honour and dignity (Department of the House of Representatives, 2008: 6). In the role as the Speaker, a protective role is expected; protect the authority of the House, protect its rights and finally protects its privileges. (Parliament of the Republic of South Africa, 2004: 21). According to the Constitution of South Africa, Act 108 of 1996, Section 165 (1) (2) (3), the **Judicial authority** is vested in the South African courts (Republic of South Africa, 1996: 1331). The judicial branch in South Africa plays a crucial role to safeguard and protect the Constitution of the Republic of South Africa and its values in order to ensure the consolidation of democracy (doj & cd, 2012: iii).

The courts are therefore independent and only subjected to the Constitution and the law, which they must apply impartially, without fear, favour or prejudice. Section 165 further states that no person or organ of the state may interfere with the functions of the courts (Republic of South Africa, 1996: 1331). The independence of the judiciary needs to be maintained although the President of South Africa is vested with the power to appoint a judicial commission of enquiry as provided by the Commission Act and Constitution Section 84. However, in terms of the doctrine of separations of power, the appointed judicial commission performs are expected to perform the function of the executive by requiring judges to investigate matters instead of only adjudicating over these disputes. In section 166 of the Constitution of South Africa, Act 108 of 1996 establish the court and provides an outline of each court's role in South Africa. The constitution of South Africa outlines this distinctive role of the judiciary because this body is expected to scrutinise the laws and conduct of the other two branches while ensuring they are aligned with their constitutional obligations. Furthermore, the values of the Transformation Project of the Judiciary include the following;

- Promote the supremacy of the Constitution of South Africa and the rule of law;
- Promote equality, human dignity and an open society based on the democratic principles of South Africa;
- Ensure, promote and protect the judicial independence and impartiality;
- Promote social justice and social cohesion (doj & cd, 2012: 5).

Therefore the role of the courts is articulated in Section 165 (2) "subject to the constitution which it must apply without fear, favour or prejudice" and Section 165 (3) further adds that "no person or organ of the state may interfere with the functioning of the courts" (Seedat, 2015: 8). In addition Section 165 ensures greater provision to ensure that judicial authority only rests in the courts. In order to ensure this, some judicial functions are therefore entrusted to other tribunals such as the Commission for Conciliation Mediation and Arbitration (CCMA) (Mojapelo, 2013: 41). The Commissions Act further provides judges with additional powers which is not available to other investigators which include; the power to compel witnesses, issue search warrants and to order the detention of recalcitrant witnesses. The concern here is that it may result in undue concentration of power in one official. Another concern is that the commissions may provide an opportunity for the executive to

abuse this power and simultaneously undermine the independence of the judiciary. This concern is raised on the bases of historical lessons during the apartheid era; the Harms Commission Report into allegations of murders and unlawful acts authorised by state security forces and the appointment of Justice PJ Rabie in 1981 to investigate and report on security legislation (Mojapelo, 2013: 42).

The application of the separation of powers regarding Judicial Service Commissions is one that is debatable because there is a concern of the possible infringement by executive over the judicial authority (Mojapelo, 2013: 43). However, trust remains in the Constitutional Court's ability to operate impartially when faced with sensitive areas of the separation of powers (O'Regan, 2005: 130). Post-1994 judicial system of South Africa is centred on the transformation agenda to establish a unified, non-racial, non-sexist democratic and prosperous society. This transformation mandate forms part of the broad agenda to transform both the state and society at large. It is important to note that the judicial branch of South Africa has also become an important contributor to the international community. South Africa's involvement meant that it not only carries a domestic obligation but also a global obligation to lead by example which is demonstrated in its involvement in the Southern African Development Community (SADC). South Africa plays a significant role in various areas on the international platform and their responsibility include;

- The institutionalisation of international human rights.
- Provide world-class judicial services to its citizens which incorporates both domestic development goals and international standards.
- Contribute to the evolving constitutional and human rights jurisprudence within the SADC, the African continent and the rest of the world (doj & cd, 2012: 2-3).

According to the Constitution of South Africa, Act 108 of 1996, Section 85, the **executive authority** of the Republic is vested in the President and should be exercised in conjunction with members of Cabinet. The cabinet consists of the President, his deputy and ministers, according to section 85 (2), the cabinet can draft new laws and amendment but only the collective in Parliament can pass these laws (Seedat, 2015: 9). Following the general elections, the South African National

Assembly elections one member as president in terms of section 86 (1), then he/ she resigns and serves as both head of state and head of government (O'Regan, 2005: 125). Section 84 outlines that it is expected of the President to uphold, defend and respect the Constitution of South Africa as the supreme law of the land. The president may address the National Assembly according to Section 84 of the Constitution but he or she is prohibited from participating in voting processes. While Cabinet members may participate in the NCOP, they are also prohibited from voting in terms of Section 66 (1). The president is limited to two terms (ten years), but may be removed if resolution is taken by the National Assembly and supported by at least a two third majority vote. However, removal may only be done on the bases of serious Constitutional/ law violations, serious misconduct or if the President is unable to perform functions assigned to his/her office (Seedat & Naaido, 2015: 9). The Deputy President must be appointed amongst the members of the National Assembly and two other members of the Cabinet. According to Section 55(2), the National Assembly must ensure instruments to:

- Ensure that all executive organs of the state in the national sphere of government are accountable to maintain oversight;
- Exercise national executive authority including the implementation of legislation; and
- Any organ of the state (O'Regan, 2005: 127-128).

3.2.2 Implementation of Checks and Balances

The above section discussed the three branches of government namely; legislature, executive and the judiciary. This section will focus on how the three branches provide checks and balances or rather accountability measures to curtail the exercise of their respective powers (O'Regan, 2005: 131). The aim of constitutional design that incorporates the separation of powers in South Africa was done to ensure accountability, responsiveness and openness. As in the cases of most constitutional systems, branches and state institutions of South Africa are also challenged by the exercise of power and is often tested (Klung, 2014: 4). Chapter 3 of the Constitution of South Africa Act 108 of 1996, articulates the principles of co-operative government, which states that all spheres of government and organs of the state must co-operate with one another on the basis of mutual trust and good faith.

In terms of this co-operative government practices, Section 41(1) (h) (vi), advises that spheres of government should avoid undertaking legal actions against one another (O'Regan, 2005: 131). Section 55(2) stipulates that the legislature conducts oversight over the executive and hold it accountable for their performance obligations (Seedat, 2015: 10). In South Africa, at Provincial Legislature level, the following Portfolio Committees; Public Accounts, Economic Development, Social Development, Infrastructure and Governance exist. The Portfolio of Public Accounts is responsible to provide oversight into the financial affairs of state and non-state entities. Local municipalities have to explain their expenditure, accruals and audit outcomes to the committee (Free State Legislature, 2016: n.p).

The Constitution of the Republic of South Africa, in section 102 stipulates that parliament have parliamentary control over executive. The National Assembly have the right to support a no confidence vote in the President, if he or she's conduct goes against that which is stipulated in the constitution. The National Assembly can however only do this with a two-third majority vote. If a two-third majority vote is obtained, then the President must resign. However, if a no confidence vote is directed against the cabinet, then the President is obliged to reconstitute the Cabinet (Seedat, 2015: 10). The South African Parliament has been criticised as being weak "watchdog" over the policies and practices of the executive. However, South Africa does not have a history of effective "watchdogs", instead pre-1994 colonial and apartheid regimes were focused on enriching the minority at the expenses of the majority. From 1948 to 1994 the South African parliament can be described as a rubber stamp for the National Party and never took on the role as a watchdog. This does not imply that the South African parliamentary system does not act forceful at all. The strength of the South African parliament was demonstrated in the initial post-apartheid Parliament under the Constitution and the national legislature as the Constitutional Assembly responsible for drafting the final Constitution of South Africa (Klung, 2014: 8-9).

The challenges associated with checks and balances in South Africa are often a political and legal issue. Therefore, when checks and balances are implemented,

additional mechanisms and institutions are created to maintain the desired goals of accountability, transparency and responsiveness (Klung, 2014: 4). It should be noted that the 1996 Constitution of South Africa **does not unambiguously** make reference to the separation of powers doctrine, it does however do so in its constitutional design (Seedat, 2015: 11; Klung, 2014: 4). Furthermore, it is clear that the constitutional architecture of the three branches of government do act as checks and balances, however, they are not fully divided or act in isolation which often result in some degree of overlap. Therefore, at the request of the Constitutional Court in 1996, the inception of South Africa's approach towards the separation of powers doctrine is as follow; *"There is currently no universal model of separation of powers and in democratic systems of government in which checks and balances result in the imposition of restraint by one branch of government upon another, there is no separation that is absolute. The principle of separation of powers recognizes each of the three braches functional independence. However, the principle of separation of checks and balances focuses on the desirability of ensuring that the constitutional order, in its totality, prevents the branches of government from usurping power from one another. It therefore, anticipate the intrusion of one branch of government on the terrain of another"* (Seedat, 2015: 11).

Mojapelo (2013: 39) agrees with Seedat (2015), that there is indeed no universal model of separation of powers. The South African constitutional court has witnessed how the doctrine of separation of powers had taken centre-state in a number of cases. During the case of the Executive Council Western Cape Legislature v President of the Republic of South Africa the constitutional court ruled that; *although the legislature may not delegate plenary law-making powers to the executive, it may however delegate subordinate law-making powers*. In this particular instance, the court confirmed reservation of plenary law making for the legislative body and made it non-delegable. This was necessary to reinforce effective law-making in South Africa (Mojapelo, 2013: 39). Therefore, Seedat (2015: 14) argues that, the South African courts have adopted a flexible approach to separation of powers, this specifically makes reference to cases related to Parliament. Therefore, the South African approach can be summarised as follows;

- The courts take into account that each branch of government has the power to perform specific functions assigned to them. These powers and functions should be respected and protected therefore establishing a non-intrusive principle.
- The non-intrusive principle should “conditionality” for the protection of fundamental rights, because these rights are essential elements of the South African democracy and the courts should intervene when necessary.
- South African courts may intrude to protect fundamental rights, they however, remain sensitive to the constitutional interest by keeping intrusion limited.

Seedat’s (2015: 14) summary of South African courts interpretation of the separation of powers is derived on recent court proceedings related to the following; *De Lile and Another v Speaker of the National Assembly*; *Mazibuko v Sisulu and Another*; *Lekota and Another v Speaker of the National Assembly and Another*; *Doctors for Life International v Speaker of the National Assembly and Others* and lastly *Malema and Another v Chairperson of the National Council of Provinces* (Seedat, 2015: 14-21).

3.2.3 South African Approach to Public Participation

The term participation was first used during the 1950s by social activists and project field workers and they concluded that participation was important for development (Olivier, n.d: 6). The international community view participation in a democracy is one of the most essential tools for legitimacy and ensuring strengthening democracy (Scott, 2009: 6). There has since been a dramatic shift towards public participation by the international community; the 1982 Manila Declaration, the 1990 African Charter for Public Participation in Development and Transformation, the 1996 Bolivian Summit Declaration, the 1998 United Nations Economic Commission for Europe adopted the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, commonly known as the Aarhus Convention) and the Bolivian Summit Declaration of 1996 (Legislative Sector South Africa. 2013: 24). The World Bank and the Development Bank of Southern Africa has also adopted the concept participation as a necessity for project implementation (Olivier, n.d: 6). These declarations are examples of some of the international shifts towards recognising the importance of public participation

(Legislative Sector South Africa. 2013: 24). Theoretically, public participation can be understood as a concept that places emphasis towards a more people-centred development approach which include; communication, involvement, a new approach from government and reciprocal influence (Scott, 2009: 25). South Africa is considered a representative democracy and has to adhere to the principles of participatory democracy in Parliament and including the nine Provincial Legislatures which is constitutionally mandated to include public participation during decision-making processes and policy formation. According to Legislative Sector South Africa (2013: 7), the South African Parliament defines public participation as a process by which Parliament and provincial legislature consult with the community or affected individuals, organisations and government entities. Due to the diverse nature of the South African society, it requires that public participation activities be inclusive to all. Public participation activities should therefore focus on those individuals who are confronted with poverty, lack of access to resources, children, youth, women and people with disabilities (Legislative Sector South Africa, 2013: 7).

The Constitution of South Africa Act 108 of 1996 is clear on the nature of public participation in South Africa; it should reflect "*the will of the people*" (Legislative Sector South Africa. 2013: 12). Furthermore, the Constitution of South Africa, Act 108 of 1996 provides guidelines for public participation programmes. At all legislature level, there are operational public participation units which consist of human and financial resources to ensure public participation. Although, public participation units are in place at Provincial Legislature as part of the strategic and business plans of the South African Parliament, it is not checked through a monitoring and evaluation processes (Scott, 2009: 6). However, it is widely understood that public participation strengthens institutions of representative democracies such as South Africa and it democratises institutions found in the country (Scott, 2009: 24). Nyalunga (2006: 1) reiterates the importance of public participation within a democracy and that it is central to any democratic order in a country. At Provincial Legislature level a number of implementation activities for public participation are conducted such as; public hearings, educational programmes and "Taking Parliament to the People" campaigns. However, Scott (2009: 6) argues that although these public participation activities are in place and occur on regular

intervals, effectiveness and efficiency of these programmes are not a priority to these programmes. At institutional level, there is a lack of consistency and therefore institutions are at different levels in terms of development, public participation strategies and implementation. It has also been observed that Committee proceedings is more concerned of attracting the elite and organised groups instead of the general population at grass root level. In addition, the Youth Parliament always receives excellent public participation, but committees fail to have feedback sessions with the communities (Scott, 2009: 6-7). The Constitution of South Africa Act 108 of 1996, section 152 stipulates that local authority in South Africa should encourage the involvement of communities and community organisations in the affairs of local government (Nyalunga, 2006: 2). Section 152 further confirms the numerous rights of South African citizens and that all stakeholders affected by public authority's decisions should make contributions to those decisions. Therefore, municipalities are required to;

- Consider the interests and concerns of residents when it drafts by-laws, policies and implementation of its programmes; and
- Ensure constant communication regarding all its activities (South African Local Government Association, 2013: 1).

The White Paper on Local Government clearly stipulates that local government structures should be in place to ensure the development of strategies and mechanisms in order to engage society (Olivier, n.d: 14). In addition, the White Paper on Local Government (Section B, paragraph 3.3) further indicates that municipalities have clear guidelines on how they should work with communities (South African Local Government Association, 2013: 2). At municipal level, the Municipal Systems and Structures Acts provides formal guidelines for municipalities to ensure coherent system of developing local governance resting on the pillars of community namely; participation, integrated development planning (IDP), budgeting and performance management (Olivier, n.d: 14). Municipalities are expected to activate public participation at four levels which include;

- *As Voters* - ensure maximum democratic accountability of elected political leaders in South Africa for the policies they are empowered to promote.
- *As citizens* – through different stakeholders associations they express their views, before, during and after all policy development processes.

- *As Consumers* – they expect value-for-money, affordable services and the courteous and responsive services from local government.
- *As Organised partners* – should be involved in the mobilisation of all government resources for development through the use of for-profit businesses, non-governmental organisations as well as community-based institutions (South African Local Government Association, 2013: 2).

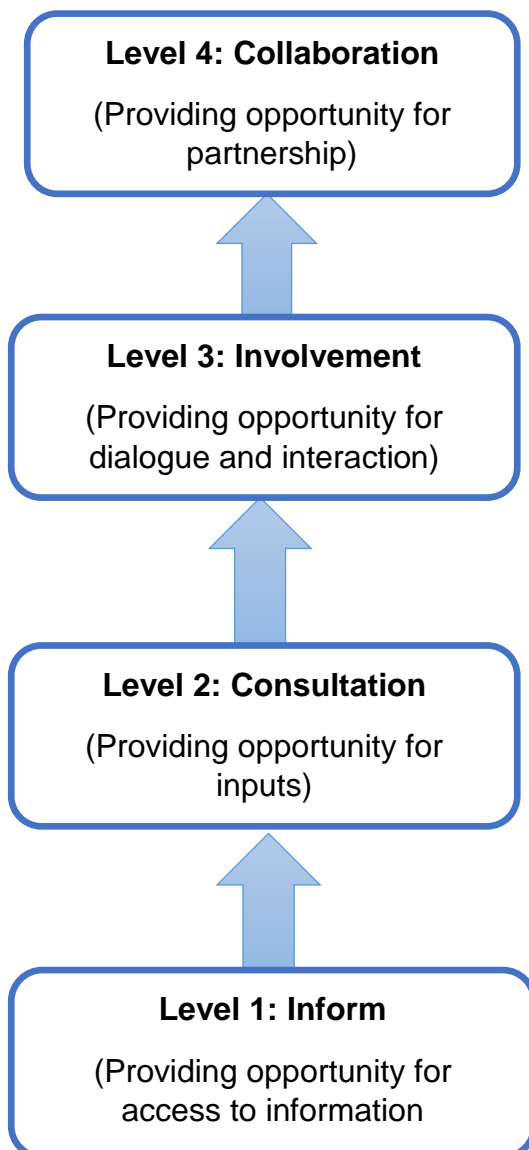
The public participation policy states that once policy has been developed, it should be made available to the community. Local government has to ensure that the community understands the newly developed policy and that it complies with the requirements contained in the Systems Act (South African Local Government Association, 2013: 9). Despite the provision of legislative guidelines to ensure transparency and accountability in the management of local government affairs, criticism has been expressed towards the inadequate practices related to;

- Political parties prioritizing development and participatory structures,
- Lack of commitment towards public consultation by municipalities,
- Service delivery is taking place at a slow pace in South Africa. Social services provision has been affected by slow pace in service delivery which has a direct impact on participation by ordinary South Africans,
- There is a general view that stakeholders lack capacity,
- Lack of access to information, and
- Lack of recognition of the importance of community based organisations and failure to cooperate and work closely with them (Nyalunga, 2006: 2).

Nyalunga (2006: 5) advises that South African participatory mechanisms should ensure that disadvantaged groups are included namely; youth, women, urban/rural poor and disabled persons. The disadvantaged groups should be included in the decision making processes of government and should not be limited to a once off event. Public participation will not drive itself and needs to be prioritised by stakeholders to ensure communities are involved in decision making processes. Therefore, in order to guarantee public participation in South Africa, strong partnership is a necessity between government and the civil society (Nyalunga, 2006: 5-6). The Legislature sector of South Africa has concluded that lessons from the international community should be noted. However, South Africa is cautioned against the international approach; moving from the *Best Practice* approach to a

more South African *Best Fit* approach. The move towards the *Best Fit* approach is a direct result of public participation programmes that have not met the expectations of the South African public (Legislative Sector South Africa. 2013: 25). The Legislature has since adopted the Ladder of Participation proposed by Arnstein as the Best Fit approach for participation in South Africa (see Figure 3.1) (Legislative Sector South Africa, 2013: 28). Booth and Therkildsen (2012: 7) agree that the best fit or good fit is more important than complying with governance ideals. Importance should not necessarily be placed on formal structures but rather on informal structures on how decisions are made at all levels of the political system and the society at large.

Figure 3.1 Best Fit Ladder for Participation in South Africa



Adopted from Legislature Sector (2013: 28).

However, Nyalunga (2006: 1) argues that public participation is a relatively new phenomenon to the South African government. Nyalunga (2006) points out that the previous apartheid government of South Africa created a race-based system that suppressed participation of Africans, Indians and the Coloured community. Therefore the newly democratic government of South Africa was left with the difficult task to create platforms for public participation.

In summary, the case study on South Africa demonstrated that there is no universal separation of powers. South Africa's constitution also does not make explicit distinction between the legislative, executive and judicial authority. Although a clear distinction exist between the three spheres of government in terms of their roles and functions constitutionally; overlap in jurisdictions may occur which reaffirms the importance of ensuring proper and effective checks and balances. Some may even argue in favour of this overlap and deem it necessary (Mojapelo, 2013: 45). Therefore, attempting to accept complete separation of powers between these branches can be considered "impossible" because they are all constituent parts of the same government and often have to scrutinise the conduct of the other branches (Seedat & Naaido, 2015: 5). It is further evident that the role of the courts in South Africa is to protect the Constitution as well as fundamental individual rights. Circumstances may arise where courts intrude on the territory of the legislature and the executive, but this is necessary to avoid the abuse of power (O'Regan, 2005: 146). The case study on South Africa demonstrated that there has been a global shift towards the promotion of public participation as an essential tool for development. Public participation is also a new phenomenon to the newly democratic South Africa. No formal foundation was laid by the colonial ruler or the apartheid regime. The South African constitution Act 108 of 1996 provides clear guidelines on how national, provincial and local government should ensure public participation in government affairs. However, the government has been criticised on lack of monitoring and evaluating these processes as lack of feedback by government officials. There is still room for improvement, but government hopes to achieve this through the adoption of the Best Fit Ladder for participation. The South African case study as discussed bears reference to this research investigation. South Africa's implementation of Western-orientated governance needs to be evaluated in order to determine whether it has been truly beneficial to the country and its people. The case study demonstrated several overlap, both in theory and practices relating to the South African checks and balance system as well as their interpretation of good governance principles. This brings the researcher to question, *whether Western-orientated governance should be implemented or should sub-Saharan states rather "Africanise" its governance approach according to their needs and not by western standards?*

3.3 BOTSWANA: UNIQUE COLONIAL HISTORY

Botswana is a non-coastal nation with a size of 220,000 square miles and is often compared to be the same size as Texas. Botswana's population is an estimated 1.6 million people and have Zimbabwe to the northeast, South Africa to the east and south, Namibia to the north and west, while it touches Zambia at one spot on the Zambezi River in the north part of the country). Majority of the land in Botswana is uninhabitable, accounting for 84% of the country's land mass is well known as the Kalahari Dessert, and therefore 80% of the population is situated along the fertile eastern border (Beaulier, 2003: 228). Botswana has enjoyed several periods of economic success when reviewing their growth history. According to Lewin (2011: 81), Botswana, just like many other newly independent sub-Saharan African states, had several economic challenges and 60% of government expenditure consisted of international development assistance. Botswana's infrastructure was poor (only 12 kilometres of paved roads) and their agricultural sector was limited (majority of sector consisted on cattle farming for beef productions) which accounted for 40 % of their gross domestic product (GDP) (Beaulier, 2003: 231).

From 1965 to 1995, their economy was rated as one of the fastest growing economies in the world. It was during this 30 year growth period that the country's average annual growth rate was 7.7% (Beaulier, 2003: 231). Their annual growth continued to grow over the years, from 1966 to 1999, and the country's annual growth in per capita income averaged 7.0 percent which was predominantly remarkable compared to other African economies (Lewin, 2011: 81). This resulted in Botswana gaining new status from "the third poorest country in the world" to being "upper middle income" nation (Beaulier, 2003: 231). By 2001, the country's real per capita income was \$7,820, virtually twice as high as the average East Asian tiger's per capita income of \$3,854, and more than four times the average per capita income of \$1,826 of an individual within the sub-Saharan African region. However, critics have argued that despite the much celebrated economic growth in Botswana, social gains from this growth have been minimal. For instance, their income distribution remains very unequal; their Gini coefficient was only 0.55 by 1994. The unemployment rate remains high which also resulted in large extent rural to urban

mitigation. This has dropped from 21% in 1990s to approximately 17% by 2008 (Lewin, 2011: 81).

Table 3.3 demonstrates the comparative figures of Botswana's socio-economic performance as compared to the world, sub-Saharan Africa, lower income states and South Africa. The data represented in the table makes reference to the World Bank Indicators of 2009 that depicts data from 1985-2005.

Table 3.3 Botswana Economic Performance Compared to Other Economies

Items	GDP per capita 2005 (at PP P\$)	GDP per growth average (%) 1965-2005)	GDP per capita growth average (%1965-2005)	Urban population 2005 (% of total)
World	8,771.21	3.50	1.78	48.67
sub-Saharan Africa	1,706.98	3.19	0.41	35.00
Lower income economies	1,092.94	3.77	1.28	27.47
South Africa	8,503.65	2.96	0.77	59.30
Botswana	12,067.14	10.01	6.98	57.30

Table 3.3 Adopted from Seidler (2010: 4).

How can Botswana's impressive growth rate be explained? What are the different explanations available today regarding Botswana's economic growth? According to Fearon and Laitin (2005: 1-2), the success of Botswana's independence was not characterised by domestic radical protest neither by pressure from the international community as the case of South Africa. Instead, the move towards Botswana gaining their independence was motivated by their British colony rather than nationalist leaders (Fearon & Laitin, 2005: 1-2). Seretse Khama was seen as a potential leader for Botswana, who was from an aristocratic family of the largest tribe among the Tswana (the Bamangwato). Later, Khama led the "new men" movement seeking a non-ascriptive based polity and won the support from the expatriate community. As his trust grew by British colonial leaders, by 1962 he was given the senior post in a trainee-minister. Khama's is moderate Bechuanaland (later

Botswana) Democratic Party gained the status as the largest major force in the Legislative Council, winning a majority of 28 out of 31 elected seats in 1965. When Botswana gained their independence in 1966, it came with no surprise that Khama became the first President of Independent Botswana (Fearon & Laitin, 2005: 2). Botswana captured the attention of the world and was largely regarded as a success story for other African states (Transparency International, n.d.: 1). At first, Botswana was listed amongst one of the poorest countries in the world, then by 1988 it gained “upper-middle” income economic status. By 2004, Botswana once again gained international attention in their success of achieving a gross domestic product (GDP) of 9,200US\$. Initially, after Botswana gained its independence, the country was largely dependent on aid; however through their national strategic priorities which focused sound management of their mineral resources such as diamonds, they are one of the consistent fast growing African states on the continent.

According to Transparency International (n.d: 2), Botswana's early success formula can be largely linked to their establishment of a strong governance structure which pre-date the discovery of diamonds. Meaning, Botswana only discovered their vital natural resources after they gained their independence. In 1967, the first diamond mine was discovered by De Beers, which makes Botswana's colonial history a unique one which cannot be compared to other African countries that endured colonial rule. Secondly, others have argued that Botswana's formula of success is largely due to their ability to avoid external debt while simultaneously maintained economic growth. The third ingredient to Botswana's formula for early success is their National Integrity System. *What does Botswana's National Integrity System entail?* Transparency International (TI) developed the concept of the National Integrity System (NIS) which consists of laws, institutions and practices. The NIS provides guidelines for a country which entails the maintenance of accountability and integrity of public, private and civil society organisations. The NIS, once understood correctly, provide the basis for developing anti-corruption reform programmes and as a result, over the years the concept is closely tied to institutions such as; legislature, executive, judiciary, independent anti-corruption agencies, media, private sector amongst inter alia. The NIS has passively contributed towards Botswana's good governance practices. Acemoglu, Johnson and Robinson (2002), in their article

titled the *Reversal of Fortune: Geography and Institutions in the making of the modern world income distribution*, argues that Botswana's success is largely due to;

- The country consisted of relatively inclusive pre-colonial institutions which placed enormous constraints on the political elites;
- The aftermath of colonial rule by Britain was relatively minimal and did not destroy the institutions set up prior to colonialization;
- The elite of Botswana was aware that the maintenance and strengthening of institutions of private property was also their own interest;
- Acemoglu, Johnson and Robinson (2002) agree with Transparency International (n.d: 2) that Botswana's discovery of diamonds plays an important element in Botswana's economic development. This resource wealth created enough rents for everyone, therefore no one challenged the status quo at the expense of "rocking the boat"; and
- The leadership decisions undertaken by President Khama and Masire were largely in the best interest of Botswana's development.

However, Beaulier (2003: 232), argues that although the explanation by Acemoglu, Johnson and Robinson (2002), might be captivating to some, it still does not explain Botswana's development. With regard to their argument on British institutions, it does not provide clear explanation for the strong discrepancy between Botswana and other former British colonies in sub-Saharan Africa. Beaulier (2003) argues that if all colonised African countries needed was good British institutions, than *why do they not all share similar economic success stories similar to that of Botswana?* This is especially the case when comparing Botswana to other British colonised African states such as Zambia and Zimbabwe where their per capita incomes are considerably lower. Secondly, if "inclusive pre-colonial institutions" (such as Kgotlas tribal customs) had positive impact on containing tribal leaders and contributed to economic growth; then *why did Botswana perform so poorly before independence?* (Beaulier, 2003: 232-233). Thirdly, the argument made by Acemoglu, Johnson and Robinson (2002), with regards to "aftermath of colonial rule by Britain was relatively minimal" can also be questioned because there were serious economic policy implication on the lives of the people of Botswana. At this juncture, Beaulier (2003: 233) makes specific reference to the "Hut Tax" introduced in 1899, which stayed in placed throughout the duration of Botswana's colonial history. The hut tax forced

Botswana people who had ownership of a hut to pay tax of one-pound, irrespective of the fact that the majority of the people could not afford this with their subsistence budgets. This resulted in some entering the formal labour market of Botswana while others were forced to seek job opportunities in South Africa where Botswanans obtained jobs in Britain's colonial mining operations. The British hut tax had serious economic and social consequences namely; by 1943, 50% of adult male population have immigrated to South Africa, skilled adult males such as artisans and entrepreneurs could not provide service to Botswana, women had to take larger roles in the households while their children were raised without male parents who were out of the country for approximately months each year (Beaulier, 2003: 233). Fourthly, Beaulier (2003: 233-234) agrees with Acemoglu, Johnson and Robinson (2002) that Britain's political and legal institutions during their colonial rule did have positive impact on Botswana; this is evident since Botswana after independence adopted a Westminster parliamentary system and British judiciary system. Furthermore, the strong and visionary leadership under the administration of President Khama and Masire was significant in positioning post-colonial Botswana as a financially viable entity which demonstrated their commitment to long-term economic development.

However, Acemoglu, Johnson and Robinson (2002) omitted the fact that Botswana was virtually the only sub-Saharan African state that did not have to deal with international political turmoil since obtaining their independence. Due to the fact that Botswana successfully attracted foreign direct investments (FDI), they only had minimal direct assistance from the International Monetary Fund (IMF) and World Bank (WB). Lastly, Botswana still benefited from the British Exchequer for international aid after their independence and by 1972, Botswana cut off their financial ties with the British Exchequer due to the discovery of diamonds. Botswana's attracting a large sum of FDI assisted their development, joined the United Nations in 1966 and allowed minimum assistance from the IMF and WB, by limiting their involvement in Botswana's affairs on an advisory capacity (Beaulier, 2003: 233-235). Lewin (2011: 81-82) agrees with Acemoglu, Johnson and Robinson (2002) that the discovery of diamonds and other minerals was a contributing factor to their economic success of Botswana, however points out that it is only one element

to their success. Lewin (2011: 82) makes reference to other African countries such as Zambia, Nigeria, the Democratic Republic of Congo (DRC) and Sierra Leone that also owns vast amount of natural resources but did not experience the level of long term economic growth compared to Botswana. Majority of African mineral-based countries have been prone to bad governance which has been termed by Acemoglu and others as “good economics, bad politics”. Therefore, the other key elements to Botswana’s receipt of success includes lack of civil conflict and the practices of good economic management and good governance (Lewin, 2011: 82). In several sub-Saharan African countries the discovery of minerals often results in malignant dictatorship, civil war and predatory regimes – all motivated by self-interest. In the case of Botswana, they fortunately avoided such manmade disasters. Botswana has a relatively homogeneous population which has little potential for ethnic polarization. However, consensus has been reached by Lewis (2011), Acemoglu, Johnson and Robinson (2002) and Beaulier (2003) all agree that good governance practices employed by Botswana’s leadership played a vital role. According to Lewis (2011: 82, 85) the final element to Botswana’s receipt for success are the following good governance practices; established respect for the rule of law, high degree of transparency, established consultative institutions and citizenship respect for private property which was also strengthened through the leadership and cooperation of tribal leaders. It is clear that no consensus have been reached on Botswana’s consistent economic success they enjoyed since their independence. The researcher therefore encourages readers to further investigate the history of Botswana’s success and draw individual conclusions. The researcher further firmly believes not one element can be set to be more important than the other. The events that led to independence, discovery of minerals, attraction of FDIs, lack of foreign debt, civil and conflict wars, the political leadership and good governance practices as well as citizens willingness to accept policy changes; all contributed to the economic success of Botswana.

3.3.1 Post-colonial State Institutions

The democratic system of Botswana is a Westminster parliamentary system (Beaulier, 2003: 231). Botswana’s foundation is based on their written Constitution that outlines the separation of powers between the executive, legislature and the

judicial system. The principles of democracy is practiced in Botswana. The Botswana government is accountable to the people, free and regular elections are held which is characterised by a multi-party system. The executive actions are subjected to review and their citizens can sue government in courts (Transparency International, n.d: 3).

The citizens of Botswana have the opportunity to participate in elections every five years to vote for a President and a National Assembly. In 1997, the democratic principles in Botswana expanded which made provisions for universal suffrage at 18 years of age. Furthermore, the Botswana government is also an establishment of the Independent Electoral Commission (IEC) which is responsible for fairness during elections and an absentee ballot. In Botswana, the electoral system used is the First-Past-The-Post (FPTP) system which is applied to single member district, held every five years, with the exception of two district elections which was held during the 1989 elections (Botswana: Comparative National Systems. 2009, 5). This was as a result of a court judgement by the high court due to reported administrative irregularities in the conduct of those elections. However, this has been the last case and since, all elections in Botswana have been considered to be free and fair by domestic and international observers (Botswana: Comparative National Systems. 2009, 5). The FPTP therefore, ensures that elections in Botswana are conducted in a stable and effective manner. Furthermore, this system combines Botswana's multi-party political system and provides a direct link between constituents and Members of Parliament (Botswana: Comparative National Systems, 2009: 6). The importance of ensuring a strong link between constituents and Members of Parliament is to keep them accountable to implement good governance practices in Botswana. *What is the opinion of some observers with regard to good governance practices in Botswana?*

Kaboyakgosi and Marata (2013: 310) argue that progress has been made in service delivery but there is a growing concern for improved implementation of government's policies and programmes. The country's eighth national development plan (1997-2003) and the 2014/2015 budget speech highlights the necessity of government to ensure adequate implementation capacity. The Botswana government implementation dilemma includes; economic diversification, high unemployment rate,

poverty, social inequality and the persistence of HIV/AIDS amongst the people (Kaboyakgosi & Marata, 2013: 315). The Botswana government has the responsibility to ensure poverty levels are decreased, hence the commitment to economic diversification and poverty alleviation. Although Botswana received great appraisals for its economic development, only the elite benefit and not the majority of its people. According to the U. N. Development Programme Human Development Indicators, "Botswana ranks third place in the world in its Gini coefficient, a measure of the inequality of income distribution, behind Comoros and Namibia" (Cook & Sarkin, 2010: 479). Simply put, the majority of the population has not been benefitting; between 2000 and 2007 – 31.2% of the population lived on less than \$1.25 per day, 49.4% lived on less than \$2 per day in comparison to the 10% of the population that enjoy 51.2% share of income or expenditure (Cook & Sarkin, 2010: 479). There were also some major infrastructure developments by 2007, Botswana had 7,000 kilometres of paved roads and their per capita income had increased to about \$6,100 (\$12,000 at purchasing power parity) (Lewin, 2011: 81). In efforts by the government of Botswana to combat corruption; they have enjoyed considerable success, nevertheless without some dilemmas. In 1994, the independent Directorate on Corruption and Economic Crime was established with the aim of combating corruption. Theoretically speaking, the Directorate is independent to investigate any form of corruption at any level, however, its practical application can be questioned because its independence is limited by the fact that it falls under the Office of the President which it also reports to. Some observers have criticised the Directorate and argue that their track record indicate investigations of only modest dimensions rather while avoiding high-level grand corruption allegations (Transparency International, n.d: 5).

