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BOTSWANA'S LABOUR RELATIONS SYSTEM: LESSONS FROM 2011 PUBLIC SECTOR STRIKE

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A thesis submitted in fulfillment of the requirements for the degree of

MASTER OF ARTS

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DECLARATION

Student Number: 870949

I declare that this study, "**The character of Botswana labour relations: lessons from 2011 public sector strike**", is my own work. I have duly acknowledged all the sources I have quoted by means of complete references. This report is my own unaided work and has not been submitted before in any other university, nor has any other person or organisation published it.

Signature: M. P. _____

Mpho Patience Mwatcha

Date: 13. 08. 2015

ACKNOWLEDGEMENTS

Firstly, I wish to express my sincere gratitude to God Almighty who carried me throughout my studies. My gratitude also goes to the Global Labour University committee for giving me an opportunity to enroll in this prestigious programme. The skills and knowledge I have acquired in this programme would not only contribute to my personal development but also indirectly and directly to the development of my native country, Botswana and by extension to the African continent.

I am highly indebted to my supervisor Professor Roger Southall for the professional guidance, patience, insight and valuable feedback on my work. I am very grateful to Dr. Sarah Mosoetsa for the guidance and encouragement she offered with regards to the setbacks I confronted during the data collection process. I am also grateful to Dr. Ndala Marobela and Dr. Kaelo Molefhe from the University of Botswana and Goemeone Mogomotsi for the insightful comments that significantly helped in improving the focus of this study. I would like also to acknowledge the contributions made by the participants in this research. My gratitude goes to the staff at the following organisations; the International Labour Organisation in Pretoria; the Industrial Court in Gaborone, Rolong Landboard in Goodhope and Botswana Federation of Public Sector Unions for unselfishly sharing materials and their experiences in respect of Botswana Labour relations.

Special mention is made to my husband Dr. Ernest Mwatcha for believing in me and funding my studies and this research. Doc. I salute you; the contribution you made towards my studies cannot be quantified. My special gratitude goes to my younger brother Moabi Molosankwe for the sacrifice, sometimes leaving his academic work to help my husband take care of my little Gabriella during my absence. I am also very grateful to my friend and sister Finky Madigele and to my brother Chengete Chakamera for accepting to do the editing. Lastly but by no means least, I would like to thank my grandmother, Edith Molosankwe, my mother Lorato Mavis Molosankwe, my mother in-law Jeanette Mwatcha and my father in-law Jean Baptiste Mwatcha for the love, support and most importantly prayers for strength and wisdom in my academic journey.

LIST OF ACRONYMS

BGWO	Bechuanaland General Workers' Organisation
BFL	Bechuanaland Federation of Labour
BOFEPUSU	Botswana Federation of Public Sector Unions
BLLAHWU	Botswana Land Boards, Local Authorities and Health Workers Union
BMWU	Botswana Mine Workers Union
BOSETU	Botswana Sector of Educators Trade Union
BPWU	Bechuanaland Protectorate Workers Union
COSATU	Congress of South African Trade Unions
FAEU	Francistown African Employees Union
DIS	Directorate of Intelligence and Security
FES	Friedrich Ebert Stiftung
ICFTU	International Confederation of Free Trade Unions
ILO	International Labour Organisation
IMF	International Monetary Fund
NALCGPWU	National Amalgamated Local Central Government and Parastatal Workers' Union
UNDP	United Nations Development Programme

ABSTRACT

In 2011, public sector employees in Botswana engaged in a two-month-long legal strike over a wage dispute. The right to strike is a highly contentious and debatable right. None of the International Labour Organisation (ILO) conventions makes an express reference to the right to strike but the ILO supervisory bodies insist that the right to strike is a fundamental right that confers power on trade unions to defend the interests of their members. By virtue of the decisions of ILO's main two bodies, member states cannot admit the right of free association and to bargain collectively and then deny workers the right to strike. Furthermore, according to ILO, the right to strike extends to all workers in the public service, the only allowable exception being for employees directly involved in the administration of the state and 'essential services'.

Although several countries entrench this right in their constitution, violation is widespread. In such countries, while the right to strike exists in principle in reality it is essentially curtailed by unworkable procedures, as it is the case in Botswana. The 2011 public sector strike exposed the frailties of Botswana's industrial relations, a country popularly eulogized as Africa's economic miracle and a shining example of democracy. This study examined the lessons brought by the 2011 strike on the character of industrial relations system of Botswana. The study was largely guided by a qualitative paradigm and data was obtained through individual face-to-face interviews, Skype and focus group interviews as well as document review.

This study established that there is a historical conflict between Botswana trade unions and the government. The 2011 strike inflamed already adversarial industrial relations. The findings of study confirm that following the 2011 public sector strike, the government has been hostile and vindictive to public sector unions especially those which steered the 2011 strike. Subsequent to the 2011 strike, the government rescinded most of the rights and freedoms that union leaders used to enjoy. There is a general consensus among public servants and their unions that Botswana labour relations has always been hostile towards trade unions and their activities, but this hostility has been obscured by the common review that Botswana is democratic, peaceful and an epitome of good governance in Africa. However, the 2011 public sector strike uncovered this mask.

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CHAPTER 1: INTRODUCTION

1.1. Overview of the Study

Botswana is a landlocked country, neighbouring South Africa in the west, Zimbabwe in the east, Namibia in the north and Zambia in the northeast. The country has an estimated population of 2 million people spread over an area of about 600,000 square kilometres (Acemoglu, Johnson and Robinson 2001; World Bank, 2013).This research is a response to the continued need for understanding the character of labour relations in Africa, with particular reference to the right to strike in Botswana.

Labour relations entail a relationship between workers, trade unions, employers and the government. In Botswana, the collective rights and freedoms of trade unions and consequently of workers, although formally recognised, are in fact severely restricted. This has led Marobela (2011); Mogalakwe (1994) and Motshegwa and Tshukudu (2012) to concur that Botswana's labour relations system is hostile towards workers' rights, particularly those relating to industrial action. In support of this view is the government's response to the 2011 debilitating public servants' strike, which spanned for almost two months.

This research report, documents the challenges faced by trade unions in Botswana and how the 2011 strike has exacerbated these challenges, in particular, their strained relationship with the government of Botswana.

1.2. Aims and Objectives

The main objective of this study was to examine the character of the labour relations system in Botswana. In order to realise the general aim of the study, the following were the specific objectives of the study:

a. To investigate the development of organised labour movement in Botswana from a historical perspective with a leaning towards the right to unionise and engage in industrial action in the public service

b. To examine the prevailing labour conditions relating to the right to strikes as contained in the Public Service Act with specific reference to instances relating and/or concerning the historical public servants' strike of 2011

c. To investigate the readiness of the government to cope with the changed landscape and the potent weapon conferred to employees in industrial relations *viz-a-vis* the right to strike.

1.3. Research Questions

The study sought to answer the following questions:

a. What is the historical development of organised labour movement in Botswana and the right to freedom of association in the public service?

b. Does the present legislative framework demonstrate the willingness of the government to grant full labour rights to workers in the public service?

c. In light of the status quo, is there a justifiable need to reform the legal framework to further liberalise it and make it conform more to international standards?

1.4. Labour relations in Africa

The term 'labour relations' is sometimes used interchangeably with industrial relations (Motshegwa and Tshukudu, 2012:119). By definition, labour relations refer to "the relationships between people who work and those for whom they work" (Bendix, 2008:3).According to Holley (2009:6) labour relations "involves managers (representing the ownership interests) and a labour organisation agent representing the interest of a group of employees engaged in the joint determination and administration of the work rules". In a nutshell, labour relations refers to the relationship between employees and management originating from the direct or indirect union-employer relationship (Giri, 2008). On the other hand, industrial relations is seen as "a set of phenomena, both within and outside the workplace, concerned with determining and regulating the employment relationship" (Salomon, 1998:3). Meanwhile some authors, for instance (Mabey *et a*l, 2001; Bratton and Gold, 1999) associate industrial relations with collective bargaining, trade unions and strikes.

According to Dunlop (1958), every industrial relations system consists of actors i.e. managers, workers and their representatives; certain contexts and an ideology which come together to establish rules that govern the actors at the workplace and in the work community. The key aspect of industrial relations is the

employment relationship. Michon (1992:224 in Dibben, Klerck and Wood, 2011), defines employment relationship as "the set of conditions determining the exchange, use and reproduction of the labour force". The employment relationship is therefore "the product of economic, social, political, legal and technological developments as well as the ways in which various actors interpret and respond to these developments" (Dibben, Klerck and Wood, 2011:2).

Developing Dunlop's argument, Flanders (1965 in Singh 2008) argues that industrial relations system is 'a system of rules'. Although each actor in the system may have their own ideology, the rules aid them to have a common understanding. These rules, as Singh (2008) explains, appear in legislation and statutory order, trade union regulations, collective agreements and arbitration awards. Industrial relations, therefore, is a system of initiating rules. Flanders (1965) and Dunlop (1958)'s models make an inference that industrial system is capable of self-maintenance and containment of conflict through web of rules that govern actors within it. Critics like Hyman (1975) have vehemently lambasted such claims. According to Hyman (1975), industrial relations system is largely interactions of conflict and should incorporate the contradictory processes within the capitalist system.

Hyman (1975) in Anyim, Ikemefuna and Ekwoaba (2012:40), postulates that "the quest for control of work brings workers into direct confrontation with the management and considers government and its regulatory agencies as mere tools of influential individuals or groups who perpetrate their selfish interests". Furthermore, Hyman (1977 in Frege, Kelly and McGovern 2011) indicates that in a capitalist economy there exists a radical conflict of interest between the capitalist class and the working class. In essence, conflict is what underlies the industrial relations system. The central feature of industrial relations, Hyman argues, is unceasing power struggle (Hyman, 1977 in Joseph, 2004). "Industrial Relations in the context of capitalist politico-economic structure and concomitant socio-economic inequality, becomes a struggle between those who control and those who are controlled. That is, a struggle between conflicting interests" (Hyman, 1977 in Joseph, 2004:39).

According to Sinha, Sinha and Shekhar (2006), industrial conflict is human conflict especially when labour relationship is unequal. Those who own the means of production boast enormous power. In most cases, the interest of the state and

employers is opposed to those of employees thus industrial conflict is based upon the pursuit of self-interest in the economic life by these three actors. “The coming together of workers motivated by their urge of obtaining the highest possible wages and the owners of capital motivated by profit maximisation is the basic cause of industrial conflict in the capitalist economic system” (Sinha *et al*., 2006:156).This conflict becomes apparent when strikes become frequent. Industrial conflict largely occurs because of economic factors and seldom due to non-economic factors such as disagreeable working conditions. According to Bendix (2010), industrial conflict can be contained by widely distributing power to prevent the dominant groups from gaining absolute control. This is in line with the pluralist approach, identified as the best means of accommodating the interests of the working class within the capitalist economic system. Bendix (2010),indicates that, “Pluralism, when applied to labour relationship accepts that there will always be conflict between employers and employees, but assumes that the power of the employer inherent in the relationship can be balanced by countervailing power of the collectivity and that conflict can be contained by ‘orderly’ collective bargaining” (Bendix, 2010:25). However, the same cannot be said about Botswana, as it will be demonstrated by the literature reviewed that the government’s power exceeds the influence of collective bargaining.