The international community have articulated disappointment in the Botswana government's failure to sign the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption. The international community view these two international instruments as crucial tools that would facilitate African countries in their fight against corruption domestically and during collaborations between African nations. Kaboyakgosi and Marata (2013: 317) argue that there is a declining level of public accountability in Botswana. Here,

Kaboyakgosi and Marata make reference to the World Bank Institute findings which indicate a decline in public accountability in Botswana from 75% in 1996 to 60% in 2010. This is a growing concern, because optimal public accountability ensures that the goals that have been set are committed to and excesses are minimised, therefore holding politicians and public servants accountable for their actions. In civil services, the limited capacity for oversight by Parliament and the Office of the Auditor General (OAG) compounds the problem of holding officials accountable. For example, when the Minister for Finance and Development Planning tabled the budget vote, parliament is only provided a month to debate the document without proper access to the parameters which informed the budget (Cook & Sarkin, 2010: 477). The OAG, does not have the authority to enforce recommendations made regarding poor management of public resources which eventually leads to recurrent mismanagement. There has been a concern regarding public participation in Botswana. While public participation during elections was high in sub-Saharan Africa in the 1990s, it was not the case in Botswana. During Botswana's national elections in 1999 there was a low voter turnout namely only 42% of the population participated in the national elections. In comparison to the rest of sub-Saharan Africa which was approximately 80% participation, this was a major disappointment. Some have argued that Non-Governmental Organisations (NGOs) from Botswana are reluctant to question issues relating to human rights, gender equity, capital punishment, political education, the San and democracy (Cook & Sarkin, 2010: 477).

The government of Botswana has also received criticism regarding the severe limitation placed upon the freedom of media in the country. Although there is the presence of independent media in the country, government seems to dominate the majority of the media platforms through; state television, two radio stations and its newspaper, the Daily News (Cook & Sarkin, 2010: 478). Furthermore, government's domination is evident for instance, the office of the President has direct control over the Daily News and public officials are prohibited to speak to the press. This form of prohibition from the Botswana government has been considered to be a form of restriction to the flow of information to its citizens. Lewin (2011: 85) rather draw our attention to the "controversial role of democracy" in Botswana. He points to the fact that since the country's independence, they have had a one-party rule, women's

representation is limited and allegations that the San people are not treated equally. However, the same could be said about South Africa, since it became a democratic country, there has also been one-party rule to date, criticism towards few women who are in leadership/ managerial positions and that minority groups are not treated equally as compared to the majority. However, the researcher encourages that the proceeding sections will discuss the executive, legislature and judiciary of Botswana in detail as well as look at other important facts involving their democratic values and practices.

3.3.2 Executive branch

The executive branch consists of the President, deputy President and the Cabinet. The President's role include providing conceptual and operational leadership at a national level and is responsible for the overall policy decision making, coordination, implementation, monitoring and evaluation. Furthermore, the President also takes on the role of evaluation of interrelated ministerial policies, programmes and operations. The President is also the chief executive officer therefore, it is expected to execute all functions as stipulated by the Constitution of Botswana and any other law. The President may not take directive from any other person or authority and is expected to follow his own deliberate judgement (Botswana Institute for Development Policy Analysis, 2007: 72). This is clearly articulated in section 47 (1) and states that the executive powers of the Republic of Botswana is vested in the President (Molomo, 2000: 97). The President's administrative duties include chairing the meetings of the Cabinet, who advises the President on state policies and other matters. In terms of checks and balances, the executive branch seems to have dominance over the Legislature which limits its countervailing powers on the executive (Botswana Institute for Development Policy Analysis, 2007: 72).

For example, the President has the power to dissolve Parliament, but Parliament cannot impeach the President (Molomo, 2000: 1, Botswana Institute for Development Policy Analysis, 2007: 72). The powers bestowed on the President is demonstrated even more; the President has the power to appoint and remove the Deputy President, Cabinet Ministers and their Assistants and the Ambassadors or

High Commissioners (Molomo, 2000: 98). This is a “loophole” that may result in the abuse of power by the executive (Botswana Institute for Development Policy Analysis, 2007: 72). The extensive powers by the President of Botswana have resulted in some observers referring to the country as a “*liberal authoritarian state*”. The President’s powers are wide-ranging; the President heads important apparatus of the state such as the Military Force, Police, Broadcasting and Information, Directorate of Public Service management, the Directorate of Corruption and Economic Crime, and Printing and Publishing (Molomo, 2000: 97). One of the most important policy instruments in Botswana is the Executive Budget Proposal. However, criticism has been expressed that this proposal consists of major omitted information in the budget proposals in the following areas;

- There is lack of information on certain fiscal activities which has major impact on state’s ability to meet fiscal and policy goals which include information on government’s assets and tax expenditure.
- The Executive Budget Proposal is also considered to be insufficient on providing information on public corporations, quasi-fiscal activities, expenditure arrears, contingent and future liabilities.
- Insufficient information is provided on the outputs and outcomes which makes it challenging to monitor the budget’s impact.
- Pre-Budget State which sets the broad parameters for the budget is only produced for internal purposes and not made available to the public.
- A Mid-Year Review is an overview of the budget’s effects in the mid-year, provides changes in economic assumptions which directly affects budget policies. In addition, the information also allows the government, legislature and the public to determine whether to adjust revenue, expenditure or borrow during the last six months. The government of Botswana does provide a Mid-Year Review, however it is not published or made available to the public.
- A Citizens Budget is a nontechnical representation of states budget which is intended to enable the public who is not familiar with public finances. However, the government of Botswana does not produce a Citizen Budget (Open Report Index 2010, 2010: 2).

3.3.3 Botswana's Westminster Parliamentary System

In Botswana, the legislature is also referred to as the Parliament (Botswana Institute for Development Policy Analysis, 2007: 73). According to the Botswana: Comparative National System (2009: 5), Botswana's Legislature is bicameral, consisting of the National Assembly and House of Chiefs. The country has a weak bicameral legislature where the National Assembly is the lower house and serves as the legislative body. The National Assembly comprises 57 directly elected members, four members chosen by the directly elected members and finally three ex-officio members. The three ex-officio members include the President, the Speaker and the Attorney-General. The second house is the House of Chiefs, which is the legislature's upper house which consists of 35 members respectfully to ensure regional representation. The 35 members comprise; 8 members representing the subgroups of the Botswana tribes, 22 elected members from the House of Chiefs for a five year term and finally 5 members elected solely by the President of Botswana. The House of Chiefs is a more symbolic figure to the National Assembly and greatly lacks legislative powers. The House of Chiefs serves the National Assembly as a consultative body on matters pertaining to; native law, customs, land and constitutional amendments (Botswana: Comparative National Systems, 2009: 5).

Despite this structural parliamentary system there is a growing concern with regards to protecting and upholding Human Rights in Botswana, therefore some domestic and international observers have questioned the country's commitment to Human Rights. Although Botswana is a member of various international treaties and conventions, it shows little support for human rights agreements. Botswana government never submitted their report to the African Commission on Human and Peoples' Rights and also failed to submit reports to the Committee Against Torture (Cook & Sarkin, 2010: 481-482). Reports of maladministration and corruption in general are present in Botswana. According to Mbaog and Komboni, (2008: 55) Botswana's issues related to maladministration and corruption threatens good governance efforts by the government of Botswana. Therefore, 20 Parliamentary Committees have been established to facilitate the administrative and management of the representative body. These Parliamentary Committees keep the executive accountable by being the "watchdog" over policies and implementation. The Public

Accounts Committee (PAC) is considered as the most important parliamentary committee. Theoretically, a member of Parliament (MP) can be recalled for non-performance by the PAC, however in practices, no MP has ever been recalled (Botswana Institute for Development Policy Analysis, 2007: 73).

3.3.4 Inherited British Judicial System

In addition to their inherited Western political system, Botswana also inherited a British common-law legal framework. Despite, Botswana's post-colonial legal framework, they have successfully managed to incorporate important features of tribal law into British common law (Beaulier, 2003: 231). In Botswana, the judicial System is independent and is reaffirmed by their Constitution (Transparency International, n.d: 4). While maintaining their independence, the judiciary is expected to exercise their roles and functions without any fear or favour (Botswana Institute for Development Policy Analysis, 2007: 78). The judiciary interprets and administers the constitution and other laws pertaining to the protection of freedom and individual rights. The Botswana judiciary system comprises the High Court, Court of Appeal and magistrates courts. The president of Botswana is responsible for the appointment of the Chief of Justice and the President of the Court of Appeal (Botswana: Comparative National Systems, 2009: 7). The judicial system of Botswana further includes the Industrial Court. The judicial system has provided the division of labour as follows; the magisterial/ high court system is responsible for cases related to civil and criminal nature. While customary courts are restricted to only civil and minor criminal cases. The High Court is the only court that can impose the death penalty for convicted murders, cases related to treason and violent piracy cases (Botswana Institute for Development Policy Analysis, 2007: 78).

The President in consultation with the Judicial Service Commission (JSC) is responsible for appointing all other judges. Botswana's constitution, Section 96 (1) and (2) provide the guidelines on the appointment of the Chief Justice and judges of the High Court (Botswana Institute for Development Policy Analysis, 2007: 78). The Village Assembly Structure (Kgotla) is headed by the traditional chiefs which serve as court presidents, handles customary disputes in the villages (Botswana:

Comparative National Systems, 2009: 7). The Botswana courts have successfully established the precedent that they will review executive actions where there is alleged abuse of power. The courts are dedicated to convicting all persons found guilty on corrupt charges. However, there have been a delay in some trial cases which directly impacted the conviction rate of cases brought forward by the Directorate on Corruption and Economic Crime in Botswana (Transparency International, n.d: 4).

Furthermore, since the inception of the Office of the Ombudsman in 1995, the exposure of injustice practices in Botswana's public service has had profound impact on their people. However, the Office of the Ombudsman have received criticism due to their lack of independence and autonomy, and therefore recommendations have been made to amend the Act in order to guarantee independence and autonomy (Transparency International, n.d: 4). In practice, the independence of the judiciary is respected in Botswana and courts decisions have always been respected by the executive. This has been demonstrated in several cases. There have been numerous cases where individuals or groups have sued the government or government officials and have won their cases in court. In the case of *Unity Dow vs. Attorney General*, Ms Dow challenged Botswana's Citizenship Act on the bases that it is discriminatory. The court ruled in favour of Ms Dow and the Citizenship Act was subsequently amended. In another case involving a minority group namely, *Basarwa vs. Attorney General*; this group alleged that the government had forcefully removed them from ancestral land which was unconstitutional. The court ruled in favour of the minority group and was allowed to return to their ancestral lands of Central Kalahari Game reserve (CKGR). In neither of these above mentioned cases amongst inter alia, did the executive attempt to interfere. Therefore, the Botswana government has demonstrated respect for the independence of the judiciary as an aspect of the rule of law because it is protected by the Constitution (Botswana Institute for Development Policy Analysis, 2007: 79).

3.3.5 Institutions and Forums for Public Participation

The Botswana government established institutions and forums to ensure consultation (or public participation) in government affairs. These institutions and

forums include; Village Assembly (Kgotla), Village Development Committees (VDCs), District Development Committees (DDCs), National District Development Conference (NDDC), Local Authorities (District, Town and City Councils), the Rural Development Council (RDC) and finally the High Level Consultative Council (HLCC). In theory, one could argue that the government of Botswana has adequate forums for consultation from village to national level (Botswana Institute for Development Policy Analysis, 2007: 84). Obasi and Lekorwe (2014: 1), state that Botswana's decentralization is a national political priority and is well stipulated in the Constitution as well as other policy documents including their National Development Plan. Botswana's implementation of decentralization has played key a role in their public participation, their inherited traditional Kgotla system/ Village Public Forums. The Public Forums for public participation demonstrates government of Botswana's commitment to the principle of bottom-up planning (Obasi and Lekorwe, 2014: 1-2). However, in practice the government of Botswana uses the CDCs and DDCs for "informative sessions" instead of "bottom-up" consultation. For example, government officials would inform CDCs and DDCs on decisions government is considering, the peoples inputs are noted but not incorporated in the final decisions. This resulted in the perception that government communicates pre-determined decisions to the people (Botswana Institute for Development Policy Analysis, 2007: 84). The implementation of decentralization for active citizen participation is not unique to Botswana; it is one of the greatest challenges facing twenty-first century governments. Herber (1972) is of the opinion that during the 1960s there was a demand for greater decentralization, however he points out that decentralization does not assume or imply public participation. Herber makes reference to Tanzania, Kenya and Sudan as case studies that demonstrate that despite decentralized structures, public participation was unachieved in these three countries.

However, decentralization of public participation should not be underestimated because it leads to better policy making and key to good governance practices. This method of consulting with government also creates a platform to obtain new ideas, information and other resources to consider when policies are developed (Obasi and Lekorwe, 2014: 2-3). While there appear to be proper institutions and forums in place for public participation and not so much with actual implementation; however,

the private sector functions has actual consultation processes. The 2007 edition of The Economist Intelligence Unit's Index of Democracy, gave Botswana a low score on their democratic indicators of political participation and political culture. This was also supported by the World Bank's Worldwide Governance Indicators on "voice and accountability". The voice and accountability indicators refer to the extent citizens are able to freely express their thoughts, freedom of association, free media and selecting their government. In 2003-2004, they ranked second in sub-Saharan Africa scoring 85% for their public participation, but this has since dropped; third place in 2005 with 65%, dropped further to seventh place in 2006 with 50%, sixth place in 2007 at consistent of 50% and fifth place in in 2008 at 55% (Alexander & Kaboyakgosi, 2012: 25). Private sector involvement in the decision-making is done through the HLCC and the bi-annual National Business Conference (NBC) and government labour employer forum, the National Employment, Manpower and Incomes Council (NEMIC). It was only through the pressure by the Botswana Confederation of Commerce, Industry and manpower (a private sector business advocacy organisation representing employers), that the HLCC, NBC and the Business and Economic Advisory Council (BEAC) was established (Botswana Institute for Development Policy Analysis, 2007: 84). Unfortunately, Non-governmental Organizations (NGOs) in Botswana are the most ineffective group regarding participating in government decision-making processes. According to the Botswana Institute for Development Policy Analysis (2007: 84), NGOs focus on "*the gaps in service delivery*" rather than engagement with the state and in advocacy. This is largely due to the following four main issues; lack of skills, formal institutional structures, governance and financial constraints. Firstly, NGOs in Botswana finds it difficult to attract and retain skilled employers due to poor remuneration and uncompetitive working environments. Secondly, NGOs are not properly institutionalized and often follow personal commitments to single causes; once these drivers leave, the NGOs usually collapse. Thirdly, NGOs face similar good governance issues related to internal democracy, accountability and transparency. Finally, the re-classification of Botswana as a middle income country as resulted in lack of financial support from foreign aid. An example of lack of participation by an NGO in Botswana is that of the Botswana Federation of Trade Unions (BFTU) that is constantly invited to HLCC meetings but fail to attend and participate (Botswana

Institute for Development Policy Analysis, 2007: 84). In Botswana the public participation can be done in the following manner;

- *Public meetings:* are conducted at kgotla or any other venue in order to explain public policies and the stages of the implementation processes. In theory, the importance of this meeting is for consultative purposes. For example of this was the Ministry of Local Government's Progress Report that was reported in their Daily News in 2004.
- *Client-oriented Feedback Machinery:* inviting stakeholder consultative forums have always formed part of a regular policy process, especially for public enterprises in preparation for full commercialization or privatization. For example the Public Enterprises Evaluation and Privatization Agency (PEEPA) conducted public consultation activities to promote the privatization idea to the various stakeholders including labour unions.
- *Innovative Participative Methods:* There are currently no evidence that this method of innovative participative methods including interactive websites are being utilised. However, there is a growing approach towards Internet facilities, since the Botswana government has invested largely in Information and Communications Technology (ICT) in public sector offices, higher education and secondary schools. The 2016 Vision of Botswana has emphasised the importance of information and of developing efficient information system and networks and ensuring that all families would have access to technology, television, audio and print media. The Botswana government wants to ensure the free flow of information in all communities.

Mechanisms for Long term Deliberation Issues: Although there are no clear evidence of the use of citizens' juries, Botswana has carried out a Vision Exercise that produced Vision 2016. Botswana also uses *kgotla* to conduct community needs analysis and develop plans. They have also used this platform for communities to decide which project (s) is of utmost priority to them especially when there are government constraints. There is evidence that people are more aware and conscious which derives from access to information. For instance, the Taxi and Combi bus operations in Francistown called to be included in the decision making processes. The community of Francistown criticized Francistown City Council (FCC)

and the central government Department of Transport for not involving them in decision-making on issues affecting their business (Obasi & Lekorwe, 2014: 6). It is important for Botswana to promote and reinforce public participation platforms, because this will determine the success or failure of government's democratic implementation. Therefore, in this context the term "participation" refers to the process of empowering citizens to become self-reliant mobilisation, responsible and take control over the distribution of resources. Botswana in traditional terms is classified as a "representative democracy". However, the taking into account the classification as being a representative democracy, then Botswana has implemented a "weak interpretation" of participation" (Alexander & Kaboyakgosi, 2012: 24-25). De Beer (2000) agrees and states that this weak interpretation of participation is evident because public participation in Botswana is characterised by co-option, placation, consultation and information, and not necessarily empowering the citizens to determine their own development. However, when Botswana is compared to other sub-Saharan states and the rest of the African continent, their performance in governance and democracy is better off. Botswana is politically, economically and socially stable with predictable institutional, policy and legal environment (Alexander & Kaboyakgosi, 2012: 25). However, in terms of free flow of information, the Vision 2016 Botswana Performance Report indicates that the Setswana language newspaper and community radio stations may limit information flow, especially in rural areas. This will affect rural communities' ability to meaningful participation in public hearings, reviewing governmental documents and their ability to participate in public policy and the decision-making processes as well as participation in the political environment (Alexander & Kaboyakgosi, 2012: 25).

The outcomes of the Mapping Local Democracy exercise by the Botswana Association of Local Authorities (BALA) substantiate the decline in public participation. The BALA exercise affirms that there is a steady decline of confidence in public institutions and local authorities because of slow and poor quality service delivery by central government (Alexander & Kaboyakgosi, 2012: 26). The Botswana government has further received criticism from citizens with regard to how transparent government is with its budget. The government of Botswana only scored 51 out of 100 tailing South Africa which scored 92 out of the sub-Saharan African

States for the Open Budget Survey. This indicates that the government of Botswana only provides citizens with some/ little information on the central government's budget and financial activities during the course of the budget year and this makes it challenging for citizens to hold government accountable for its management of public money (Open Budget Index 2010, 2010: 1). Some observers has indicated that the decline of public confidence in the government of Botswana is worrisome because it is a sign that the government of Botswana is failing to carry out its mandate and promote democracy, the rule of law, electoral participation, decision making participation, legitimacy, accountability and the citizens quality of law (Alexander & Kaboyakgosi, 2012: 26).

In summary, Botswana's colonial history is unique compared to other sub-Saharan African countries who also had colonial rulers. It is also clear that Botswana made relatively good governing decisions post-independence. Although some may question the manner in which Botswana implements democratic principles and practices; it should be noted that good governance is western-orientated and does not originate from the African continent. However, it is widely accepted that government functions in a democratic manner that upholds their constitution as the rule of law. The Constitution of Botswana provides for checks and balances between the Legislature (Parliament), Executive and Judiciary. The executive comprises the President, the deputy President and the Cabinet. The President provides operational leadership at national level and is the chief executive officer and is expected to execute all functions deliberated upon him by the Constitution or any other rule of law. The President enjoys extensive powers and can even dissolve the Parliament, but Parliament cannot impeach the President. This case study demonstrated that the executive respects the independence and decisions taken by the courts. There is no indication of interference in the operations of the legislature and the judiciary system. In cases where Botswana citizens took the government to court, decisions were respected by the executive and no political interference or any intimidation came into play. Therefore, the judiciary system in Botswana operates without any fear or favour. The Parliament of Botswana consists of the President and the National Assembly. Botswana implemented the system of universal adult suffrage and as a result, the National Assembly is subjected to general elections

every five years. The government of Botswana have established institutions and forums for consultations/ public participation in government decision making for the public, private sector and non-state actors. In theory these institutions should operate from the bottom-up approach, but as demonstrated in this case study, there are some issues that prevent stakeholders from participating in government decision-making processes. There is a perception that government sometimes communicate pre-determined decisions to the people at these forums. The private sector is more active than the NGOs because due to lack of skills, formal institutional structures, governance and financial constraints.

3.4 OVERVIEW OF NAMIBIAN HISTORY

Namibia area is 824,292 km² (Hanns Seidel Foundation Namibia, 2012: 5) and is west of the Atlantic Ocean, north from Angola and Zambia, east of Botswana and South of South Africa (Namibia Country Report, *n.d.*: 3). Namibia is divided into 13 regions and has Windhoek as its Capital City. The population of Namibia is approximately 400,000 inhabitants with 6% European, 7% Coloured and 87% African representing (50% Ovambo, 9.0% Kavango, 7% Herero, 7% Damara, 5% Nama, 4% Caprivi, 3% San, 1.5% Baster and 0.5% Tswana. Namibia's population growth rate is 0.95% and 42% are situated in urban areas while majority of the population 58% are in rural areas (Hanns Seidel Foundation Namibia, 2012: 5-6). In 2011 the World Bank indicated that life expectancy at birth is very low at only 52.19 years. When comparing Namibia to other African countries, its population growth rate is moderate and their fertility rate is only 2.49 children per women according to the 2011 World Bank report. In Namibia, English is the official language while Afrikaans and German is also widely spoken. Namibian infrastructure is well developed in terms of African standards, with an extensive and well maintained road network and a modern aviation industry. The most important mineral commodities exported in Namibia are diamonds (south coast), copper, gold, zinc, lead, uranium (northern and central Namibia) and salt (coastal central Namibia). Namibia also exports cattle, processed fish and karakul sheep skins. Namibia's exports-driven mining sector is an important foreign currency for their economy, the sector made up 10% of their GDP in 2009, however it only employs 3% of the population. Namibia's economy is also closely linked to that of South Africa with the Namibian dollar pegged at one-to-

one with the South African rand (Namibia Country Report, *n.d.*: 5-7). Namibia is classified as a lower-income country that is largely dependent on the extraction and procession of minerals for export. According to the Namibia Country report (*n.d.*: 4), Namibia has the most unequal distribution of income in the world, as a result of the legacy from their colonial masters and apartheid era. Namibia's economy is largely dependent on external influences such as; world market prizes, climate conditions, commodities, regional economic development and South Africa's economy (Hanns Seidel Foundation Namibia, 2012: 6).

3.4.1 Namibian colonial history

Post-World War I and the German's defeat, led to the allied powers deciding to establish the erstwhile German colony of South West Africa (today known as Namibia) as a mandate under the supervision of the League of Nations. South Africa played a significant part during this time, as it was allowed to administer the territory as an integral part of itself and required to report periodically to the League's Mandate Commission. However, South Africa's role and reports stopped shortly before World War II. In 1945 South Africa approached the League of Nations asking permission to have the mandated territory officially incorporated into South Africa. South Africa's request was denied and supervision was placed under the General Assembly and its Trusteeship Council (Wiechers, 2010: 81-82). Namibia officially gained their independence from South Africa on the 21st March 1990. The road towards freedom for Namibia was not an easy one. It required the struggle before the United Nations Security Council (UNSC) Resolution 435 and the 1989 national elections under the supervision of the United Nations (UN). The purpose of the 1989 national elections was to elect a Constituent Assembly to draft a constitution for the new Namibian State (Erasmus, 2000: 77). Hence Wiechers (2010: 81), argues that the Namibian constitutional making processes was intended to stimulate active politics and inspire Namibians to focus on the future for the next fifteen years. Tötemeyer (2000: 108), reaffirms that Namibia's commitment cooperative democracy is obvious however, the country's history of decentralisation is still an infant, and judgement on it would be almost premature.

However, Kaapama, Blaauw, Zaaruka and Kaakunga (2007: 1) agree that Namibia has made noticeable strides in adhering to their constitutional provisions which required acceptance by all. Namibia has succeeded in utilising economic infrastructure to improve the lives of the Namibian society. However, Kaapama, et al. (2007: 1) argues that although there is success on their economic front, the political front remains a concern. There is still a need to fully transform the political landscape of Namibia, since there is a weakness of the opposition and the absence of a viable civil society. At Independence, Namibia's economy faced numerous challenges which still has a direct effect on the country's economic and political governance. The Namibian economy is characterised by; dualistic production structure comprised of traditional subsistence and high technology industry (especially their mining industry). In terms of economic growth, agriculture, fishing and mining are the mainstay of the economy but have decreased enormously since independence. Therefore, the biggest challenge in Namibia for economic growth is diversification. This statement is based on the following facts; while the country's per capita income of US\$2,000 in 2014 was amongst the highest in sub-Saharan Africa, its skewed income distribution) (Gini coefficient) of 0.60 is one of the highest in the world. Simply put, it means that 28% of those surveyed in the 2006 Namibia Household Income and Expenditure Survey (NHIES) were living below the international poverty datum line of which is US\$1 dollar a day. The 2006 NHIES data indicated that 42% of households in Namibia were relatively poor while 7% are extremely poor (Kaapama, et al., 2007: 1-2). On the political front, post-independence Namibia electoral trends have indicated that opposition parties have failed to gain the status of serious opposition for the ruling South West African People's Organisation (Swapo). This is a crucial factor that threatens their democracy because a strong political system with checks and balances are needed for legitimate political order and consolidation of democracy. The political system of Namibia is currently being threatened on becoming a one-party state (Kaapama, et al., 2007: 2-5). Christiansen (2012: 29) states that this is why critical observers such as Henning Melber put Namibia's various shortcomings on their failing political landscape.

Critical observer of Namibia's development, Henning Melber (in Christiansen, 2012: 30) argues that Swapo is intolerant of deviating political opinions and to opposing parties. Furthermore, Christiansen (2012: 29-30) adds that Swapo does not have a clear grasp on the nature of democracy and the role of the governing political party should be a temporary mandate. Swapo's misunderstanding of democracy and their role is clear since they consider their political party and the state/government as one in the same. Swapo's lack of understanding is evident when considering the statement of the first Namibian President, Sam Nujoma; "As future leaders of your country, you should act to always promote the interest of the Swapo party and the national interest before your own. It is only through that manner that the Swapo party will grow from strength to strength and continue to rule Namibia for the next ONE THOUSAND YEARS" (Christiansen, 2012: 31). This is especially worrisome because Namibia already has the structural features ready such as the Electoral Commission of Namibia (ECN) which was established in 1992 to ensure national, regional and local elections are conducted properly (Kaapama, *et al.*, 2007: 37).

3.4.2 The Separation of Powers and the Executive branch

According to Chapters 5 and 6 of the Constitution of Namibia, the executive is made up of the President and Cabinet. The relationship between the President and the Cabinet is of a consultative nature and one of their main functions is policy-making. The Cabinet members are accountable to the National Assembly, to attend sittings and answer questions related to the legitimacy, effectiveness, wisdom and direction of government policies. Article 35(1) of the Constitution outlines that the Cabinet consists of the President, the Prime Minister and all other members nominated to conduct administrative and executive functions and duties. The executive is not limited to policy making, they are also responsible for the negotiation and signing of international agreements as stipulated in Article 144 of the Constitution. The primary function of the executive is to provide the country with political leadership and management over the joint affairs of the country. The President of Namibia is the head of the executive and therefore chairs all Cabinet meetings and has considerable influence over policies and bills which come before Parliament. Although international law forms part of the law of Namibia, it is required that international law conform with the provisions made in the Constitution of Namibia in

order for it to apply to the country (Ruppel & Ambunda, n.d: 27-28). Article 78(3) of the Constitution of Namibia clearly outlines that the executive members are not allowed to intervene with the functions of the judiciary and furthermore, they are responsible to safeguard the independence of the judiciary (Ruppel & Ambunda, n.d: 29). The second part of Article 78(3) states that safeguarding the judiciary's independence is not limited to its independence only, safeguarding also refers to the dignity and effectiveness protected by the Constitution of Namibia and the law. The safeguarding of the independence is not limited to the notions of executive political will, but is a legal obligation. In the case of *S v Heita and Another*, following an imposition of a sentence in one treason trial, judges were alleged to have been racist and disloyal and demands were made for their post as judges to be revoked. The outcomes of the court was clear, members of the executive and the legislature were prohibited from interfering with judges or judicial officers and such interference will not be allowed in any verdict (Ruppel, 2008: 217-218).

3.4.3 The Legislative Branch

It has been widely accepted that democracy has been successful in Namibia and the Executive, Legislature and the Judiciary are assigned specific constitutional roles (Republic of Namibia, 2004: 49, 51). According to Chapters 7 and 8 of the Constitution of Namibia, the legislature organ of the state is made up of the National Assembly and the National Council. The National Assembly is vested with legislature powers subject to the assent of the President and the power of review of the National Council where it may be applicable (Ruppel, 2008: 213). The Constitution of Namibia, Articles 74 and 75 indicates that the National Council has the power to reconsider and review legislation passed by the National Assembly, without the employment of a judicial or quasi-judicial role. Furthermore, Article 32(9) states that the executive branch is accountable to the legislative branch of government (Ruppel & Ambunda, n.d: 38). The Standing Rules and Orders of the National Assembly of Namibia in its terms of reference, indicate that the Standing Committees have the following powers; to monitor, investigate, and make recommendations related to specific aspects of the legislation, policy formulation and any other matter deemed necessary. The functions of the Parliamentary Committee

in accordance to Chapter 3 (Procedures for Conducting Business) and Parliamentary Quick Reference Guide include the following;

- Review bills refereed to committees;
- Provide recommendations of bills referred to committees;
- Study the policy documentations and statements of government officials, ministers and agencies related to committee's work;
- Obtain information from citizens regarding work done by government;
- Coordinate meetings between the public, Members of Parliament and Government Officials to discuss the work done by government bodies and the aftermath on communities and different groups within society;
- Conduct hearings regarding bills and other relevant committee work; and
- Provide government bodies with recommendations to improve their work (Kurasha, 2013: 66).

Although the duties of the Parliamentary Committees are clearly outlined, it has been observed that the Executive in Namibia does not see the work done by these committees as relevant. The above statement is based on Minister of Justice statement in the House when he refused to refer to the Ministry's bill to a Standing Committee. In the statement, the Minister of Justice saw no point to refer the bill and said "it would only gather dust", implying there is a lack of effectiveness and efficiency of the Standing Committee. In Namibia, it is the discretion of the Executive to determine whether or not a bill should be referred to Standing Committees. This therefore speaks volumes to the lack of confidence the Executive have in Committees and their lack of implementing powers accorded to them under the Constitution of Namibia (Kurasha, 2013: 68).

The Republic of Namibia has been criticised following comparisons of international accepted criteria in terms of the Open Budget Survey conducted in 2015. The Open Budget Survey utilises 109 indicators to measure a country's ability to be transparent with its budget. According to the Open Budget Survey, Namibia's Legislature scored 17 out of 100 by Legislature Budget oversight and their efforts are categorised as weak (Open Budget Survey 2015, 2015: 1). Following the Open Budget Survey examination of the extent to which Legislature and supreme audit institutions are

able to provide effective oversight on their budget, they concluded there is room for improvement. The room for improvement is at the planning stage of the budget cycle and they have found that there is no oversight conducted during the implementation state of the budget cycle. The Executive's Budget Proposal is only submitted 6 weeks before the new financial year commences, therefore, it implies that the executive does not consult with the legislature the funds in the Enacted Budget, spending any unanticipated revenue or spending contingency funds that were not identified in the Enacted Budget (Open Budget Survey 2015, 2015: 4). There has also been incidences where member (s) of the Legislature attempted or failed to comply with court orders. In the case of *Sikunda v Government of the Republic of Namibia*, where the Minister of Home Affairs did not comply with a court order to release a certain detainee. This resulted in the court stating that; "the non-compliance of Court orders by State officials also reduces the effectiveness of the judiciary and could result in the downfall of the legal system". Here, the court emphasised its independence and that everyone is obliged to respect the independence of the judiciary and not interfere with its functions (Ruppel, 2008: 218-219).

3.4.4 Namibian Judicial System

Article 78 of the Namibian Constitution established the judiciary as the third organ of the state which encompass the Supreme Court, the High Court, the Magistrates courts and all other lower courts. The Supreme Court is headed by a chief justice who is then assisted by other judges, and all these other judges except for the chief justice is appointed by the President of Namibia. The Judicial Service Commission (JSC) provide recommendations to the President on who should be appointed as judges, as stipulated by the Constitution of Namibia Article 85 (Kaapama, *et al.*, 2007: 34). The JSC therefore plays a vital role in ensuring the independence of the judiciary system in Namibia (Ruppel, 2008: 216). According to Article 32(4) (a) (aa) of the Constitution of Namibia, the President with the recommendation of the JSC appoints the Chief Justice, the Judge President and all other judges of the High and Supreme Courts in Namibia (Ruppel & Ambunda, n.d: 29, Ruppel, 2008: 216. These recommendations by the JSC in Namibia are regulated in Article 85 of the Constitution and the provisions of an Act of Parliament. The JSC is entitled to make

such rules and regulations on the bases to ensure that all procedures and functions are consistent with the Constitution of Namibia and all other laws (Ruppel, 2008: 216).

Chapter 9 of the Constitution of Namibia outlines the administrative duties of the judiciary. According to Article 78, the functions and duties of the Supreme Court, the High Court and the lower courts of Namibia is explained. In Article 78(2) it is made clear that the courts are independent and only subjected to the Constitution of Namibia and the law and that it is independent from all other organs of state. Decisions by the High Court pertaining to appeals involving the interpretation, implementation and uphold of fundamental rights and freedoms are stipulated in Article 79 of the Constitution (Ruppel, 2008: 213). The Supreme Court hears cases referred to by the Auditor-General or cases authorised by an Act of Parliament. An example would be *Ex Parte, Attorney-General vs Corporal Punishment by Organs of the State* (Ruppel & Ambunda, n.d: 39). All rulings by the Supreme Court is binding to all those who reside in the borders of Namibia. It is only the Supreme Court of Namibia that can overturn its rulings or only under the condition of a lawful act of parliament. The High Court is the second highest court which consists of a judge president and other judges appointed by the president (also based on the recommendations of the Judicial Service Commission). The High Court unlike the Supreme Court exercises original jurisdiction; as stipulated by Article 80 of the Constitution, the High Court can act as court of appeal and a court of first instance. In simple terms, when acting as court of first instance, it means that constitutional provision is made over first cases pertaining to civil, criminal prosecutions and cases related to the interpretation and implementation of the Constitution of Namibia. The judicial system of Namibia also consists of the Magistrates' Court, the Labour Courts and the customary (community) courts (Ruppel & Ambunda, n.d: 39). The Community Courts Act established the magistrate's courts and the local traditional courts of Namibia (Kaapama, *et al.*, 2007: 34).

The Namibian Judiciary system is considered to be independent, however, this institution has also received criticism. There has been reported incidences of high

profile cases involving the executive or the legislature overruling the judicial decisions, however, trust still remains in the independence of Namibia's judiciary. The biggest challenge facing the judiciary system in Namibia is the lack of funds allocated to deal with their backlog cases. In order for the judiciary system to function properly, there is an urgent need to allocate adequate funds to perform their duties and functions properly (Kaapama, *et al.*, 2007: 94-95). Ruppel and Ambunda (n.d: 43) agree with Kaapama (2007), and states that the executive in Namibia has been criticised for having control over the judiciary's budget. The executive allocates a limited budget which can create inefficiency of judicial functions which in turn will affect the public's confidence, leading to weak and unpopular judiciary system. Furthermore, the other vital function of the judiciary is to adjudicate the constitutionality of the laws and their implementation (Kaapama, *et al.*, 2007: 94-95). It is expected of the judiciary to project and nurture their own reputation and respect the independence and integrity of this organ by;

- Ensuring the provision of adequate local mechanism to correct erroneous or unjust decisions;
- Ensuring peoples access to the courts are friendly and comfortable in nature; and
- Dismissing any language of the law that makes it unintelligible (Ruppel & Ambunda, n.d: 41).

As noted, there have been incidences where the political practices had diverged from the constitution and its supporting legislature. However, the consensus remains that the Namibian government generally does respect the rule of law (Kaapama, *et al.*, 2007: 94-95). However, Ruppel and Ambunda (n.d: 29) state that prior to Namibia obtaining their independence, the judges were all appointed by South Africa based on the recommendations by South Africa's Minister of Justice. This piece of history is significant even today, because historically the executive exercised immense power over the judiciary. In post-independence Namibia, the President still has immense power over the judiciary. According to Article 32(1), the exercise of the presidential executive functions has overruling powers terms of the Constitution of Namibia. In simple terms, the President has to uphold, protect and defend the Constitution of Namibia as the supreme law of the land (Ruppel & Ambunda, n.d: 29).

The Constitution of Namibia promotes the independence and oversight of the judiciary over the actions by the executive. This is demonstrated in Article 25 of the Constitution that affords the judiciary with the power to annul an Act of Parliament erratic with the endowment of the Bill of Rights. In addition to Article 25, Article 18 subjects executive powers to judicial review by announcing any executive action which abridges the fundamental rights and freedom of individuals. Hence, Ruppel and Ambunda (n.d: 40), argue that the sovereignty of the executive is limited by the supremacy of the Constitution of Namibia. Consequently in a society such as Namibia that is governed by fundamental principles related to the rule of law and respect for human rights, therefore the members of the judiciary may be subjected to criticism. In the words of Judge-President Petrus Damaseb, *"Attacks against the judiciary undermine the independence of the judiciary and erode public confidence in the administration of justice"*. Criticism against the judiciary should be informed and properly investigated before publication and should not impede improper motives against a judge" (Ruppel, 2008: 215). Judge-President Damaseb made this statement during his speech commemoration of the International Day of Democracy in Wondhoek. This statement articulates the independence of the judiciary and the importance of their independence and how that independence instil confidence in the citizens of Namibia.

3.4.5 Political Institutions and Governance Practices

Namibia, similar to other countries in sub-Saharan Africa faces challenges of maladministration and corruption through the abuse of power by public officials. This threatens the state's efforts to create a culture of good governance in government (Diescho, 2000: 31). Public participation elections of Namibia has always been relative good and consistent. When comparing the 1989 independent elections with the 2004 elections, it is clear that voters' turnout has been consistently good. This is the case at both the National Assembly and Presidential Elections, however this has not been the case at Regional Council and Local Authority elections (Du Pisani, 2009: 24). Some observers see this as a basis for concern regarding public participation and there is room for improving voters' turnout which the Namibian government should pay more attention to.

Du Pisani (2009: 25) further argues that Namibia's voting patterns also suggest that race plays a significant role in voters' behaviour. Black Namibians have consistently voted for smaller opposition parties rather than for Swapo. The Constitution of the Republic of Namibia (1998: 9-17) Chapter 3 stipulates the Fundamental Human Rights and Freedoms of the people of Namibia. Chapter 3 includes; freedom of thought, conscience and belief, freedom of religion, freedom of assembly and association. Concerning good governance, corruption does not occur in isolation, it is a part of peoples psyche and the environment they live in. If their environment is characterised by nepotism, administrative corruption, favouritism, bureaucratic intervention, official self-enrichment and protection rackets, may result in a person indulging in such activities. However, according to the Prime Minister of Namibia Hon. H. Geingob, during the Opening Seminar on the Promotion of Ethics and Combating Corruption, Namibia does not have a serious problem with corruption. Minister Geingob further argues that in Namibia, the problem is the perception of corruption rather than actual problems of corruption. This perception of corruption in Namibia is therefore accepted by many although these perceptions have not been tested against the reality of state affairs (Geingob, 1998: 6). Geingob (1998: 6) further draws upon his conclusion that there have been significant improvements made in combating corruption in Africa. He made reference to current literature that suggest that improvements have been made in countries such as Botswana, Ghana, Tanzania and Uganda. In August 1996, the Namibian Cabinet established an organizational framework comprising an Ad Hoc Inter-Ministerial Committee and a Technical Committee. This committee's establishment was aimed at developing programmes to combat corruption and promote ethics, and have since established the following terms of reference:

- Establish a code of conduct that needs to be adopted for public service staff members and public officials;
- Provide more clarity on the norms for transparency and accountability;
- Reviewing procedural issues pertaining to contracts, licences, quotas and grants;

- Clearer institutional requirements need to be set for the implementation of policies for the promotion of ethics and the combat of corruption (Geingob, 1998: 7).

Namibian government further made efforts in addressing these issues by dividing the technical committee into Syndicate Groups to focus on the various issues. The Syndicate Groups' member's focus on public service, private organizations and non-governmental organizations (NGOs) in order to make their initiatives broad-based. In addition, members of the Syndicate Groups would also visit other countries to learn from them on how they deal with similar issues (Geingob, 1998: 6-7). The government of Namibia should be accountable to their people and not use public funds for personal gains. Criticisms were expressed towards the Minister of Fisheries and Marine Resources who got business people to contribute to his wedding banquet. However, observers were also not impressed when President Nujoma viewed this as a normal African practice and saw this as a practice of African culture (Diescho, 2000: 36). Contradictory to events involving the Minister of Fishery, in theory, the management of ethics and conduct in Namibia is viewed as not only being limited to monitoring and policing behaviour, but it is also about the promotion of integrity and good conduct. The Public Service of Namibia was established when the country gained their independence in 1990 (Moller, 2000: 13). The public service of Namibia was established to be impartial and professional and to provide services that are effective and efficient for policy formulation and evaluation in order to promote their welfare and lawful interests. Persons employed by the public service are done so on a permanently or temporary basis, on contract, or under special contracts as stipulated by section 34(1) (a) of the Public Service Act 1995. The two offices that hold the highest authority in Namibia is; The Office of the President and the Office of the Prime Minister in addition to the twenty ministries in the central government. The Prime Minister is responsible for the management of public services of Namibia as stipulated by the Namibian Constitution (Moller, 2000:13-14). The Namibian executive is responsible for the day-to-day task and activities of the state. According to Article 27(2) of the Namibian Constitution, the President has a duty as both the head of state and head of government. The President of Namibia is responsible for the appointment of the 26 ministers in cabinet as well as their deputies from the 72 members of parliament (Kaapama, *et al.*, 2007: 32).

The Prime Minister is the coordinator of all work done by the Cabinet and is accountable to government business in Parliament which includes; formulation and implementation of policies affecting development, mobilisation, utilisation and public service. The Regional Councils are the highest level of local government which was established in terms of the Regional and Local Government Act and implemented after the 1992 local and regional elections. In Namibia, the ratio is 1 civil servant per 24 Namibians, which officially makes Namibia's proportionally one of the largest public administrations in the developing world. This implies that in order to improve public services, it needs to be more effective and efficient, rather than only focusing on providing larger share of the country's natural resources (Moller, 2000: 13-14). A code of conduct has been established by the Namibian Constitution as a general framework for the standards of conduct pertaining to the President, Ministers and Members of the National Assembly, National Council and Members of the Regional Councils. The Namibian Constitution stipulates the following; *"Cabinet Ministers are prohibited for taking up any other paid employment, engage in activities inconsistent with their positions as Ministers, or expose themselves to any situation which carries with the risk of a conflict developing between their interest as Ministers and their private interests)* Article 42(1). Furthermore, *"No members of the Cabinet shall use their positions as such or use information entrusted to them confidentially as members of Cabinet, directly or indirectly to enrich themselves"* (Article 42(2)), (Moller, 2000: 19). Namibia also faces challenges of gender equality, pertaining to their Affirmative Action legislation passed in 1994 and their international obligations towards the Southern African Development Community (SADC). At domestic level, affirmative action measures were only strengthened in Namibia in 1998 with the requirement that it is mandatory for a party list to include at least three women on councils with ten members or fewer, and at least five women on larger councils. At an international level, Namibia failed to meet the SADC guideline which stipulates that 30% of political representation in the country should be women by 2005 (Moller, 2000: 19).

3.4.6 Forms of Public Participation in Namibia

In a democratic country, public participation is viewed as an important part of citizenship. It is therefore expected that all citizens who participate should have a

broad knowledge and comprehension of their rights, roles and responsibility. It is vital for governments and citizens to understand that public participation does not begin and end with a ballot paper, and members of society should be encouraged to understand and attend public hearings and sittings of the National Assembly and the National Council (Marthinussen, 2012: 21-22). The Namibian Outreach Programme titled, *“Taking Parliament to the People”* commenced in the 1990s. The outreach programme is of an educational nature and an awareness campaign which shares information on; the definition of the state, three pillars, responsibilities bestowed on the president, the functions of the National Assembly and National Council as well as the significance of the Constitution (Parliament of the Republic of Namibia, n.d: 7). The objectives of the *“Taking Parliament to the People”* outreach programme includes;

- Establish platforms to ensure exchange among the Legislature and Regional Governors; Regional Councillors, Community Members and Traditional Leaders and Spiritual Leaders.
- Ensure engagement between the community and Parliamentarians on legislative and oversight related issues.
- Enhance communication between citizens and elected representatives.

The Outreach Programme report is typically prepared and tabled in the National Assembly or the National Council, which has been tabled for consideration. However, in practice, the implementation of the recommendations from the report remains a challenge. Other forms of outreach include Parliamentary Committees and the Children’s Parliament. The Parliamentary Committees are responsible to conduct public hearings throughout the different regions on issues and Bills before Parliament which is a requirement by the Standing Committees. Parliament has also ensured provision of stands at annual trade and agricultural fairs. These opportunities were created as a platform for the Parliament of Namibia to showcase their activities and provide the community with information. The Children’s Parliament was established to expose the work of the legislature to the youth and this occurs from time to time. The Republic of Namibia has recognised that they face some constraints related to limited financial and Human resources. However, it has been observed that the various committee activities that take place during

parliament recess have limited Members of Parliament in public participation programmes. Hence consultation with the electorate regarding service delivery by Government Offices, Ministries and Agencies form part of Legislature's oversight functions as an opportunity to create public participation platforms (Parliament of the Republic of Namibia. n.d: 5).

These types of consultations are important to ensure improved links and direct communication between the government and members of society. Research has shown that one of the major challenges for many African countries is to ensure public participation at local level, especially communities from the rural areas. There is still a major concern regarding low turnout at Local Government elections in most African states (Tötemeyer, 2000: 109). Governments have to ensure full participation by members of the community regarding political decision-making processes because it will have a direct impact on the lives of all citizens. There are several mechanisms governments can employ to encourage public participation. Collaborative dialogue is one of the recommendations to discuss critical issues related to the community. Governments are also encouraged to educate community, in order to create suitability when facilitating public participation and this which also contributes towards empowering the community (Marthinussen, 2012: 21-22). In this context, one could argue that the Outreach Programme with the objective of "Taking Parliament to the People" (Parliament of the Republic of Namibia, n.d: 7) is a good initiative for empowering the citizens of Namibia. According to the Constitution of Namibia, Article 17, the government of Namibian has the responsibility to invite the public and the media to public meetings thereby ensuring that citizens are informed on the affairs of the Legislature. Marthinussen (2012: 37) encourages governments to employ effective communication during these meetings. However, the different backgrounds and interest can influence this process and create communication barriers during public participation. Therefore, public participation approaches should not be viewed as a *one-size-fits-all approach*, each situation will require attention to specific needs and a combination of strategies. In public meetings for example, one strategy that has illustrated to be successful is voting on decisions (Marthinussen, 2012: 28-29).

3.1 Regional Public Participation Comparison

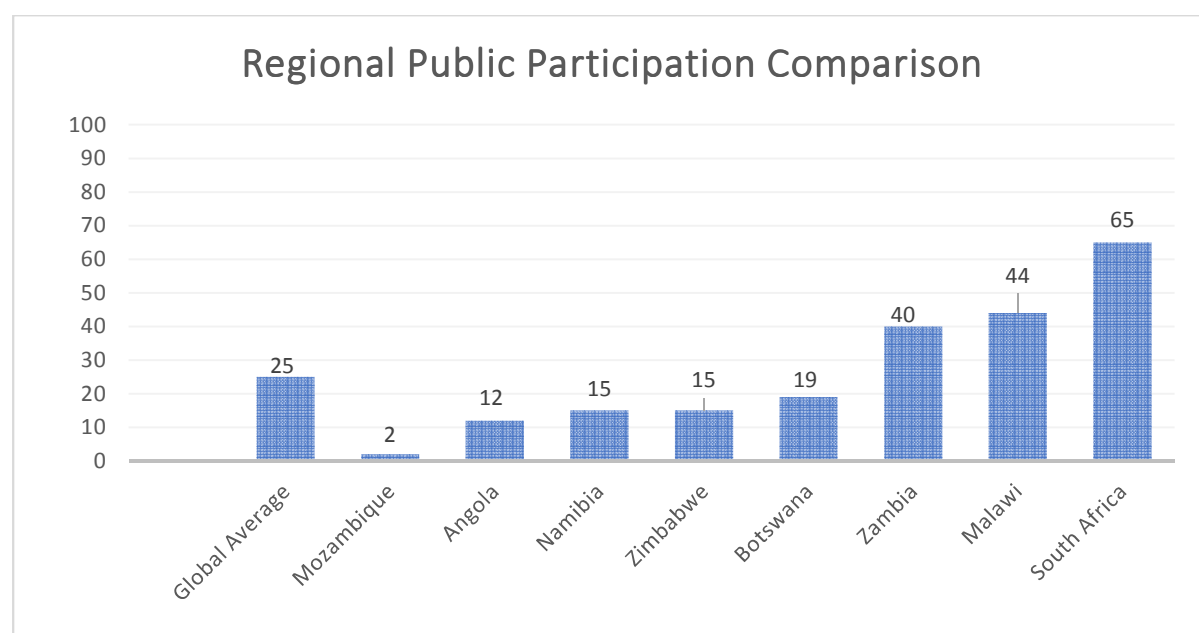


Table 3.1 Adopted from Open Budget Survey 2015 (2015: 2).

Colum 3.1 is an illustration of the regional participation between amongst the following countries; Mozambique, Angola, Namibia, Zimbabwe, Botswana, Zambia, Malawi and South Africa. Out of a 100 points, the global average for public participation is 25, and the selected countries for this case study indicates South Africa scoring the highest at 65, Botswana scored 19 and Namibia only scored 15, obtaining an equal score with Zimbabwe. Namibia scoring the lowest amongst the countries identified for this research case study. Namibia's score was based on the country's ability to provide opportunities for the citizens to participate in their budget processes. This opportunity should be provided to the citizens throughout the budget cycle by the executive, the legislature and the supreme audit institutions (Open Budget Survey 2015, 2015: 2). According to Kurasha (2013: 68), Namibia's budget cycle takes places in four phases namely; firstly the budget formulation drafted by the Executive, Second phase involves the budget enactment, where the Minister of Finance deliberates the budget and Parliament debate and then approve the budget, third phase involves the implementation of the budget by government agencies and departments and the fourth and final phase involves the auditing and assessment, where Legislative Oversight and Economic Governance in Namibia in Namibia and government agencies evaluate the role of Parliament in Budget Process. The Open Budget Survey conducted in Namibia in 2015 has found that the

Legislature provides poor oversight during the planning and implementation (first and third phase) of the budget cycle. Currently the Legislature in Namibia is not fully equipped and does not have a full function research office in place. The Executive Budget Proposal is only provided six weeks before the new financial year commences. This timeline clearly does not provide the committee with adequate time to review, discuss and provide recommendations. Hence, it should come with no surprise that Namibia scored 17 out of 100 for conducting Budget Oversight and is also categorised as being weak (Open Budget Survey 2015, 2015: 3).

According to the National Democratic Institute for International Affairs (2003: 8), neither Namibia nor South Africa has fully developed constitutionally to provide inputs on their respective Executive Budgets. The Constitution of Namibia makes provision for parliament to either increase or decrease government's budget and creates new areas for government spending. However, history has indicated that these powers have not been exercised since 1990, only minimal changes have been made towards the annual budget. The South African Constitution Act 108 of 1996 stipulates that parliament has the power to recommend changes to the executive budget, however parliament must provide for a procedure (create a law) to exercise these powers. Since the adoption of the 1996 Constitution, to date, parliament has failed to create a law to create such procedures. Some observers argue, the lack of exercising these powers could be as a result that government enjoys a substantial majority in parliament. However, others argue that Namibia is a relatively new parliament and the state will eventually grow in terms of their role in budget processes (National Democratic Institute for International Affairs, 2003: 8-9).

What has qualitative research found with regards to public participation in Namibia? Qualitative research has been conducted to investigate public participation in Namibia of which 500 people participated. The National Council in collaboration with the National Democratic Institute for International Affairs (NDI) developed a questionnaire that was administered to Regional Councils, Local and Traditional Authorities, Non-Governmental and Community Based Organisations and other stakeholders identified by the respective Regional Councils. The questionnaires

findings indicated that 75% of participants indicated they do not have access to information on bills, reports, parliamentary calendars, order paper and other parliamentary documents. 75% of participants indicated their only access to parliamentary information is obtained through broad casting and media platforms such as radio, television and newspapers (Mijiga, 2000: 10). The study has concluded that this is a contributing factor to Namibians from the different regions finding it challenging to provide meaningful contributions towards legislature and policy development. In addition, people from the different regions also mentioned they are concerned about the flow of information between Parliament and regions as well as regional councils and other institutions. The participants of this particular study recommended that National Council and MPs create other mechanisms to ensure constant flow of information and enhance participation (Mijiga, 2000: 11). The public participation demonstrated during the Skorpion Zinc Project, involved the development of a Greenfield Zinc Mine and refinery. The Skorpion Zinc project referred to the Skorpion Zinc mine which is in the southern western part of Namibia, almost 25 km North West of a small town called Rosh Pinah. The Skorpion Zinc Project conducted environmental assessment processes which included; Scoping Study, Baseline Information collection and environment assessment. Therefore, they conducted public participation activities during the study and the environmental assessment processes (Skorpion Zinc Project Namibia, 2004: 44). The public participation objectives of the Skorpion Zinc Project included the following;

- Share information with all stakeholders involved in the project;
- Deliberate alternatives and identify possible issues and constraints;
- Discuss the scope of the environmental assessment and methodology and approaches of this project;
- Recognise other interest that may affect parties;
- Acquire relevant data; and
- Deliver feedback sessions on the outcomes of the assessment and lobby comments (Skorpion Zinc Project Namibia, 2004: 47).

The significance of public participation in this research was the variety of stakeholders involved as well as the different techniques employed. The Skorpion Zinc Project consulted with a variety of stakeholders including; Regional government officials from Luderitz and Keetmanshoop, National government, the Rosh Pinah

community, all farmers from surrounding towns, Rosh Pinah Zinc companies, additional businesses and mining concerns from other areas including Namdeb, the Namibian Ports Authority, TransNamib and civil society organisations, non-governmental organizations as well as scientist. The Skorpion Zinc Project employed the following public participation techniques when they consulted with stakeholders:

- Distribution of information, including documents, minutes, summaries and newsletters;
- Individual/ one-on-one meetings;
- Conducted meetings and workshops with government officials;
- Public meetings and Public Open days; and
- The establishment of a forum of key stakeholders representing different parties (Skorpion Zinc Project Namibia, 2004: 48).

The lessons that can be learned from the Skorpion Zinc project is; that a wide variety of stakeholders should be involved from local to national level. The representatives from Skorpion Zinc project ensured stakeholders involvement throughout the project, which resulted in continuously managing expectations from affected parties, built trust, credibility, and to successfully implement the findings of the environmental assessment (Skorpion Zinc Project Namibia, 2004: 55). Therefore, such success stories and constraints have contributed towards Namibia's 2030 vision for public participation (Parliament of the Republic of Namibia. n.d: 14). The Namibian Vision 2030 is clear and provides all stakeholders with government's expectations on their contribution towards improving public participation. The Namibia Vision 2030 recognises the importance of partnership as key prerequisite for achieving their long term goal of realising a dynamic, efficient and sustainable country. The partnership refers to improved relationship between government, civil society, communities, the private sector, non-governmental organisations, community-based organisations, the urban and rural societies as well as the global community (Republic of Namibia, 2004: 89). The roles of stakeholders are briefly outlined;

- *The Civil Society and it's Organisations;* are expected to play a bigger role in engaging government on innovations, commitments and new challenges. For

instance, the government address the problem of HIV/AIDS and calls upon all Namibians to apply behavioural changes through a healthier lifestyle. The Namibian government need the cooperation of its citizens in order for government intervention programmes. These intervention programmes will only be successful if citizens change their habits (Republic of Namibia, 2004: 89). National Democratic Institute for International Affairs (2003: 9) asserts that it should be noted that both the civil society and its organisations are still evolving in Namibia. Most Namibians are affected by lack of background, access to information and government resources.

- *Non-governmental Organisations (NGOs)*: the Republic of Namibia has also called upon NGOs towards the movement of closer partnership at national, local and community level. NGOs are encouraged to enhance their capacities in order to fully represent the interest of the people and therefore resolve community issues. The Government of Namibia has also called upon NGOs to expand their donor funding income. Currently, NGOs largely depend on foreign donor funding and should consider the following; association contribution, commercial funding, local fundraising programmes and income-generation, marketplace investments and finance schemes (Republic of Namibia, 2004: 90).
- *The Private sector*: is expected to improve on their current contributions towards the education and training sector of Namibia. The private sector is also expected to play a proactive role in both the development and implementation stages of national development plan and their involvement should be included at both national and regional levels. Furthermore, they are encouraged to implement Affirmative Action, create job opportunities and enhance foreign trade which will lead to growing labour market and assist with the expansion of small and medium scale enterprises (Republic of Namibia, 2004: 89). The National Democratic Institute for International Affairs (2003: 5) further adds that the private sector should be provided with all relevant documents in order to actively participate in government processes.

In summary, after Namibia gained their independence the country was left with the task of transforming both the political and economic landscape. Some may argue

that the political landscape of Namibia has still not transformed since there is no serious opposition against Swapo. Other observers have criticised the leadership of Swapo in terms of their understanding of democracy and its implementation. However, it can be concluded that Namibia has successfully implemented the Separation of Powers, namely the Executive, Legislature and Judiciary branches. However, this case study has shown that the Executive branch in Namibia, most noticeably the President has extensive powers. The President of Namibia does not only provide political leadership but is also tasked to safeguard the independence of the Judiciary. Therefore, the executive is prohibited from intervening in the affairs of the judiciary. The composition of the Legislative branch in Namibia is outlined in Chapters 7 and 8 of the Constitution of Namibia. There are also issues with regards the role and functions of the legislative branch. There is evidence that there is a lack of respect towards the functions of the Standing Committees. There is a need for standing committees to be taken seriously as stipulated in the Constitution, they also play a vital role. There is broad consensus that the judicial branch of Namibia is independent, however criticism is directed at the executive branch deciding on the budget of the judiciary. The judicial branch has a limited budget which directly result on the system's ability to sort out cases. The judicial system has piles of cases that needs to be sorted out and this may have a negative influence on the confidence of Namibian citizens towards the judicial system. However, there is generally a respect for the rule of law by the other two branches and citizens. There is room for improvement regarding public participation in Namibia. Although the government of Namibia established the Outreach Programme in the 1990s, parliamentary recess has limited MP ability to participate in public parliamentary programmes. The 2015 Open Budget Survey scored Namibia only 15 points out of 100 for their public participation which is worrisome. In comparison to South Africa (scored 65) and Botswana (scored 19), Namibia scored amongst the lowest in regional comparison. However, qualitative research conducted by the National Council and the NDI demonstrated alternative public participation mechanisms that can be employed. The Namibian 2030 Vision has also acknowledged a weakness regarding public participation, and in response has outlined expectations for the civil society and its organisations, NGOs and the private sector. The situation in Namibia is not dire, indeed there is room for improvement, and the government of Namibia has already outlined a vision to improve circumstances in the country.

3.5 SUMMARY

This chapter focused on case studies from sub-Saharan Africa, with special reference to South Africa, Botswana and Namibia. A brief historical overview has been provided for each country. This chapter demonstrated that South Africa, did not only have to deal with the aftermath of colonialism but also with the legacy of the apartheid regime. These two factors played a significant role on how the country's socio-economic and political institutions are understood and governed. Botswana on the other hand only had to deal with the legacy of their colonial master. However, Botswana's colonial history is very unique compared to both South Africa and Namibia. Fortunately Botswana's independence was basically "handed over to them" by their colonial master, and there was no need for national unity to stand against colonialism. In addition, Botswana's natural resources were only discovered post-independence, so their colonial master did not exploit them on these bases. The newly independent Botswana government also avoided debt with International Financial Institutions which made significant impact on their economic growth. Namibia's history was also explored and showed that South Africa played a big role in their "colonialism", and did not voluntarily hand over power to Namibian rulers. It required the intervention of international organisations. All three these countries have enjoyed undeniable success after they obtained their independence, this is based on comparison amongst other sub-Saharan African states. Although they have enjoyed successes, their implementation of good governance or rather western-orientated governance still needs improvements. Chapter four, will link their post-independence efforts to the identified governance components which will serve as the analysis tools. Chapter four will specifically look at South Africa, Botswana and Namibia's political institutions, legislature and judiciary systems. This study seeks to investigate the impact of western-orientated governance on these three countries.

CHAPTER 4

Analysis of Good Governance in sub-Saharan Region: South Africa, Botswana and Namibia

4.1 INTRODUCTION

This chapter focuses on the findings and analysis of the study. The aim of this study is to determine the impact of Western-orientated governance on sub-Saharan States with special reference to South Africa, Botswana and Namibia. In efforts to complete this analysis, the research sought to answer the following key questions;

- What has been the impact of Western-orientated governance on sub-Saharan states, specifically the impact on South Africa, Botswana and Namibia?
- How has South Africa, Botswana and Namibia implemented the following good governance components; accountability, transparency and the rule of law?
- Centred on the outcomes of the impact of good governance on the identified sub-Saharan African states; what recommendations does this study provide?

4.2 Conceptual orientation: Western-orientated governance

According to Uwizeyimana (2012: 142), prior to the European colonisation, African societies were relatively well organised and had ample experience with self-rule. The African self-rule (monarchic systems) such as Buganda Kingdom in East Africa (today known as Uganda) and the Ashanti Kingdom (today known as Ghana) was similar to the European monarchic system with regard to organisation and their maintenance of power. The concept governance only became widely spoken in the early 1990s after the Cold War (Simonis, 2004: 2). Governance can be defined as the process by which citizens or organisations make important decisions (Graham, Amos & Plumptre, 2003: 3-4). There is no universal definition for good governance

and is often described as difficult and controversial. Developed countries that are viewed as “successful” usually refer to Western liberal democratic states from Europe and the United States. Liberal democracy is a political ideology and form of government guided by classical liberalism. Prior to the 20th century, classical liberalism was dominant theory in the United States based on the political philosophy of Thomas Jefferson. In short, classical liberalism is the belief in liberty. The major differences between the 19th century liberals and the 20th century liberals are that the former was more government centred while the latter liberals believed in the independent liberty of people to determine their own career, their wages, ownership of property etc. Classical liberal theory argue that citizens within a society should pursue their own interest as long as it does not violate the rights of others (Goodman, 2013: 1, 5).

According to Chigbu (2010: 5), good governance has emerged as a principle of international law, one which African countries are expected to adhere to. The linkage of bilateral aid to democratic practices such as good governance has pressured African states to become open and competitive political regimes. The good governance new wave led to the call for African states to become more responsive and accountable which ultimately influenced regional development agenda in Africa (Alence, 2004: 164) and (Onuoha & Qobo, 2012: 5). Uwizeyimana (2012: 148) endorses this argument and adds that literature from the early 1980s indicate that the IMF and the World Bank utilised economic aid and economic sanctions in efforts to force African states to adopt western-orientated governance. Furthermore Pausewant et. al. (in Uwizeyimana, 2012: 148) adds that western-orientated governance today is still being promoted by Europe. In spite of this call, majority of African countries has rather chosen alternative sources of revenue for political concessions than to adopt the western-orientated governance practices (Ganahl, 2013: 230). This call upon African states is seen as a necessity because there are approximately 54 independent states. The system of governance in Africa varies from monarchies and dictatorships to western liberal democracy (also known as Western-orientated governance), meaning there is no consistent governance approach (Uwizeyimana, 2012: 140). Although there is consensus amongst the international community that western-orientated governance practices are favoured

or a requirement nowadays, some authors argue that forcing African states to adopt this approach will only fail them. Therefore, Ganahl (2013: 231) argues that African politics fail because of two major reasons; firstly, African states fail to engineer a modern national-state, and secondly, their failure to maintain hegemony and stability in the face of the improbability of successful nation-building. As a result, the foundations of western-orientated governance will remain weak in Africa. The weakness of the rule of law and good governance in African countries inherently undermines both the public interest and economic foundation that is needed. However, Chigbu (2010: 6) argues that the concept good governance is not a new phenomenon to Africa, the concept was coined by African authors in the famous 1989 World Bank report namely, *sub-Saharan Africa: from Crisis to Sustainable Growth*. South Africa, Botswana and Namibia are considered three of the most relatively successful sub-Saharan states that have implemented western-orientated governance. Chapter three discussed each country's implementation of western-orientated governance in their state institutions. In order to analyse the impact of the western-orientated governance a set criteria of good governance components from the table 4.1 on the proceeding page will be utilised.

Table 4.1 Criteria for good governance components

Components of Good Governance	Principle application	Practical application
Western-orientated governance	<ul style="list-style-type: none"> -Checks and balances. -Democratic practices. -Implementation of accountability, transparency and the rule of law. -Management of state affairs and involvement of the society. 	<ul style="list-style-type: none"> -Branches of government: independent legislative, executive and judiciary. -Universal suffrage. -Implementation of accountability, transparency and the rule of law.
<i>Accountability</i>	<ul style="list-style-type: none"> -Constitutional design. -Checks and balance system. -Public Services: mechanisms and practices are evaluated. 	<ul style="list-style-type: none"> -Agent's behaviour is continuously monitored. -<u>Implementation of the five components of Accountability</u>: delegation, financing, performance, knowledge about performance and enforceability.
<i>Transparency</i>	<ul style="list-style-type: none"> -Stakeholders adhere to rules and regulations. -Free flow of information. -Partnership between state and its citizens. -Broad-based reform. 	<ul style="list-style-type: none"> -Implementation of policies and laws. -Access to information, consultation, and public participation. -Good leadership.
<i>Rule of law</i>	<ul style="list-style-type: none"> -Strong respect for the rule of law by government officials and the society. -Rule of law should be independent, impartial (independent judicial system). -Respect for the Constitution and all other laws. 	<ul style="list-style-type: none"> -Constitution -Independent Judicial System.

4.3 Liberal Democracy: an African application

The term democracy originates from the Greek word “*demos*” meaning people and “*Kratein*” literally meaning to rule. The international community have reached some level of understanding that democracy means rule by the people (Bollen, 1993: 1208). Liberalism is also considered as one of the most contested terms in Africa, and has a variety of political propositions; from libertarianism of laissez-faire, democratic liberalism and dirigiste egalitarianism of the welfare state (Leon, 2010: 5). Liberal democracy is practiced in the so-called “*successful countries*” who are also the most powerful and influential nations. Amongst these powerful and influential nations are the United States, United Kingdom, and Germany. These countries are also referred to as Western-liberal democracies that have influenced the international political landscape and have set good governance as a requirement for African states (Bollen, 1993: 1208). Liberal democracy is ultimately a modern style of governance which is theoretically and practically a European phenomenon designed to build the European social ideals and political movements (Uwizeyimana, 2012: 142). Liberal democracy is favoured by the international community because citizens and the rule of law are at the center of politics, where their freedom is protected and power is decentralized (Leon, 2015: 5). However, it should be noted that not all participants of the international community are in favour of *liberal democracy* and distinguish it from *African democracy*. Multiparty democracy is a fundamental component of liberal democracy but was dismissed by some African leaders including; Nyerere in Tanzania, Nkrumah in Ghana and by Kenyatta in Kenya. These African leaders view liberal democracy as a foreign form of governance and did not compliment African traditions such as a one-party government which is considered appropriate. In an African democracy, political parties are allowed to co-exist, but are prohibited from organising political activities which opposes the ruling party (Uwizeyimana, 2012: 140).

For the purpose of this analysis, this research defines liberal democracy as; the extent to which a political system allows political freedom and democratic rule. It further includes universal adult suffrage by means of competitive struggle for citizens' vote (Bollen, 1993: 1209). As discussed in chapter two of this study, good

governance is seen as one of the most crucial requirements to promote development and eradicate poverty (United Nations University, 2002). Table 4.1 provides the reader with a summary of the good governance components that are the tools to be utilised to determine the impact of western-orientated governance in the selected countries identified in the chapter three case studies. The case study in chapter three demonstrates that South Africa, Botswana and Namibia has succeeded in establishing themselves as democratic states, with separation of powers and a written Constitution. The three sub-Saharan states have also achieved relative success in ensuring public participation regarding their voters' turnout. However, when the working definitions of liberal democracy and good governance is applied to the three cases, there is evidence of party dominance in all three countries. Punt's (2012: 4) definition of dominant party system; uses a threshold of 65% or more seats in parliament for three consecutive elections from 1999 to 2009. As a result, Table 4.2 indicates the consistent political parties' dominance (in South Africa, Botswana and Namibia) in percentage of seats in their respective National Assembly elections (Punt, 2012: 7). Table 4.2 further indicates that the numerous arguments today that multi-party systems that spread in sub-Saharan Africa has ultimately led to the creation of dominant party systems (Young, 2004: 1; Bogaards, 2004: 173).