In many countries including African countries, the state is the most powerful player in industrial relations. As the dominant player and the chief employer, as it is in African countries like Botswana, the government enacts laws governing the industrial relations system. Dzimbiri (2008) argues that although African states are diverse, they share several features such as the predisposition to intervene in both economic and political domains. The majority of African states have evolved from pre-colonial tribally based societies through colonialism to become independent states. After gaining independence from the colonial regime, many African states pursued socialist strategies. However, this fell out of favour in the early 1980s with the advent of neoliberalism. Owing to the reforms, consequential of neoliberalism, African countries such as Zambia, Tanzania and Guinea experienced serious economic downturn.

The failure of socialism was not exclusively due to economic downturns, for during the era of Cold War, there were also deliberate moves by the former colonial

powers and associated international associations to destabilise socialist governments. According to Marobela (2011) any serious analysis of industrial relations in Africa cannot ignore the role played by imperialist accumulation. For example the cases of Angola and Mozambique where US imperialism backed rebels and mercenaries to destabilise the governments in search for natural resources like oil. As Osabu-Kle (nd:1) explains, "there are several motives of imperialism including strategic, cultural, settlement of surplus population, economic, and prestige reasons, but the economic motive was principally what provided the impetus for Western colonisation of the Third World and for the establishment of neocolonialism instead of decolonisation". The demise of socialism undoubtedly also has roots in exploitative motive of imperialism. "When monopoly capitalism expands globally, its exploitative interest and that of imperialism become so fused that the two become integrated into an inseparable entity" (*ibid*).

The collapse of many socialist states paved way for the triumph of the capitalist market system. Since the economic downturn of the 1980s through to the 1990s, there has been pressure on many African countries to restructure their economies and adopt neoliberal reforms. According to Konings (2011:1), from the 1980s neoliberalism, championed by powerful agencies such as the International Monetary Fund (IMF) and the World Bank, has been the dominant development agenda in Africa. These agencies pressured African states to implement macro-economic stabilisation programs known as the Structural adjustment Programs (SAPs) (Konings, 2011). SAPs under the backing of IMF and World Bank are directed to countries in need of financial aid. To qualify for loans from the IMF and the World Bank, countries have to make some adjustments in their economic structure. These include privatisation of state owned assets, liberalisation of markets and restriction of state interference in the running of the economy.

These neoliberal adjustments have engendered extremely high levels of social inequalities in recipient countries. SAPs have also played a significant role in severing relations between governments and labour. Although Mogalakwe (1994) suggests that a more liberal form of state can curtail the resultant ills of SAPs, this may not necessarily be a very ideal solution as evidenced by Botswana's labour relations system.

Botswana has been widely cited as one of the outstanding champions of liberal democracy in Africa. The implication is that the government of Botswana endorses a political system based on principles of worker rights and good industrial relations are allowed to flourish. Nonetheless, there are diverse accounts of Botswana democracy, and whether the country is indeed an epitome of democracy remains debatable. Whilst Good (2008) depicts Botswana democracy as authoritarian liberalism and elitist, Mogalakwe (1994) argues it is capitalist and subordinates the rights of workers to those of the state.

1.5. Evolution Botswana as a democracy

To understand the context of labour and trade union movement's relations with government, it is necessary to consider the country's broad trajectory of political and economic development since independence. Botswana has often been branded as a country with unparalleled sustained political stability, economic progress and a good governance record in Sub Saharan Africa (Lebang and Olsen, 1994 and Maipose, 2009). The country has often been labeled as Africa's economic miracle and a shining example of democracy. This is against the backdrop of a continent notorious for economic mismanagement, military dictatorships and one party government (Mogalakwe, 1997). The country has, since independence in 1966, been governed uninterruptedly by the ruling Botswana Democratic Party (BDP). According to Taylor (2000:3), "both the growth and developmental record of independent Botswana has been impressive and Botswana has, according to the United Nations Development Programme (UNDP), made the 'most' progress in human development since 1960". The country has enjoyed periods of economic growth when the rest of postcolonial Africa wrestled with political corruption and dismal economic performance (Stedman, 1993). Botswana's success story of democracy is substantiated by its multiparty liberal democratic system, positive human right reports and stable political system (Stedman, 1993).

From 1885-1966 Botswana, which was called Bechuanaland Protectorate at that time, was under British colonial rule. Today, the country is famous for its political stability, eulogised for its good governance in Africa and deeply entrenched

democratic principles (Stedman, 1993; Acemoglu *et al.,* 2001; UNESCO, 2013 and World Bank, 2013). Beaulier and Subrick (2006) assert that being a British colony endowed Botswana with the advantage of illustrious institutions. Hlavac (2010) on the other hand locates the success of Tswana institutions in Britain's colonial neglect, affirming that it allowed some crucial political and economic institutions to survive. This neglect, according to Acemoglu *et al.* (2001), allowed Botswana to sustain a political equilibrium of a nature that no other African country could.

During colonialism, "Botswana's political organisations and institutions were built upon the influence of both the pre-colonial Tswana culture and the British colonial administrators" (Hlavac, 2010:12). Although British colonisers had some influence in the Tswana political organisations and institutions, their involvement in the country's politics was minimal owing to the perception that Botswana lacked natural resources. Cook and Sarkin (2010:460) affirm that "Botswana suffered less colonial intrusion than many of its neighbouring countries, which European nations ruled more bureaucratically as colonies". Furthermore, a lack of roads into the country also limited the ability of the colonisers to influence the affairs of their colony. In consequence, "there was simply no cost effective way that the British could monitor the events in Botswana" (Beaulier and Subrick, 2006:3).

Acemoglu *et al.* (2001) posit that Botswana was primarily integrated into the British Empire due to its strategic location and not because the country was thought to be particularly valuable or attractive in itself. Furthermore, Parsons (1984:22) propounds that "the only role the British played in Bechuanaland was to arm the people to protect themselves from the Germans in South West Africa and the Boers in the Transvaal". According to Harvey and Lewis (1990) this was to advance the interest of the British to prevent the Boers and the Germans from interfering with the route from Cape Colony to territories in Central Africa, which at the time were under British control and influence. Owing to this, the Bechuanaland's political administration was left under the control of Tswana Chiefs.

1.6. The Tswana Political System

During the early days of colonialism, political leadership and power structure were bestowed on Tswana chiefs and reserved for male heirs. These Tswana males, who

mostly were cattle owners, wielded extensive authority over their subjects. The chief was seen as a necessary link with ancestors, hence respect was accorded to him and his customary right to rule (Edge and Lekorwe, 1998). At the centre of the chief's administration was the traditional assembly called the kgotla. The kgotla, as Somolokae (1998) explains, is a traditional meeting place where the chief met with his advisors and subjects to discuss matters affecting their village. "This traditional assembly was and is still a public forum for Tswana traditional leaders and their subjects to air pertinent views" (Somolokae, 1998:5).

The Kgotla was also used as a podium on which subjects, including commoners, could give opinion as well as express disapproval. In responding to the subjects' issues of concern, the chief consulted the stakeholders such as the male elders of the village who served as advisors to the chief. "The Tswana consensus-based arrangements and traditional constraints on the chief's rule stood in sharp contrast with other polities in sub-Saharan Africa, most of which have developed political institutions with powerful ruling and warrior classes" (Hlavac, 2010:13). According to Holm (1998:198) traditional values of public discussion, community consensus, non-violence and moderation are critical elements of a democratic political culture. It is in this regard that the Tswana Political system was understood to epitomise some form of participatory democracy where people could exchange their views and influence final decisions affecting the society at large (Mgadla, 1998). Owing to this, the Kgotla is considered one of the earliest pillars of Botswana's democracy (Seidler, 2010) because it is where Botswana's ruling elite demonstrated its commitment to non-predatory rule (Beaulier and Subrick, 2006).

Nonetheless, Good (2008) contends that the chiefs exploited the kgotla for their own personal gains. He claims, "the much romanticised kgotla system was actually a forum where the chief had the final say and modern practices like decision making by the majority vote played no part" (Good, 2008:27). Sharing similar sentiments with Good (2008), Maundeni (2008) criticises the kgotla system for reducing the population to the role of mere spectators and not active partakers. By implication, Good (2008) rebuffs the belief that the kgotla accords equal space to all citizens. He observes that only individuals who command some degree of influence such as cattle owners were accorded the platform to speak during kgotla meetings.

Maundeni (2008) on the other hand infers that, subjects could not engage in robust debates with their rulers as the Tswana tradition compels them to agree with their chiefs. These undemocratic principles are preserved by some Setswana idioms such as *Mafoko a kgosi a agelwa mosako*, which generally means that once the chief and his cabinet agrees upon a law everyone must abide by it without questioning it. The implication is that, for as long as the chief has endorsed a law, nobody should attempt to amend it as the chief's word is final. The findings of this study will demonstrate that these unfair Tswana customs have significantly influenced Botswana labour laws and the prevailing violation of workers' rights.

Although the Tswana political system of bogosi largely permeated the lives of Batswana, the powers of the chief were somewhat neutralised when the British administration, after many years of treating Bechuanaland as a temporary expedient, resolved to assert colonial authority over the protectorate and subsequently Tswana chiefs (Acemoglu *et al.,* 2001). New policies, which sought to limit the powers of chiefs, were introduced. The British administration granted the people opportunity to complain against individual chiefs; by 1910 chiefs were stripped off some of their powers. According to Seidler (2010) beforehand, chiefs enjoyed paramount legal, judicial and executive powers but the new colonial policies limited these powers. Acemoglu *et al.* (2001) indicate that Chief Tshekedi Khama of the Bangwato tribe and Bathoen of the Bangwaketse challenged British colonial policies in the courts. "Although they lost the formal case, the united opposition of the chiefs essentially blocked the imposition of the new policies" (Acemoglu *et al.,* 2001:14).

Upon the realisation that Tswana chiefs commanded great respect from the Tswana population, the British administrators enlisted their support. Arguably this was a tactic of ruling Batswana through chiefs. As a result, over time, Tswana chiefs lost their independence and the liberty of running their own affairs without the interference of colonial masters. British interference removed many of the chiefs' powers such as the right to all stray cattle and the right to call for unpaid labour services from their tribesmen (Robinson, 2009:11). Colonial interference had both negative and positive outcomes for the Tswana chiefdoms, a scenario that Sakhela Buhlungu has termed, in a very different context, a 'paradox of victory'. Although interference weakened the powers of chiefs, it also profited them through the

modernisation of Tswana society.