Table 4.2: Political Parties dominance

sub-Saharan State	1999	2004	2009
South Africa	ANC 66,5%	ANC: 69,8%	ANC: 66%
Botswana	BDP: 82,5%	BDP: 77,2%	BDP: 78,9%
Namibia	Swapo: 76,4%	Swapo: 76,4%	Swapo: 75,0%

Table 4.2 Adapted from Punt (2012: 7).

Why has these political parties remained dominant in the case studies although each state has a multiparty system? The success enjoyed by the political parties, namely African National Congress (ANC), the Botswana Democratic Party (BDP) and the South West African People's Organization (Swapo) can be attributed towards these political parties' leading role during their respective

democratic transition. When comparing the democratic transitions of South Africa and Namibia, both countries were led by strong political parties with charismatic leadership of Sam Nujomo (Swapo) and Nelson Mandela (ANC) which ensured relatively smooth transitions (Melber, 2005 in Punt, 2012:9-10). The historical democratic transitions of South Africa and Namibia can however not be compared to Botswana's democratic transition. Botswana's independence did not come as a result of domestic radical protest from its citizens or pressure from the international community. History has indicated that the British colony motivated the democratic transition and with the assistance and leadership by Seretse Khama the BDP gained the status as the largest major force in the Legislative Council and won the elections in 1965 (Fearon & Laitin, 2005: 1-2). The voting patterns of citizens from the three respective case studies have raised some concerns by observers. According to Punt (2012: 11), there are empirical evidence that claims a relationship exist between the ethnicity/racial votes of citizens and the success received by dominant parties. This relationship is then problematic for Johnston's (2013: 2) requirements for good governance, where legitimacy and accountability are crucial and the use of public vote to achieve widely accepted social goals. Various surveys that have been conducted in South Africa have found that voters have a tendency to vote according to racial lines due to the oppressive apartheid history. In Namibia, Swapo's political strength is traced back to the North of Namibia and Nujoma a member of the Ovambo tribe (played a key role in Nama War of 1905) are vital contributing factors to the party's dominance. Similar to Namibia, ethnicity is also an important contributing factor to the BDP political successes, majority of their supporters are from the rural communities where Bamangwato tribe dominates (which is part of the Tswana tribe dominating in Botswana) (Punt, 2012: 10-11).

Leon (2010: 13) argues that the ethnic homogeneity have assisted the establishment of democracy in Botswana because a clear link has been established between the tribal and political leadership. Goodman (1997) disagrees with this view on Botswana citizens voter patterns and warns that the political hegemony of the BDP will give rise to a one party rule hiding behind the façade of political pluralism (Matlosa, *n.d.*: 132). Therefore, Bratton and Gyimah-Boadi (2015: 3) argue that the legitimacy of these states should be questioned; if mass political support is given to

political parties despite trends of governance disapproval may lead to political risk. According to Potts (2011: 4), Botswana's democratic transition was not based on radical ideological notions or aggressive party competition, which might explain the citizen's indifferent attitude towards political, economic, social and environmental affairs. Leon (2010: 3) points out that majority of African countries do not have the basic essentials of democratic government. This argument is based on the first 30 years after colonialism in Africa, where most states were characterised by one-party states, presidents for life, assassinations and military coups (Leon, 2010: 2-3). The lack of strong and well-functioning opposition parties in a democracy is a sign of poor application of western-orientated governance. The presence of several political parties is a vital indication that citizens have real choice over who governs, and are able to remove the ruling party once they failed to meet citizens' expectations. Numerous authors including Dolo, Olaleye, Teshome endorse the argument that a democracy cannot function well in the absence of diverse political parties (Uwizeyimana, 2012: 142-143). Do the argument by these authors then suggest that South Africa, Botswana and Namibia do not have strong and diverse opposition parties considering the dominance of ANC, the BDP and Swapo election outcomes from 1999-2009?

A more general positive outlook has been concluded as a result of a study conducted by Daniel Posner and Daniel Young from the University of California, Los Angeles, found that there has been a shift in African state elections. Democratic elections are no longer characterised by rigged elections, unaccountable one-man rulers, rather, elections have become a norm and have become extensively contested (Leon, 2010: 3). The impact of western-orientated governance with regard to universal adult suffrage (free and fair elections) in South Africa, Botswana and Namibia has been positive. These three states have incorporated the principles and values of western model of liberal democracies into their political culture (Uwizeyimana, 2012: 144). In addition Uwizeyimana (2012: 141), cautions that although multiparty and free elections are vital to the establishment of a liberal democracy, it is not sufficient condition. As Hilary Clinton points out in her speech at the Headquarters of the African Union that "good governance requires independent judiciaries and the protection of minority groups within a society (Uwizeyimana, 2012:

140). Democracies should ensure results that are beneficial for its citizens such as economic opportunities and improve their standards of living (Uwizeyimana, 2012: 140). Although South Africa, Botswana and Namibia choose western-orientated governance (liberal democratic) approach instead of an *African democracy*, it is necessary to analyse the impact of western-orientated governance on their respective state institutions.

4.4 State Institutions and Separation of Power

The wave of multi-party systems from 1989 and mid-1990s drew attention to elections and party systems of African countries. However, Walle's 2003 argue (in Young, 2004: 2) that the sudden interest in African politics has been the aftermath of dominant parties within the continent. The trend that has been observed in African politics is that those parties that won at the first elections are invariably still in power. Many have questioned whether liberal democracy will ever truly take root in Africa, while others have questioned whether liberal democracy is necessary or even an appropriate form of government for African states. In order for African states to become successful liberal democracy, African governments commitment need to go beyond periodic elections. Numerous scholars have argued that many new democracies have stood in their own way of establishing themselves as liberal democracies due to corruption, poor economic policies and predatory elite behaviour. Hence, Bogaards (2004: 173) argues that the sub-Sahara region need to realise that a multi-party democracy does not necessarily result in a multi-party system and further adds that this region has produced more dominant party systems. In order to establish a liberal democracy in any country, in addition to periodic elections, the existence and respect for the rule of law, individual freedom, constitutional checks and balances, appropriate transparency and accountability is required amongst other aspects of liberal democracy (Leon, 2010: 4-5). Akomolede and Bosede (2012: 72-73) argue the doctrine of the separation of powers is to prevent the abuse of power, however it should be noted that the expectance of an impermeable separation of powers is impractical.

4.4.1 South Africa

As discussed in chapter three, unlike Botswana and Namibia, South Africa in addition to its colonial history, also has an apartheid legacy. South Africa similarly to Botswana and Namibia did not have prior formal democratic state institutions that was established during their colonial era. South Africa's Constitution Act 108 of 1996 represents the turning point in the country's social, economic and political history. The newly democratic government of South Africa under the Constitutional mandate, successfully implemented the separation of powers and the branches of government; legislature, executive and judiciary. *What impact has the application of western-orientated governance have thus far in South Africa's when analysed against the evaluation tools of good governance practices?* South Africa is greatly admired for its sophisticated liberal democratic constitution. The South African Constitution Act 108 of 1996 provides equal voting rights for all citizens and individual freedom as well as independent democratic institutions that play the role of watchdog (Leon, 2010: 18). Most scholars and observers have noted that South Africa have strong democratic constitution and institutions. The South African Constitution Act 108 of 1996 comprehends many checks and balances that would ensure transparency and accountability (Leon, 2010: 22). The separation of power in South Africa is applied in such a way to ensure independence of major institutions namely; the legislature, executive and judiciary. This separation of power is implemented to ensure that these major institutions perform their duties independently and effectively (Mohiddin, 2008: 7). However, behaviour of South African **executive** members have long come into question. South African President Jacob Zuma had 783 cases of alleged bribery against him. The former National Commissioner of Police, Jackie Selebi was charged with corruption and defeating the ends of justice. Therefore Leon (2010: 20) argues that it should come with no surprise that South Africa which previously ranked 38th place in the 2001 Corruption Perception Index, dropped significantly to 55th place in 2009. However, Mohiddin (2008: 7) argues that modern African states are colonial creations and it should be noted that all institutions do take time to mature and ultimately become effective.

There have been incidents in some African states where a leader steals public funds yet they are still applauded for being a hero in his/her village for the hospital build from those funds. Therefore Mohiddin (2008: 8) argues that reciprocity still lies in the foundation of African societies instead of legality. Furthermore, the societal dynamics may vary on the African continent, however majority of African states have demonstrated that the power of abuse by the executive is often tolerated as long as the alleged perpetrator is “one of us” and not “one of them”. As discussed in chapter three, Speaker Mbete has received immense criticism regarding her role of the Nkandla report, opposition parties arguing that she was protecting President Zuma and this since resulted in disruption during parliamentary sittings (Seedat, 2015: 26). The Nkandla saga has since been referred to the Constitutional Court of South Africa and on the 31st March 2016, Chief Justice Mogoeng’s judgement found that President Jacob Zuma “failed to uphold, defend and respect the Constitution as the supreme law of the land”. Furthermore, the important role of the Public Protector’s Office and that its findings are binding was reaffirmed by Judge Mogoeng (Eyewitness, 31 March 2016: 1). The failure of President Zuma to uphold, defend and protect the Constitution as the supreme law of South Africa in terms of the judgement, demonstrates the lack of respect of the rule of law. The rule of law is one of the crucial pillars required to ensure democracy and good governance (Akomoledede & Bosede, 2012: 73). Although the Constitutional Court ruled against President Zuma, neither the President nor the ANC attempted to intervene or disregard the judgment by the Constitutional Court. President Zuma emphasised the importance of respecting the Constitution of South Africa and the Chapter 9 institutions during his address to the nation; *“I welcome the judgement of the Constitutional Court unreservedly. The judgement has further strengthened our constitutional democracy and should make South Africans proud...I wish to thank the Court for providing clarity which will have a positive impact on other Chapter 9 institutions as well with regards to their work. I respect the judgement and will abide by it”* (Eyewitness news, 1 April 2016: 1).

The analysis of the executive branch has found that indeed the South African Executive Branch still needs to be strengthened, however, it is clear that there is a general acceptance and respect for the rule of law by the President and the National

Assembly. The acceptance of the judgement by the Constitutional Court indicates that the executive branch respects both the law and the independence of the Judicial Branch. According to Ruppel (2008: 207) the executive should facilitate the independence of the judiciary. Hence, the importance of the members of the executive being transparent in performing their duties because they are accountable to South African citizens. In short, *transparency* requires openness during the management of government affairs and it compliments *accountability* (Akomoledé & Bosede, 2012: 72). The newly elected democratic government of South Africa was faced with the task of transforming the **judiciary**. The Constitution of South Africa Act 108 of 1996 started to operate on the 4th February 1997. This was a significant historical moment for the country because it symbolised the birth of a newly found democracy which was founded on the supremacy of the constitution and the rule of law (doj & cd, 2012: 1). In 1994, 97% of South African judges were white males, and therefore the Judicial Service Commission (JSC) was given the task to reshape the judicial system (Leon, 2010: 21). The constitution of South Africa Act 108 of 1996 stipulates that the JSC should advise the president on appointment of judges. In 1994, 15 out of 25 members appointed members of the JSC were politicians and this caused great concern to some observers. The newly democratic government has since successfully ensured and protect the independence of the judicial system. The discussion on the judicial system of South Africa, indicates that there is a general acceptance of the rulings by the courts and both the government and citizens respect the rule of law. The recent ruling by the Constitutional Court regarding the security upgrades of President Zuma's home, proved that the rule of law is respected and that judgements are final. The judiciary is indeed the watchdog over the executive and legislative branches (Ruppel, 2008: 214). According to the South African Institute of International Affairs (SAIIA), the independence of the judiciary is battered because the executive determines the appointment of judges, magistrates and judicial officials (SAIIA Occasional Papers, 2008: 5). Similarly to other African countries, the President of South Africa is vested with the powers to appoint judges with the advice of the Judicial Service Commission. Unlike in many other countries, the South African government and its citizens respect the role of the courts as set out in the Constitution of South Africa Section 165 (2) and accepts that the judicial authority is only vested in the courts (Mojapelo, 2013: 41). In order to promote and

protect the independence of the Judiciary, the following acts were enacted in efforts to strengthen judicial governance and accountability in South Africa;

- *The Judicial Service Commission Act* and the *Judicial Service Commission Act*; these acts establishes the JSC to regulate the appointments and complaints pertaining to judges.
- *The Magistrate Act*; this act was established to regulate the appointments and complaints involving magistrates.
- *The Judgement Remuneration and Conditions of Service Act*; this act provides for the conditions and remuneration of service judges aligned with the constitutional and international principles of the independence of the Judiciary.

The Independent Commission for the Remuneration of Public Office Bears Act; this act establishes a transparent mechanism to determine the salaries and allowances of judicial officers in order to strengthen the judicial independence (doj & cd, 2012: 18).

The Legislative branch of government is also referred to as Parliament and has the authority to make, amend and repeal rules of law in South Africa (Mohapelo, 2013: 37). Chapter three discussed the controversy surrounding the role and functions of the Speaker in the House which is not only a South African problem, but rather an international dilemma in many developed and developing countries. The South African Constitution Act 108 of 1996 has been criticised for being “silent” on the role and powers of the Speaker which inevitably leaves the Speaker's role to be defined and explained to the Rules of the National Assembly (Heitshusen, 2015: 7). According to Makhanya (in *City Press* 14 February 2016: 1) Speaker Mbete is responsible for the destruction of Parliament's decorum, her actions has been appalling and this has been done in efforts to protect the President of the Republic of South Africa. Speaker Mbete has been criticised for not maintaining order in the House through her lack of interpreting and applying the Rules and Orders correctly. Opposition parties have alleged that her role as the national chairperson of the ANC and as Speaker has placed her in a compromising position. Furthermore, there have also been reports that Mbete is pursuing her quest to become the first female president of South Africa and therefore needs to demonstrate that she is a dedicated

cadre (*City Press* 14 February 2016: 1). Munusamy (*in Daily Maverick* 20 April 2016: 3) confirms that Speaker Mbete is making political moves in order to be considered for the presidency. Mbete's political background as an ANC leader proves that she indeed has the credentials and experience. In 2008 Mbete was considered for the position of Deputy President of South Africa, but Kgalema Motlanthe was appointed instead. In April 2016, Mbete told the media that she has been approached by many people to consider running for the position as ANC president (*Daily Maverick* 20 April 2016: 1-3).

So what does it say about the good governance evaluation criteria? As argued by Heitshusen (2015: 7), the South African Constitution Act 108 of 1996 is criticised for being "silent" on the role and functions of the Speaker of the Legislature. The Speaker of the House is basically the ambassador of the Legislature. The Speaker being the head of one of the branches of government is required to be impartial and transparent because he/ she is accountable to MPLs and the electorate. The criteria for good governance as illustrated in table 4.1, requires that the Speaker needs to act impartially, transparent and without fear. How can this then be the case when Speaker Mbete is openly considering becoming the first South African female president under the ANC? The recent decisions and actions by Mbete has further added fuel to the controversy around the role and functions of Speakers around the world and the threat the Speakers political stance and their ability to act impartial.

Although the actions of Speaker Mbete has considerably been questioned by many in recent times. The researcher would like to draw the reader's attention to the "***real dilemma***" which is the role and functions of the Speaker and not the conduct of the current Speaker. The current controversy surrounding the disruptions during Parliamentary proceedings and Speaker Mbete's rulings in the House has contributed towards the questions posed by Seedat (2015: 33) in chapter three (p. 13) of this research. In order for the South African Parliament to be truly accountable to the citizens of South Africa, there is a dire need to formalise the role and powers of the Speaker of Parliament. Accountability requires constitutional design (a plan, policy, or strategy). As mentioned before, the South African

Constitution Act 108 of 1996 lacks such provision as indicated by Heitshusen (2015: 7). The Rules of the National Assembly regarding the role and powers of the Speaker can be described as “vague” at best. Describing the National Assembly Rules as being “vague at best” is motivated by the following facts; firstly, the duties and functions of the Speaker not even described in a single section of the current National Assembly Rules and secondly, the National Assembly Rules extensively indicates that the Speaker should be fair, impartial, provide protection of all parties and protect the interest of Parliament but fails to provide step-by-step guidelines for the Speaker. In 2012 the National Assembly’s Subcommittee reviewed the Rules and Orders and ensure that it complies with constitutional prescripts. The revised Rules and Orders vaguely describe the duties and powers of the Speaker as follow;

- The Speaker is the administrative head of the House. According to Rule 2(1) the speaker has the power to Rule (or frame a Rule) on any circumstance that is not covered by the Rules. According to Rule 2(2) all rulings by the Speaker is considered final until the Rules Committee makes a final determination.
- The Speaker is the presiding officer and has the power to maintain order in the House and in addition apply discipline in the House as stated in chapter 5 of the National Assembly Rules.
- According to chapter 5, the speaker as presiding officer, presides over meetings and debates in the House. The Speaker is also the custodian of Parliamentary privileges and immunities such as freedom of speech (Seedat & Naaido, 2015: 38).

The duties of the speaker can therefore be summarised into three categories; firstly, speaker is the presiding officer of the House, secondly, representative for the Assembly and lastly, the chief officer for Parliament (Seedat & Naaido, 2015: 39). As final analysis on this section of the Speaker, the researcher recommends that scholars, academics, MPLs and MPs consider the following questions pertaining to the role, functions and powers of the Speaker;

- If the Speaker is elected by the majority party in the House, should the Speaker then be expected to resign or withdraw membership from the majority party? If so, once the Speaker’s term is completed, can the Speaker renew its previous membership?

- Should the speaker be neutral and impartial or can the speaker to a certain extent promote the agenda of the particular party he/she holds membership in? (Seedat, 2015: 33) If so, how will the “extent of this promotion” be determined, monitored and applied in practice?
- Should all political parties determine who should be elected as speaker and not just the majority party in order to ensure neutrality and impartiality and what would this entail in practise? (Constitutionally Speaking, 2014: *n.d*).
- Does the current rules provide loop holes for presiding officers to be vague and abuse their powers when ruling that certain statements must be withdrawn on the basis that its “unparliamentary” ? (Constitutionally Speaking, 2014: *n.d*). In theory anything can be ruled as being “unparliamentary” by the Speaker of the House.
- If the appointment of the Speaker remains the decision of the majority party, should the rules then prohibit the Speaker from being part of the majority party’s caucus and serving in any position in that particular party? Should the rules then protect the Speaker by prohibiting the majority party from removing the Speaker from Parliament for the duration of his/ her term in order to ensure the speaker remains neutral and impartial and protecting the interest of Parliament? (Constitutionally Speaking, 2014: *n.d*).

The role, functions and powers of the Speaker in the South African parliament need to be reviewed. Perhaps constitutional provision should be made to provide clarity on the roles, duties and functions of the Speaker as the South African Constitution Act 108 of 1996 provides for the Nine Institutions that guards South Africa’s democracy. The South African application of western-orientated governance in the Legislative body lacks accountability in Parliament. As Johnston (2013: 3) argues that in order to achieve accountability institutional design, their checks and balances system needs to be incorporated with the constitutional architecture. The analysis found that there is a lack of Constitutional provision on the role, function and duties of the Speaker. The National Assembly Rules are vague. This case study on South Africa’s application of western-orientated governance at Legislative level proves Kearn’s (1999) in (Toikka, 2011: 13) point that accountability in networks can be problematic.

4.4.2 Botswana

Chapter three provided an overview of Botswana's history and also indicated that the international community view Botswana as a “shining example” of liberal democracy in Southern Africa. Botswana became a liberal democracy since it gained independence in 1966 and has successfully held free and fair elections (Leon, 2010: 13). The transition of Botswana from colonial rule to democratic state was untouched during the British administration and this also avoided the emergence of dictators. Botswana's strong institutions and democratic traditions have ensured that presidents are not vested with too much power. The **1997 Enactment of Term** which stipulates that the president can only serve two five-year terms, has facilitated presidents in Botswana to step down without conflict erupting (Leon, 2010: 14). During the first one and a half decades, Botswana established institutions that would act as watchdogs in order to protect and promote democracy, transparency and safeguard against corruption. Amongst these watchdog institutions are the Independent Electoral Commission (IEC), the Ombudsman and the Directorate on Corruption and Economic Crime (Maundeni, 2005: 11). Semolekae (1998: 19) adds that elections in Botswana have always been accepted to be free and fair and the establishment of the IEC has further strengthened their election processes. In 1965 the government of Botswana adopted a republican constitution which operates a unicameral **Westminster style parliament** with a first-past-the-post (FPTP) electoral system. Despite Botswana's Westminster style parliament, it has become evident that Botswana is predominantly a one party system (Maundeni, 2005: 31). The FPTP electoral system is in contrast with the proportional representative system which is more democratic. The FPTP system allows parliamentarians to be representatives of their party machine and not to the citizens (Matlosa, n.d: 135).

The BDP has won every elections since Botswana gained its independence meaning Botswana's democratic system is characterised by weak opposition. Where there is weak representation in parliament, government cannot be checked (monitored) and public officials cannot be held accountable to the people (Maundeni, 2005: 31-32). It can be argued that the FPTP electoral system enables Botswana's system to operate as a predominant party system, which ultimately limits political

competitiveness. Despite the establishment of the IEC, the FPTP is a setback for liberal democratic practices in Botswana since it is designed to be in favour of the ruling party (Maundeni, 2005: 34-35). The absence of multiparty system provides loopholes for the absence of checks and balances. Where checks and balances are absent, accountability and transparency of political leadership is difficult to monitor which will lead to party leadership making poor decisions and gross policy mistakes due to internal democracy in the BDP (Potts, 2011: 5). The internal democracy has already been demonstrated in Botswana, the National congress and the National Council only review BDP programmes and do not play any significant role during policy making processes. Policy-making is left in the hands of the BDP leadership and senior state bureaucrats, making these leaders only accountable to the party and not the citizens of Botswana. This lack of transparency, accountability and public participation during policy decision making processes will only compromise good governance efforts and the consolidation of democracy (Potts, 2011: 5-6). According to Carney (1993: 1) a “pure doctrine” of separation of power in the Westminster model, requires the establishment and maintenance of political freedom, therefore government is divided into three branches, namely, the legislature, executive and the judiciary. These three branches have identifiable functions and should not encroach upon the functions of another branch. Members of Parliament, Ministers and their officials and judges should be aware of the differences such as functions of the three branches (Carney, 1993: 4). Therefore, the , checks and balances between the Executive, Legislature and Judiciary has been called into question by Kenneth Good in his 1997 article titled *Realizing Democracy in Botswana, Namibia and South Africa*. Good (1997) argues that the President of Botswana is not directly elected by the people but from members of Parliament, which can be described as one-man rule which suppresses accountability, transparency and collective responsibility of these state institutions (Matlosa, n.d: 132). Bodilenyane (2012: 191) endorses this argument and argues that the way in which the President is brought into power is of concern. In order to achieve democracy, it requires that leaders and government be brought into power on the basis of rule by elected representatives.

According to Bodilenyane (2012: 191) Botswana cannot say that its democracy will be consolidated. This statement refers to Section 47 (1) of the Constitution of Botswana that stipulates that the executive powers of the Republic of Botswana are vested in the President (Molomo, 2000: 97). *How can democracy be consolidated when the citizens, bureaucracy, the Parliament and Ministers operates according to the dictates of the President?* (Bodilenyane, 2012: 191). The main concern is the level of influence the executive has over the legislative branch during the law-making processes. The legislative branch main function is the making of laws in Botswana, but the executive drives and controls these law-making processes. The involvement of the executive during these law-making processes is interference on the functions of the legislative branch. This is an incorrect application of checks and balances and the respect for the rule of law. According to section 86 of the Constitution of Botswana, parliament is vested with the power to make laws to ensure peace, order and good government. However, over the years these functions have been assigned to subordinate bodies that are part of the executive for a variety of reasons (Fombad, 2005: 321-322). Botswana's adaptation of western-orientated governance regarding the executive is alien to the Westminster model (western-orientated governance). The notion that the President is both Head of State and Head of Government is not part of Westminster model and therefore an African application. The impact of this non-Westminster model application is that it places Parliament in a subordinate position and totally defeats the purpose of establishing horizontal institutions of governance to ensure checks and balances. This could lead to Botswana taking a few steps backward and the executive power comes with comprehensive immunity from court proceedings (Bodilenyane, 2012: 191). The Constitution of Botswana Section 50 (1) stipulates that the Cabinet shall be responsible for advising the President with respect to policy of the government. Section 50 (2) stipulates that the President shall consult the Cabinet on matters of policy and the exercise of his functions. The problem here is twofold; firstly, Botswana's application of western-orientated governance is "superficial" at best when compared to Western countries such as the United States (US), secondly, the President is only advised by the cabinet but takes the final decision regarding policies or may choose to do so without even consulting with the Ministers (Bodilenyane, 2012: 192-193). This ultimately means that Botswana's legislature cannot hold the president accountable, and that the actions of the legislature depend

on the decisions of the president. The doctrine of separation of powers in Africa, indicate that a powerful president with a weak legislature seems to be a norm (Poteete, 2010: 5-7).

Botswana's application of western-orientated governance indicates that there is indeed differences of how liberal democracy as practices by the West compared to sub-Sharan African countries. Thus far, the analysis has proven that differences can emerge at the institutional architecture, the political culture and even fundamental principles such as rules and decision making processes (Chan, 2002: 14). According to Fombad (2005: 381) African constitutional systems have borrowed from the different western constitutional models and have been adjusted according to their own specific needs. African democracies have mainly borrowed from the U.S presidential, the Westminster parliamentary and the French semi-presidential models. The manifestation of liberal democracy in developing countries can however lead to new ways of thinking and even produce different kinds of democracies such as the case already seen in South Africa and Botswana (Chan, 2002: 15). However, Botswana's application of western-orientated governance has elements of personal government under the rule of an "imperial president" who heads the BDP (Fombad, 2005: 303). According to Poteete (2010: 2), neither the executive, president nor his ministers would resist to empower the legislature because it could only have hypothetical problems. The concern in the African context is not the power of the legislature, but rather the immediate danger a powerful executive branch poses to democratic governance. The Constitution of Botswana has failed to clearly establish the three branches of government and therefore there is no real separation of powers. The Constitution has vested too much power into the President. The fact that the President can make decisions without consulting the Cabinet, indicates lack of accountability and transparency. Therefore, the role of Parliament is unfeasible, and can be described as a toothless dog (Bodilenyane, 2012: 194). If the government cannot be held accountable it then provides space for the abuse of power. Hence the constitutional dispensation of power's foundation should be on the philosophy of constitutionalism, separation of powers (Fombad, 2005: 319) and good governance which clearly stipulates the power and limitations of the executive branch.

The *judiciary of Botswana* is independent and it has also been widely accepted that both the government of Botswana and its citizens have respect for the rule of law which is an essential component of western-orientated governance (Semolekae, 1998: 19). Botswana has gained international recognition as a “true democracy” that has an independent judiciary with no influence from government (Guy Hoffman, 2003: 35). The judiciary of Botswana has considerable independence but does not operate in a vacuum. The Attorney General is an ad hoc member of parliament and in terms of section 44 of the Constitution of Botswana may participate in cabinet discussions if legal advice is needed. In this capacity, the Attorney General then acts as a watchdog over the general public interest and acts independently from any political interference. Therefore, one can conclude that the Attorney General of Botswana belongs to all three branches of government (Fombad, 2005: 328). The independence of the judiciary in Botswana can be brought into question. One could argue that the judicial system is not fully independent and is largely accountable to the executive (mainly the president) rather than being accountable to the citizens of Botswana. How can the independence of the judicial system of Botswana be measured? According to the Magistrates’ Court Act of 1983, the president with the advice of the Judicial Service Commission has the power to appoint any qualified citizen at any of the five grades of magistrates (Fombad, 2005: 328; Guy Hoffman, 2003: 34). Furthermore, the Constitution of Botswana also empowers the president to appoint the Chief Justice and the President of the Court of Appeal (Botswana: Comparative National Systems, 2009: 7). There is a clear overlap of the functions performed by the executive and judiciary branch of government in Botswana. The executive branch has limited judicial functions, namely the presidential “prerogative of mercy” which enables the president to do the following:

- The president has the power to grant pardon which is either free or subject to lawful conditions of any person who has already been convicted;
- Grant any individual a respite (break), either indefinite or for a specific timeline, of the execution of any punishment imposed on that person for any offence;
- Grant any individual with a less severe punishment imposed upon on any offence they have been convicted of;

- Remit the entire or part punishment imposed on any individual for any offense or of any penalty or forfeiture otherwise due to the government on account of any offense;
- In the event that an individual has been sentenced to death, the president must order the advisory committee to consider a report of the case on the prerogative of mercy; and
- Although the president obtains advice, he/she is not obliged to follow the Committee's advice. In the event that the prerogative is declined the president is personally responsible for signing the death warrant (Fombad, 2005: 330-331).

The exercise of the prerogative of mercy is a clear interference with the judicial processes in Botswana. *How can the judiciary system be independent, remain impartial to any external influences when the President has judicial powers?* It should however be noted that any member of the judiciary may be called to perform non-judicial functions within the executive branch (Fombad, 2005: 332). According to Poteete (2010: 1), when executive branch is overbearing such as the case of Botswana, then it is a perfect example of what O'Donnell (1994) describes as "delegative democracies". Countries that are described as delegative democracies refer to countries where formal electoral democracy exists, but President is not effectively accountable to the legislature, courts or citizens. It is clear that Botswana practices the French model of separation of power, where the judicial independence is limited (Fombad, 2005: 341). Despite these concerns with regards to the independence of Botswana's judicial system, there have been numerous high court cases where judges stressed the importance of judicial independence (Guy Hoffman, 2003: 35). The Botswana analysis demonstrates that they have employed western-orientated governance. Although Botswana is considered a success story for the rest of sub-Saharan Africa, there are some major elements that could compromise their democracy and good governance efforts. The doctrine of separation of power has been established but constitutional amendments are required. The executive branch (especially the Office of the Presidency) is too powerful. The president has been vested with both executive and judicial powers that makes it easy for the President to abuse his power. The different advisory structures both in the executive and judicial system, may only advise but President make the final decisions using his

own discretion. Accountability requires mechanisms that are in place to ensure checks and balances. Transparency requires free flow of information which should be readily available.

How then can the Office of the President be transparent when he can make decisions using his own discretion? How can the Office of the Presidency be accountable when advisory structures are weak? How can the judicial system be independent, conduct its functions by being impartial and fair, when judges are appointed by the President? The analysis clearly demonstrated that there are areas that overlap between the executive, judiciary and legislative branch of government. Despite this fact, Fombad (2005: 342) argues that the overlap by these three organs of power does not automatically contradict the doctrine of separation of powers. Instead, it is deemed necessary because it's the nature of government itself.

4.4.3 Namibia

It has been established throughout this research that global consensus have been reached on the importance of good governance practices. Western-orientated values such as individualism, liberty, respect for human rights, equality before the law, respect for the rule of law and liberal democracy are at the centre of good governance practices (Adetula, 2011: 10). *What has been the impact of western-orientated governance practices in Namibia?* According to Matlosa (n.d: 136), Namibia has similar features to the newly-found democracy of South Africa. For example, Namibia's approach towards participatory democracy is similar to South Africa. Both countries election processes and practices are considered to be free and fair, meaning public representatives represent the interest of their respective voters. Unlike Botswana, the minimum voting age in Namibia is 18 years similar to South Africa. Namibians are not restricting to only voting but are encouraged by government to determine public policy (Matlosa, n.d: 134).

Although Namibia has received appraisals for its democratic practices, Kaapama, *et al.*, (2007: 2-5) have indicated that one of the shortcomings in Namibia similarly to

Botswana is the weak opposition. *If no real opposition exists in a democratic state, how will the leaders be kept accountable?* Despite democratic practices such as universal adult suffrage, scholars have questioned whether democracy is feasible in Africa. Some have argued that the only way non-western societies will successfully employ Western-orientated governance is through replacing their own values with western liberal values, such as free markets, rule of law and the doctrine of the separation of powers (Adetula, 2011: 11, 13). The analysis indicate that the doctrine of **separation of powers** between the legislative, executive and judiciary has been established through the Constitution and various other mechanisms. The Constitution of Namibia, Article 1 (3) clearly outlines the three organs of state in Namibia as well as their Bill of Rights (Ruppel, 2008: 2010-211). Theoretically, the Constitution of Namibia has made a clear distinction between the three branches of government (Keulder, 2010: 98). The citizens and its organised groups as well as the media play a key role in checking the power of those who govern the state (Rule of Law Program for sub-Saharan Africa, 2006: n.d).

During the opening of the third session of the sixth parliament of Namibia, President Hage Geingob reaffirmed Namibians that the three organs of state capture the separation of powers and is the pride of their democracy. However, Namibia's application of separation of powers is considered a "controversial topic" in the country. According to Kaure (2016: n.d) there is a fusion of the executive with the legislature. Keulder (2010: 98), argues that there is tension between the liberal credentials as interpreted in the Constitution and the actual practices of the Namibian state. The **executive organ** of the state is not independent from the other two branches of government in Namibia. Observers have noted that there is clear functional separation between the executive and the legislative organs in Namibia. The executive branch dominates the legislature branch and the President is vested with too much power. According to Article 32 (3G) the President can establish and dissolve government departments and Ministers at the President's discretion. Article 35 subsection 1 vest the President with the power to appoint Cabinet members (Venaani, 2011: n.d).

The powers of the President of Namibia are further demonstrated during the law-making processes, where the President has the power to veto a Bill. If the President vetoes a Bill it's sent back to the National Assembly which they then send back to the President. It should be noted that the President then has to sign the Bill because the veto power is not available to the President for a second time. However, it should be noted there are not enough evidence that this practice assist. The **National Assembly** in Namibia comprise of Cabinet Ministers which weakens accountability and therefore implies that the National Council than take on a mere advisory role (Amoo & Skeffers, 2008: 25). The biggest criticism towards Namibia's application of the separation of power is the fact that Cabinet Ministers are also members of parliament. This therefore means that all decisions undertaken by the executive is guaranteed full support by the Swapo dominated National Assembly and National Council (Kaure, 2016: *n.d*). The principle of the doctrine of separation of powers is to ensure fair, efficient, transparent and responsive government. The separation of power promotes good governance practices and ensures that citizens trust their government (Venaani, 2011: *n.d*). According to NamRights executive director, Phil ya Nangoloh, there are no real separation of powers between the executive and the legislature which is harmful to the overall governance structure of the Namibian government. The lack of separation of powers would affect the performance of MPs, influence the law-making processes and encourage corruption, conflict of interest, abuse of authority and impunity (Kaure, 2016: *n.d*).

The Constitution of Namibia, Article 1 (3) has established the three organs of state and it's been widely accepted that the **judiciary** is independent, some observers have noticed some questionable behaviours. It has been reported that some foreign Namibian judges have a tendency to rule in favour of the government (Ruppel, 2008: 225). These actions by foreign judges therefore poses a threat to the independence and integrity for the judicial system. Continuous tendencies to rule in favour of the government, suggests that some foreign judges are accountable to government and not the people. However, Namibia has since made some amendments; Article 82 (4) requires that foreign nationals only be employed as acting judges for a fixed term (Namibian Constitution Second Amendment Act 7 of 2010) (Glinz, 2011: 5). According to Ruppel (2008: 225), newly appointed judicial officials are poorly trained,

judges are recruited directly from tertiary institutions and training is poorly funded. These newly appointed judges and officials are then subjected to demotivation, corruption and poor commitment to the judicial system. Furthermore, the main problem with the judiciary in Namibia is similar to that of South Africa and Botswana. The fact that the President appoints judges is problematic and leads to one questioning the independence or impartiality of these judges. Article 85 of the Namibian Constitution provides that the President in consultation with the JSC appoints the judge (Ndulo, 2011: 22). This is clearly not an uncommon practice in sub-Saharan states, but does bring into question the independence of the judicial system. Namibia should consider the option of having the Chief Justice appoint the judges in consultation with the JSC as the case of Malawi (Section 111 (3) of the Constitution of Malawi) (Ndulo, 2011: 23). At bird's eye view, it would appear that Namibia has successfully implemented western-orientated governance institutions through the doctrine of the Separation of Power, however, the analysis proves different. Checks and balances are not properly established in Namibia, the executive branch of governance dominates the Legislature branch. The members of the Executive in Namibia are also members of the Legislature (Du Pisani, 2009: 17). How can these members keep themselves accountable? The National Assembly has been established in terms of Chapter 7 of the Constitution and has the power to make and repeal laws in Namibia. The analysis indicates that Namibia has a weak bicameral legislature, the governing party dominates the National Council. This leads to low policy coherence and limits the capacity to properly monitor and evaluate their functions (Du Pisani, 2009: 22). However, Venaani (2011: *n.d*) argues that the past 21 years has demonstrated that the relationship between the legislature and judiciary is one that consists of mutual respect and co-operation. His argument is based on two important facts. Firstly, the referral of the Criminal Stock theft Act regarding its unconstitutionality regarding sentencing terms was a huge test to Namibia's separation of powers. Secondly, the access citizens have to the courts also speaks to the independence of the judiciary and its ability to enforce their fundamental human rights. Despite highlighting these achievements of the judiciary, Venaani (2011: *n.d*) endorses the notion by Du Pisani (2009) that more attention needs to be given to judicial training, skills development and in addition gender equality in the judicial structure.

In summary, the Constitution of Namibia's Preamble reflects the country's historical challenges related to colonialism, racism and apartheid. Article 1 of the Constitution of Namibia describes the country as sovereign, secular and as a democratic nation (Keulder, 2010: 86). The analysis of this case study on Namibia has found that the Constitution of Namibia in principle has adopted the separation of power. The Constitution of Namibia has included liberal values such as freedom, separation of power and the protection of human rights. Although Namibia has adopted the doctrine of the separation of powers, their African adaptation is questionable. In practice, the executive organ of government dominates the legislative organ. There are major functional overlap of Ministers being members of the Cabinet and members of the National Assembly. The Constitution has vested the President with too much power which could be detrimental to the democracy of Namibia. The lack of independence of the three organs of state undermines accountability and transparency and threatens good governance practices. Consensus has been reached that the executive and legislative organ of state have been respecting the independence of the judiciary. However, the favouritism verdicts by foreign judges has raised some concern. Additionally, criticism has been expressed regarding the training and skills development of newly appointed judges. The judicial system of Namibia furthermore needs to appoint more female judges to ensure equality in the judiciary. Overall, Namibia has adopted western-orientated governance, but has taken a unique approach to applying western structures and values.

4.5 Public participation: reality or African myth?

The case study on South Africa, Botswana and Namibia indicates that all three sub-Saharan states have achieved relative success in establishing state institutions with western (liberal) values. One of these western values includes the incorporation of public participation which is essential for the promotion and sustainable democracy. According to Mchunu (2012: 45), public participation is one of the nine basic human needs for the development process of people. This statement is based on Theoron (2008) building blocks of development. The party agents (or officials) therefore has the responsibility to ensure that citizens are empowered to make informed decisions

(Mchunu, 2015: 45-55). Amstrong (2013: 7-8), further adds that the concept is important because it stresses effective governance at local, national, regional and global levels because they represent the voices of the entire society.

Numerous studies around the world on public perception of democracy following the “third wave” of democracy has indicated positive feedback of citizens from some Southern African countries. Citizens from South Africa, Botswana, Namibia, and Zambia indicated high levels of commitment towards democracy as a political system where the overall results ranged from 60 per cent to 80 per cent (Maundeni, 2005: 19). There are several contributing factors to poor or declining political participation by citizens in Africa. Amongst these include the following contributing factors; limited access to media, poor organisation and fragmentation of opposition parties and lack of experience (Maundeni, 2005: 19, 21). According to Mchunu (2012: 51), when assessing the values of typologies and models of public participation, it should ultimately result in citizens’ being provided the opportunity to influence, direct, control and “own” their development process. Public participation should not merely refer to the involvement of citizens. The involvement of citizens in public participation processes implies that they are limited to certain projects in which they have access to. According to Theron (2009: 118) in (Mchunu, 2012: 55), this so-called “involvement” of citizens in projects is equal to co-option, mobilisation, anti-participatory, manipulative mode of participation and even consultation can be categorised as slippery concepts. Therefore, a strong form of participation is one that empowers the citizens.

What is the nature of the ***relationship between Parliament and the South African citizens?*** The South African government has made provision for public participation through ward committees at local government level, public hearings at provincial level, press notices and integrated developing planning, through law and policies. Representative democracy is also seen as a form of public participation where the electorate determines who represents them (du Plessis, 2008: 5-6). In chapter 3, we found that the working theory is that public participation promotes governments to take a more people-centred approach (Scott, 2009: 25). The South African Parliament has defined public participation as “*the process undertaken by Parliament*

and provincial legislature to consult with the South African society on state affairs and that it should reflect the will of the Constitution Act 108 of 1996” (Legislative Sector South Africa, 2013: 7-12). Therefore, public participation in South Africa should be done on a continuous basis which will encourage the public to become actively involved in public affairs, identify with state institutions and familiarise themselves with the laws as they are prepared (Kruger & Dube, n.d: 5).

In South Africa, public participation is considered as one of the main functions of Parliament and Provincial legislatures. Its main functions forms part of the strategic and business plans of these institutions (Scott, 2009: 6), yet there is major lack of monitoring and evaluation processes in place which ultimately undermines its purpose. Parliament and Provincial legislatures are constitutionally bounded to provide the free flow of information to the South African public (RSA Constitution, 1998: 99). The Constitution of South Africa, Act 108 of 1996 section 152 (e) (f) g) provides that public administration should be impartial, fair, equitable and always without bias. In addition, the constitution makes provision that government officials must respond to the needs of the people and that they should participate in policy making processes. At all times, transparency should be ensured through timely, accessible and accurate information. Here the question is asked, *how does public officials provide access to information when they are not invited to public committee hearings?* Observers have noted that Committee proceedings concentrate more on ensuring the attendance of the elite and organised groups instead of ordinary members of the community (Scott, 2009: 6-7). *How can Parliament or Provincial Legislatures be accountable to ordinary South African citizens if they are absent at Committee meetings?*

According to Kruger and Dube (n.d: 5), the South African framework for direct participatory and representative democracy is robust. The South African Constitution Act 108 of 1996 provides clear directives for the legislatures to facilitate public participation and for their committees. Legislatures are required to be transparent in their governance practices such as Sittings of the House. However, public participation in South Africa has been criticized for not being properly monitored. Public participation therefore has poor monitoring mechanisms

accountability and transparency. Public participation programmes at Provincial Legislatures in South Africa cannot be compared, because there is a lack of consistencies at institutional level (Scott, 2009: 6-7). For example, the Northern Cape Parliament Public Participation programme cannot be compared to other Parliamentary Public Participation programmes. It is indeed challenging to provide comparisons between provincial legislatures. However, there appears to be hope as the Gauteng Provincial Legislature (GPL) has taken the leading role in the promotion of public participation in provincial legislature programmes. The GPL's Committee meetings have ensured that all members of the society have an opportunity to engage in public participation programmes. One of these noticeable engagement included the historical public participation national conference held at Bichwood Hotel in 2006 which was then followed by Public Participation Conference held in South Africa from the 29th February 2012 until 2nd March 2012. This Public Participation Conference was to evaluate whether the resolutions taken at the Bichwood had been implemented. These platforms are of significant importance in that stakeholders (including speakers from national, regional and international government, academics and civil society), all share their experiences and further strengthen public participation programmes (Gauteng Provincial Legislature, 2012: 5, 7). These efforts by South Africa's provincial legislature indicates a move towards transparency and acknowledgement of taking account that public participation programmes need to be improved at provincial legislature level.

At municipal level, in theory, transparency requires that stakeholders adheres to rules and regulations such as the White Paper on Local Government which provides guidelines on how municipal officials must ensure participation, integrated development planning, budget and performance management (Oliver, n.d: 14). South African municipalities have been criticised for being relatively slow in responding to service delivery concerns. The slow response by public officials could be a contributing factor to the decrease in voters' turnout during local government elections. Research conducted by the Social Change Research Unit of the University of Johannesburg has found that 43 protesters were reportedly killed by police in ten years between 2004 and 2014 protests. Additionally, between 2004 and 2014 service delivery protests in South Africa have also become increasing

violent (Mail& Guardian, 12 February 2016). *Can it then be argued that the increase in violent protest in South Africa is associated with the community's frustration with local government not delivering services? If so, how has this then affected voters' turnout during elections?* According to Statistic South Africa 32.6 million South Africans were eligible to vote in 2015, however only 25.4 million registered while only 18 million South Africans actually casted their votes (Mail & Guardian, 21 June 2016). Low levels of participation during local government elections creates a democratic deficit which has become a notable feature of post-apartheid South Africa. The Integrated Development Plan (IDP) is a planning tool for local government in South Africa in order to ensure public participation by community members. South African municipalities are expected to utilise IDP processes in understanding and conceptualising public participation (Njenga, 2009: 2).

The IDP is important because it's a principle that derived from the Municipal Systems Act 32 of 2000 (Mchunu, 2012: 18). However, according to Mirjam van Donk (in Cape Argus, 2 January 2014), the implementation of the IDP is considered to be more compliance driven than actual essence which is to promote public participation. Some South African municipal officials have even acknowledged that public participation is implemented without taking into consideration the budgets and even feedback sessions to community members. Hence, it comes with no surprise that South Africa has often been applauded for its policies however, criticism usually comes with the implementation of policies. The nature and relationship between the different role-players in public participation processes at South African provincial and local government should be revised. In efforts to ensure public participation at local government level, South Africa has incorporated the following legislation; the Constitution Act 108 of 1996, the White Paper on Local Government of 1998, the Municipal Structures Act of 1998, and Municipal Systems Act 32 of 2000 (Gauteng Provincial Legislature, 2012: 340). These acts indicate the importance of public participation in the activities and programmes of municipalities. In efforts to enhance public participation of South African municipalities, the International Association of Pubic Participation (IAP2) have developed public participation principles which change agents should observe and integrate into their strategies (Mchunu, 2012: 2) These legislation were established to ensure that South African municipalities are

aligned with the democratic principles (western-orientated governance) are successfully employed. The IAP2 Southern Africa (IAP2 SA) is a regional affiliate of the International Association for Public Participation (IAP2), which aims to empower individuals and organisations. The IAP2 empowers individuals and organisations by providing them with knowledge resources, training and creating discussion platforms to share ideas throughout the region (IAP2: Internet).

Despite the legislative frameworks that the South African government provides, Howlett and Ramesh (in Njenga, 2009: 32) argues that the main responsibility lies with the public officials. It has been observed that public officials exercise their power in discriminatory manner which often leads to exclusion of other public members. This brings into question the government officials level of accountability. *How can they be accountable to the public when their exercise of power during participating processes is often interpreted as discriminatory in nature?* Howlett and Ramesh (in Njenga, 2009: 32-33) further question the nature of this interaction between government officials and the public at large. They phrase the question, *“how can people with a little standing in the world of authority challenge the existing order and participate in the policy process?”* In chapter three we established that the South African society is widely diverse, hence public participation programmes should be flexible and diverse in nature in order to include all members of society. Howlett and Ramesh (in Njenga, 2009: 33) raises their concern regarding the public sector’s influence on policy processes. The private sector plays a vital role in South Africa, they create jobs and would reinvest their capital elsewhere if they are unhappy with policies. *Therefore, the question can be phrased whether these public participation processes are really transparent when there are different sectors within society such as the private sector who proves to be more influential?* Transparency require that all stakeholders should adhere to government rules and regulations. Transparency furthermore requires that government officials provide good leadership during these processes. Neither the White Paper on Local Government, the Municipal Structures Act of 1998 nor the Municipal System Act 32 of 2000 stipulates that certain members of society or the private sector inputs are more important than other sectors in society (Njenga, 2009: 15). The Municipal Systems Act 32 of 2000 also outlines that municipalities are obliged to include members of the society with

“special needs” when they are drafting mechanisms, processes and procedures for public participation. The members of society that are categorised as having “special needs” include; the illiterate members of society, people with disabilities, women and other disadvantaged groups (Njenga, 2009: 15). Western-orientated governance requires public participation programmes that are inclusive to members of the society. However, in the Southern African context one can argue that it has been challenging to sustain liberal democracy in developing countries. Despite challenges of implementing good governance components, it should be noted that liberal democracy has never come easy. The United States is the “poster child” for liberal democracy but when evaluating its western-orientated governance; one can conclude that the country was never fully liberal until post-civil rights struggle of the 1960s. Furthermore, European countries consisted of numerous forms of autocratic governments prior to the Second World War before they transformed into liberal democracies (Rodrick, 2016: 3-4).

Botswana

When assessing political participation to determine the extent the citizens support democracy it is important to analyse voters’ turnout and representation in Parliament. It has been recorded that since 1966, Botswana’s Parliament has only had three political parties represented in Parliament which transpired in 1969. In 1998 when the BNF split in parliament, it created representation of two persons as the third opposition party in parliament (Maundeni, 2005: 16). Additional political diversity is needed in Botswana’s Parliament in order to establish a strong multi-party system. Despite Botswana’s lack in political party diversity, several studies in public perceptions of democracy conducted in Southern Africa, has found that citizens of Botswana are moderately more committed to democracy compared to South Africans and Namibians (Maundeni, 2005: 18). However, the one-party rule in Botswana remains a growing concern for many as it will only weaken the country’s democratic efforts (Potts, 2011: 1). Despite weak opposition in Botswana, the civil society in Botswana is well represented in parliament, however, concerns have arrived regarding the relationship between the media and government. The role of mass media should not be underestimated, they not only assist with the free flow of

information but in addition enable citizens to monitor their actions by making use of information provided. The information provided by the media can contribute towards government being more accountable and responsive to the society at large. However, research indicate that although most governments have media, they merely exist and do not play an active role to ensure for critical scrutiny of governments' actions (Besley, Burgess & Prat, 2002: 1-2). The media in Botswana has called for more "space" or freedom of expression without interference from government (Semolekae, 1998: 19). Maundeni (2005: 31-32) adds that the free flow of information in Botswana lacks transparency and accountability because it is not readily available to citizens, it is carefully controlled and manipulated to suit the interest of the elite. This is a major concern, only through effective media, can government be kept accountable to the people (Besley, Burgess & Prat, 2002: 6).

In recent years, more observers have paid particular attention to the role of the media and politics and their ability to act as watchdogs. Even the media within a liberal democracy are accountable to citizens, because the media has the responsibility to make citizens aware of certain problems and issues they need to consider who governs over them. Furthermore, media that are accountable to citizens can enhance not only their decision making processes but also contribute towards the development of effective citizenship. In order for media to be effective and accountable to citizens, they need government to be transparent and ensure the free flow of information. However, it should be noted that most theories of media impact on democratic citizenship were established in Western democracies. Western democracies and western cultures have demonstrated how media determines the quality of content they produce. This selection process by the media is often guided by news that consist of; conflict, deviance, negative events, proximity, high status quo and timeliness (which are all aspects deeply embedded in western cultures), not African culture. It has been noted that this patter is not limited to western democracies but has become a global pattern (Vltmer, 2010: 3, 5). The public participation by civil society groups have recently increased in size, diversity and complexity. However, the newly found success in Botswana's public participation has not been consistent across all levels. It has been observed that traditional leaders and local councils which use to play a significant role, have since

been “silenced”. Since Botswana gained their independence in 1996, the chiefs played an important leadership role on issues relating to land, culture, social justice and equity (Maundeni, 2005: 10). Furthermore, minority groups especially the San people (also known as the Bushmen) have experienced lack of equality before the government of Botswana (Potts, 2011: 4). It has been noted that until recently reports of African governance practices by the media has been a dominant source of information. Concern has been raised that the media has largely influenced the perceptions of the public and to a large extent information provided has been biased. The information the media provides is influenced by various elements such as press freedom, journalistic integrity, available resources and ownership of media houses (Adetula, 2011: 21).

According to the Amnesty International report on Southern Africa, African countries in the region exhibit methodical abuse on the part of governments against those who advocate the freedoms of expression, association and assembly (Solomon, 2015: 2). In **Namibia**, Article 21 of the Namibian Constitution provides for the freedom of expression by both the press and other media platforms. The Namibian government has since ensured that the media has access to information while interpretation services are also available. These efforts by the government of Namibia enhance the free flow of information and accountability. At the same time, the readiness of information will further enhance public participation at different platforms (Rule of Law Program for Sub-Saharan Africa, 2006: n.d). Solomon (2015: 1) argues that in recent years Namibian journalists have found that the government is reluctant to share information thereby undermining transparency and accountability. When Namibian journalists report incidents related to poor service delivery or officials neglecting their duty, government becomes hostile towards the media. However, Solomon adds that when Namibia is compared to other Southern African countries, Namibia actually performs better. Public participation in Namibia is guided by the Article 95(k) of the Namibian Constitution of which many other policies derived from. Article 95(k) clearly indicate that government should make provision for the public and its organisations to participate in government policies and programmes. The current policy and regulatory frameworks available in Namibia includes; 2005 Framework for interacting with civil society, Trust Money Protection Act of 1934,

Section 21 of the Companies Act 28 of 2004, the Welfare Act 79 of 1979 and numerous official government policy statements (Du Pisani, 2009: 22).

The 2005 Framework for interaction between civil society and the Namibia's institutional framework which outlines the roles and responsibilities of the Advisory Committee, the National Planning Commission, Civic Organisations, Line Ministries and Regional Governments and Local Authorities (Office of the President: National Planning Commission, 20015: 18-19). The Trust Money Protection Act of 1934 (also known as SA GG 2201) provide protection to trust money, registration of trust deeds and in certain circumstances it provides for the security from trustees. The Trust Moneys Protection Act has appointed the Master of the High Court in Namibia as the regulatory authority over trustees and trust money, and the Financial Intelligence Act of 2012 has added duties and responsibilities to the Namibian Trust (Namibian Trust, n.d,: Internet). The Namibian Company Act 28 of 2004, provides the copyright and related rights (neighbouring rights), the enforcement of IP and other Related Laws, Industrial Property, Patents (inventions), Trade Names, Trademarks, Traditional Cultural Expressions, Transfer of Technology, and undisclosed information such as Trade Secrets. This Act has since been amended by the Companies Amendment Act, 2007 (Act 9 of 2007), (NAO13), (Namibia Act 28 of 2004, 2004: Internet). The Namibia Welfare Act 79 of 1979 makes provision for the establishment of numerous commissions and welfare committees. The Welfare Act 79 of 1979 further defines and stipulates the functions, registration and control of certain welfare organizations for the collection and distributions of funds (Republic of Namibia Act 20 of 1994, 1994: 1). There has also been a call to promote women's participation in decision making processes in Namibia. It has been noted that in order to promote public participation of Namibian women, education enhancement is also required (Du Pisani, 2009: 20).

The manner in which the National Assembly and the Local Authority is elected hinders public accountability and the responsiveness to the needs of the people. Namibia makes use of a closed party list system (candidates are selected and ranked by the party not the people). In Namibia the ballot paper only consists of the

party's name and symbol and not that of the candidate. This implies that the candidates are not directly accountable to the people, but rather to the party. The closed party list system also limits transparency and enhances internal political party dominance (Du Pisani, 2009: 23). According to the National Council and National Democratic Institute in Oshana Region, there are clear indications that the citizens of Namibia do not fully participate in government affairs. The citizens residing in Oshana region indicated that not a lot of public hearings take place in their region and when they do, it's often ill prepared (Helao, 2015: 22). Furthermore, citizens from Oshana also do not take place on a regular basis. This would then imply that the "Taking Parliament to the People" that commenced in the 1990s has been poorly implemented. Accountability requires that proper institutional designs and their checks and balances are in place (Johnston, 2013: 3). The behaviour of the principal agents (being government officials) and its processes (public hearings) are not being properly monitored and evaluated against set standards. The analysis can conclude that although avenues for participation exist in Namibia, it's certainly not implemented in the Oshana Region. The government of Namibia needs to take note that public participation is not limited to physical facilities but also involves capacity building, sharing of information (transparency), community education (through engagement) and discussion platforms (Helao, 2015: 23).

In summary, public participation plays an important role in the application of western-orientated governance. It promotes and guarantees the rule of law, individual rights, multi-party democracy and the liberty of a society to participate in decision-making processes (Helao, 2015: 169). In all three case studies, policies and institutions have been put in place to enhance public participation. However, it has been noted that newly formed democratic societies often struggle to implement the "good policies" that are in place. Proper monitoring and evaluation processes are recommended for South Africa, Botswana and Namibia. The 2015 Open Budget Survey's regional comparison illustrated in chapter three indicates that there is definitely room for improvement (Open Budget Survey 2015, 2015: 2).

The analysis in this chapter vividly demonstrated that South Africa, Botswana and Namibia has successfully implemented liberal democratic values. In other words, all three countries from the case study have implemented their own unique application to western-orientated governance but not without some criticism that was highlighted throughout this chapter. In terms of their application of adult universal suffrage, all three countries have regular democratic elections. The most significant criticism regarding their elections is that the multiparty system in sub-Saharan region has ultimately created a dominant party system (Young, 2004: 1; Bogaards, 2004: 173). In South Africa, the ANC has gained majority of votes from 1999, in Botswana the BDP has been the dominant party and in Namibia, Swapo has also dominated (Punt, 2012: 7). All three these political parties have had immense success when reviewing the elections results from 1999 to 2009 (see Table 4.2 on political party's dominance in the National Assembly). In terms of the application to the separation of powers, the analysis on the case study demonstrates that their unique application to western-orientated governance strongly comes through. South Africa, Botswana and Namibia have had relative success in creating separate branches of government (or organs of state) in principle. However, in practice there are some issues that have raised some concern to both the domestic and international observers. The South African Constitution Act 108 of 1996 establishes institutions and check and balances that would ensure transparency and accountability (Leon, 2010: 22).

In South Africa, it is widely accepted that the executive, legislature and judicial branches act independently. However, the major concern here is that of the head of the legislature, namely the Speaker. In recent years, the President and the Speaker has received criticism in the National Assembly because it has been alleged that Speaker has failed to be impartial on numerous accounts and the Nkandla saga has only further added fuel to the fire. The opposition parties in the National Assembly has also gone as far to impeach the President calling for his removal due to some questionable behaviour by the executive, the 783 cases of alleged bribery against him and most recently the Nkandla saga which ended up being referred to the Constitutional Court where the upgrades to his home was found to be unconstitutional. The actions by Speaker Mbete have contributed towards the debate on whether the Speaker of the House can act impartial and without favour

when still having strong ties (political leadership) within their political party. Botswana has applied the unicameral Westminster style of parliament with a FPTP system, which some criticise as being favourable to the dominant party and they should rather utilise a proportional representative system which is more democratic (Maundeni, 2005: 31). Indeed the separation of powers has in principle been established in Botswana, however, constitutionally and in practice, the President of Botswana has too much power vested in him. The executive branch in Botswana is the strongest and most influential branch of government. Therefore, some have argued that Botswana's western-orientated governance application is "superficial at best" when compared to well established Western countries such as the US. The Cabinet Ministers basically operate on an advisory capacity because the final decision rest with the President (Bodilenyane, 2012: 192-193). This therefore implies that the Legislature cannot hold the president accountable, which appears to be a norm in most African countries (Poteete, 2010: 5-7). The final major concern in Botswana is the overlap of the executive and the judiciary. The Attorney General belongs to all three branches (or organs of state) in practice, he/ she acts as a watchdog for the citizens but also legal advisor to cabinet ministers in terms of section 44 of the Constitution of Botswana (Fombad, 2005: 328). However, the Attorney General's accountability can also be questioned, is he accountable to the executive, legislature or the electorate?

In Namibia, similar to Botswana, the executive branch is vested with too much power. The most worrisome law is Article 32 (3G) which stipulates that the President of Namibia can dissolve government departments and Ministers at the President's own discretion, this is too much power vested in an individual (Venaani, 2011: n.p). The National Assembly is also made up of Cabinet Ministers, which does give too much power to Swapo and questions their level of accountability towards the electorate (Amoo & Skeffers, 2008: 25). This is worrisome because these Cabinet members are also members of parliament. It is widely accepted that the judicial system in Namibia is independent; however, the appointment of judges straight from tertiary institutions and lack of training and experience is a continuous concern to observers. In addition, the appointment of foreign judges is the biggest concern because a trend

has been noticed that these foreign judges tend to rule in favour of government (Rupple, 2008: 225).

This chapter also analysed whether public participation is a reality of just a mere African myth. The analysis indicate that South Africa, Botswana and Namibia have established public participation platforms both in principle (in their respective Constitutions) and in practice. However, in South Africa public participation is characterised as one of the main functions of Parliament and Provincial Legislatures (Scott, 2009: 6). However, the analysis indicates that public participation processes is not properly monitored and there is a lack of consistency amongst the provinces with regard to public participation programmes. This is a consistent problem even at municipal level, lack of monitoring and evaluation therefore result in public officials not being transparent in their actions or be kept accountable to the electorate. In Botswana there is a lack of consistency of public participation across all levels, traditional leaders and councils have been silenced. Furthermore, within the Botswana society, the Sun people amongst other minority groups have indicated that they feel excluded from public participation programmes. Article 21 if the Namibian Constitution clearly stipulates the freedom of expression by both press and other media platforms (Rule of Law Program for sub-Saharan Africa, 2006: n.p). Observers such as Solomon (2015: 1) have noticed that in recent years however, the government of Namibia is been reluctant to be transparent with information and allowing the media to participate during public participation programmes. Furthermore, the “Taking Parliament to the People” which started in 1990s have been poorly implemented, therefore they should reconsider their approach. In order to ensure and maintain accountability, proper institutional and checks and balances (Johnston, 2013: 3). Although some cynical observers have questioned whether democracy is feasible in Africa, this chapter has demonstrated that it is indeed feasible in sub-Sahara Africa. Differences do exist in the application of western-orientated governance in South Africa, Botswana and Namibia. However, this research argues that their application should indeed be unique because western-orientated governance is ultimately western governance principles designed for the western community and not for the African community. The difference is evident in the institutional architecture, the political culture and fundamental principles of good

governance. All three countries have in principle applied western-orientated governance principles, especially the most significant principles to good governance practices. It can therefore be argued that significant lessons can be learned from South Africa, Botswana and Namibia's application of western-orientated governance.

4.6 Summary

There has been noticeable improvement with the efforts made by African governments to become more democratised. Although some African countries have replaced authoritarian regimes, powerful constraints still hinder the efforts of good governance practices on the continent (Adetula, 2011: 22). The analysis indicates that the three countries from sub-Sahara have successfully adopted their own unique application of western-orientated governance to suit their specific needs. The analysis has further indicated that there is still room for improvement to enhance western-orientated governance in these three countries. The researcher argues that the historical overview demonstrated that comparing these three countries would be comparing apples to peers. Their colonial history has largely influenced their adaptation of western-orientated governance. Adetula (2011: 22) advises that African countries should attempt towards a democracy that is aligned with their own values and African culture plays a substantial role in the developmental state and should be recognised. Each country has applied the doctrine of separation of power and has at bird view level established checks and balances between the Legislative, Judiciary and Executive branch of governments. It is only once each country's constitutional requirements are analysed against the good governance components that it becomes clear that there is still room for improvement. The President of Botswana has a lot of power vested in him and even has judicial functions. In South Africa and Namibia, the President is not vested with the amount of power seen in the Constitution of Botswana. It has been widely accepted that the judicial system of each country is independent and the rule of law is generally respected. However, there are some issues that is of concern especially in Botswana where there are various overlap of the executive President's veto power that is a major course of concern. In Namibia, the biggest concern is the budget allocation which results in court cases being backlogged. In South Africa, the judiciary still needs to be

transformed and largely still has evidence of the legacy from the apartheid era. Chapter five, is the concluding chapter on this research and will provide the reader with recommendations that would enhance all three government's efficiency and effectiveness to respond to their citizen's needs. These lessons learned from South Africa, Botswana and Namibia can be beneficial to both the sub-Saharan region and the rest of the African continent.

CHAPTER 5

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

Chapter 5 focuses on the recommendations and conclusion of this study. The *introductory chapter* of this research study indicates that governance is not a new phenomenon to the African continent. In recent times, governance and particularly good governance has become a priority for the international community. The practice of good governance is promoted on African continent by African leaders and African organizations because it's viewed as a necessity to ensure sustainable development (Alence, 2004; Mbaio & Komboni, 2008). Good governance is also considered to be a widely contested concept, as Kerani (2008) argues that there is no universal meaning for the term good governance. Table 1.2.1, in chapter 1 demonstrates the different components and value frameworks placed on good governance by the ACBF, World Bank, UN, OECD and the ODI. The difference on emphasis placed on governance components reiterates the complexity of defining it. One of the most influential and vital international institutions, namely the World Bank has linked the rate of poor economic performance of sub Saharan states with poor governance practices. The call by the international community has resulted in many sub-Saharan states adapting Western-orientated governance practices. Amongst these sub-Saharan states, South Africa, Botswana and Namibia have been applauded for “successfully implementing” good governance practices. However, the discussion in chapter 1 indicates that South Africa, Botswana and Namibia faces various good governance challenges related to corruption, maladministration, financial misconduct, service delivery challenges, lack of public participation and the free flow of information. Therefore, this research study seeks to determine the impact of Western-orientated governance on sub-Saharan states. In order to determine the impact of western-orientated governance on South Africa, Botswana and Namibia, the aim and objectives of the study are set as the following;

- Provide the readers with conceptual and theoretical framework of good governance through the key components for this study which is; accountability, transparency, the rule of law and public participation.
- In order to determine the impact of western-orientated governance on South Africa, Botswana and Namibia. The research focused on governmental institutions of the three sub-Saharan states, namely the (legislative, executive and judiciary and each country's approach towards public participation).
- Provide the readers with a holistic view of the impact western-orientated governance has on the state institutions of South Africa, Botswana and Namibia. Evaluate whether comparison can be drawn between the three sub-Saharan states and discuss the lessons learned.
- To determine the impact, conclude the findings of the research and provide recommendations based on research findings.

Chapter two provided the theoretical perspectives of governance and found that governance is not subject to any limited political system, historical era or a specific policy field. In Political Science, different political perspectives are available on governance. This chapter provided an in-depth discussion on the origins of governance network theory and its role in empirical research and their characteristics. The core assumptions of governance network theory by Klijn and Koppenjan (2012: 5) were provided which include; actors, interdependency and frames, its interactions and complexity, institutional features and network management. In addition the dilemmas and critics associated with components of good governance and governance networks were discussed. The discussion on the dilemmas and criticism associated with governance demonstrated that there are several issues associated with the application by government, government agencies, programmes and services provided to its citizens. These issues arise when governments and leaders interpret or apply good governance components such as accountability, legitimacy and the rule of law. This chapter further indicated that despite pressure from the international community, the concept good governance is not a new phenomenon to the African continent and was actually coined by African authors. Although western-orientated governance is accepted and promoted by African organisations such as the AU, APRM, SADC and NEPAD, some argue that the concept good governance first need to be Africanised because it contains a lot of

“ideological baggage”. Despite these “ideological baggage” this study aims to investigate the impact of western-orientated governance on South Africa, Botswana and Namibia. Therefore, this chapter identified the good governance evaluation tools that would be utilized to conduct the analysis. The evaluation tools of good governance include accountability, transparency and the rule of law. This chapter found that accountability is mainly concerned with institutional design, its checks and balances while others believe it’s also understood as a method to limit power. Transparency refers to the openness of all stakeholders involved in government. Transparency is vital to western-orientated governance in the respect that it is the core principle concerning openness between government and its citizens. Transparency is not limited to processes and includes the free flow and access to information to assist citizens to make informed decisions. Transparency is greatly linked to accountability. Stakeholders (government officials) are accountable to citizens and should be transparent in their actions which usually are required by law (this is usually mandated by a state’s constitution). The rule of law is considered as the most vital component of good governance in that it should be respected by all, by government, institutions and citizens. It is widely accepted that where there is high regard for the rule of law in a state, as a result political and economic stability can be achieved. Hence, this chapter has demonstrated the important relationship between accountability, transparency and the rule of law when determining the impact of western-orientated governance on sub-Saharan states.

Therefore, **Chapter three** provided the reader with an overview of sub-Sahara Africa and the conflicting views by the international community. This chapter provided the reader with a colonial historical view on South Africa, Botswana and Namibia. Although these countries form part of the same region, their colonial and post-colonial history has profoundly influenced their decision post-independence. South Africa had to deal with the aftermath of both colonial rule and the apartheid regime. This ultimately influenced the country’s strong take on creating a state that has high respect for the rule of law embedded in their Constitution Act 108 of 1996. To rectify the inequalities and minority rule, universal adult suffrage was employed, additional public participation platforms and institutional checks and balances. In contrast, Botswana only had to deal with the consequences of colonial rule which was

characterised by uninhabited land, poor infrastructure and a limited agricultural sector. However, Botswana as an independent state received applause from the international community for maintaining strong and consistent economic growth post-colonialism. Although there are contrasting opinions available pertaining to Botswana's economic growth, attention is drawn on the overall impact of western-orientated governance principles on Botswana. Post-independent Botswana ensured a balance of power by adopted a Westminster parliamentary system, an executive branch and their inherited British common-law legal framework. It has been widely accepted that there is a clear respect for the rule of law which is enshrined in the Constitution of Botswana. In addition to their application of universal adult suffrage, several institutions and forums have been established to promote public participation from at all different platforms including villages to national level. Unlike Botswana, Namibia did not enjoy immediate economic success post-independence. Namibia faced a legacy of colonial rule where South Africa's attempted to take advantage of the situation and claim rule over Namibian territory. Post-independent Namibia established their own forms of checks and balances as stipulated in the Constitution of Namibia. It is also widely accepted that there is a clear respect for the rule of law and Article 78 of the Namibian Constitution further established an independent third organ of state, namely the judiciary. The Namibian Outreach Programme of the 1990s was an attempt to create a society that is better educated and informed on the functions of government, it too faces several criticisms. Chapter three demonstrated the institutional common features of South Africa, Botswana and Namibia such as their applications of checks and balances (namely, parliament, legislature and judiciary). Despite these commonalities, further in-depth discussion and evaluation of their respective constitution indicates the vast differences that are difficult to ignore. This vast difference in the application of western-orientated governance is evident not only at constitutional and institutional level but also at their public participation platforms and processes.