Modernisation manifested itself in the implementation of English language, labour markets and cash based European institutions. The factors that influenced the new developments included taxation, urbanisation, education, and the work of missionaries (Seidler, 2010). Tswana chiefs personally benefited from their collaboration with the colonial administration. The 10% commission that chiefs received from taxation strengthened their political and economic power (Seidler, 2010:21). Furthermore, the pursuit of economic interests was crucial to chiefs in that it earned them political support from fellow economically powerful elite (Seidler, 2010).

Note further that participation of chiefs in both political and economic activities was formally regulated by their commitment to a mandated system of representative governance. As Seidler (2010:11) puts it, in Tswana tradition, no chief was above the law. In theory, there was no distinction between chief and commoner before the law. However, in practice, offences by the chief and those close to him were treated far more lightly than those by ordinary Tswana commoners.

By 1950, British had intensified control over Botswana consequently subordinating the country's interests to those of South Africa. It must be borne in mind that control was established far earlier than 1950, and likewise Bechuanaland's interests had long been subordinated to those of South Africa, for example through the migrant labour system. Subordination of Tswana people was also revealed through the banning of the heir to the Ngwato chieftainship, Seretse Khama in 1948. According to Karlin (2010:57) the ban was intended to appease the South African apartheid government, which objected Khama's marriage to a British woman. Khama was exiled to England in 1950 by the British government. This infuriated Khama's followers who began to organise a political movement for independence to contest British rule (Seidler, 2010).

Khama had a massive support from the people of Bechuanaland and this played a very crucial role in the process leading to the demarcation of Bechuanaland and South Africa. McKenna (2011:88) remarks, "It became clear that Bechuanaland could no longer be handed over to South Africa and had to be developed toward

political and economic self-sufficiency". Initially the British government had planned to annex Botswana to South Africa in the bid to expand its control in Southern Africa. Besides promising protection to Bechuanaland, the British had no real interest in actively managing Bechuanaland as the colonial masters thought that Bechuanaland lacked valuable natural resources (Seidler, 2010).

In 1956, the British government allowed Khama to return to Botswana after renouncing his claim to chieftainship. According to Alfaro, Spar and Allibhoy (2005) when Khama relinquished his chieftaincy title, the British thought that they had limited his powers. However, after his return, Khama spearheaded an immense political and constitutional transformation. "He travelled the country from village to village, working to rally the support of each tribe and chief for the creation of an independent nation" (Alfaro *et al.*, 2005:4). Then, in 1962 Khama played a crucial role in the formation of the Bechuanaland Democratic Party, the current Botswana Democratic Party (BDP). The establishment of the BDP took place just two years subsequent to the formation of the Bechuanaland People's Party (later the Botswana People's Party-BPP). Although both the BPP and BDP had a similar goal of independence, the former did not amass a large following like the latter. BPP appealed to urban groups and workers, which Acemoglu *et al.,* (2001) perceive as a narrow political base. In contrast, the BDP followed a sound party programme that appealed to all politically important groups in the newly founded Botswana: the educated elite, the traditional authorities, the cattle farmers, and the rural population (Hjort, 2009:691; von Soest 2009:18). The party integrated not only emerging educated elite but also the commoners and traditional rulers equally (Acemoglu *et al.,* 2001; Beaulier and Subrick 2006).

Beaulier and Subrick (2006) observes that, unlike the BPP, the Khama-led BDP brought together a more powerful coalition. The political strength of the BDP coalition emanated from the accommodation of traditional rural structures of loyalty between commoners and chiefs. This structure of traditional loyalty, as Acemoglu *et al*. (2001:15) explain, was cemented by the continuation of clientelistic practices such as the lending of cattle, known as the *mafisa* system. Nonetheless, as political parties mushroomed, Britain began to lose control of the protectorate and acceded to the demands of making Botswana an independent country. After long resistance to

constitutional change, Britain finally recognised Botswana's national independence culminating in the protectorate's first elections in March of 1965 (McKenna, 2011; Alfaro *et al.*, 2005). The BDP, led by Khama and his colleague, Ketumile Masire, won a handsome victory, and in 1966 the country became the Republic of Botswana, with Seretse Khama as its first president (Alfaro *et a.l.*, 2005:4; Robinson and Parsons, 2006:116). After independence, the new BDP government did not abolish the traditional political system (Somolokae, 1998). Tswana cultural norms (in fact informal institutions), which had been adapted under British rule, were now integrated into the modern state of Botswana (Seidler, 2010). This provided a strong foundation of equitable democratic participation, achieving a delicate balance between traditional rule and modern centralised democracy (McLoughlin, 2014:85).

The BDP based its administrative system on the traditional political structure of chiefdoms. Nonetheless, Acemoglu *et al.* (2001) argues that President Khama's government gave the chiefs no real power over legislation. "Once in power the BDP passed legislation that progressively stripped the chiefs of their residual powers" (Acemoglu *et al.*, 2001:16). This essentially suggests that, although the post-colonial government relied upon the traditional Tswana political system, chiefs were, no longer entrusted with the expansive power and authority they had during colonialism. During the colonial period, chiefs simultaneously executed the roles of the government, the courts and the public administration (von Soest, 2009) but these were downgraded to the mere offering of advice on cultural and traditional matters.

For Acemoglu *et al.*, (2001) bestowing the President with the ability to reduce the powers of chiefs was necessary. They argue that the promulgation of the chieftaincy Act of 1965 and the Chieftaincy Amendment Act of 1970, which progressively stripped the chiefs of their residual powers, was crucial in the construction of the modern state (Acemoglu *et al.*, 2001:16). Even so, the regime that evolved after independence respected the rule of law and property rights which Acemoglu *et al.* (2001) perceive as the hallmarks of economic prosperity. Thus Nsereko (2011:20) asserts, "In a polity governed by the rule of law all government actions and decisions are based on and justifiable under pre-determined rules of law. Everyone in the country from the president to the humblest citizen is subject to the same rule of law without distinction of any kind". Historical evidence suggests that

Botswana respected and enforced the rule of law (Bertelsmann Stiftung, 2014). Since independence, the country's judiciary has been relatively independent.

Botswana's political and economic success can also be traced to the indigenous institutions that promoted property rights. After independence, cattle owners were the politically influential group. This group comprised Tswana chiefs and political elites. According to Acemoglu *et al.* (2001:22) close connection between the cattle owners and the BDP played a key role in Botswana's development. The political elites, who happened to be economic elites as well, gave strong support to property rights. Nonetheless, security and governance of property rights was kept in check by the political institutions inherited from pre-colonial period. As Acemoglu *et al.* (2001:23) posit, political institutions such as the kgotla, ensured a certain degree of accountability of political elites. The continuance of these institutions has been attributed to the country's efficient law system that provides for transparency and keeps corruption relatively low (Seidler, 2010). Additionally, Robinson (2009) pinpoints the success of institutional constraints on the country's leadership. Botswana's system of placing checks and balances on political elites has been crucial in the development of good governance.

Other analysts have extolled the quality of leadership as another key factor in the achievement of good governance in Botswana. Cook and Sarkin (2010:476) declare that Botswana has had commendable leaders. The first two leaders of Botswana after independence, Seretse Khama and Ouett Masire have been praised for being pragmatic, competent and uncorrupt (Robinson, 2009). According to Maipose (2008) during his tenure, Khama exhibited disciplined political leadership that enhanced public accountability. "Khama's focus on accountability and political consultation, his push to de-racialise the political system, his responsible fiscal policy, and his contingency planning are all achievements emblematic of his successful and popular leadership" (Cook and Sarkin, 2010:465). Robinson (2009) and von Soest (2009) ascribe Khama's outstanding leadership to his inherited position as a chief of the largest Tswana tribe, Bangwato. "Many rural Batswana perceived his presidency as the continuation of chieftaincy and in turn, as a permanent rather than an elected office (von Soest, 2009:12).

When Khama ascended to power in 1966, Botswana was one of the poorest countries in the world (Hjort, 2009; Somolokae, 1998; Robinson, 2009 and Maipose 2008). According to Robinson (2009) there were practically no surfaced roads and only two secondary schools in the entire country which dated only from the 1940. The country's un-development was a consequence of the acute neglect it suffered under its protectorate status. The British's benign neglect of Botswana, finds roots in the fact that Bechuanaland Protectorate was going to be incorporated into South Africa at some later date. In 1910, the British signed the Customs Union Agreement with South Africa in anticipation to incorporate Botswana, Lesotho and Swaziland territories (Spencer, 1968). Nonetheless, Geldenhuys (1981) observes that Botswana, Lesotho and Swaziland showed no interest in joining post-apartheid South Africa either as a federal or unitary arrangement. Batswana chiefs rejected the incorporation arguing that, South Africa was an unpleasant place for the Africans especially those who were not yet part of it (Matlosa, 1999). Furthermore, Matlosa (1999) states that apartheid government undermined the powers of the chiefs in Botswana Lesotho and Swaziland. This was demonstrated by lack of consultation with the populace regarding incorporation of their territories into South Africa. It is in against this backdrop that Somolokae (1998) concludes that colonialism was never about development of local people but the expansion of colonial empire.

1.7. Economic and Diamond Development

For its first five years of political independence, Botswana remained financially dependent on Britain to cover the full cost of administration and development (Robinson and Parsons, 2006:116). Upon the realisation that the country was one of the poorest countries in the world, Botswana's leaders particularly the first president, acted strategically and engaged in a conscious effort to project the country into a liberal political and economic model (Maipose, 2008). Owing to the prudence of President Khama, Botswana was able to do away with British grants by 1972 (Beaulier and Subrick, 2006). At independence the only real prospect for a sector of the economy to develop was ranching and this was done successfully by exploiting the European Economic Community (EEC) market (Acemoglu *et al.*, 2001:22). By the end of the 1960s, the cattle economy had expanded rapidly and other economic development programmes that began in the mid-1960s were successful (Hjort, 2009).

Thereafter, however, the discovery of diamonds in the late 1960s transformed the poverty stricken country into an upper middle income one (Maundeni, Mpabanga, Mfundisi and Sebudubudu, 2007). By early 1970s the revenues from the newly discovered diamond deposits started flowing and what the country's leadership did in respect of minerals discovery was phenomenal and remains admirable to date. The main diamond mines were discovered in the lands of the Bangwato, of whom Seretse Khama was the chief but he transferred the property rights over diamonds away from his own tribe to the government (Acemoglu *et al.*, 2001).