Chapter four of the research found that all three countries have chosen to adopt the **western** (liberal) model of democracy. It has further been found that even today, western-orientated governance is still being promoted by Europe. Furthermore, African Regional Organisations such as SADC and the AU have accepted western-

orientated governance as the best practice to ensure sustainable development for the African continent. This chapter concluded that there have been noticeable efforts made by African governments in employing good governance practice. The analysis of this study has concluded that South Africa, Botswana and Namibia has successfully adapted their own unique application of western-orientated governance. However, the analysis has further found there is room for improvement in each of the case studies. Chapter five will provide recommendations based on the shortcomings discovered during the analysis.

5.2 Discussion of Findings: sub-Saharan states

According to the South African Institute of International Affairs (SAIIA), the APRM has found some common themes regarding governance challenges in African states. There appears to be a tendency by the executive branch to dominate over the legislature and judicial branch (organ) of government. In addition, the APRM has also found that there is a general lack of respect amongst African governments for constitutions and constitutionalism (Mohiddin, 2008: 6). Despite these common challenges, western-orientated governance approach is still favourable alternative form of governance when compared to dictatorship which is not an option for the African continent. Uwizeyimana (2012: 143) would endorse this argument since he highlighted the main characteristics of dictatorship which include; the lack of transparency, freedom of expression for both the media and opposition parties, checks and balances, effective legislative organ, independent judiciary and respect for the rule of law. For the purpose of this discussion we will look at multiparty systems, the independence of the judiciary and the unique application of western-orientated governance in each specific sub-Sahara state.

5.2.1 Multi-party system

The international community, international and regional organizations have emphasised that western (liberal) democracies are important and this is promoted through multi-party system which is requirement to ensure democratic practices. The democratization not only led to the collapse of the Soviet Union but also the

spread of democracy. One positive outcome of the collapse of communisms, resulted in many African leaders questioning the need to continue with one-party communist rule (Aaron, 2012: 2). According to Sartori (in Bogaards, 2004: 178), the African continent is made out of four types of multi-party systems; dominant authoritarian, dominant, non-dominant and pulverised system. The dominant authoritarian party system is sustained through additional democratic means such as the ruling party prohibiting competition is not done so on equal basis and can only be achieved in theory. The dominant party system refers to those systems of the “pre-dominant” party system of the Western world. Therefore, a dominant party system refers to one where a particular party system has complete majority over the past three consecutive elections (Bogaards, 2004: 178). Furthermore, another criteria to be dominant is that a particular party need to demonstrate that their support is mandated to govern through the use of a multi-party elections (Young, 2004: 5). Doorenspleet and Nijzink (2013: 3) emphasise that a dominant party system includes a time dimension which spreads over at least a three elections period in order to qualify as being a dominant party. A non-dominant party system refers to situation where relatively few parties counterweight each other. A pulverised party system “the name speaks for itself” (Bogaards, 2004: 178). The impact of western-orientated governance on South Africa, Botswana and Namibia has found that all three sub-Saharan states have successfully implemented a multi-party system. The success of these three sub-Saharan African countries should be noted because as noted before, it is crucial for democracy and democratic practices (Aaron, 2012: 1).

The multi-party system in the three countries has benefited their respective citizens; these citizens can actively participate in determining which party governs them. This also instils a sense of ownership, transparency and accountability between government and its people. However, Bogaards (2004: 173) caution that the practice of multi-party elections does not guarantee multi-party state institutions. This caution is based on the aftermath of the 1990s democratic wave that spread throughout sub-Sahara Africa which has unfortunately created more dominant parties than multi-party systems. This raises concern to authors such as Walle that has noted that many African countries are poorer today compared to the beginning of the twenty-first century and are continuously outperformed by other regions. A

dominant party governs without consensus which is a concern for democratic consolidation (Young, 2004: 7-8). This was the initial concern of the international community when democratization spread to Africa, that the adaptation of multi-party system would result in fragmented party systems (Doorenspleet & Nijzink, 2013: 1). In contrast to these cynical views, it should be noted that the implementation of multi-party elections in Africa is one of the most significant political changes on the continent. This new wave of western-orientated governance in Africa also resulted in free press, the presence of opposition parties, independent unions and civic organisations (van der Walle, 2001: 5).

South Africa

This research has found that the South African Constitution Act 108 of 1996 provides for equal voting rights for all its citizens as well as independent democratic institutions (Leon, 2010: 18). Despite this constitutional mandate this research study has found that South Africa's multi-party system has received criticism due to the political dominance by the ANC since 1994. The 27th April 1994 was indeed a historical moment for South Africa where 22 million people got the opportunity to participate in the first democratic elections. Since 1994, the ANC has relished with political dominance at the polls. In chapter four, it was questioned whether public participation is a reality or merely an African myth. This line of questioning comes from the absence of strong political opposition against the dominant ANC party. This concern is supported by Punt's (2012: 7) demonstration of ANC consistent success during elections and the results were as follow; in 1999 (66, 5%), 2004 (69, 8%) and 2009 (66%). Furthermore, Suttner (2006: 278) points out that previously there was a lack of concern regarding the electorally powerful parties. However, Suttner (2006) agrees with Punt's (2012) that a growing concern has emerged regarding the presence of "dominant parties in Africa" in particularly in South Africa where it seems that the ANC would not be defeated in the near future. Furthermore, Punt (2012: 11) argues that voters' patterns in the case studies can be linked to the relationship between the ethnicity and racial votes that ensure success by the respective dominant parties. Suttner (2006: 282), once again agrees with this argument and refers to Giliomee and Simkins's (1999) argument that ultimately concludes that

racial consensus is reached during elections, “Africans vote as Africans for Africans”. Suttner (2006: 282) further adds that this is not a sign of subtle racism, but rather the loyalty and level of patience displayed by ANC supporters. Despite being dissatisfied with the current pace, supporters remain loyal because they understand that change does not occur overnight. Despite domestic support, Doorenspleet and Nijzink (2013: 8-9) have categorised South Africa as a one-party dominant system because one political party’s consistent dominant support (at least 50% or more) during the elections held in 1994, 1999, 2004 and even in 2009.

Botswana

According to the Human Rights House’s Index censorship report of 2001, Botswana and Mauritius were the only “*fully free*” or liberal democracies in Africa during 1987. In contrast, other International observers have found that South Africa is a model of democracy since 1994 and no other country has been declared as fully liberal since then (Uwizeyimana, 2012: 149). Botswana has successfully conducted multi-party elections since they obtained their independence. The Freedom House was founded in 1941 and is an American organization which was the first to champion for global freedom. It is an independent monitoring organization aimed at expanding liberty and democracy around the globe. The Freedom House analyses the challenges associated with liberty, advocate for political rights and civil liberties, defend human rights and promote democratic change (Freedom House: Internet). The Freedom House classified Botswana as a liberal democracy in 1998 and the same organisation also classifies Western countries as liberal or illiberal democracies (van der Walle, 2001: 5, 19). The multi-party elections in Botswana from 1999-2009 have been successful and the BDP has enjoyed dominant support from the citizens; in 1999 (82, 5%), 2004 (77, 2%) and in 2009 (78, 9%) (Punt, 2012: 7). However, Botswana like South Africa has received criticism regarding the political dominance of one party. Suttner (2006: 279) cautions that there is an urgent need to investigate the presence of a dominant party, because it could be more harmful than advantageous. Chapter three of this research investigation indicates that Botswana’s democratic system is characterised by weak opposition due to weak representation in parliament, which ultimately implies leaders cannot be monitored

properly. Furthermore, the FPTP is considered a great setback for democracy in Botswana, since it is argued that the system has been designed in such a manner that it is in favour of the ruling party (Maundeni, 2005: 31-32). Furthermore, the lack of strong opposition makes room weak accountability and transparency of political leaders. The Government of Botswana has already been accused of practicing “internal democracy”, where leaders are accountable to themselves and not accountable to the public at large. However, this research has found that Botswana’s past three elections are classified as free and fair, so despite continuous strong dominance by the BDP, they ultimately represent the “will of the people” to be in government.

This research argues that there is an anticipated political change coming to Botswana. The BDP may be the dominant party in Botswana at the moment, but the party has been subject to internal splits in recent years. The 2010 formation of a new opposition party, namely the Botswana Movement for Democracy (BMD) led by the so-called Barata-Pathi faction has challenged the BDP for government seats. The internal split of the BDP is a sign that the party’s political dominance will not be long-lived. The political exclusion by minority groups will contribute towards the decline of the governing party’s dominance. For example, the House of Chiefs serves primarily in an advisory capacity and represents the country’s eight major Setswana-speaking tribes and some smaller ones. That means that smaller groups (other than the eight major tribes) are often excluded from participating in political processes. The Territories Act further enhances this exclusion and minority groups are subjected to patriarchal Tswana customary law irrespective of their own unique traditional rules related to inheritance, marriage and succession (Freedom House: Internet). This raises a concern because when minorities and indigenous people do not participate in political, social, and economic decision making processes, it could have a negative impact on the society at large such as conflict, missed opportunities and ruined lives. It is important to include minorities in all forms of public participation processes, because the needs of the majority and minority within a population often vary (Ghai, 2003: 2, 4).

Namibia

Swapo has managed to maintain their dominance since the country obtained their independence in 1990. The opposition in Namibia is made out of the following parties; the Rally for Democracy and Progress (RDP), the Congress of Democrats, the DTA, and the United Democratic Front (UDF) (Namibia Country Report 2015: Internet). This demonstrates that Namibia has succeeded in implementing one of the required values of the western model into their political culture (Uwizeyimana, 2012: 144). Namibia has held five successful multi-party elections and the support of SWAPO has been recorded at approximately 75% of seats with only the transitional elections in 1989, when Swapo only won 56.9% of seats (Doorenspleet & Nijzink, 2013: 9). The dominance of Swapo's support at elections have been worrisome to many observers that no real opposition exist in the country. African political history indicates that 29 sub-Saharan African countries conducted founding elections between the 1st November 1989 and the 31st December 2004. Namibia was the first sub-Saharan country to commence their founding elections which was a starting point of democratisation in sub-Saharan region and the rest of the African continent. In Namibia, the Office of the Head of State was openly contested (demonstrating a sense of transparency) this is especially significant since it followed a period where multi-party political completion was prohibited (van der Walle, 2001: 18). The three case studies on South Africa, Botswana and Namibia indicate that criticism have been raised regarding the dominance of the current governing parties and the current weak opposition in the respective states. This raises a concern because the vital role that strong opposition parties can play in Africa has already been demonstrated since it resulted in African states transforming from one-party state to multi-party systems (Tony, 2010: 11).

However, despite the constitutional establishment of a multi-party system, history tells a cautionary tale for South Africa, Botswana, Namibia and the rest of sub-Saharan African region. A system of political dominance is not feasible, sustainable nor favourable, as seen by the implosion of the Soviet Communist party which was dominant for most periods post 1917 (Suttner, 2006: 281). According to Doorenspleet and Nijzink (2013: 21), the consistent dominant party system of

Namibia is characterised by increased intolerance towards opposition and dissent. This is a result of the narrative of the liberation struggle which remains an effective mechanism to legitimize the position of the dominant party system. Despite the various criticism towards the multi-party systems of South Africa, Botswana and Namibia, the Freedom House has classified these three sub-Saharan states as “liberal democracies” (van der Walle, 2001: 19). This research investigation seeks to answer the question of the impact of western (liberal) democracies in sub-Saharan Africa. All three countries from the case studies have successfully implemented multiparty elections. This research has found that their elections have been free, fair, and transparent which has always been contested despite criticisms of creating dominant party systems. This research investigation argues that the political landscape of sub-Saharan Africa is different compared to other regions and should not be compared to any other regional or Western countries because their history has largely influenced their application western (liberal) values. Therefore, this study can conclude this section with the firm assertion that in terms of multi-party systems, South Africa, Botswana and Namibia has succeeded in creating states that are liberal in their electoral processes.

5.2.2 Independence of Judiciary: respect for the rule of law

The analysis of this study has found that the judicial branch (organ of government) is respected by government and its citizens in the three case studies. Tony (2010: 12-13) endorses these findings and states that the judicial branch in many African countries has shown significant improvement since the 1960s. However, Mo Ibrahim Index of African Governance which ranks African countries respect for the rule of law on a scale from 0 to 100 do not have similar results of the three countries judicial system. The Index of African Governance utilises five variables namely; judicial process, judicial independence, sanctions, transfers of power and property rights. Table 5.1 indicates the scores obtained by South Africa, Botswana and Namibia according to the five variables.

Table 5.2: The Rule of Law in South Africa, Botswana and Namibia

Rule of law variables	South Africa	Botswana	Namibia
Judicial processes- <i>interferences by interest groups during judicial processes</i>	66,7	100	100
Judicial independence – <i>the independence of the judicial system. Ability to execute functions without fear or influence, differentiation of legal system including education and training, professionalism and appointment of judiciary</i>	75	100	87,5
Sanctions - <i>the imposition of sanctions by the UN Security Council and AU on a state, governmental or non-governmental actors.</i>	100	100	100
Transfers of power – <i>clarity and acceptance of constitutional mechanisms for the transfer of power between administrators.</i>	100	100	66,7
Property rights - <i>government's ability to define and protect the rights of private property and regulation of property.</i>	82,7	82,9	50,6
Overall score	84,9	96,6	81

Adopted from Punt (2012: 17-18).

This research study does not agree with the analysis of Punt (2012), the analysis of the three case studies clearly indicates that South Africa, Botswana and Namibia have successfully established an independent judicial system. However, the analysis has found that there is room for improving the independence of the judicial system in all three countries. The issues pertaining to the judiciary of these three

sub-Saharan states are as unique as their colonial history and their post-independence adaptation of western-orientated governance.

The South African Constitution Act 108 of 1996 established the judiciary and affirms its independence. The judicial branch plays a vital role to ensure transformation of both the state and society (doj & cd, 2012: 5). The independence of the judiciary is interwoven with the doctrine of separation of powers and checks and balances which is considered one of the defining features of a democratic state. The judiciary plays a vital role in the balance of power and therefore demands its independence from the executive and legislature in order to perform its duties properly (Gordon & Bruce, 2007: 7). The importance of transforming the judicial system is related to the previously discriminating judicial system under the apartheid regime. Under the apartheid, laws were structured in such a way as to use it as an instrument of apartheid. During the apartheid era, Parliament could make any law and it could not be challenged by any courts on any grounds (doj & cd, 2012: 5-6). Furthermore, although the National Party maintained the pretence that the judiciary was independent, many have argued that at close examination, the judiciary did not prevent, neither curb the abuse of power by the other two branches (Gordon & Bruce, 2007: 11). Hence one of the most important duties of the newly established democratic South Africa was to transform the judicial system and move away the power of the minority to all South Africans (International Bar Association, 2008: 17).

Chapter four indicates that the judicial system of South Africa prior to becoming a democratic state was dominated by white males. The Constitution of South Africa further stipulates that the Judicial Service Commission assists in reshaping the judicial system as a whole. As discussed earlier by Ruppel's (2008), the responsibility of the JSC is to function in an advisory capacity for the President when appointing judges. It should however be noted that the new Constitution of the Democratic South Africa did not diminish all pre-apartheid court structures, but was rather incorporated into the transformation plan of the judicial system (International Bar Association, 2008: 17). In South Africa, the following acts were enacted in efforts to strengthen judicial governance and accountability in South Africa; the

Judicial Service Commission Act, the Magistrates Act, the Judges Remuneration and Conditions of Service Act and the Independent Commission for the Remuneration of Public Office Bears Act (doj & cd, 2012: 18). In addition to these acts that were enacted, the overall plan for the transformation of the judiciary was to ensure that the system reflects the demographic composition of the society at large and not just a minority group. In essence, the independence of the judiciary is not limited to judges, but they have the responsibility to protect and safeguard the rule of law and human rights. The independence of the judiciary at a structural level is categorised as; the independence of individual judges and the institutional independence of courts (International Bar Association, 2008: 17, 20; Gordon & Bruce, 2007: 7). *Individual independence*; refers to numerous factors that facilitate the non-interference and influence of judges by any source. For instance, judges in South Africa have guaranteed life-long appointments until they retire and extensive processes to remove judges from office which assist in preventing the executive or legislature from dismissing judges. The United Nations Principles, section 16 recommends that judges should be immune from having civil suits filed against them when they are exercising their judicial functions. Institutional independence refers to the recognition of the independence of the judiciary as a whole, from any influence from other branches of government in South Africa. The independence of the judiciary should therefore be upheld by the State and the Constitution of a particular country (Gordon & Bruce, 2007: 7-8).

The independence of the judiciary was recently tested following the largely contested upgrades of the private home of the President of South Africa. The ruling by the Constitutional Court found that the upgrade of President Zuma's home was unconstitutional. This ruling was respected by the President and his executive. This incident proved to South Africa, Africa and the rest of the international community that there is indeed respect for the rule of law. Neither the executive nor the legislative branch attempted to interfere with the findings of the Constitutional Court. This research investigation has concluded that the Constitution of South Africa Section 165 (2) not only outline that the judicial authority is vested in the courts (Majapelo, 2013: 41) but also that all who reside in the borders of South Africa respects the ruling and independence of the courts. The three branches of

government in South Africa namely, the legislative, executive and judicial branch are all considered to be independent from each other. However, although the judicial branch is an independent branch, the separation of powers and the rule of law are connected and interrelated (doj & cd, 2012: 10).

Botswana

Botswana is often regarded by the international community as a “shining example” of western (liberal) democracy. The 1966 Constitution of Botswana managed to escape the third democratic wave of the 1990s and despite amendments, it still reflects the 1966 charter. The judicial arms of government was created under Par VI of the Constitution and guarantees the interpretation of the Constitution (Leon, 2010: 13; Quansha & Fombad, 2012). The Constitution of Botswana proviso 18 (2) (b) provides the courts with relative flexibility with regards to enforcement measures so that decisions on human rights disputes are enforced and may take any necessary measures in terms of section 3 to 16 of the Constitution. Section 18 (4) of the Constitution states that the judiciary may put pressure on Parliament to “confer upon the High Court such powers in addition to those conferred” by the Constitution, in order to ensure that courts act in an effective way the jurisdiction conferred upon it. (Quansha & Fombad, 2012: 11). The international community has reached consensus that the judicial system in Botswana is fair and free and independent from any political interference (Semolekae, 1998: 19). According to Quansha and Fombad (2012: 22), African constitutional systems have extensively borrowed from the Western constitutional models such as the separation of powers. However, as indicated throughout this research, sub-Saharan African countries often adjust or have their own unique application that suits their situation. Although there is no formal separation of powers, the judicial system is regarded independent at domestic and international level (Quansha & Fombad, 2012: 10). Trials are usually conducted in public manner despite the backlog of cases (Freedom House: Internet). At domestic level it is also accepted that both the state and citizens have respect for the rule of law in Botswana (Semolekae, 1998: 19).

The *first major criticism* towards Botswana's separation of powers is the extensive powers invested in the President. Even within the judicial organ of government, the president is vested with powers to; grant pardon, remove punishment imposed, remit or part of punishment imposed, grant mercy to an individual that is sentenced to death and lastly although an advisory committee is available to the president, he/she is not obliged to consider the advice given (Fombad, 2005: 330-331). Here one might even question the relevance of this advisory committee since it can be summed up as a "dog with no teeth" which has no real influence or power over decisions taken by the president. The *second criticism* directed at the independence of the judiciary is the fact that executive branch dominates both the judicial and legislative organs of government. For instance, a member of the judiciary may be summoned to perform non judicial functions within the executive branch. This situation is a perfect example of O'Donnell (1994) where he refers to as a "delegative democracy" (Poteete, 2010: 1; Fombad, 2005: 332). The *third criticism* towards Botswana's judicial system is directed at the 2007 Intelligence and Security Services Act created the DIS in the office of the president. Criticism has been specifically directed towards the director's power; such as the fact that the director can authorize to arrest anyone without warrants and the agency lacks parliamentary oversight mechanisms (Freedom House: Internet). The final criticism towards the judicial system of Botswana relates to their level of judicial activism. The concept *judicial activism* is controversial at best because no formal definition actually exists for the concept. The concept basically refers to the ability of judges to interpret the Constitution to reflect the contemporary conditions and values of the day. It refers to the ability of courts not to be confined but have the ability to create new law or establish new rules when necessary. Judicial activism, simply put refers to the ability of courts and judges to reform the laws if or when the current rules/ principles and laws does not make adequate provision to decide a rule. According to Quansha and Fombad (2012: 3), judicial activism has not been sustained in Botswana which is a weakness and Botswana's judicial organ of government should adopt a more activist approach. The *pros of judicial activism* include the following;

- *It ensures a system of checks and balances to the other branches of government.* It allows judges and courts not to be confined to conservative way of thinking but use labels such as "literalist" or progressive interpretation.

- *Judges are given a personal voice to fight unjust issues*; Judges can make their own judgement call on issues they feel are otherwise unjust. These issues are also not limited and can include issues related to immigration, executive or criminal proceedings.
- *Allows for the judicial system to have its own system of checks and balances*; a judgment that the law is unjust and rule in that favour may be appealed to another court. A particular case may for instance start before a local judge but may be reviewed up to 6 times before a final verdict is provided on the matter (Lombardo, 2015: Internet; Chief Editor, 2015: Internet).
- *People can vote judges off the bench*; it is important to remember that judges may be voted off the bench. This is applicable if judges are elected and when their rulings are not aligned with the ideas of voters, they can be removed (Chief Editor, 2015: Internet).

This research has found that in Botswana, the country has kept aligned with the western model of separation of powers. It is indeed widely accepted that the judicial organ of government is independent, impartial and performs its duties as stipulated in the Constitution of Botswana. Although Botswana has a Westminster drafted constitution, it is evident that this was done intentionally in order to reflect and protect both the state and society.

Namibia

An undisputable fact is that an independent, impartial and upright judiciary is of great importance for any democratic state to survive in the modern world (Ndulo, 2011: 6). It therefore comes with no surprise that the struggle for judicial independence is not limited to the sub-Saharan region or just Africa, but this struggle for independence occurs throughout the world (Quansha & Fombad, 2012: 3). The rule of law is considered a crucial political and legal requirement for democratic governance. The rule of law assumes the existence of inalienable rights and freedoms which neither government nor citizens can taint or violate (Ndulo, 2011: 3). The Constitution of Namibia establishes an independent judiciary and the separation of powers which should be implemented (Namibia Country Report 2015: Internet). The Constitution of Namibia and the Namibian case law all recognise the separation of powers

between the judiciary and the executive organ of state. The Namibian Judicial system has made noticeable transformation since 1990. Prior to 1990, the system was dominated by an all-white, all male judges that were permanently employed. The judiciary took a drastic step and replaced them with three female judges to serve at the High Court. Furthermore, the Chief Justice position is also held by a judge from a disadvantaged (black) community. The Judicial Service Commission (JSC) in Namibia plays a vital role of promoting and protecting the independence of the Judiciary. The JSC is regulated in Article 85 of the Constitution of Namibia and members are nominated with the provisions made in Act of Parliament by the professional organisation that are representing the interest of the legal professionals. The JSC of Namibia plays similar role to the JSC in South Africa and also makes recommendations to the President regarding the appointment (in terms of Article 82) and the removal (in terms of Article 84) of judges (Nakuta & Chipepera, 2011: 18-19). *How can the accountability of the Judiciary be measured and who are they accountable to?* The judiciary cannot operate in isolation and judges must account to some form of authority outside their institution. Within a democracy, the legislature is accountable to the people and conduct periodic elections. It should be noted that the international community has made a call for improved Judicial Accountability. While the executive is accountable to the legislature and to the electorate while judiciary does not conduct any periodic elections. How then does the judiciary display accountability in their functions? Firstly, judges and public servants are accountable to the people. Court cases usually takes place in (open) courts to ensure access and transparency of the judicial system and the judge. It is only under special circumstances that court proceedings may take place in isolation. Secondly, another form of judicial accountability is that decisions made in one court can be appealed in another court. Criticism made of the appeal courts may be published. Thirdly, the media also has access to courts and are usually (accept in special cases) allowed to publish the details of proceeds and the accused names (Sakala, 2005: 6-8).

One of the biggest criticisms towards the Judiciary of Namibia is the limitation to justice as a result of economic and geographic barriers, shortage of public defenders, and lack of capacity in the court system which increases backlogs of

cases. Secondly, it has been reported that traditional courts in rural areas often ignore constitutional procedures despite the fact that legislature calls for more uniformity and formal judicial system which was implemented in 2009. In response to this the 2014 constitutional amendment provides for the creation of tribunals that would investigate claims of misconduct by judges and prosecutors (Namibia Country Report 2015: Internet). In terms of respecting the rule of law and independence of the judicial organ of government, there is domestic respect from the other two organs of government and the people. The biggest threat that has occurred has been the call for the removal of a judge by the Secretary of the National Union of Namibian workers because of the Supreme Court judgement. Despite this attempt, to date there has been no incidents of direct interference with the independence of the judiciary by members of the executive (Nakuta & Chipepera, 2011: 18). In contrast, Ruppel (2008: 225) disagrees with the argument that there has been no direct interference. Reported questionable behaviours have been reported about foreign Namibian judges and that an alleged tendency of ruling in favour of government has been observed. Although no formal charges has been laid against these foreign judges, but observers are concerned. As mentioned before the JSC in terms of Article 85 of the Constitution of Namibia advice the President on the appointment of judges. A concern that appears to be common practice in Namibia, South Africa and Botswana is the fact that the President appoints judges, may lead to observers questioning the independence and the impartiality of these judges (Ndulo, 2011: 22). *However, if the President does not appoint the judges, then who should be responsible for such an enormous task?* This research agrees with the Constitutional mandate that the Head of State appoints judges. An administrative/governing criticism directed at inadequate training newly appointed judges receive once they are appointed. In addition, majority of newly appointed judges comes directly from tertiary institutions and are inexperienced for such a tremendous responsibility (Ruppel, 2008: 225).

According to the United Nations Special Rapporteur, the principle of the separation of powers is the foundational requirement of judicial Independence and impartiality are founded. The nature of the judicial independence is the crucial mechanism that empowers judges to make decisions that are sometimes considered unpopular but

lawfully correct (Ndulo, 2011: 6). The concept of judicial accountability refers to the notion that judges need to account for their judicious and injudicious conduct. The principle of western governance calls upon all state institutions to be accountable in their actions towards citizens. In terms of this definition, this research investigation concludes that the analysis indicate the Namibia's judicial organ of government is independent and that there is a general respect for the rule of law. The case study on South Africa, Botswana and Namibia indicate that the judicial system is accountable to their respective citizens. Mechanisms have been put in place by the Constitution to protect and uphold the independence of the Judiciary and its personnel (judges). One can even argue that judicial accountability is therefore the reverse side of the judicial independence and not a limitation. As long as the judiciary and judges are entrusted to protect the human rights and liberty of the public, they therefore have to be accountable to perform their duties in accordance with the respective Constitution (Sakala, 2005: 4).

5.2.3 Western-orientated governance: Unique application of sub-Saharan states

“Good governance is perhaps the single most important factor in eradicating poverty and promoting development” – Kofi Annan (Secretary General, UN)

This section first reminds the reader of the discussion in Chapter 1 regarding the international consensus that good governance is not only a necessity for sub-Saharan Africa to prosper but that it has become a prerequisite set by international donors and regional organisations. It has been established that the term governance is not a new phenomenon in Africa. Good governance has formed part of regional organisations in Africa. The Constitutive Act of the AU Article 3 (a) promotes democratic principles while the NEPAD regard it as vital for sustainable development (Alence, 2004: 164). In efforts to further enhance not only the promotion but the implementation of the governance agenda, the APRM was established to ensure the adaptation of policies and share experiences in order to facilitate capacity building (Mekolo & Resta, 2005: 12). The introductory chapter demonstrated the complexity attached to good governance components. Table 1.2.1 demonstrates the

governance components and value frameworks by various organizations/ institutions including; ACBF, World Bank, UN, OECD and ODI. Due to the various good governance components available, the researcher identified and discussed the main components that would be utilised as an evaluation tool in chapter 2. In order to provide the reader with an extensive theoretical background, the origins of good governance network theory and the three main types of research traditions namely; research on policy networks, inter-organizational service delivery and policy implementation and managing networks. The dilemmas associated with components of good governance and governance networks were discussed in order to provide the reader with a holistic view of the current theoretical perspectives available to date. The components of good governance which are the evaluation tools to answer the research question was identified in Chapter 1 while chapter 2 provided an in-depth discussion. The good governance evaluation tools for this research study are accountability, transparency and the rule of law. *Departing from the above reflection, what has been the impact of Western-orientated governance been on sub-Saharan states?* The historical overview of South Africa's colonial history and apartheid regime discussed in chapter 3, indicate the clear link between the country's political history and motivation behind the country's adaptation of western (liberal) orientated governance. **South Africa** is founded on democratic values of human rights and freedom, where their Constitution guarantees universal adult suffrage, regular, free and fair elections and a multi-party system. Chapter 3 provides a clear picture of the current situation of South Africa today. The newly democratic South Africa adapted the doctrine of separation of powers. The South African government consists of three branches namely the executive, legislature and the judiciary. Although South Africa adopted a western (liberal) model for their government, the evaluation in chapter four indicate there is still room for improvement. Discussion provided in chapter three indicates that the South African Constitutional Court has also been applauded by the international community for extending the right to vote to prisoners, meaning prisoners democratic rights are protected despite being detained in a correctional institution. Furthermore, consensus has been reached by the Southern African Development Community (SADC), Commonwealth and the African Union (AU) that elections in South Africa are indeed free and fair (Uwizeyimana, 2012: 150-151). This is despite some cynical believes that South Africa's democracy is in danger (Tony, 2010: 12).

The analysis of the case study on South Africa, has found that both the government and South African society has respect for the independence of the judiciary. This was recently reaffirmed by the high court decision on the Nkandla report where the President of South Africa has to pay back some of the money spend on his security upgrade on his personal home (Ruppel, 2008: 214). The executive branch in South Africa and the Office of the Presidency respected this ruling by the high court and has since not attempted to interfere with the court's ruling. The biggest criticism that has emerged from this analysis on South Africa, is the "*silence*" by the Constitution of South Africa on the role of the speaker. In chapter 3, the research extensively discussed the controversy revolving around the speaker during the Nkandla saga and the continuous disruption during Parliamentary proceedings. Therefore, this study **recommends** that the role and functions of the Speaker of the House in Parliament need to be explicitly stated in both the Constitution Act 108 of 1996 and the Rules and Orders. The study has found that there is a relatively clear balance between the three branches in terms of their roles and functions and independence. This argument is based on the discussion presented in chapter three and the political and societal stability in South Africa since becoming an independent and democratic state. The discussion in chapter three surrounding the practical application of separation of powers indicate that each branch of government has clear functions and duties as outlined by the Constitution of South Africa Act 108 of 1996. The legislature has the authority to make, amend or repeal the law, the executive has to execute and enforce these laws, while the Judiciary has to interpret these laws. The South African application of the separation of powers discussed in chapter 4 for indicates that the executive has recently come under the spot light due to corruption and the abuse of public resources. The role of the speaker has come into question not only in the South African Parliament but also amongst scholars and observers. The independence and the balance of power was recently tested when the South African court ruled on the Nkandla report. Despite judgment being non-favourable to the President, no interference by the executive nor the legislature was attempted. Some observers noted that the outcome was a victory for democracy in South Africa. The analysis in chapter four regarding the South African adaptation of western (liberal) orientated governance concludes that;

- South Africa successfully adopted the western model of separation of powers. Clear distinction is drawn between the three branches of government, however in practice they do not operate in isolation.
- South Africa has adopted a multi-party system and has conducted free and fair elections since 1994. Despite criticism of political dominance, the results at the polls reflect the will of the people.
- It is widely accepted that the executive and the legislature branch respect the independence of the judiciary and since 1994 no political interference has been reported.
- The judiciary is accountable to South Africans. The judiciary in South Africa has demonstrated great levels of judicial accountability.
- Although there is room for improvement in the South African adaptation of the western model, South Africa's application both in principle and practice has been exemplary.

Throughout the chapters of this research, it has widely been accepted that Botswana is considered a “shining example” of a liberal democracy in Africa. Chapter three demonstrates how **Botswana** has remained loyal to their Westminster model of democracy since their independence in 1965. Despite criticism of weak opposition parties in Botswana, three political parties namely, the ruling Botswana Democratic Party (BDP), Botswana National Front and Botswana Congress Party (also known as Botswana Alliance Movement pack) are representing citizens of Botswana in Parliament. Botswana has successfully held both parliamentary and local councils elections every 5 years as required by section 91 (3) of the Botswana Constitution and the country's election processes has always been trusted to be free and fair by the international community (Uwizeyimana, 2012: 151). The analysis of Botswana in chapter four indicates that Botswana has successfully implemented adult universal suffrage and openly conducted multi-party elections.

Based on the discussion provided in chapter three and the analysis in chapter four, State Institutions in Botswana has experienced challenges related to corruption and lack of transparency in government. However, Botswana has remained loyal to the

western model of good governance and has since made some improvements which have been recognised by the Transparency International's Corruption Perceptions Index (CPI). According to the CPI, Botswana is currently the least corrupt African state in sub-Saharan Africa (Lekalake, 2016: 1). The study has found that Botswana has successfully implemented the doctrine of the separation of power. However, a major concern is the amount of power vested in the President. Concerns are also raised on the functions and power of both the National Congress and the National Council of Botswana. The analysis provided in chapter four found that accountability, transparency and overall checks and balances can be improved during the policy making processes (Potts, 2011: 5-6). The analysis of this study has concluded that Botswana's adaptation of western orientation governance is foreign to the Westminster model. Botswana's adaptation of western-orientated governance has resulted in Parliament being subordinate to the Executive. The government of Botswana need to ensure the balance of power between the three branches are maintained, in order to ensure checks and balances and accountability between the three branches to ensure the stability of the state. Based on the aftermath of the analysis, the following **recommendations** are made for Botswana;

- The President should be subjected to competitive struggle for citizen's votes. The President should also be removable from his office if he failed at his duties and functions. There is a dire need for Constitutional development and mechanisms that will keep the President accountable (Bodilenyane, 2012: 198).
- The Constitution of Botswana needs to be amended to ensure clear separation of powers between the Executive, Judiciary and the Legislature (Bodilenyane, 2012: 198).
- The powers and functions of the Ministers need to be amended so that they can keep the President accountable and ensure collective decision making processes. The power to remove the Ministers from office should not be vested into one individual (namely the President) but rather a majority vote.

The case study in chapter three indicates that **Namibia** also had a colonial master and finally obtained their independence from South Africa on the 21st March 1990. Post-independence Namibia focused on reshaping and redefining itself as a

democratic country. However, some are cynical due to Namibia's history of decentralisation and argue that judgement towards the country would be highly premature (Tötemeyer, 2000: 108). Similar to South Africa and Botswana, Namibia faced numerous socio-political and economic challenges but has remained dedicated to the principles of their Constitution. The Constitution of Namibia, Article 1 (3) establishes the three organs of state namely, the legislature, executive and judiciary (Ruppel, 2008: 2010-2011). However, the analysis in chapter four has found that the executive branch of Namibia dominates the other two branches of government in the sense that both the **executive and the President is vested with too much power**. Firstly, it is recommended that Namibia amend the Constitution and revisit the extensive powers vested in the President. Secondly, there is a clear lack of accountability of the legislative branch; chapter three's discussion indicates that the Cabinet Ministers are also members of Parliament. This lack of distinction between Cabinet Ministers and Members of Parliament compromises accountability and the doctrine of separation of powers (Amoo & Skeffers, 2008: 25). Accountability and transparency cannot be guaranteed because Swapo guarantees full support for all laws that pass the Parliament. The doctrine of separation of powers requires clear distinction in the roles and functions of the three branches (or organs) of government. Therefore, it can be summed up that Namibia's application of the doctrine of separation of power places the credibility and checks and balances at risk.

The analysis in chapter four demonstrate how Swapo has managed to guarantee support to pass laws and this was evident following the events that occurred after the Third Constitutional Amendment Bill was passed in 2014 which proposed 40 amendments. The most significant amendments includes; the size of the legislature, new president appointed members of parliament, limitation placed on the National Council's power to review certain bills and granting additional power to the president to appoint the head of the intelligence agency. The aftermath of this bill included great criticism towards Swapo for pushing to pass this new law which would be in favour of their dominant position. The Third Constitutional Amendment was passed in October 2014 and the number of members in Namibia's bicameral legislature was increased by 40 percent (increased from 26 to 42 seats). The amendments also

made provisions for the ruling party to appoint regional governors. The National Assembly previously had 72 seats and has been increased to 96 while the president is now vested with the power to appoint 8 nonvoting members to the National Assembly (Namibia Country Report 2015: Internet). When considering these changes Swapo made once the law was passed, it is clear that this law is indeed in favour of the ruling party to increase and strengthen their political leadership. Based on the discussion in chapter three and the analysis of chapter four, the following recommendations are made for Namibia;

- The government of Namibia in consultation with the citizens need to review the powers vested in the President and his executive. The current constitutional mandate has vested extensive powers in the President and this is not an accurate interpretation/ application of western governance model.
- The doctrine of the separation of powers requires a clear distinction between the institutions and official (personnel) of the three organs of government. The Constitution of Namibia need to review the mandate that allows Ministers of Cabinet to also become members of parliament. This questions the accountability of these members who should be accountable to the electorate and not to themselves or the governing party.
- Namibia need to strengthen their Judicial Accountability.

5.3 Mechanisms for improving and facilitating public participation

Throughout this research study, the importance of good governance, separation of powers, checks and balances and western (liberal) governance model are discussed. The western model incorporates the importance of public participation to promote and protect democracy. Governments are voted into power by the people, and governance relates to the manner in which government governance over the people. Hence, the argument in the previous chapter that public participation should be utilised as a tool that empowers citizens to become actively involved in decision-making processes and not be restricted to limited projects (Mchunu, 2012: 55). The citizens in these respective sub-Saharan states need to be better informed regarding the constitutional obligations of these institutions and their respective leaders. Citizens should hold their respective governments accountable and ensure that

public policies are implemented. It is ultimately the citizens and organised groups within society that can determine whether they are beneficiaries or victims of liberal democracy (Mohiddin, 2008: 10).

South Africa

The case study in chapter three on the three sub-Saharan states has found that public participation is not limited to participation during elections. Public participation goes beyond citizens voting hence South Africa has established numerous platforms for its citizens to participate in government affairs. The South African Constitution Act 108 of 1996 and the South African Parliament provides frameworks and working definition of public participation. As Scott (2009: 6) indicates, public participation is considered the core functions of the South African Parliament and Provincial legislatures. In section 152 (e) (f) of the South African Constitution, Act 108 of 1996 requires that government officials are accountable to the specific needs of the South African society. However, Howlett and Ramesh (in Njenga, 2009) raised a valid point regarding the amount of influence which private sector has on policy processes. This concern is based on the findings in chapter four which indicate that public participation programmes in South Africa are more concerned with the participation of the private sector and not so much that of ordinary citizens. Furthermore, public participation processes in South Africa have been criticized for not being accountable or transparent. This argument stems from the poor monitoring of public participation programmes as those that are implemented at Provincial Legislation levels. In chapter three and four, the Public Service Commission hold that there is a general lack of commitment to implement participatory approaches. There is also mistrust between government and the community due to lack of transparency and openness which often disrupts public participation processes (Public Service Commission, 2008: 11).

In chapter four the research found that at municipal level, the South African local government has also received numerous criticisms for not responding timelessly to the public's concerns. As previously indicated, Howlett and Ramesh (in Njenga, 2009: 32) make reference that the claims have been made that public officials tend

to exercise their power in discriminatory manners which leads to the exclusion of ordinary public members. Some observers have noted that the dilemma facing South Africa is the architecture of the public participation at local government. According to Maserumule (in Mail & Guardian, 21 June 2016), protest in South Africa has spiked in recent times as the country is counting down to the 2016 Local Government Elections scheduled for the 3rd August. South African municipalities are tasked to promote socio-economic development and deliver basic services to the community. Therefore, Mchunu (2012: iii) has gone as far to propose an alternative public participation model for South African municipalities. This proposed model ensures that the public is granted the opportunity to negotiate a new “social contract” with public officials. Once public participation is characterised by empowerment, it will also lead to influence, a sense of control and enhance the community’s development and growth during public participation processes (Mchunu, 2012: iii-iv). South African municipalities should consider an alternative approach to encouraging public participation because Maserumule (in Mail & Guardian, 21 June 2016) argues that the increase in protests is a sign of communities rejecting local government. Henceforth, former Minister of Cooperative Government and Traditional Affairs, has describe protests in South Africa as “the language of the unheard” (The World Bank, 2011: 22). Chapter three discussed the considerable efforts made by the South African government to enhance public participation at local government level. The Municipal Structures Act 117 of 1998, provides for the establishment of Ward Committees (WCs) to create a relationship between the public and municipal councils. The Municipal Systems Act 32 of 2000 introduced the principle of Integrated Development Plan to incorporate the community’s views into the municipal developments (Mchunu, 2012: 2-3). In South Africa, ward councillors have double accountability; they are firstly accountable to the people (the electorate) and secondly to their respective political party. Some observers have argued that ward councillors are primarily concerned with their accountability towards their respective political party (The World Bank, 2011: 26-27).

Despite the above mentioned legislative efforts, the nature and size of municipal wards represents thousands of people, therefore ensuring their interest are put first becomes problematic. While others have suggested that South Africa should learn

from Brazilian cities that have managed to improve partnership between citizens and government which has ultimately resulted in speeding up the delivery of housing. The success of Brazil's model is especially evident in cities such as Sao Paulo where government constantly engaged with citizens and civil society (Cape Argus, 2 January 2014: Internet). Despite this recommendation made by Mirjam van Donk (in Cape Argus, 2 January 2014) argues that Integrated Development Planning (IDP) is more "compliance driven" in order to stay on board with legislation requirements and not necessarily to ensure public participation. This **research rejects a sole foreign model** as an alternative to enhance public participation, due to the complexity of South African communities. Khayelitsha for example is a township situated in Cape Town which can be used as a case study that most accurately represents most townships in South Africa. Khayelitsha faces devastating socio-economic conditions of which Thompson and Nleya (in (Mchunu, 2012: 3) argue that the violent protests are linked to the legacy of apartheid regime, poverty levels and geographical area. In efforts to eradicate the high poverty levels in Khayelitsha, public officials responded with the following; declaring Khayelitsha a Presidential Urban Node, Project Consolidate, the Planning, Implementation and Management Support Programme, Project Viability and most recent attempt was the Local Government Turnaround Strategy (LFTS) and the Business-adopt-a-Municipality campaign (Mchunu, 2012: 4). The above mentioned were local government's response the continuous violent protest in Khayelitsha, however, this research questions whether the community of Khayelitsha were consulted with regards to these intervention strategies employed. These violent protests in South Africa should not be analysed in isolation (from only a political science perspective) but also consider the psychological and sociological analysis on the other hand.

According to Gurr (1968), (in Mchunu, 2012: 5) violent tendencies during protest are caused by "relative deprivation" such as feeling excluded from the polity, unemployment, poverty and other socio-economic facts. The World Bank (2011: 22) adds that South Africa has been a spike in service delivery protest since 2009. The World Bank agrees with Gurr (1968) in Mchunu (2012: 5) and contributes that these protests are related to unresponsive councillors, corruption, unemployment, retrenchments including other grievances which results in high levels of protests.

Although all South Africans have a democratic right to protest as stipulated by the South African Constitution Act 108 of 1996, the continuous increase and violent nature of service delivery protests at local government level is a major cause of concern. The aftermath of these violent protests in South Africa has often resulted in the destruction of private and public property, economic activities disruptions, death/injuries of protesters and innocent by-standers (Mchunu, 2012: 5). The problem related to public participation at local government level is not institutional. The South African local government has been specifically designed to ensure public participation of all citizens. In chapter 10 of the Constitution of South Africa Act 108 of 1996, clear mandate is provided that citizens have direct access to elected local government representatives. The World Bank notes that the fact that several issues of service delivery are not only limited to local government but also include other spheres of government. Therefore, the World Bank (2011: 26) recommends that when investigating the service delivery of local government, it would not be sufficient to only hold local government officials accountable for service delivery.

Botswana

Freedom of Expression is an important value in western-orientated governance. This research investigation has demonstrated that Botswana has its own adaptation of western-orientated governance. In general it can be concluded Botswana's press is free and consist of various independent newspapers and magazines. However, the Gaborone Broadcasting Corporation (privately owned) and two private radio stations has limited reach to the citizens of Botswana. It has been alleged that the Printing and Publishing Company Botswana (the country's only broadsheet printing company) is commercially linked to senior BDP officials which censor's publications. The Government of Botswana also has a tendency to restrict or censor certain news sources or stories which at the government's discretion finds to be undesirable. In addition, although the Government of Botswana allows full access to internet, citizens' has reported that internet access outside cities is uncommon (Freedom House: Internet).

Chapter three, provides an extensive discussion on the institutions and forums which the Government of Botswana established to promote and ensure public participation at different levels. These institutions and forums include the following; Village Assembly (Kgotla), Village Development Committees (VDCs), District Development Committees (DCCs), National District Development Conference (NDDC), Local Authorities (District, Town and City Councils), the Rural Development Council (RDC) and finally the High Level Consultative Council (HLCC). It has been argued that in practice, the CDC and DDC are mostly used for informative sessions instead of bottom-up” consultation which would be beneficial to both the government and the community (Botswana Institute for Development Policy Analysis, 2007: 84). The case study on Botswana further indicates that despite the establishments of these numerous institutions and forums, the Botswana Association of Local Authorities (BALA) has observed a sharp decline in public participation. Criticism regarding public participation processes relates to low levels of accountability, because officials tend to respond slowly to the needs of the people. Criticism regarding transparency relates to government’s inability to be open regarding its budget. The government of Botswana should be greatly concerned with the decline in public participation because it is one of the vital principles of democracy. It is only through public participation processes that the community can actively participate in state affairs and make informed decisions. The analysis in chapter four indicates that public participation is not merely a myth but do occur in Botswana. The manner in which these processes occur is of great concern. The analysis indicate that a multi-party system is in place in Botswana but there are weak opposition in parliament. The media has also requested for more liberty without the interference of government (Semolekae, 1998: 19). It is recommended that the Government of Botswana be more transparent with regards to information to citizens. Currently citizens are reliant on the information they receive from the press. It is only through adequate access to information that members of the community can make decisive informed decisions.

Namibia

The most simplistic definition of public participation is that; it is a means for government to communicate (through different means) with society. Public participation is also viewed as decision making process which is the start to decentralisation which is quite common in local governance (du Plessis, 2008: 4). Public participation is therefore an important value which would eventually lead to self-governing. In Namibia, it has been demonstrated that public participation can take place at numerous levels such as domestic, regional and local level (Ghai, 2003: 12). The analysis in chapter four indicates that the Namibian Constitution has made adequate provision for freedoms of expression. The Namibian government has made available ample policy frameworks to guide officials on how to facilitate public participation. Article 21 of the Namibian Constitution provides for the freedom of expression and accessibility for press and other forms of media platforms. However, Solomon (2015: 1) has found that in recent years the government of Namibia has not been transparent (forthcoming) with information requested by journalists. It has further been alleged that any reports related to service delivery that are unfavourable towards government results in government becoming hostile towards the press. Du Pisani (2009: 22) identifies the current policy frameworks available that guide public participation include the following; Article 95 (k), 2005 Framework for interacting with civil society, Trust Money Protection Act of 1934, Section 21 of the Companies Act of 2004 and the Welfare Act of 1979 (Du Pisani, 2009: 22).

The analysis indicates that Namibia performs better when compared to other Southern African countries, including South Africa and Botswana. The biggest criticism towards Namibia's public participation is their electoral system. Most observers and analysis questions who leaders of Namibia are accountable and responsive to; the people or their political party. This criticism stems from the fact that the members from National Assembly and Local Authority are elected via a closed party list system, ballot papers only include the party's name and symbol and not the candidate. The electorate has no direct influence on who represents their interest, they have to accept the decisions made by the party when candidates are

selected. This implies that candidates would firstly be accountable to the party and not necessary the people, because it is the party that selects them. The research conducted in Oshana region indicated how poorly public participation processes are implemented in Namibia. The significant role which public participation plays in western-orientated governance cannot be emphasised enough. This research has found that South Africa, Namibia and Botswana have adopted their unique form of western governance model. In order for these respective governments' decisions and actions to be legitimized, they need to ensure public participation by all members in society. Public participation further enhances a more people-centred democracy. When diverting back to the meaning of good governance, it is clear that at the centre of good governance practices, the public plays a vital role. Hence public participation are amongst the important components needed to ensure good governance practices (Maphunye, 2005: 5). Public participation processes encourages mutual understanding between the state and the community and enhances trust from community members (Bryson & Carroll, 2008: 3).

Recommendations to improve on Public Participation in South Africa, Botswana and Namibia are;

- Non-passive participation approach: Public officials are encouraged not to take a passive participation approach. In other words, authorities should not unilaterally take decisions on behalf of citizens without their knowledge (Mchunu, 2012: 52).
- South African municipalities need to clarify their conceptualisation of the public participation in order to assist them in identifying appropriate mechanisms that would accommodate different sectors within their society especially the vulnerable groups.
- Municipal officials are encouraged to move away from low levels of participation such as mere consultations to a much higher level of participation in order to include the public's inputs (Njenga, 2009: 4). Secondly, the public should not be consulted by external people (non-community members) because these external change agents are under no

obligation to incorporate the inputs by community members (Mchunu, 2012: 52).

- The presence of stronger opposition parties in the three countries could enhance public interest in government affairs and public participation in general.
- The media in Botswana is encouraged to speak out against the lack of freedom of expression, call for the support by the international community.
- Avoid participation for material incentives: The three countries from sub-Saharan Africa are encouraged to avoid public participation activities and programmes that involve material gains such as food or money. The provision of material incentives will not ensure that the public remains interested once the incentives end (Mchunu, 2012: 52).
- The government of Botswana and Namibia has to ensure that information is freely and readily available to citizens. This would enhance citizens' trust in their government and promote transparency and accountability.
- The government in collaboration should revise Article 95 (k) and include clear step-by-step guidelines in order for government officials to develop suitable public participation platforms (Du Pisani, 2009: 22).
- Encourage self-mobilisation: The three countries from the case studies advised to promote the public in doing self-mobilisation. The public automatically have a more proactive role by taking initiatives independent from change agents (Mchunu, 2012: 53).
- Overall, improved, formal well-structured and coordinated public participation programmes need to be developed that are people centred and not take on the bureaucratic approach of top-down approach.
- Overall proper institutional mechanism are needed to monitor and evaluate public participation programmes and continuous evaluation from the people is also recommended.

5.4 Summary

In conclusion, this research primarily seeks to analyse the impact of western-orientated governance on sub-Saharan States with special reference to South Africa, Botswana and Namibia. Throughout the research investigation, interesting facts and assumptions were discovered regarding western-orientated governance. Firstly, consensus has been reached by the international community around the value components of good governance for development. These components include accountability, transparency, participation and the rule of law (Carothers & Brechenmacher, 2014: Internet). Despite overwhelming support for western-orientated governance as an “answer” for African development, no real evidence exists for the promotion of western governance models. Instead, there is evidence available regarding the “poor implementation” of western-orientated governance in developing countries. These poor implementation of western-orientated governance pertains to the following;

- *Inconsistencies with implementing the Agenda:* International donors often provide good governance components as a unified agenda for countries. These components of good governance usually include accountability, transparency, participation, inclusive representation and the rule of law. The inconsistency arises when developing countries select which components are more important than the others.
- *Question whether good governance components have real impact:* There is currently little evidence available whether principles of good governance have had fundamental developmental impact on countries. There appears to be great uncertainty about the instrumental value because the unresolved debate regarding the relationship between governance and economic development has not been concluded (Carothers & Brechenmacher, 2014: Internet).
- *Political resistance from the recipients:* Although many developing countries have embraced the value of accountability, transparency, participation, inclusion and the rule of law in principle, this is not often transpired in practice. Some governments reportedly remain opposed to fully incorporating these principles which often leads to illegitimate political meddling in the implementation (Carothers & Brechenmacher, 2014: Internet).

Secondly, the analysis on the impact of western-orientated governance on South Africa, Botswana and Namibia has found that this governance approach has been beneficial to both the governments and their respective citizens. The constitutional establishment of the three branches (organs) of government seeks to ensure accountability, transparency and respect for the rule of law. Although this analysis suggests that comparisons should not be drawn between the three sub-Saharan states, this research does in fact acknowledge the similar features of western-orientated values adapted by the three countries. This study agrees with Adetula's (2011) argument that African states should focus on creating a democratic state and society that is equivalent to their unique values and cultures. One-size-fits-all approach to western-orientated governance is not a guaranteed recipe for success because it is a political ideology created to best suit the needs of the European society (Goodman, 2013: 1. 5) and not the specific needs of African societies. The western (liberal) democratic culture and values have blossomed in Western societies (Lamprianou & Demetriou, 2013: 22), but substantial evidence is not available on the impact it has had on sub-Saharan states or the rest of Africa.

Thirdly, the research analysis has found that the three sub-Saharan states do have an understanding on the importance of public participation as a tool to strengthen democracy. The interaction between government and society is crucial because it establishes dialogue, partnership and shared information (transparency) and lead to societal contribution towards policies (du Plessis, 2008: 4). Hence, public participation is often referred to as "political engagement" or "public involvement" in decision making processes. It should however be noted that there is still no universally accepted definition for public participation (Lamprianou & Demetriou, 2013: 22). The analysis of this research has found that public participation measures/ instruments have undoubtedly been put in place in all three sub-Saharan states. However, as in the case with most policies in Africa, the theory is good but the practical application thereof lacks. Therefore this research has provided recommendations on how these states can address challenges and strengthen public participation in their state. The overall recommendations to strengthen western-orientated governance is summarised in Table 5.3.

5.3 Proposed methods to convert western-orientated principles into practice

Western-orientated principles	Proposed methods for implementation
Transparency	Create platforms for discussions such as opening council meetings and mobilizing the public (du Plessis, 2008: 16). When public participation processes are underway, the state should ensure that the opinions of the society (majority, minority groups and especially vulnerable people) views are taken into consideration. In addition, before public participation occurs the people should have access to information which is accurate so that the public can make informed decisions on state affairs (Parigi, et.al., 2004: 2).
Accountability	Provide the community with regular feedback at community forums at least on a quarterly basis (du Plessis, 2008: 16). The behaviour of public officials should be evaluated against set standard (Baez-Camargo, 2011: 6).
Rule of Law	The rule of law (commonly articulated in a country's constitution) should be respected by both the state and the society at large. The rule of law should also be flexible to keep up with the societal interests, habits, social and religious norms (Sachiko & Durwood, 2007: 16). The rule of law should also be emphasised through the judicial system which should be independent from all other organs (branches) of government. Furthermore, the rule of law should be clear and understandable for both the state and the society (United State Council for International Business, 2015: 5).
Public participation	Public participation should be inclusive in nature (include all members of society). The government officials should ensure that they report back to the community at least on a quarterly basis (Bryson & Carroll, 2008: 2-3).

5.5 Recommendations for future research

An area that needs further research at domestic and regional level is the direct impact western-orientated governance has on African societies. The analysis on the impact of western-orientated governance should not be limited to analysis tools of good governance components and international and regional organization's measuring variables. Alternatively, it is recommended that future research investigates citizens' perception/ experiences with western-orientated governance. A qualitative research approach is recommended which would employ questionnaires and focus group interviews with citizens and organised groups.

6. BIBLIOGRAPHY

25th *Namibian Independence Anniversary Issue*. 2015. Namibian Independence 1990-2005 Magazine. 1 April 2015.

(http://www.namibian.com.na/public/uploads/documents/551bd7b9ce160/TheNamibian_Web_c.pdf). Downloaded on 11 October 2015.

Aaron K, K. 2012. More Parties, Less Democracy? Multi-party System and the Crisis of Democratic Consolidation in Nigeria. Department of Political and Administrative Studies, University of Port Harcourt, Nigeria. Paper of presentation at the 22nd World Congress of the International Political Science Association (IPSA) Madrid, Spain, 8-12 July, 2012.

Accountability and Corruption in Namibia Challenges for 1997. Namibian Institute for Democracy in co-operation with the Konrad-Adenauer-Stiftung. (<http://www.nid.org.na>) Downloaded on 4 December 2015.

Acemoglu D, Johnson S and Robinson J,A. 2002. Reversal of Fortune: Geography and Institutions in Making of the Modern World Income Distribution. *The Quarterly Journal of Economics*. Vol 117, No.4. pp 1231-1294.

Adetula V, A, O. 2011. Measuring democracy and “good governance” in Africa: A critique of assumptions and methods. *Africa in Focus: Governance and the 21st century*.

Akomolede I, T and Bosede A, O. 2012. Good Governance, Rule of Law and Constitutionalism in Nigeria. *European Journal of Business and Social Sciences*, Vol.1, 6. Pp 69-85. (<http://www.ejbss.com/Data/Sites/1/septemberissue/ejbss-12-1150-goodgovernance.pdf>) Downloaded on 8 June 2016.

Alence, R. 2004. Political institutions and developmental governance in Sub-Saharan Africa. *F. Of Modern African Studies*. Vol. 42 (2). Pp 163 - 187. Cambridge University Press: United Kingdom.

Alexander K & Kaboyakgosi G. 2012. A find Balance: Assessing the quality of Governance in Botswana. Pretoria: Idasa: An African Democracy Institute.

- Amoo S, K & Skeffers I. The rule of law in Namibia. In Horn, N & Bosl, A. 2008. *Human Rights and the Rule of Law in Namibia*. Windhoek: Konrad Adenauer Stiftung. (pp 17-36).
- Armstrong E. 2013. The role of Active Participation and Citizen Engagement in Good Governance. UN Public Administration Programme: Division for Public Administration and Development Management (DPADM), UN Department of Economic and Social Affairs (UNDESA).
(<http://www.un.org/esa/socdev/egms/docs/2013/EmpowermentPolicies/Elia%20Armstrong%20presentation.pdf>) Downloaded on 24 August 2016.
- Babbie, E and Mouton, J. 2001. *The practice of social research*. Cape Town: Oxford University Press.
- Baez-Camargo C. 2011. Accountability for better healthcare provision: A framework and guidelines to define understand and assess accountability in health systems. Working Paper Series No 10. Governance Basel Institute on Governance: Switzerland.
- Bang H & Esmark A. 2013. A system theory of Good Governance. Paper prepared for ICPP, Grenoble. Panel 45/ session1.
(http://www.icppublicpolicy.org/IMG/pdf/panel_45_s1_esmark.pdf). Downloaded on 18 February 2016.
- Bang H & Esmark A. 2013. A system theory of Good Governance. Paper prepared for ICPP, Grenoble. Panel 45/ session1.
(http://www.icppublicpolicy.org/IMG/pdf/panel_45_s1_esmark.pdf). Downloaded on 18 February 2016.
- Beaulier, S.A. 2003. Explaining Botswana's Success: The Critical Role of Post-Colonial Policy. (<http://object.cato.org/sites/cato.org/files/serials/files/cato-journal/2003/11/cj23n2-6.pdf>). Downloaded 24 March 2016.
- Besley T, Burgess R & Prat A. 2002. Mass Media and Political Accountability. The Centre for Analysis of Risk and Regulation at the London School of Economics and Political Science: London. (<http://www.lse.ac.uk/accounting/CARR/pdf/dps/disspaper6.pdf>) Downloaded on 21 July 2016.

- Bevir, M. 2010. Governance as Theory, Practice, and Dilemma. (<http://www.governanceastheorypractiveanddilemmas.pdf>) Downloaded on 12 December 2014.
- Blatter, J. 2012. Forms of Political Governance Theoretical Foundations and Ideal Types. Working Paper Series, Global Governance and Democracy. Department of Political Science, University of Lucerne. Pp1-89. (http://www.unilu.ch/eng/working-papers_608627) Downloaded on 1 November 2015.
- Bodilenyane K. 2012. Botswana's Executive Presidency: Implications for Democracy. Journal of Public Administrations and Governance. (<http://macrothink.org/jpag>) Downloaded on 4 July 2016.
- Bogaards M. 2004. Counting parties and identifying dominant party systems in Africa. European Journal of Political Research. Vol 43. Pp 173-197.
- Bollen K. 1993. Liberal Democracy: Validity and Method Factors in Cross-National Measures. American Journal of Political Science, Vol.37, No.4. PP 1207-1230. Austin Texas: University of Texas Press.
- Booth D & Therkildsen. 2012. The political economy of development in Africa: A joint statement from five research programmes. Two day discussion amongst researchers from the five programmes held in Copenhagen on 15-16 March 2012. Effective States and Inclusive Development Research Centre (ESID).
- Botswana Institute for Development Policy Analysis (BIDPA). 2007. Measuring and Monitoring Progress towards Good Governance in Africa: The African Governance Report II (AGR II). Botswana Country Report.
- Botswana: Comparative National Systems. 2009. (<http://www.mitchellorenstein.com/wp-content/uploads/2012/07/Botswana.pdf>). Downloaded 12 April 2016.
- Botswana: Comparative National Systems. 2009. (<http://www.mitchellorenstein.com/wp-content/uploads/2012/07/Botswana.pdf>). Downloaded on 12 April 2016.
- Bratton M and Gyimah-Boadi E. 2015. Political risks facing African democracies: Evidence from Afrobarometer. Working Paper No. 157. AFRO Barometer.

- Brooks H. 2004. The Dominant Party System: Challenges for South Africa's Second Decade of Democracy. EISA Occasional Paper 25. (<https://eisa.org.za/pdf/OP25.pdf>). Downloaded on 8 July 2016.
- Bryson M, J & Carrol A, R. 2002. Developed with the support of the Hubert H. Humphrey Institute of Public Affairs and the University of Minnesota Extension Service. University of Minnesota Extension Service. (<http://www.extension.umn.edu/community/civic-engagement/docs/public-participation.pdf>) Downloaded on 24 August 2016.
- Burgess H & Malek C. 2005. Public Participation. Beyond Intractability. (<http://www.beyondintractability.org/essay/public-participation>) Downloaded on 3 August 2016.
- Butler A. 2013. The State of the South African Presidency. The Journal of the Helen Suzman Foundation. (hsf.org.za/resource-centre/focus/...south-african...pdf/download) Downloaded on 20 April 2016.
- Carney G. 1993. Separation of Powers in the Westminster System. Australasian study of Parliament Group (Queensland Chapter). Information Paper on Parliament and Government in Queensland. (<http://www.parliament.qld.gov.au/aspg/papers/930913.pdf>) Downloaded on 5 May 2016.
- Carothers T & Brechenmacher S. 2014. Accountability, Transparency, Participation and Inclusion: A New Development Consensus?. Carnegie Endowment for International Peace. (<http://carnegieendowment.org/2014/10/20/accountability-transparency-participation-and-inclusion-new-development-consensus-pub-56968>) Downloaded on 26 August 2016.
- Chan S. 2002. Liberalism, Democracy and Development. United Kingdom: Cambridge University Press.
- Chhotray V & Stoker G. 2010. Governance Theory and Practice: A Cross-Disciplinary Approach. New York: Palgrave Macmillan.
- Chief Editor. 2015. 7 Essential Pros and Cons of Judicial Activism. (<http://nlcatp.org/7-essential-pros-and-cons-of-judicial-activism/>) Downloaded on 22 August 2016.

- Chigbu, U.E. 2010. Addressing Good Governance In Africa – Discussion Paper. African Good Governance Network (AGGN) 1st 2010 AGGN Seminar 21st – 27th March 2010. AGGN Research and Publication Committee.
- Christiansen T. 2012. Assessing Namibia's performance two decades after independence Part II: Sectorial analysis. *Journal of Namibian Studies*. Vol 11. Pp29-61. (<https://www.unigiessen.de/fbz/fb07/>). Downloaded on 8 March 2016.
- City Press. 2016. Baleka Mbete, a crime scene cleaner. (<http://city-press.news24.com>) Downloaded on 31 March 2016.
- Cole E. 2015. Do Southern Africa's Dominant Party Systems Affect Popular Attitudes? A minor dissertation submitted in partial fulfilment for the award of the degree of Masters of Social Science in Political Studies. Faculty of the Humanities. University of Cape Town. (https://open.uct.ac.za/bitstream/handle/11427/13665/thesis_hum_2015_cole_ej.pdf?sequence=1). Downloaded on 18 July 2016.
- Constitutionally Speaking. 2014. The Speaker's dilemma. (<http://www.constitutionallyspeaking.co.za>) Downloaded on 29 March 2016.
- Cook, A & Sarkin, J. 2010. Is Botswana the Miracle of Africa? *Democracy, the Rule of Law, and Human Rights Versus Economic Development*. Vol. 19: 453. Pp 458 – 488.
- Creswell, J. W. 2003. *Research Design: Qualitative, Quantitative and Mixed Methods*. (2nd ed). SAGE Publications: London. Pp 1-26.
- Daily Maverick. 20 April 2016. Baleka Mbete: Madam Speaker, Madam President?. (<http://www.dailymaverick.co.za>) Downloaded on 31 March 2016.
- Dalton R, J. 2011. Engaging Youth in Politics. Open Society Institute: New York. (<http://www.socsci.uci.edu/~rdalton/archive/OSI2011.pdf>) Downloaded on 3 August 2016.
- De Vries M. 2013. The Challenge of Good Governance. *The Innovation Journal: The Public Sector Innovation Journal*, Vol 18 (1), 2.
- Department of Constitutional Development. 1999. Constitutional Handbook for Members of the Executive. Pretoria: The Department of Constitutional Development in collaboration with the National Democratic Institute for International Affairs and

Constitutional Concepts. ([http:// www.ndi.org/files/1614_za_constPDF.pdf](http://www.ndi.org/files/1614_za_constPDF.pdf))

Downloaded on 12 April 2016.

Department of Justice and Constitutional Development (doj & cd) (RSA). 2012. Discussion document on the transformation of the judicial system and the role of the judiciary in the developmental South African State. (<http://www.justice.gov.za/docs/other-docs/20120228-transf-jud.pdf>) Downloaded on 16 August 2016.

Department of the House of Representatives. 2nd ed. 2008. The Speaker of the House of Representatives. (http://www.aph.gov.au/~media/.../32%20Members/Speaker/speaker_booklet.pdf) Downloaded on 24 May 2016.

Diescho, J. 2000. Ethics and Good Governance in Namibia. Namibia: Published by the Namibia Institute for Democracy in co-operation with the Konrad-Adenauer-Stiftung. Pp 1 – 71.

Doorenspleet R & Nijzink L. 2013. One-Party Dominance in African Democracies. Lynne Rienner Publishers. (<http://www.rienner.com>). Downloaded on 22 August 2016.

Du Pisani, A. 1991. Rumours of Rain: Namibia's post-Independence Experience. *The South African Institute of International Affairs*. Issue 3. Pp 1 – 54.

Du Pisani, A. 2009. The impact of democracy in Namibia: Assessing political, social and economic development since the dawn of democracy. Research Report 116. Centre for Policy Studies. Johannesburg: Kellogg foundation. Pp 1-28.

Du Plessis A. 2008. Public Participation, Good environment Governance and Fulfilment of Environmental Rights. Potchefstroom Electronic Law Journal. (<http://www.saflii.org/za/journals/PER/2008/12.html>) Downloaded on 26 August 2016.

Edirisingha P. 2012. Research Paradigms and Approaches. Interpretivism and Positivism (Ontological and Epistemological Perspectives). (<https://prabash78.wordpress.com>) Downloaded on 22 January 2016.

Electoral Commission of Ghana. Institutionalizing Free, Fair, and transparent Elections. (<http://www.ec.gov.gh/history-of-the-commission/>) Downloaded on 30 January 2016.