In 1967, Khama's government passed the Mines and Minerals Act concerning mineral exploitation. Before this legislation, mineral rights were accrued to the tribes (Acemoglu et al., 2001) but Khama chose to direct mineral wealth to national purposes instead of favouring his home tribe. Khama's decisive and pragmatic leadership coupled with good economic policies played a crucial role in avoidance of the natural resource curse. According to (Seidler) 2010 adoption of good policies helped Botswana to prevent its resource boom from turning into a disaster. In contrast to what occurred in numerous other African countries, the critical factor in Botswana was the prudent handling of the country's natural wealth (Bertelsmann Stiftung, 2014). The government's prudent management of mining revenues precipitated investment in public goods and human capital (Robinson, 2009). Good presidential leadership by Khama and Masire was undoubtedly a significant element of this success (Beaulier and Subrick 2006). "By 1976, the government was running persistent surpluses, and Botswana had left monetary union with South Africa to establish its own currency and central bank" (von Soest, 2009:9). An almost overly cautious budget policy (and spending problems) regularly led to budget surpluses, while the country's infrastructure and educational facilities have been expanded systematically (Bertelsmann Stiftung, 2014).

Botswana's diamonds have played a very significant role in the country's economic growth. Its economic performance has flourished and surpassed that of virtually all other economies on the African continent. Unlike other African countries with abundant natural resources such as Angola, the Democratic Republic of Congo,

Sierra Leone and Nigeria, there have been no civil wars or intense infighting to control diamond revenues (Acemoglu *et al.*, 2001:4). As such revenues from diamonds have grown progressively, allowing the central government to support various development activities at national and local levels. There have been low inflation, no unsustainable fiscal deficits, a stable currency and secure property rights (Seidler, 2010:3). Over the years, Botswana has grown into a relatively prosperous nation, despite its over-reliance on diamonds and failure to diversify its economy (Maundeni *et al.,* 2007). Although a number of countries have achieved rapid economic growth for a decade or two, few have been able to sustain it for as long as Botswana (Cook and Sarkin, 2010). There is almost complete agreement that Botswana has enjoyed much success because of its good economic policies and disciplined political leaders who managed to limit corruption and most importantly enhance public accountability (Acemoglu *et al.*, 2001; Maipose, 2008; Cook and Sarkin, 2010; Robinson 2009; Beaulier and Subrick, 2006). As Cook and Sarkin (2010:465) observed, "the combination of positive economic and political factors has led to endless references to Botswana as Africa's "Miracle," not just by a handful of academics, but by the media and many others". In the 45 years of Botswana's independence, the country has made commendable strides in maintaining solidarity and unity among its citizens (Alexander and Kaboyakgosi, 2012).

However, the events of the 2011 public service strike have ostensibly masked the positive evaluation that Botswana is Africa's economic miracle and a shining example of democracy. As it will be shown by the findings of this study, the current leadership has failed to preserve the exemplary governance and human rights record. The findings of this study will demonstrates that, unlike his predecessors, President Ian Khama cannot boast a government with a reputation of prudent management of the country's resources or even a good governance record and stable democracy. As will be indicated by the findings of this study, current leadership does not have the economic well-being of the working class at heart. "Since the succession of Lieutenant-General Ian Khama to the presidency in April 2008, there has been an escalation in the militarisation and personalisation of power in Botswana. As a result, democracy and governance have been seriously undermined in what has generally been portrayed as an African success story" (Good, 2009:315).

1.8. Botswana's authoritarianism disguised under the veneer of liberal democracy

Botswana's democracy is rooted in the country's traditional political economy of patron-client culture, known as *mafisa,* and its associated political system of *chieftaincy* (Sebudubudu and Molutsi, 2008). In this system, cattle owners and water point owners, mostly members of the royal family, were the pillars of the political culture and since independence have wielded huge influence over rural voting patterns (Sebudubudu and Molutsi, 2008). These patrons have had power over their subjects; they have given them instructions on who to vote for, a capacity reflecting the face that polling stations are often located on private farms and ranches where a significant number of the voters are employees of one large patron (Sebudubudu and Molutsi, 2008:50). This system has helped to facilitate the political dominance of a single ethnic group and subsequently single political party.

During the colonial period, cattle owners were mostly chiefs from the Ngwato tribe. Ownership of cattle was a sign of wealth, and therefore the most important occupation for the Tswana aristocracy who mostly were members of the ruling BDP (Parsons, 1999). In Tswana culture it is often assumed that chieftainship is neither dictatorial nor autocratic, but mitigated by democratic practices (Maundeni 2008). However, in the past, chiefs were not nominated or elected by popular consent, but acceded to power under the mantra that *kgosi ke kgosi ka a tswetswe,* which translates a chief is a chief by right of birth (Mgadla, 1998: 3). In short, Tswana leadership was hereditary and reserved for a male heir (Maundeni 2008).

According to Parsons (1999), the culture of male primogeniture shaped the nature of local administration in colonial society, thereby entrenching the rules of succession. Crowder, Parsons and Parsons (1990:3) assert, "In Tswana states during the colonial era, there was a strong sense of legitimacy and acceptance of given rules for succession". Furthermore, Maundeni (2008) points out that the principle of legitimacy based on male primogeniture set limits on contestation for political office even among the royal brothers and cousins. This principle also limited competitive politics, as well creating stability within the Tswana political system. For example when Seretse Khama's father died, Khama was only four years old and was proclaimed as the rightful ruler of the Bangwato people. However, because he was not

yet of age, his uncle, Tshekedi, became regent until Seretse had grown up and was ready to lead the Ngwato ethnic group (Parsons, Henderson and Tlou, 1995). In this regard, Maundeni (2008:82) argues, "Tswana constitutionalism was designed to limit contestation and to prevent sustained political competition".

It is against this background that any form of opposition to the ruling party has never been taken well in Botswana. The Tswana political system has to some extent inculcated a sense irrational reverence and subordination for those in power. Crowder, Parsons and Parsons, (1990:10) argue, "The Tswana constitution was undemocratic in the liberal-democratic sense of today. Legitimate succession to high office was dependent upon birth. Large segments of the population were excluded by birth both from any part in succession as well as normal politics". This strengthened the BDP sovereignty as its large following was from the Ngwato tribe. Bangwato chiefs had been leaders of the Tswana people throughout colonial period because of their power and status (Lange, 2009:157). Violation of Batswana's political rights continued even after the political system had changed in 1966, when the process of creating a supreme leadership by birth was replaced by the process of creating it by elected representatives (Maundeni, 2008).

In the current system, the president has more power and authority than parliament and the country's parliamentary system does not ensure and facilitate broad-based and inclusive political participation in the decision-making process (Mogalakwe, 2003). Even though Botswana does not have a directly elected president, huge power is centralised in his hands (Good and Taylor 2006). The president commands extensive executive powers in terms of the constitution and other laws (Sebudubudu, 2010). This, according to Mogalakwe (2003), resembles the political power relations and governance systems of the past Tswana political system. Maundeni (2008) continues that, in both the traditional Tswana and the modern political systems, the population has been reduced to the role of spectators with regards the selection of the president. It is for this reason that even when the government explicitly violates workers' rights, much cannot be done because power is concentrated in the office of the president. For this reason and others, skeptics argue that positive reviews of Botswana democracy should be queried. Good (2005), for instance, argues that positive reviews mask the elitist nature Botswana's democracy.

Good (2005:19) asserts, “Democracy in Botswana, is constrained not only at key institutional and structural levels, but in the expression of opinion too” as evidenced by intimidations and threats directed to vocal unions during the 2011 strike. He further insists that human rights issues are a significant threat to Botswana’s positive reputation, reflecting growing concern that the governance of President Ian Khama is despotic. In his critique of Botswana’s democratic credentials, Good (2005) highlights how Presidentialism has developed over the years. “Presidentialism basically entails the centralisation of power in one office and person, and the predominance of a single party” (Good, 2005:1). Since independence in 1966, succession to presidential power in Botswana has only occurred within one party, the BDP, which has been kept in power by the distortions, produced by the first-past-the-post election system. This quasi-democratic system was perceived as a norm until the late 1990s (Good 2008) when the predominance of the BDP was challenged (Good and Taylor, 2006). State power in Botswana is centralised in the office of the president. The president is the head of the state, head of government, leader of the ruling party and commander-in-chief of the army (Good, 2008:25).

The office of the president enjoys unlimited access to state resources such as electronic media and communications (Good and Taylor, 2006). Furthermore, the succession of President Ian Khama to the presidency in 2008 increased the influence of security institutions such as the unpopular Directorate of Intelligence and Security (DIS), established to combat 'any foreign influenced activity' and 'subversive activities from the country's detractors' (Good, 2009). The powers of DIS are unlimited and its personnel are appointed on terms and conditions chosen by the president. The intelligence agency was established under the pretext that it would help the president to execute his presidential job more effectively (Gwatiwa, 2011). However, the agency has rather turned out to be providing clandestine services to the president.

There have been reports of communication surveillance instigated towards politicians who seem to be a threat to the presidency: whether from the ruling party or opposition. It mattered less whether this perceived threat was of national security or towards the Khama personality cult, public extra-judicial killings in operations overseen and coordinated by the DIS have become commonality, engendering

escalation of terror and fear in the public realm (Gwatiwa, 2011). Sharing the same sentiments with Good (2009), Gwatiwa (2011) concurs that Botswana is experiencing a new surge of state terrorism thriving closely identified with President Khama. The president of Botswana is empowered to do as he pleases. The Public Service Act of 2008 empowers him to make regulations for setting up a 'body' for the purpose of 'consultation' between the government and members of the public service, this essentially placing public service employees at his mercy.

There is growing unease over the president's tendency to make unilateral decisions without consulting the masses especially the working class. This undermines the core principles of democracy. As Maundeni (2008) argues, "Botswana cannot be a model of democracy when workers get punished for demanding what is theirs," The country's industrial relations system has a marked bias in favour of the repression of labour. In 2007, the then Minister of Labour and Home Affairs portrayed the country's labour relations as frayed. In accordance with the Minister's observation Marobela (2011) concurs that, Botswana does not have impressive industrial relations records. Indeed, it would seem that contravention of Batswana's political rights has now extended to contravention of workers' industrial rights.

1.9. Industrial Relations in Botswana

Although Botswana is extolled as a liberal democratic country with impressive economic growth and political stability, the state of industrial relations in the country undermines these claims. In Botswana, the government is the largest employer and the most powerful player in industrial relations. Motshegwa and Bodilenyane (2012) argue that, the country's judicial system confers enormous powers in the Office of the President making it possible for the government to be the primary actor in industrial relations. Botswana government enacts the laws governing the industrial relations system.

Government control of labour relations began to extend markedly from the 1970s when diamond revenues began to make significant contributions to national wealth (Selolwane, 2012:180). This impacted negatively on the relative freedom that trade unions enjoyed such as political participation, independent organisation and recruitment of members. There were new sets of laws initiated that gave the government control over trade unions and industrial relations thereby hugely

curtailing the right to strike (Selolwane, 2012). The new policy measures brought collective bargaining under the government supervision and the government decided the parameters within which unions could recruit. However, organised labour did not conform easily to these new laws and mounted pressure on the government to amend them. The most significant amendments include the 1992 amendments to the Trade Union and Employers' Organisation Act, the Employment Act and the Trade Dispute Act, which made commendable attempts to liberalise the industrial relations (Selolwane, 2012).