- eNCA News. The top longest-serving African leaders. (<https://www.enca.com/africa/top-10-longest-serving-african-leaders>) Downloaded on 25 February 2016.
- Erasmus G. 2000. The Constitution: Its Impact on Namibian Statehood and Politics. ([http://www.kas.de/upload/auslandshomepages/namibia/State Society Democracy/chapter3.pdf](http://www.kas.de/upload/auslandshomepages/namibia/State_Society_Democracy/chapter3.pdf)) Downloaded on 8 March 2016.
- Eyewitness News. 2016. Concourt: Zuma must pay back the money. (<http://ewn.co.za/2016/03/31/Nkandla-ConCourt-ruling>) Downloaded on 8 June 2016.
- Fakir, E. 2009. *The impact of democracy in Botswana: Assessing political, social and economic developments since the dawn of democracy*. Centre Policy Studies. Research Report 121. Johannesburg: Kellogg Foundation.
- Fearon J and Laitin D. 2005. Botswana. (<http://web.stanford.edu/group/ethnic/Random%20Narratives/BotswanaRN1.1.pdf>) Downloaded on 12 March 2016.
- Fombad C, M. 2005. The Separation of Powers and Constitutionalism in Africa: The Case of Botswana. Boston College *Third World Law Journal*. Vol 25. Issue 2. Article 2. (<http://lawdigitalcommons.bc.edu/twlj/vol25/iss2/2>) Downloaded on 12 March 2016.
- Free State Legislature. Committees. (<http://www.fsl.gov.za/sourcecode/committees.html>). Downloaded on 8 December 2015.
- Ganahl, J.P. 2013. Corruption, Good Governance and the African State: A Critical Analysis of the Political-Economic Foundations of Corruption in Sub-Saharan Africa. Postdam Economic Studies 2. Germany: Docupoint GmbH Magdeburg.
- Gauteng Provincial Legislature (GPL). 2013. The People Shall Govern: Public Participation Beyond Slogans. Deliberations of the International Conference on Public Participation. Hosted by the Gauteng Provincial Legislature, Johannesburg 2012. (<http://www.ieri.org.za/>) Downloaded on 21 August 2016.
- Geingob H, G. 1998. Address by Prime Minister of Namibia. The Opening Seminar on the Promotion of Ethics and Combating Corruption. (<http://www.nid.org.na/images/pdf>). Downloaded on 9 March 2016. Moller
- Gelb S. 2004. Inequality in South Africa: Nature, Causes and Responses. African Development and Poverty Reduction: The Macro-Micro Linkage. Forum Paper 2004.

13-15 October 2004. Lord Charles Hotel, Somerset West, South Africa. DfID Policy Initiative on Addressing Inequality in Middle-income Countries.

Ghai Y. 2003. Public Participation and Minorities. Minority rights group international. MRG Publishers: United Kingdom. Pp 1-36.

(<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.457.2819&rep=rep1&type=pdf>) Downloaded on 4 June 2016.

Gisselquist, R. M. 2012. Good Governance as a Concept, and Why This Matters for Development Policy. *United Nations University World Institute for Development Economics Research (UNU-WIDER)*. ReCom: Finland.

Glitz C. 2011. Rule of Law in Namibia. Governance in Areas of Limited Statehood. (<http://wikis.fu-berlin.de/display/SBprojectrol/Namibia>) Downloaded on 3 June 2016.

Good Governance and Aid Effectiveness: The World Bank and Conditionality. The Georgetown Public Policy Review. Vol 7 Number 1. Pp 1-22.

Goodman J, C. 2013. What is Classical Liberalism?. National Center for Policy Analysis. (<http://www.debate-central.ncpa.org>) Downloaded on 28 March 2016.

Gordon P. 2016. 2016 Budget Speech. National Treasury. (<http://www.treasury.gov.za/documents/national%20budget/2016/speech/speech.pdf>) Downloaded on 9 March 2015.

Gordon A & Bruce D. 2007. Transformation and the independence of the judiciary in South Africa. The Centre for the Study of Violence and Reconciliation. (<http://www.csvr.org.za/docs/transition/3.pdf>) Downloaded on 17 August 2016

Graham, J., Amos, B. And Plumptre, T. 2003. Principles for Good Governance in the 21st Century: Policy Brief No. 15. *Institute on Governance (IOG), Ottawa Canada*. Pp 1 – 9. (<http://www.iog.ca>) Downloaded on 20 October 2015.

Grant L. 2014. Research shows sharp increase in service delivery protests. Mail & Guardian. 12 February 2016. (<http://mg.co.za/article/2014-02-12-research-shows-sharp-increase-in-service-delivery-protests>) Downloaded on 18 March 2016.

Grindle, M. S. 2004. Good Enough Governance: Poverty Reduction and Reform in Developing Countries. *Governance: An International Journal of Policy, Administration and Institutions*. Vol 17: 4, pp 525 – 548.

Guide to Good Governance Programming. MercyCorps: Be the change.

Gumede V. 2013. Social and Economic Transformation in Post-Apartheid South Africa- policies, processes and proposals.

[http://www.vusigumede.com/content/Paper%20on%20socio-economic%20transformation%20in%20SA%20\(draft,%20April%202013\).pdf](http://www.vusigumede.com/content/Paper%20on%20socio-economic%20transformation%20in%20SA%20(draft,%20April%202013).pdf)

Downloaded on 9 March 2016.

Guy Hoffman S, C. 2003. The rule of law in Botswana. Rule of Law.

Gyong, J, E. n.d. Good Governance and Accountability in Democracy. *European Scientific Journal*. Vol. 7, No.26. pp 71-89.

Handley G, Higgins K, Sharma B, Bird K and Cammack D. 2009. Poverty and Poverty Reduction in sub-Saharan Africa: An Overview of Key Issues. Overseas Development Institute. Overseas Development Institute Working Paper Print: London.

Hanns Seidel Foundation Namibia. 2012. Facts and figures about Namibia.

<http://www.hsf.org.na>) Downloaded on 24 May 2016.

Harrington A. (ed). 2005. *Modern Social Theory: An Introduction*. Oxford University Press.

Haruna, P. F & Kanna, L. A. 2013 Connecting Good Governance Principles to Public Affairs Curriculum: The Case of Ghana Institute of Management and Public Administration. *Journal of Public Affairs Education*. JPAE 19(3), 493-514.

Heitshusen V. 2015. The Speaker of the House: House Officer, Party Leader, and Representative. Congressional Research Service. CRS Report Prepared for Members and Committees of Congress. (<https://www.fas.org/sgp/crs/misc/97-780.pdf>) Downloaded on 23 May 2016.

Helao T. 2015. *An evaluation of good governance and service delivery at sub-National levels in Namibia: The case of the Oshana region*. Submitted in accordance with the requirements for the degree of Doctor of Public Administration at the University of Public Administration at the University of South Africa.

Heywood, A. 2007. *Politics*. Palgrave MacMillan: New York.

Holdar G, G, Zakharchenko O & Natkaniec A. (ed). 2002. People's Voice Project International Centre for Policy Studies. Citizen Participation. Handbook. iMedia Ltd: Ukraine.

Human Rights Commission of Zambia. (<http://www.hrc.org.zm/index.php/about-us>).

Downloaded on 27 January 2016.

Huther, J and Shah, A. 1998. *Applying a Simple Measure of Good Governance to the Debate on Fiscal Decentralization*. World Bank Group. USAID Seminar on Democracy and Governance. NW, Washington.

Independence and Impartiality of Judges, Prosecutors and Lawmakers. Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers. Chapter 4: Independence and Impartiality of Judges, Prosecutors and lawyers. (<http://www.ohchr.org/Documents/Publications/training9chapter4en.pdf>)

Downloaded on 14 August 2016.

Informal Discussion on Linkages between the rule of law, democracy and sustainable development. Permanent Mission of Italy to the UN. International Development Law Organisation. International Institute for Democracy and Electoral Assistance. (<http://www.idea.int/un/upload/Concept-Note-IDEA-IDLO-Italy-rev-5-0-Final.pdf>)

Downloaded on 20 February 2016.

Informal Discussion on Linkages between the rule of law, democracy and sustainable development. Permanent Mission of Italy to the UN. International Development Law Organisation. International Institute for Democracy and Electoral Assistance. (<http://www.idea.int/un/upload/Concept-Note-IDEA-IDLO-Italy-rev-5-0-Final.pdf>)

Downloaded on 20 February 2016.

International Association for Public Participation (iap²). (<http://www.iap2.org/>) Downloaded on 1 August 2016.

International Bar Association. 2008. Beyond Polokwane: Safeguarding South Africa's Judicial Independence. An International Bar Association Human Rights Institute Report. Founded by the Foundation Open Society Institute. (www.ibanet.org/Document/Default.aspx?DocumentUid=4c7e8c0f..) Downloaded on 14 August 2016

Irvin R, A & Stansbury J. 2004. Citizens Participation in Decision-Making: Is it Worth the Efforts?. Public Administration Review. Published Online: Wiley & Sons Inc. Volume 64, Issue 1. Pages 55-65. (<http://onlinelibrary.wiley.com/doi/10.1111/j.1540-6210.2004.00346.x/abstract>) Downloaded 12 June 2016.

- Johnston, M. 2013. Good Governance: Rule of Law, Transparency and Accountability. Department of Political Science, Colgate University.
(<http://unpan1.un.org/intradoc/groups/public/documents/un/unpan010193.pdf>)
Downloaded on 3 November 2015.
- Kaapama P, Blaauw L, Zaaruka B & Kaakunga E. 2007. Consolidating Democratic Governance in Southern Africa: Namibia. South Africa: EISA. Pp 1-130.
(<https://www.eisa.org.za/pdf/rr34.pdf>) Downloaded on 8 March 2016.
- Kaboyakgosi G & Marata K. P. 2013. An analysis of Botswana's implementation challenges. Botswana Journal of African Studies. Vol.27, No.2, 49. Pp 309-324.
- Kaure A. 2016. Namibia: The Myth About Separation of Powers. All Africa.
(<http://allafrica.com/stories/201602261290.html>) Downloaded on 27 June 2016.
- Kerandi, A.M. 2008. Governance Agenda for Sub-Saharan Africa Issues and Challenges. *Federal Governance, a Graduate Journal*. Institute of Intergovernmental Relations at Queen's University. Forum of Federations the Global Network on Federalism. Vol 5, No.1. Pp 1-18.
- Keulder C. 2010. State, Society and Democracy: A Reader in Namibian Politics. Mcmillan Education Namibia. John Meinert Printing: Windhoek, Namibia.
- Kimenyi M,S & Datta A. 2011. Think tanks in sub-Saharan Africa: How the political landscape has influenced their origins. Overseas Development Institute (ODI). Overseas Development Institute Working Paper Print: United Kingdom.
- Klijn E.H & Koppenjan J. 2012. Governance Network Theory: Past, Present and Future. Journal of Policy & Politics. Research Gate Publications.
(<https://www.researchgate.net/publications/>) Downloaded on 8 February 2016.
- Klung H. 2014. Separation of Powers, Accountability and the role of independent Constitutional Institutions. ([http:// www.nylslawreview.com/wp-content/uploads/sites/16/2014/.../Klug.pdf](http://www.nylslawreview.com/wp-content/uploads/sites/16/2014/.../Klug.pdf)) Downloaded on 10 April 2016.
- Koma, S.B. 2010. The State of local government in South Africa: Issues, Trends and Options. *Journal of Public Administration*. Vol 45, No1.1. pp 111-120.
- Kruger J & Dube P. n.d. Shadow Report on Participatory Democracy to South Africa's state report and their responses to the list of issues on the International Covenant on Civil

and Political Rights (ICCPR). The Centre for Constitutional Rights in partnership with Dullah Omar Institute.

Kurasha S. 2013. Legislative oversight and economic governance in Namibia: An evaluation of the role of parliament in the budget process. (Unpublished Masters dissertation) Pupkewitz Graduate School of Business, Namibia.

Lamprianou I & Demetriou K, N (ed). 2013. Contemporary Political Participation Research: A Critical Assessment. Democracy in Transition. Springer-Verlag Berlin Heidelberg. (http://www.springer.com/cda/content/document/cda_downloadaddocument/9783642300677-c1.pdf?SGWID=0-0-45-1357308-p174422197) Downloaded on 24 August 2016.

Learning and Knowledge Management Unit. 2003. The Machinery of Government Structure and Functions of Government. Department of Public Service and Administration. (<http://www.dpsa.gov.za/dpsa2g/documents/lkm/mog.pdf>). Downloaded 12 April 2016.

Legislative Sector South Africa. 2013. Public Participation Framework for the South African Legislative Sector. (<http://www.sals.gov.za/docs/pubs/ppf.pdf>). Downloaded on 31 March 2016.

Lekalake R. 2016. Botswana's democratic consolidation: What will it take?. Afrobarometer Policy Paper No. 30.

Leon T. 2010. The State of Liberal Democracy in Africa: Resurgence or Retreat? Center for Global Liberty and Prosperity Development Policy Analysis No.12. CATO Institute.

Lewin M in Chuhan-Pole P & Angwafo M (ed). 2011. *Botswana's Success: Good Governance, Good policies, and Good luck*. Washington DC: The International Bank for Reconstruction and Development/ The World Bank.

Lienert I. 2005. Who controls the Budget: The Legislature or the Executive?. International Monetary Fund Working Paper. International Monetary Fund. (<http://www.parliament.gov.za/content/3.3%20Who%20controls%20the%20Budget-Legislature%20or%20Executive.pdf>) Downloaded on 21 April 2016.

- Lombardo C. 2015. Judicial Activism Pros and Cons. Vision Launch.
(<http://www.visionlaunch.com/judicial-activism-pros-and-cons/>) Downloaded on 22 August 2016.
- Madala, T,H. 2003. The challenges of promoting the rule of law in Southern Africa. The SADCLA Conference in Mbabane, Swaziland. (<http://www.sabar.co.za/law-journals/.../2003-august-vol016-no2-pp36-37.pdf>) Downloaded on 26 February 2016.
- Maloba, D. M. 2015. *Monitoring Good Governance in South African Local Government and its implications for Institutional Development and Service Delivery. A case study of the sub-councils and councillor support department.* Submitted in partial fulfilment for the master of Public Administration degree in the Faculty of Management and Commerce, University of the Western Cape, June 2015. Pp 1 – 115.
- Maphunye K, J. 2005. The promotion of Development and Good Governance in Participatory Process. Presentation at the Western Cape Province Conference on Public Participation 21-22 July 2005.
(https://www.westerncape.gov.za/text/2005/7/good_governance_through_participatory_processes_-_dr_kj_maphunye.pdf) Downloaded on 28 August 2016.
- Marthinussen M, J. 2012. Democratic participation in the formulation of the communal land policy in Namibia. Master of Technologiae in the subject Public Administration and Management. (Unpublished Masters dissertation). University of South Africa, South Africa.
- Maserumule M, H. 2016. What rising protests in South Africa say about attitudes towards local government? Mail & Guardian. 21 June 2016. (<http://mg.co.za/article/2016-06-21-what-rising-protests-in-south-africa-say-about-attitudes-towards-local-government>) Downloaded on 28 August 2016.
- Matlosa K. n.d. Book review: Kenneth Good, Realizing Democracy in Botswana, Namibia and South Africa. Lesotho Social Science Review Vol. 3 No. 2. Institute of Development Studies.
- Maundeni Z. 2005. 40 Years of Democracy in Botswana 1965-2005. Botswana: Mmegi Publishing House.
- Mbao, M. L. M & Komboni, G. G. 2008. *Promotion of good governance and combating corruption and maladministration: the case of Botswana.*

(<http://www.saflii.org/za/journals/LDD/2008/4.pdf>) Downloaded on 20 November 2015.

Mchunu N, A. 2012. The link between poor Public Participation and Protests: The case of Khayelitsha. Thesis presented in partial fulfilment of the requirements for the degree Master Public Administration in the Faculty of Economic and Management Sciences (School of Public Leadership) at Stellenbosch University. (<http://scholar.sun.ac.za>). Downloaded on 24 August 2016.

Mead, L, M. 1996. Poverty and Political Theory. Department of Politics. New York University. Prepared for delivery at the 1996 Annual Meeting of the American Political Science Association.

Mekolo, A & Resta, V. 2005. Governance Progress in Africa: Challenges and Trends (DPADM Discussion paper). *Division for Public Administration and Development Management United Nations Department of Economic and Social Affairs*. November 2005. Pp 1 – 46.

Merriam Webster. Political theory. (<http://www.merriamwebster.com>) Downloaded on 8 February 2016.

Michalopoulos S & Papaioannou E. 2011. The Long-Run Effects of the Scramble for Africa. (<https://economics.columbia.gwu.edu/sites/economics.columbia.gwu.edu/files/downloads/Michalopoulos-paper.pdf>). Downloaded 9 May 2017.

Mijiga F. 2000. Public Participation in the Legislation Process A Summary of Results from a Nation-wide Regional Survey and a National Conference Conducted by the National Council and the National Democratic Institute between April and October 2000). NDI, Namibia.

Mohiddin A. 2008. Unchecked Executive Powers: Lessons in Effective Government Design. South African Institute of International Affairs (SAIIA). (<http://www.saiia.org.za/occasional-papers/169-unchecked-executive-powers-lessons-in-effective-government-design/file>). Downloaded on 2 April 2016.

Mojapelo P. 2013. The doctrine of separation of powers (a South African perspective). (<http://www.sabar.co.za/law-journals/2013/april/2013-april-vol026-no1-pp37-46.pdf>) Downloaded on 19 April 2016.

- Moller M. 2000. Public Service Ethics in Africa Country Report: Namibia. *United Nations Development Programme*. Ethics and Good Governance in Namibia. Namibia: Namibia Institute for Democracy in co-operation with the Konrad-Adenauer-Stiftung. Pp 1-77.
- Molomo M, G. 2000. Democracy under siege: the Presidency and executive powers in Botswana. *Botswana Journal of African Studies*, Vol,14 No.1.
- Nakuta J & Chiopera F. 2011. The Justice Sector and the Rule of Law in Namibia. Management, Personnel and Access. Windhoek: Namibia Institute for Democracy Human Rights and Documentation Centre.
- Namibia Act 28 of 2004. 2004. WIPO (<http://www.wipo.int/wipolex/en/details.jsp?id=9436>) Downloaded on 13 July 2016.
- Namibia Country Report 2015. (<https://freedomhouse.org/report/freedom-world/2015/namibia>) Downloaded on 19 August 2016.
- Namibia Country Report. ([http:// www.sarua.org/files/SARUA-Vol2No6-Namibia-Country-Report.pdf](http://www.sarua.org/files/SARUA-Vol2No6-Namibia-Country-Report.pdf)) Downloaded on 24 May 2016.
- Namibian Trust. n.d. Cronje Law (<http://www.cronjelaw.com/trust>) Downloaded on 13 July 2016.
- National Democratic Institute for International Affairs. 2003. Legislatures and the Budget Process: An International Survey. Legislature Research Series. (https://www.ndi.org/files/1651_gov_budget_093103.pdf) Downloaded 1 on April 2016.
- Ndulo M. 2011. Judicial report, Constitutionalism and the rule of Law in Zambia: From a Justice System to a Just System. Zambia Social Journal. Vol 2, No. 1, Article 3. (<http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1018&context=zssj>) Downloaded on 3 June 2016.
- News 24. Mbete refuses to recuse herself from sitting in Parliament. 5 April 2016: 1.
- Njenga T,M. 2009. A Critical Analysis of Public Participation in the Integrated Development Plans (IDP) of Selected Municipalities in Some Provinces (Gauteng, Eastern Cape, KwaZulu-Natal and Western Cape) in South Africa. Submitted in partial fulfilment of the requirements for the degree of Master of Social Sciences (Policy and

Development Studies) in the Faculty of Humanities, Development and Social Sciences in the University of KwaZulu-Natal, Pietermaritzburg.

Nwauche E. 2013. Judicial review of the exercise of presidential power in Africa. University of Botswana Law Journal. (http://www.pulp.up.ac.za/pdf/2014_05/2014_05.pdf) Downloaded on 15 August 2016.

Nyalunga D. 2006. An enabling environment for public participation in local government. International NGO Journal. Vol.1 (1) (<http://www.academicjournals.org/INGOJ>) Downloaded on 31 March 2016.

Nyati L. 2008. Public Participation: What has the Constitutional Court given the public? (<http://www.saflii.org/za/journals/LDD/2008/15.pdf>). Downloaded on 31 March 2016.

O'Regan K. 2005. Checks and Balances reflections on the Development of the doctrine of Separation of Powers under the South African constitution. (http://www.nwu.ac.za/files/images/2005x1x_ORegan_art_tdp.pdf) Downloaded on 19 April 2016.

O'Reilly, E. 2009. Guide to principles of good governance: Independence, Openness and Transparency, Accountability, Integrity, Clarity of purpose and Effectiveness. British and Irish Ombudsman Association. (<http://www.bioa.org.uk>) Downloaded on 25 September 2015.

Obasi I, N & Lekorwe M, H. 2014. Citizen Engagement in Public Policy Making Process in Africa: The Case of Botswana. *Public Policy and Administration Research Journal*. Vol.3, No.4. Pp 1-11.

Office of the President: National Planning Commission. 2005. Government of the Republic of Namibia Civic Organisations Partnership Policy. Republic of Namibia. (<http://www.icnl.org/knowledge/library/index.php>) Downloaded on 12 June 2016.

Olivier A. n.d. A critical review of public participation in development planning within South African local governments. ODA Occasional Paper. (<http://www.oda.isoftnet.co.za/downloads/aCriticalReviewPublicParticipation.doc>) Downloaded on 20 May 2016.

Onuoha G & Qobo M. 2012. Africa and Twenty-first Century Development Challenges: The North-South Development Agenda Reconsidered. Corporation of New York.

(<https://www.wilsoncenter.org/sites/default/files/HSRC-CPR.pdf>) Downloaded on 25 February 2016.

Open Budget Index 2010. 2010. International Budget Partnership.

(<http://www.openbudgetindex.org/>) Downloaded on 28 April 2016.

Open Budget Survey 2015 Namibia. 2015. International Budget Oversight.

(<http://www.internationalbudget.org/opening-budgets/open-budget-initiative/open-budget-survey/country-info/?country=na>) Downloaded on 1 April 2016.

Oxford Dictionaries. n.d (<https://en.oxforddictionaries.com/definition/complacency>)

Downloaded on 14 September 2016.

Parigi V, K., Getta P & Kailasam R. 2004. Ushering in Transparency for Good Governance. Centre for Good Governance, Hyderabad.

Parliament of the Republic of South Africa. 2004. National Assembly Guide to Procedure.

(<http://parliament.gov.za/content/GUIDE.pdf>.) Downloaded on 23 May 2016.

Parliament: the Republic of Namibia. n.d. Strengthening links between parliaments and citizens, taking parliament to the people. Republic of Namibia: Outreach in Namibia. Republic of Namibia. 2004. Namibia Vision 2030: Policy Framework for Long-Term National Development (summary). Namibia: Office of the President.

Poetschke F. 2003. Dissertation for MA Politics and Mass Media. The University of Liverpool, Department of Social and Environmental Studies, School of Politics and Communication. (<http://uncontrolled.info/Materialien/Essays/Research%20II.pdf>) Downloaded on 27 January 2016.

Politics in Ghana (<http://ghana.um.dk/en/about-ghana/politics-in-ghana/>) Accessed 30 January 2016.

Poteete A, R. 2010. Renegotiation of Executive Powers and Executive-Legislative Relations in Botswana. Paper presented at the annual meeting of the American Political Science Association, 2-5 September 2010, Washington, DC.

Potts D. 2011. Botswana an African success story: Liberal Democracy, a misconception?. Presented at the 34th AFSAAP Conference Flinders University.

- Public Service Commission (PSC). 2008. Report on the Assessment of Public Participation Practices in the Public Service. Pretoria: Published by the Republic of South Africa. (<http://www.psc.gov.za>) Downloaded on 26 August 2016
- Punt W. 2012. Dominant Parties in Liberal Democracies: A Contradiction in Terminis? Comparing dominant party systems in Botswana, Namibia and South Africa. Bachelor Thesis: Comparative Track. (<https://openaccess.leidenuniv.nl/bitstream/handle/1887/.../Bachelor%20Thesis.docx>?) Downloaded on 11 May 2016
- Quansha E, K. & Fombad C, M. 2012. Judicial Activism in Africa: Possible Defence against Authoritarian Resurgence?. (<http://www.ancl-rad.org>) Downloaded 9 August 2016
- Rembe, N. (Ed.). 2006. Reflections on Democracy and Human Rights: A Decade of the South African Constitution (Act 108 of 1996). South African Human Rights Commission. Creda Communications: Cape Town, South Africa (<http://www.sahrc.org.za>) Downloaded on 22 October 2015.
- Republic of South Africa. Constitution Act 108 of 1996. Pretoria: Government Printers.
- Rodrik D. 2016. Is Liberal Democracy Feasible in Developing Countries?. St Comp Int Dev. Springer Science + Business Media New York. Published online: 09 March 2016, Springer. (http://drodrik.scholar.harvard.edu/files/dani-rodrik/files/is_liberal_democracy_feasible_in_developing_countries.pdf) Downloaded on 12 July 2016.
- Ruppel O, C. 2008. The role of the executive in safeguarding the independence of the judiciary in Namibia. Conference on the Independence of the Judiciary in Sub-Saharan Africa: Towards an Independent and Effective Judiciary in Africa.
- Sachiko M & Durwood Z. 2007. Rule of Law, Good Governance and Sustainable Development. Seventh International Conference on Environmental Compliance and Enforcement. Wisconsin Ave: United States. (http://www.inece.org/conference/7/vol1/05_Sachiko_Zaelke.pdf) Downloaded on 20 February 2016.
- Sakala E, L. 2005. The accountability of the Judiciary – Accountable to whom? Is there such a mechanism?. A paper presented at the Chief Justice of the Republic of Zambia at the Southern Africa judges commission meeting, held at Windhoek,

Nambia from 11th to 14th August 2005.

(http://www.venice.coe.int/SACJF/2005_08_NAM_Windhoek/Namibia%202005%20SAKALA%20EL,%20CJ.pdf) Downloaded on 14 August 2016.

Saunders, C. 2010. Documenting Liberation Struggles in Southern Africa – Select papers from the Nordic Africa Documentation Project Workshop 26-27 November 2009. Nordiska Afrikainstitutet: South Africa. Pp 1 – 120. (nai.diva-portal.org/smash/get/diva2:344963/FULLTEXT01.pdf) Downloaded on 22 October 2015.

Scott R. 2009. An analysis of Public Participation in the South African legislative sector. (<https://scholar.sun.ac.za/bitstream/handle/.../scott-legislative-2009.pdf?>) Downloaded on 31 March 2016.

Sebudubudu, D. 2010. The impact of good governance on development and poverty in Africa: Botswana – A relatively successful African initiative. African Journal of Political Science and International Relations. Vol. 4 (7), pp. 249 – 262, October 2010. (<http://www.academicjournals.org/ajpsir>) Downloaded on 10 October 2015.

Seedat S & Naaido L. 2015. The South African Parliament in 2015: A paper commissioned by the Council for the Advancement of the South African Constitution (CASAC) May 2015. (<http://www.casac.org.za>) Downloaded on 12 February 2016.

Seedat S. 2015. South African Parliament in 2015. A paper commissioned by the Council for the Advancement of the South African Constitution (CASAC). Open Society Foundation of South Africa.

Seidler V. 2010. Why did Botswana end up with Good Institutions: The Role of Culture and Colonial Rule. Working Paper prepared for the presentation at the ISNIE. (http://homepage.univie.ac.at/valentin.seidler/wp-content/uploads/2014/02/Why-did-Botswana-end-up-with-strong-institutions_Seidler.pdf). Downloaded on 20 March 2016.

Separation of powers in Sub-Saharan Africa. 2006. Conference on Separation of Powers in Sub-Saharan Africa for leading stakeholders from South Africa, Namibia, Malawi, Tanzania, Burundi, Rwanda, Uganda, Kenya and Ethiopia. Cape Town, South Africa (<http://www.kas.de/rspssa/en/events/23490/>) Downloaded on 3 June 2016.

- Settles, J D. 1996. The impact of Colonialism on African Economic Development. University of Tennessee Thesis Project. (http://trace.tennessee.edu/utk_chanhonoproj/182)
- Simonis, U.E. 2004. Wissenschaftszentrum Berlin Fur Sozialforschung gGmbH (Ed): Defining good governance – the conceptual competition is on. Berlin, 2004. (Discussion Papers/ Wissenschaftszentrum Berlin Fur Sozialforschung 2004-005). (<http://nbn-resolving.de/urn:de:0168-ss0ar-110379>) Downloaded on 29 December 2015.
- Skorpion Zinc Project, Namibia. 2004. Calabash Case Studies: Integrated Report. (<http://www.saiea.com/calabash/casestudies/html/skorpion.pdf>) Downloaded on 2 May 2016.
- Solomon H. The Death of Democracy in Southern Africa. Southern Africa Peace and Security Studies. Vol 4. No.1. (http://www.saccps.org/pdf/4-1/4-1_Editorial.pdf) Downloaded on 27 June 2016.
- Sørensen E. 2014. The metagovernance of public innovation in governance networks. Paper to be presented at the Policy & Politics conference in Bristol, 16th – 17th of September 2014. (<http://forskning.ruc.dk/site/person/eva/>) Downloaded on 18 February 2016.
- Santiso C. 2001.
- South African Local Government Association (SALGA). 2013. SALGA Guideline on Enhancing Public Participation: Mechanisms to improve Public Participation in addition to Ward Committees. (http://www.durban.gov.za/Resource_Centre/new2/Documents/Enhancing%20Public%20Participation%202013.pdf) Downloaded 31 March 2016.
- Stanbury W, T. 2003. Accountability to Citizens in the Westminster Model of Government: More Myth Than Reality. Fraser Institute Digital Publication. (<https://www.fraserinstitute.org/sites/default/files/WestminsterModelofGovernment.pdf>) Downloaded on 5 June 2016.
- Supporting the Rule of Law Worldwide. The Konrad-Adenauer-Stiftung Rule of Law Programme. (http://www.kas.de/upload/dokumente/rechtsstaatsprogramm/KAS_Faltblatt_RSP_e_n.pdf) Downloaded on 25 February 2016.

Suttner R. 2006. Party Dominance “Theory” of What Value?. *Politikon*. Vol. 33 (3), 277-297.
(<http://www.v1.sahistory.org.za/pages/pdf/raymond-suttner/Party%20Dominance.pdf>).

The Constitution of the Republic of Namibia.

(http://www.gov.na/documents/10181/14134/Namibia_Constitution.pdf.) Downloaded on 27 January 2016.

The Constitution of the Republic of Namibia. 1998.

(<http://www.gov.na/documents/10181/14134/Nam>.) Downloaded on 27 January 2016.

The Freedom House. (<https://freedomhouse.org/>) Downloaded on 19 August 2016.

The Netherlands Scientific Council for Government Policy. 2002. Reports to the Government. Development Policy and Good Governance. Summary of the 58th Report. (<http://www.wrr.nl>) Downloaded on 22 November 2015.

The White House Washington. 2012. U.S Strategy towards Sub-Saharan Africa.

The World Bank. 2011. Accountability in Public Services in South Africa: Selected Issues. Communications Development Incorporated, Washington, DC.

Thomas, P. Y. 2010. Chapter 4 Research Methodology and Design.

(<http://www.uir.unisa.ac.za>) Downloaded on 2 November 2015.

Toikka, A. 2011. Governance Theory as Framework for Empirical Research – A Case study on local environmental policy-making in Helsinki, Finland. Dissertation to be presented, with the permission of the Faculty of Social Sciences of the University of Helsinki. Publication of the Department of Social Research, 2011:3. Finland.

Tötemeyer, G. 2000. ‘Decentralisation and state-building at the local level.’ In (pp. 108-149) C. Keulder (ed.) *Sate, society and democracy. A reader in Namibian politics*. Gamsberg Macmillan: Windhoek.

Transparency International. n.d. Avoiding the Resource Curse: What Can We Learn From the Case of Botswana?. (http://eadi.org/gc2005/confweb/papersps/Peter_Eigen.pdf) Downloaded on 24 March 2016.

Twenty Year Review South Africa 1994-2004. 2005. Republic of South Africa. (<http://http://www.dpme.gov.za/news/Documents/20%20Year%20Review.pdf>) Downloaded on 10 March 2016.

- Tyler Z,C. and Gopal S. 2010. Sub-Saharan Africa at a Crossroads: A Quantitative Analysis of Regional Development. The Pardee Papers. No.10. Boston University: The Frederick S. Pardee Center for the Study of the Longer-Range Future. Africa 2030 Project (<http://www.bu.edu/pardee>) Downloaded on 9 March 2016.
- United States Council for International Business. 2015. Good Governance and the Rule of Law. Business Priorities for the U.N. Sustainable Development Goals. <http://uscib.org/docs/Governance%20and%20the%20Rule%20of%20Law.pdf> Downloaded on 25 February 2016.
- United States Institute of Peace. Governance, Corruption, and Conflict. n.d. A Study guide series on Peace and Conflict for Independent Learners and Classroom instructors. (<http://www.usip.org/sites/default/files/ETC-D/NPEC/480021.PDF>) Downloaded on 16 September 2016.
- Uwizeyimana D, E. 2012. Democracy and pretend democracies in Africa: Myths of African democracies. Law Democracy Development. ISS Term limits for heads of state. Vol 73. Pp 139-162. (<http://dx.doi.org/10.4314/ldd.v16i1.8>) Downloaded on 22 June 2016.
- Van der Walle N. 2001. The Impact of Multi-Party Politics in Sub-Saharan Africa. Forum for Development Studies. No. 1. Published online: Taylor & Francis Online. (<http://dx.doi.org/10.1080/08039410.2001.9666154>) Downloaded on 22 August 2016.
- Van Donk M. A new model for public participation: Poor South Africans have little voice in the processes of local-level development that impact directly on them. Cape Argus. (<http://www.iol.co.za/capeargus/a-new-model-for-public-participation-1628085>) Downloaded on 8 August 2016.
- Van Vuuren H. 2014. *South Africa: Democracy, Corruption and Conflict Management*. Democracy Works Conference Paper. Centre for Policy Research, India and Legatum Institute, Brazil.
- Van Wyk, B. 2012. Research design and methods Part I, University of the Western Cape. (http://www.uwc.ac.za/Students/Research_and_Design.pdf.) Downloaded on 2 November 2015.

- Venaani M. 2011. Separation of Powers: Practical Experiences. Namibian.
(<http://www.namibian.com.na/index.php?id=87220&page=archive-read>) Downloaded on 21 June 2016.
- Venter F. n.d. South Africa: Introductory Notes. North-West University, Potchefstroom campus. South Africa.
- Voltmer K .2010. The media, government accountability, and citizen engagement. In: Norris P (ed.) Public Sentinel: News Media & Governance Reform. Washington, DC: The World Bank, pp. 137–159.
- Wacker J, G. 1998. A definition of theory: research guidelines for different theory-building research methods in operations management. *Journal of Operations Management*. Vol 16. Pp 361 – 385.
- Wani, H. A. 2014. Constraints and Impediment of good governance in Africa: Future Prospects. *Afro Asian Journal of Social Sciences*. Vol5, No. 5.1 Quarter I. pp 1-21.
- Welsh D. 2009. The Rise and Fall of Apartheid. Johannesburg and Cape Town: Jonathan Ball Publishers.
- Wiechers M. 2010. Namibia's Long Walk to Freedom: The Role of Constitution Making in the Creation of an Independent Namibia. *Framing the State in Times of Transition: Case Studies in Constitution Making*. Washington, DC: United States Institution of Peace Press. Pp 81-110.
- Young D. 2004. Party Dominance in Africa's Multiparty Elections. WGAPE June 4-5, 2004. Graduate Student, Department of Political Science, UCLA.
- Zuma J. 2016. January 8th Statement. The year of advancing people's power: Local government is in your hands. Statement of the National Executive Committee on the occasion of the 104th Anniversary of the African National Congress. Rustenburg, North West.