In 2008, the Botswana parliament enacted a *Public Service Act No.30* hereinafter the new *Public Service Act* that superseded the *Public Service Act 2008*. Promulgation of the new *Public Service Act* was done for the explicit purpose of aligning the country's labour laws with the International Labour Organisation (ILO) standards. The Act consolidated the public service in Botswana from being fragmentally regulated by various pieces of statutes into one unified service. The new Public Services Act repealed the Public services Act; the Unified Local Government Service Act; The Teaching Service Act; and Part II A to Part II F of the Tribal Land Act (Public Service Act 2008). However, Motshegwa and Tshukudu (2012) indicate that many loopholes were identified in the 2008 Act and within short period during its implementation some amendment were made. The other major weakness of the Act is the fact that, in its implementation, some unions were excluded as their registration was questioned and derecognised, this according to Motshegwa and Tshukudu (2012) caused further rift between government and unions.

Solo (2007) theorised that, when implementing labour laws in Botswana the government should reflect on South African labour relations. In South Africa, two complementary pieces of legislation were promulgated in line with meeting ILO standards. The Labour Relation Act 66 of 1996 (LRA) and the Basic Conditions of Employment Act 75 of 1997 (BCEA) are the key statutes introduced in South Africa to create a more cooperative industrial relations system (Taylor 2008). By implication, promulgation of the LRA and the BCEA has aligned South Africa's labour laws and industrial relations to ILO obligations hence the call for Botswana to benchmark from South Africa. Botswana has ratified seven ILO fundamental labour standards, which according to Solo (2007) form the integral part of human rights.

Some of the core conventions ratified by Botswana are Convention number 87 of 1948 on the Freedom of Association and Protection of the Right to Organise Convention. This Convention, "grants the right to all workers and employers to form and join organisations of their own choosing without prior authorisation, and lays down a series of guarantees for the free functioning of organisations without interference by public authorities" (Solo, 2007: 3 and ILO, 2009:26).

Another key convention is the Right to Organise and Collective Bargaining Convention number 98 of 1949. This fundamental convention provides for protection against acts of anti-union discrimination including protection against unfair dismissal of a worker for participating in union activities. The convention also enshrines the right to collective bargaining (ILO, 2009:26). One would have thought that ratifications of these fundamental conventions would harmonise the country's industrial relations however, the context of Botswana labour relations remains intricate owing to issues that arguably revolve around these very core labour standards.

Marobela (2011) observes that some of Botswana labour laws are still falling short of meeting the international labour standards hence the country's difficult labour relations. The labour relations system comprises three actors namely; employers, workers and their trade unions. The relationship between these three actors in Botswana displays a distinctive pluralist approach that recognises conflict as inherently part of industrial relations environment. Motshegwa and Tshukudu (2012) ascribe conflict to the fact that the Botswana government is the largest employer in the public sector. They observe that, this leads to conflict between the employer and the unions because the government feels everything in the workplace should be done according to its dictates.

According to Marobela (2011), the government of Botswana has adopted hostile and repressive attitude towards trade unions expressed most outstandingly through its labour laws. Although the government of Botswana allows public sector workers to form trade unions it still imposes some restrictions on trade union freedoms such as the right to strike (Marobela, 2011).While Botswana government has made attempts to adhere to a liberal democratic constitution, the country's labour

relations system is still a complex mixture of repression and paternalism (Mogalakwe, 1994). The government has historically relegated trade unions to the position of junior partners in the tripartite relationship thus inevitably creating tension between the unions and the government. Mogalakwe (1994) argues that, conflict between the government and trade unions should however, be viewed dialectically. Much as the state tries to repress, regulate and dominate trade unions, the latter also puts up its resistance to such repression and domination (Mogalakwe, 1994). Notwithstanding the glowing reviews of being a peaceful country that the world has always admired, Botswana in 2011 was literally "up in flames" due to trade union strikes (Motshegwa and Tshukudu, 2012:127). The labour movement put an impressive industrial action that challenged the government's domination. Historically, Botswana has had a generally weak labour movement and this weakness in trade unions has contributed to and reinforced the government's repressive attitude towards trade unions (Mogalakwe, 1994 and Marobela, 2011). Both Marobela (2011) and Mogalakwe (1994) concede that government's repression of trade unions displays an antagonistic labour relations system.

1.10. Historical overview of Trade Unionism in Botswana

The history of trade unionism in Botswana has not been widely published. Much of the background is provided by Cooper (1985) and Mogalakwe (1994). The first union in Botswana was formed in 1948 in the colonial trading town of Francistown in the north east of Botswana (Cooper 1985 and Mogalakwe 1994). "This union, the Francistown African Employees' Union (FAEU), organised among shop assistants, garage workers, government manual workers, teachers and the lower ranks of the civil service" (Cooper 1985:104). Contrary to this assertion, Mogalakwe (1994) argues that FAEU was open to all workers in all manner of employment except public workers.

In the 1960s, two other two unions were formed: the European Civil Service Association formed and the Bechuanaland Protectorate Workers Union (BPWU). BPWU and FAEU were locally based unions, the former largely confined to Serowe, the capital village of the Ngwato Tribal Reserve and the latter to Francistown in the north east of Botswana (Cooper, 1985). Even though they could push for wage demands and raise issues around colonial racial practices, these unions were weakly organised, dependent on one or two big men on the top and were carefully placed

under surveillance by the colonial administration (Cooper, 1985:105). Mogalakwe (1994) argues that, trade unions in Botswana were always viewed with suspicion by the colonial state, despite their relatively weak political orientation.

The efforts to form a countrywide trade federation were realised when the Bechuanaland Trade Union Congress (BTUC) was established in 1963, the International Confederation of Free Trade Unions (ICFTU) having mounted pressure on the government to amend its Act with regards to trade union rights. Thereafter, the BTUC played a vital role in the formation of the Bechuanaland General Workers' Organisation (BGWO) in 1964 (Mogalakwe, 1994). The 1960s was a very crucial period for trade unionism in sub-Saharan Africa and Botswana was no exception. It was during this time that the internal petty elites in Botswana and neighbouring countries such as Lesotho established themselves both politically and economically. The elites received support from the colonial administration and foreign capital in general (Cooper 1985:105). In response, unions ended up forming alliances with some of the political parties.

According to Mogalakwe (1994), the trade union movement in Botswana got involved in the nationalist politics of the time, the BTUC forming a coalition with the Botswana People's Party (BPP), whilst FAEU and BPWU joined the Botswana Democratic Party. A similar pattern occurred in Lesotho where the Basutoland Federation of Labour became linked to the Basutoland Congress Party whilst the Lesotho Council of Workers coalesced with the Basotho National Party (Cooper 1985:107). According to Webster (2007), trade union involvement with political parties was one of the effective weapons for fighting colonial supremacy. Similarly, Beckman and Sachikonye (2010) postulate that engagement in wider social and political alliances enabled trade unions to extend their concerns and mandate beyond workplace issues and labour-related matters. In essence this means engagement in political alliances had some benefits for the unions.

This claim seems to find favour in the struggle against colonialism in Botswana when the BTUC under the umbrella of BPP became very influential and challenged the colonial government's exploitation of herdsmen. During the colonial period, Tswana people were divided along lines of class according to those who owned cattle and those who did not. Cattle owners were mostly chiefs, supported by

colonial authorities. Ownership of cattle was a sign of wealth and increasingly became commercialised and mostly concentrated in the hands of the ruling elite. This resulted in the great disparities between the cattle aristocrats and those who did not have cattle. Ethnic minorities like the Basarwa had no cattle and had to work for the aristocrats. According to Moalosi (2007), political elites acted in their own interest to ensure that ownership of cattle remained concentrated in the hands of the few. This was not taken kindly by the opposition BPP, as it challenged the status quo.

Cooper (1985:107) observes that the elites of that time, mainly the members of the ruling BDP were shaken by the challenge and hence formed the Bechuanaland Federation of Labour (BFL) to counter the influence of the BPP-linked BTUC. It has followed that, historically, the government of Botswana has always sought to contain the emergence of vocal and potentially powerful trade unions. The extensive and tight control over the emerging labour movement was first expressed through the 1960s labour laws which required compulsory union registration (FES, 2014). Siphambe (2007:25) indicates that, in terms of labour laws, Botswana made a deliberate attempt to curtail the activity of unions with the presumption that keeping them weak would lead to more stable industrial relations with few industrial strikes.

In the late 1960s, the government employed yet another strategy of weakening the then powerful Botswana Manual Workers Union (BMWU). This union organised the so-called 'industrial class' workers, employees of the government and parastatals in Botswana. Werbner (2013) observes that, although the BMWU organised mostly uneducated low waged workers, it was the largest and most powerful union in Botswana around 2003 and 2005.This posed a threat to the government which reacted to the BMWU's impact by transferring some of its key leaders to other parts of the country where their influence would be ineffectual (Makgala, 2007:43). Furthermore, there were cases of unfair dismissals of union members and this resulted in a strike on the 15th of January 1968. The strike involved union branches all over the country (Makgala, 2007). The government's response to this strike exhibited elements of intimidation; there were threats of dismissal of workers and forfeiture of gratuity if they did not return to work within the period stipulated by the government. Furthermore, workers who were dismissed were selectively re-employed, in extreme cases some government departments rejecting the

re-application of workers who participated in the strike. In 1969, following the strike by the BMWU, the government amended the constitution to regulate organised labour more tightly (Makgala, 2007).

The Botswana government intensified its actions designed to weaken and discourage trade unions. In 1978, there was yet another strike aimed at challenging employment relationship in Botswana. "In this strike the copper miners went on an illegal strike that challenged the interest of both the state and capital" (Marobela, 2011:7). Sadly for workers, many of them were dismissed and some imprisoned (Marobela, 2011). Cooper (1978) notes that the defeat had in part to do with weak union leadership. Historically, Botswana laws have had tight controls over union denying them the right to operate freely and strike, although legal, were rendered impossible in practice through lengthy bureaucratic procedures (FES, 2014). The labour laws in Botswana made a deliberate attempt to curtail the activity of unions. Unions were run on a part-time basis with no provisions for collective bargaining. The government took the lead in wage setting as part of the income policy (Siphambe, 2007).

The Botswana government's treatment of trade unionism underlines that ultimately it is anti-union and consequently anti-strikes. President Khama has on numerous occasions demonstrated detestation of trade unions. Under his government, trade unions have suffered intimidation and extremely harsh treatment. For example, subsequent to the 2011 historic strike, there were instances of harassment and intimidation of trade union activists, unilateral withdrawal of benefits that public sector trade unions had previously enjoyed and the denial of the right to organise and bargain collectively, as exemplified by the government's refusal to enter into wage negotiations (Waldorff, 2012:1). According to Motshwarakgole (2014), these were meant to incapacitate the Botswana Federation of Public Unions (BOFEPUSU). Motshwarakgole (2014) notes that throughout the strike and long after, President Khama vehemently refused to meet with the BOFEPUSU leadership to resolve workers' grievances, consequently severing the already strained the relationship between the government and the trade unions. The President's reaction to the 2011 strike seems to validate Good's (2009) allegation that Khama uses techniques and capacities of militaristic rule to an exceptional degree. This came out clearly when his

government pulled out from Bargaining Council meeting on salary talks and made a unilateral antagonistic decision. The government resorted to increasing salaries for non-unionised members of the public service, an act that was seen by many as a strategy to frustrate trade unions and persuade them to back down on their militancy.

According to Good (2005), submissiveness to the authority of the ruling elite has often been upheld as the desired norm. This is informed by some Tswana idiomaticity such as '*mafoko a kgosi a agelwa mosako'*. In Botswana, questioning authority constitutes abuse, and consequently the 2011 strike was seemingly an indication of being unpatriotic. As Motshegwa and Bodilenyane (2012:72) posit, one would expect industrial actions to be minimal in a country that upholds democracy such as Botswana. However, owing to the difficulties that the current leadership has subjected the labour movement to, Botswana experienced a historic strike that brought about forth and back litigation between the government and public sector unions belonging BOFEPUSU over disagreements on the extent and effect of the right to strike conferred to public servants. According to Good (2009), democracy in Botswana is seriously undermined, even while it is often seen as an African success story. Furthermore, Good (2005) argues that Botswana cannot serve as an example for Africa unless it confronts its fundamental failures, including its systematic violations of both human and labour rights.

CHAPTER 2: GOVERNMENT-TRADE UNION RELATIONS IN AFRICA AND BOTSWANA

2.1. Industrial Relations trends in Africa

Industrial relations systems in Africa have passed through diverse historical phases. This is attributed to the fact that various actors within the industrial relations system hold contrasting views on what industrial relations means. In trade unions' perspective, industrial relations explains a fair employment relationship wherein workers are granted full labour rights and paid better wages. For workers it may refer to the achievement of better wages and job security whereas for employers it may be seen in the light predictable working hours and cooperation with management to realise productivity and subsequently high profits. Nonetheless, colonial industrial relations largely implied the struggle for both political freedom and economic emancipation against domination by colonial masters. Resistance to colonialism, often led by trade unions and their leaders, characterised the African labour relations landscape (Gabre-Michael 1994). Building political solidarity via strikes was seen as a necessary tool to break the foothold of repression perpetuated by colonialism. In this regard, trade unions played the role of a social movement, mobilising workers against repressive political regime of that time.

Trade unions have always been in the forefront of both the struggle for obtaining basic labour rights and the battle for socio-economic transformation in Africa and the world at large. Workers' unions have been one of the most crucial groups forcing authoritarian regimes to liberalise political life in a wide range of countries (Kraus 2007:1). Workers' organisations have always been viewed as a potent weapon against violations of workers' rights. It is for this reason that they mostly find themselves at loggerheads with employers and sometimes the government. According to Hyman (2001), trade unionism is based on the compromise between three models that he terms 'the eternal triangle'. In the first model trade unions are interest organisations with predominantly labour market functions; in the second, they are vehicles for raising workers' status in society more generally and thus advancing social justice; in the third model, trade unions are schools of war in the struggle between labour and capital (Hyman 2001:1-2). Nonetheless, Burroni, Keune

and Meardi (2012) argue that these models are in their pure form unsustainable in the long run and therefore trade unionism is based on compromise between the aforesaid models. According to Hyman (2010), contemporary trade union identities are shaped by the persistent instabilities and tensions in the eternal triangle of class, society and market. These instabilities have spawned major challenges for trade unions globally.

Within a pluralistic perspective, trade unions are considered one of the most important social movements underpinning democracy. This perspective acknowledges the inevitability of conflict in society and assigns great importance to trade unions in precipitating satisfactory resolutions for the functioning of national democracy. Trade unions have been historically active in broad popular struggles for independence and liberation (Beckman and Sachikonye, 2010). They have always been significant players in the struggles against unjust political, social and economic transformations especially those advancing the neoliberal agenda. For example, in Nigeria, the Nigerian Labour Congress was the major engine of protest against adoption of structural adjustment policies between 1988 and 1989 (Fayoshin, 1992 in Kraus, 2007). Trade unions' primary functions as autonomous organisations are geared towards the improvement of the economic welfare of their members (Rakner 1992:33). However, the realisation of this purpose has and continues to be threatened by various stumbling blocks. During colonial period, trade unions were faced with a challenge of overthrowing regimes whilst also fighting for unions' political autonomy.

2.2. Trade Unionism in the colonial age and the challenges thereof

The global labour movement has always been at the forefront of the struggle to create and maintain democratic institutions and democratic rule (Jihye-Chun and Williams, 2013). Throughout colonial epoch, trade unions acted as the bulwarks against colonialism where they developed close ties with the national liberation movements (Webster, 2007). In Africa, they have been central in destabilising autocracy, initiating political liberalisation, triggering political transition and consequently full development of democracy through mass protests and strikes (Kraus, 2007). Trade unions across the continent offered the most important platform for ordinary people to voice their frustrations against dominance and oppression by the colonial

governments. The first strike in modem Africa took place in 1874, in Sierra Leone. Workers and peasants came together pushing for land, fair wages and independence from the oppression of colonial administrators. Prior to arrival of colonial masters, the economy was mainly based on agriculture, producing largely for direct consumption (Hymer, 1970 in Britwun, 2012). The transformation of agriculture from subsistence production to cash crop became prominent after the arrival of Europeans in Africa. During this period, African natives were robbed of their land. According to Britwun (2012) colonialism exemplifies the main mechanism for introducing the general laws of capitalist development into Africa. Colonial rule changed the largely unwaged employment forms in most African states with the introduction of formal sector employment (Britwun, 2012). Colonialism created a wage labour force by taking away land and imposing taxes upon indigenous populations, while offering them low wages to buy consumer goods.

Following the Sierra Leone strike, other African countries also witnessed labour conflicts and riots of a similar kind (ILO, 1994). The colonial powers viewed these acts as political rebellions and tried to suppress them by force but this was in vain as workers across the continent persisted with their demands. The realisation that it was not possible to control spontaneous uprisings using force led the colonial powers to approve the creation of labour departments and introduced labour legislation authorising organisation of trade unions (ILO, 1994:29; Fayoshin, 1998:31). Nevertheless the new labour laws were just another mechanism of controlling workers' organisations and not granting them the autonomy to protect the rights and interests of workers (ILO, 1994:29; Fayoshin, 1998:31).

Akwetey (1994) and Kraus (2007) posit that, colonial powers in Zambia implemented a labour policy that emphasised non-political unionism thus triggering intra-union rivalry and divisions. Suppression of trade unions by the colonial powers culminated in a number of tribulations such as marginalisation. Marginalisation of trade unions was prevalent across the continent as evidenced by the case of Zimbabwe where colonial repression bequeathed weak and politically fragmented unions. Following the implementation of the first set of labour laws in Zimbabwe, black workers were prevented from unionising (Saunders, 2005 in Kraus, 2007). The Industrial Conciliation Act 1934, granted only white workers the right to form free

trade unions, excluding black from the category of employee (Saunders 2005:159 in Kraus 2007). This is akin to apartheid South Africa wherein labour legislation barred legal recognition of trade unions with black membership. African labour could not go on strike as participation in industrial action could lead workers to be criminally prosecuted. According to Grogan (2007), strike actions, which did not comply with the old 1956 Labour Relations Act, were termed illegal strikes. Such anti-unionism policies hamstrung the efforts to build a strong and coherent labour organisation especially in Zimbabwe and South Africa.

Such policies also countered the efforts by the ILO to integrate colonial territories into a new general discourse of social rights (Maul 2012). In 1948 and 1949, the ILO effected Conventions number 87 and 98 on freedom of association and recognition of the right to collective bargaining, adopted respectively. Enactment of these conventions was a way to bestow the autonomy and independence on workers' organisations to enable them to confidently defend the rights of their members. However, the resistance by colonial powers proved to be a stumbling block to this. Workers remained undeterred, using a variety of means to resist colonial exploitation. The most effective tool against exploitative conditions of labour under colonial rule was the recourse to strikes (Britwun, 2012). As strikes intensified, the hostility towards trade unions by the colonial governments also heightened.

According to Maul (2012), colonial powers tenaciously restricted provisions governing the free activity of trade unions. In essence, freedom of association was recognised in principle and not in practice. Nonetheless, "despite all the restrictions and control, African trade unions played the leading role in the struggles for independence. Many national trade movements defied the bans on political activities and their leaders joined, and in many instances assumed leadership positions in nationalist organisations" (ILO 1994:29). The expectation everywhere was that independence from colonial rule would lead to enhanced freedoms for Africa's working class and its organisations (Sidibié and Venturi, 1994 in Britwun, 2012).

In order to pave way for the success of achieving independence, trade unions had to extend their concerns and mandate beyond labour-related matters to political struggle. They consolidated their fight against colonialism, through alliances with political parties. These created a political force that hastened the attainment of

independence. However, this alliance, arguably also brought new forms of challenges to the labour movement. For example the complexity associated with retaining union autonomy has been identified as one of the major challenges arising from union-political involvement. According to Gabre-Michael (1994), soon after independence from colonialism, the relationship between trade unions and political parties severed as the former started to criticise post-colonial governments for departing from the platform on which they had jointly struggled against colonialism (Gabre-Michael, 1994). Although most African countries started their postcolonial history with a multi-party system of governance, they gradually gave way to a one-party system which co-opted trade unions and suppressed them (Gabre-Michael, 1994).

2.3. Africa's Trade unions in the Post-Colonial period

The majority of the African states have evolved from pre-colonial tribally based societies through colonialism to become independent states. The remarkable role played by African trade unions in conquering colonialism has received adequate attention in the scholarly literature on organised labour and industrial relations. Scholars such as Webster (2007), Sachikonye and Beckman (2001) have eulogised the African labour movement for its catalytic role in necessitating political and economic transformations. Through relentless efforts of labour movement, a good number of colonised states experienced economic liberalisation and formation of multi-party system of governance. According to Kester (2007), the attainment of independence brought about some fundamental changes to Africa's industrial relations. There were some structural developments within the continent's labour relations system, the principal one being transformation of ownership relations from private to state or public. "Many countries saw socialism as a more attractive political and development ideology than keeping to the capitalism of the West which had for many years enslaved them" (Kester, 2007:4).

Formation of new types of social relations was salient to pave way for emancipation of workers and deepening of democratisation (Kester, 2007). Many post-colonial states did not want to align themselves to either capitalism or communism but preferred a system that endorsed traditions of participation and democracy. Kester (2007:5) posit that "In many African French-speaking countries 'responsible participation' became the key government slogan and trade unions gave

the policy their support". Meanwhile charismatic leaders such as Julius Nyerere of Tanzania and Kenneth Kaunda of Zambia, played prominent roles in introducing policies on participation as part of the broader socialist strategies (Kester 2007). After achieving independence, governments in many African countries, became the most powerful players in industrial relations. They have played and continue to play a major role in enactment of laws governing the industrial relations system. As Kester (2007) puts it, Africa's labour relations turns out to be chararacterised by high levels of state corporatism. This finds favour in Dzimbiri's (2008) argument that African states are diverse but they all they share several features such as state interventionism role in both economic and political domains.

According to Glaser (2007), many radical African socialist leaders pursued the political and economic unification of the African continent. However, this fell out of favour in the aftermath of the economic crisis in the 1980s, a period termed the 'lost decade for Africa' (Kester, 2007). During that period, Africa experienced serious economic downturn. There was sharp decline in all economic indicators and degradations could even be observed in the labour markets. Overwhelmed by their incapacity to come up with solutions to the crisis, African leaders resorted to dictatorship. Kester (2007) asserts that, military regimes and formation of one-party states suppressed democracy. For this reason, the envisioned social justice and deepened democracy turned out to be just a fallacy and trade unions became prisoners of authoritarian regimes. The political and social arrangements of the colonial age were reproduced in new guises. "There was shift from utopia to slogan, from slogan to dogma, from dogma to repression and from repression to dictatorship" (Kester, 2007:7).

Owing to these developments, the trade union movement found itself in a precarious situation. In some African countries, for example Ghana, trade unions were sidetracked when governments introduced workers' councils. Kester (2007) argues that workers councils were easier to control than trade unions, therefore their introduction may be understood to be another mechanism through which government could consolidate its foothold in suppressing unions. Furthermore, the collapse of many socialist states arguably compounded the challenges encountered by trade union in the post-colonial Africa in that it paved way for the neoliberal agenda that has

dominated the continent's economic and social development ever since (Kester, 2007). Neoliberalism engendered dire consequences for African labour. According to Konings (2011), mass retrenchments of labour in both the private and public sector resulted insubstantial losses in trade union membership and trade union revenue. In this regard, the pushing of the neoliberal agenda has arguably been one of the significant developments that have weakened trade unionism in Africa.

According to Kester (2007:11) "the economic crisis of the 1980s forced trade unions into defensive position as they were forced into a desperate battle to defend at least the most basic interests of their member's: employment and income". The major concern for trade unions was to safeguard their already weak bargaining power from being further weakened by neoliberal orthodoxy. Kester (2007:11) explains that "many trade unionists are often not familiar with collective bargaining and have no trained skills for it". Therefore, under the unfavourable neoliberal circumstances "the first urgent task for the trade union movement was to get collective bargaining functioning" (Kester, 2007:11). Fighting for bargaining power was not the only concern for trade unions but also fighting for their autonomy against co-option into political parties' structures.

In many African countries, trade unions were confronted with the dilemma of being part of government by virtue of being an ally to the ruling party. This threatened union's autonomy, as they could not openly criticise the government where necessary. Nevertheless, Konings (2011) argue that African governments found it hard to control trade unions. "Trade unions were able to preserve at least some autonomy, varying on a continuum from low (in former African socialist states, including Guinea, Ghana, Tanzania, and some Francophone countries like Cameroon, Ivory Coast, and Togo), to medium (Mali, Senegal and Nigeria), and high (Burkina Faso and Zambia)" (Konings, 2011:168). Whether trade unions managed to successfully preserve outright autonomy or not, remains debatable. Contrary to Konings (2011), Webster (2007:1) observes that, although trade unions have been the most important actors in the struggle against colonialism, they often play the role of junior partners to political parties, without developing an autonomous social agenda outside and beyond the struggle for political independence.

For Webster (2007), trade unions in postcolonial Africa rely on their alliances with ruling parties in trying to influence public policy. This however, creates some formidable challenges for the labour movement. Southall and Webster (2010) chronicle the growing tensions between the ruling African National Congress (ANC) and the Congress of South African Trade Unions (COSATU). COSATU entered into a tripartite alliance with the South African Communist Party (SACP) and ANC in 1990s (Southall and Webster, 2010). It has been argued that COSATU entered into this alliance on terms favourable to the working class (Webster, 2013). In principle, COSATU was committing itself to being loyal to the ideologies upon which it was founded. Nonetheless, subsequent events overshadowed this commitment. For example, during the transition from apartheid, COSATU mobilised mass support for ANC's ascension to power as the incoming democratic political party yet Southall and Webster (2010) observe that during that period, COSATU's position drifted into one of subordination. Subsequent to this, COSATU encountered more setbacks that threatened its commitment to the ideologies upon which it was founded.

According to Southall and Webster (2010:140), in the wake of 1994 general elections COSATU faced a dilemma: grappling with the tensions between its ambitions to enter a constructive partnership on workers' behalf with a newly elected democratic government and the likely tendency of the latter to demand subordination of the workers' interest to the former's project of national 'development'. The federation's challenges were compounded by neoliberalism and its stable-mate globalisation. Southall and Webster (2010:140) highlight that COSATU was confronted with a profound task of holding talks with its ally (the ANC) on the strains apparent in relations between labour-backed ruling parties and organised labour in an era of globalisation and neo-liberalism. The success of these talks presented the peril of making COSATU's ideologies subservient to ANCs consequently asserting the latter's hegemony. Furthermore, Southall and Webster (2010) indicate that, as years progressed, ANC succeeded in asserting its hegemony within the alliance leaving COSATU feeling a great sense of marginalisation over social and economic policy. Tensions within the alliance became explicit at the Polokwane conference where the coalition spearheaded by COSATU and SACP openly campaigned for the replacement of Thabo Mbeki's leadership with that of Jacob Zuma. COSATU's decision to rebuff Mbeki and support Zuma arguably was an indication of "the trade

union movement's sense of being increasingly marginalised and that it's concerns-notably over jobs-had been sidelined in the formation of government's policy" (Southall, *et al.,* 2006:221). Borrowing Buhlungu's (2012) words, Thabo Mbeki had earned the wrath of the ANC left by implementing the Growth Employment and Redistribution (GEAR) policy in the mid-1990s. This policy enshrined the acceptance of neoliberal orthodoxy (Kraus 2007) and subordination of the labour movement within the alliance. GEAR reinforced the momentousness of large-scale capital and financial markets and the inevitability of their prominence above organised labour (Southall and Webster, 2010).

COSATU became the prime vociferous opponent of GEAR but was otherwise ignored. The ANC government led by Mbeki defended the enactment of GEAR as vital for attaining macroeconomic stability thus rescuing the economy from bankruptcy (Southall and Webster, 2010). Zuma's ascendancy into power therefore represented a victory of the left over the neo-liberal element that had been brought into existence and led by Mbeki (Buhlungu, 2012). This victory however, did not necessarily signify victory over all of COSATU's challenges. Its alliance with the ruling party continues to be marred by difficulties. Pillay (2013) concludes that COSATU is faced with a dilemma of either staying in the alliance and fight to influence things from within or leave and establish its own party or support a party that would promote workers' interests.

Webster (2007) and Pillay (2013) argue more broadly that unions in Africa are reconsidering their approach to political alliances with ruling parties. According to Webster (2007) unions are contemplating relying less on their alliance with the ruling parties and focusing on building coalitions with other organisations in civil society, such as women's organisations, organisations of the self-employed, NGOs and informal economy organisations. Pillay (2013) on the other hand indicates that; COSATU has managed to retain a remarkably high degree of independence within the alliance, an action that might be construed as a robust return to social movement unionism. Pillay (2013:20) explains, "Social movement unionism has a society focus and preserve their independence while engaging in contentious politics within the workplace and in broader society and in process forges strong alliance with other movements".

To what extent this is attainable, remains a topic of debate. Beckman and Sachikonye (2010) have observed that unions which are in alliance with political parties are at times caught in the web of partisanship when union leaders either support the policies of their immediate party allies or ensure privileged access to political power for the leadership itself. As Zikalala (1991) in Buhlungu and Tshoaedi (2012) envisioned, when trade unions' leadership gets involved in party politics it becomes difficult for them to fulfill their tasks. He further states, "The overlap of leadership also affects the independence of the trade union" (Zikalala, 1991 in Buhlungu and Tshoaedi, 2012:264). Nonetheless those in support of political unionism contradict Zikalala's reasoning. Cronin (1991) in Buhlungu and Tshoaedi (2012) argued that, "while there were dangers associated with leaders of unions wearing two hats, there were also real benefits to be derived by the organisations concerned". Buhlungu and Tshoaedi (2012) are however, adamant that the same cannot be said in post-apartheid period as many unionists have realised that they can access patronage and power directly as members of the ruling party.

COSATU has been critiqued for its close association with specific camps in the ANC. Webster (2007) argues that this identification has formed some cracks within the federation. "Many affiliates are divided into two camps and are unable to get on with the core activities of a union because of a breakdown of trust between union leaders" (Webster, 2007:5). In this regard one would recognize that, while COSATU has been successful in fighting for workers social justice and equality, the federation's political partiality seems to be a hindrance to its realisation of being a genuine social movement. COSATU's political bias sometimes portrays it as what Bond metaphorically describes as 'talk left walk right'. Some of its leaders' radical rhetoric is contrary to their actions. The complexity of unions' involvement in politics comes out clearly when the former find themselves caught between fighting for the good cause of the working class versus promoting their political interest and that of their allies. In spite of the reviewed challenges, COSATU remains one of the uniquely strong labour movements in the continent and calls have been made to labour movements in countries like Botswana to benchmark from it and emulate it.

2.4. Trade Unionism in contemporary Botswana

In contrast to COSATU, trade unions in Botswana cannot be said to have had a significant impact on the national, sub-regional, continental and global agenda (FES, 2014). Historically, trade unions in Botswana have had a relatively weak political orientation. Notwithstanding the strong trade union-political party relations in pre-independence, in recent times, Botswana trade unions have remained largely 'passive' in terms of active engagement in the political process (FES, 2014). The weak trade union-political party relationship is attributable to both restrictive laws and the uncoordinated strategy of how trade unions have responded in dealing with political parties in the context of their definition of engagement in politics (FES, 2014).

Since the colonial age, Botswana government has had strict and unfairly prejudiced laws against trade unions. For example the Trade Dispute Act has some clauses that give powers to the employer to demand withdrawal of registration of a trade union if need be (Marobela, 2011). Such anti-union laws perpetuate hostility against unionism in the country. The current leadership has made intentional and calculated attempts to curtail the political involvement of public sector unions, a move that arguably advance the wishes of the previous leadership. It appears the leadership in Botswana disregards Scherrer and Hachmann's (2012:141) advice that "the labour movement is bound to become involved in politics because so many aspects of its own conditions of action as well as of its members' lives are shaped by the prevailing laws and balance of forces in the political arena".

The first president of Botswana, a man whose leadership aptitude has earned the country the plaudits for being Africa's shining example of good governance and democracy, opposed unions' involvement in politics. The president once stated, "Union movements must not become agents of political parties. We have not given them the freedom to promote the interests of political parties or external powers" (Khama, 1972:9). The former president emphasised that trade unions and their officials must make contributions pertaining political issues, through government communication channels and not by direct involvement in the political arena (Khama, 1972). The current president has also echoed similar sentiments. President Ian Khama has vowed to fight public sector trade unions alliance with political parties especially opposition parties. Khama claims that unions destroy the country by participating in

politics. The militaristic leader did not mince words when expressing displeasure about trade unions' intent to join in politics. He argued that unions' aspiration to get involved in politics shows that they have taken war to the government but as a trained soldier, Khama bragged, "if they fight me I will also retaliate" (Rantsimako, 2013).

Owing to such hostilities, it is without doubt that political unionism cannot thrive in the current Botswana political terrain. Although political unionism has proven, in other African countries like South Africa, to be a potent political force capable of influencing labour policies, the intricacy of Botswana labour relations makes it an unviable option. In this regard one subscribes to Mogalakwe's (1994) recommendation of social movement unionism, rather than blatant political unionism. According to Mogalakwe (1994) social movement unionism stands a better chance to flourish since it does not split the ranks of workers along party lines. Besides the party split argument, political unionism is also not ideal primarily because the government of Botswana has historically detested it and has employed all possible mechanisms to ensure its failure.

Subsequent to the 2011 strike, BOFEPUSU officials were detained for allegedly "uttering political statements" (Motshegwa and Tshukudu, 2012). This is because "during and after the 2011 public sector strike, trade union leaders from BOFEPUSU rallied around the issue of *'regime change'* and pledged support for a united opposition in by-elections and, importantly, the 2014 general elections" (FES, 2014:12). It must however be borne in mind that because this decision was endorsed by a small minority of BOFEPUSU members, it created conflict within the federation. "Effectively, their argument was that such a pronouncement had not been deliberated and endorsed by membership through the relevant union structures such as the Delegates Congress" (FES, 2014). As Gabonthone (2009) posits, the implications of these union responses have unfortunately manifested in strong anti-union sentiments in national political culture. Unlike COSATU, trade union federations in Botswana are not yet politically developed to have any political influence especially in government policies. This is one of the reasons why the government feels absolutely not obliged to advance the interests of labour.

Dipholo (2010) argues that owing to their lack of political muscle, the government will never recognise Botswana trade unions as significant social forces

and will continue to treat them with contempt. On a whole, the relationship between Botswana government and trade unions is akin to that of a *"master-servant",* one in which the state dominates and trade unions are relegated to a lesser partner in the employment relationship (FES, 2014). In other words, the government of Botswana has adopted a unitaristic type of labour relations. Therefore, in order to successfully fight government structures of social domination, Botswana labour movement will first have to do away with internal feuds. Motshegwa and Tshukudu, (2012:121) warn that, internal feuds stifle the growth of unions as institutions, policy advocates and general social activists and subsequently leave them fragmented. In 2007, there was an incapacitating split within the Botswana Federation of Trade Unions (BFTU) formed in 1977 with governmental "assistance" (Motshegwa and Tshukudu, 2012). Prior to this split, there was another one in 1988, which revolved around issues of the BFTU's political affiliation. According to Motshegwa and Tshukudu (2012) the main reasons for the breakaway were disagreements on whether BFTU affiliates should be aligned to political parties or should they be neutral and only have political affiliation on an individual basis.

The ruling BDP, under whose government the BFTU was formed, was implicated as one of those fueling dissent in the perceived opposition parties who were sympathetic to the union movement (Motshegwa and Tshukudu, 2012:122). The internal feuds with the federation gave leverage to the government's abuse and repression thus further weakening the already weak Botswana labour movement. The 2007 split dealt a severe blow to the BFTU, whose membership was reduced by more than half, leading to the formation of a splinter federation called Botswana Federation of Public Service Unions (BOFEPUSU). This federation comprise the five big public sector unions (dubbed 'the big five'), namely; Botswana Public Employees' Union (BOPEU), National Amalgamated Local Central Government and Parastatal Workers' Union (NALCGPWU), formerly known as Botswana Manual Workers' Union (BMWU), Botswana Teachers' Union (BTU), Botswana Sector of Educators' Union (BOSETU) and Botswana Land Boards, Local Authorities and Health Workers Union' (BLLAHWU).

Besides political disagreements, the demise of BFTU has also been located in the federation's ineffectiveness emanating from the ruling BDP's persuasive rhetoric whose emphasis is upon 'building a united nation' through 'peace and stability' (FES, 2008). The submissiveness of BFTU has earned it a satirically label of a 'sweetheart' organisation rather than an aggressive one. The federation is criticised for lacking technical and professional acumen and hence having made no tangible influence on regional and international policy issues (FES, 2014). BFTU's failure to bring about major improvements in the working class and the Botswana society added to the already existing problems that have given leverage to the success of the rival federation, BOFEPUSU.

The splinter federation has made significant strides in its ability to threaten BFTU. Although BOFEPUSU organises only public sector workers, whilst BFTU organises those in both the private and public sectors, the former has made efforts to achieve a breakthrough in its international relations on a sub-regional and continental level (FES, 2014). According to Moupo (2011), The formation of BOFEPUSU uniting within its ranks, the bigger and much better organised NALCGPWU, with a proud history of militant struggle spanning over 40 years, did much to infuse the new federation with an impressive working class militancy and combativity. BOFEPUSU made its existence felt in 2010 when it threatened to go on strike, demanding that the 22 days working month agreed and signed to by the employer should be paid effective from May. "The government acted fast to stop the strike by agreeing that they will pay public servants effective from May 2010 arrears amounting to more than P6 billion". The Public Service Act was also amended to incorporate the 22 number of working days for public servants but this created a big problem for government as it appears as if that section of the Act was not thoroughly thought through (Motshegwa and Tshukudu, 2012:124).

However, in 2011 the federation engaged in a historic debilitating strike comprising 100,000 public-sector workers (Throup, 2011). This strike, which included teachers, hospital doctors, nurses and support staff, civil servants, and fire fighters, brought the public sector to a standstill.

2.5. The historic 2011 public sector strike and the resultant conflict

Strikes are an integral weapon used by workers worldwide to get employers to attend to their grievances. The right to strike is one of the fundamental rights affirmed by the ILO. Although neither of the ILO conventions on freedom of association (no.87) and on right to organise and collective bargaining (no.98), expressly refer to the right to strike, ILO organs have frequently held that the right to strike is one of the essential means available to workers and their organisations for the promotion and protection of their economic and social interests (Joyner, 2001:217). The Botswana legislation recognises workers' right to strike but the procedures required to have a legal strike are severely restrictive. The government has supposedly sought to align the country's labour laws with the ILO standards yet the procedures for strikes remain unworkable. Therefore, as Marobela (2011) argues, the revised Act allows unions to organise for strikes in theory and not in practice. The action of the state towards workers' rights is contrary to the country's legal framework implying that there is a paradox existing between policy and practice in Botswana. This paradox played out in the events surrounding the historic public sector strike of 2011.

For the first time in history, Botswana witnessed a debilitating public servants' strike, which spanned a period of almost two months and was dubbed the 'mother of all strikes' (Motshegwa and Tshukudu 2012; Werbner, 2014). Due to the fragmented regulation of the public service prior to the enactment of the new Public Services Act, which was implemented on the 1st April 2010, there had been isolated pockets of civil servant strikes previously. The majority of such strikes were mostly declared and/or viewed as illegal and unprotected, as the then laws were extremely rigid, making it near impossible for public servants to have a legal strike. Prior to 2010, the existing laws prohibited the engaging in industrial action by public servants with the exception of an industrial class cadre (Solo, 2007). The 2008 *Act* has since changed the labour relations landscape in Botswana by legalising the right to strike in different sectors including public and mining sector. As a result of conferring the right to engage in industrial action accruing from the new Public Service Act, Botswana witnessed a dramatic public servants strike.

The strike broke out in April 2011 and was the longest and most litigious in the country's history. Public sector workers had not received a wage increase for three years and when they demanded for 16% increment, the Botswana government offered only 3% increase. Initially the government had offered a 5% increase on the condition that the first quarter of the economy shows some improvements. The unions declined the conditional offer arguing that it was tantamount to no offer as it lacked the bargaining aspect (Tautona Times, 2011). The government argued that a 16% increase could not be accommodated because of the economic distress consequential of the 2008-2009 global recessions that led to a sharp decline in demand for diamonds (Throup, 2011). According to Throup (2011) despite the realisation that over-dependence on diamonds makes the country vulnerable, the government of Botswana has still failed to create microeconomic strategies of economic growth and job creation. The sharp decline in demands for diamonds forced the government to cut both development and recurrent expenditure. Van Niekerk (2011) argues that the government's decision to cut on expenditures was in line with satisfying the IMF and World Bank, both of whom urged Botswana government to reduce public expenditures. Prior to the 2011 strike, the IMF cautioned that the civil service was too large and that fiscal sustainability requires both reducing the wage bill and reducing the number of public sector workers (Throup, 2011 and Van Niekerk, 2011).

Unions led by BOFEPUSU, argued that the budget could accommodate their wage demands if spending in the budget was reprioritised but the government remained uncompromising. Consequently the government acted in bad faith and announced the 3% salary increase while negotiations were still on-going and before the agreement was signed (Motshegwa and Tshukudu, 2012). Unions lamented that the 3% increase did not add much value as it only managed to move employees to a different tax bracket whilst leaving some workers worse off. Furthermore, Moupo (2011) argued that, a 3% offer was a clear indication of the state's utter contempt for the workers plight. According to Moore (2014), Botswana as a capitalist country not only pays workers the barest minimum wage but also keeps driving wages down. It is argued that the government does not only exploit workers but also represses them through various mechanisms such as the law.

In addition to unilaterally making a decision of 3% final offer, the government ordered workers from electrical, fire, health, sewerage, water and transport and telecommunication services to return to work with immediate effect arguing that they belonged to essential services and were legally forbidden from going on strike. The government threatened that if these workers did not take heed of this order they would be dismissed. The majority of workers from these services remained undeterred by the threat and were subsequently dismissed. According to Tautona Times (2011), the total number of employees dismissed was 2, 460. These included, but not limited to, 1, 850 dismissed employees from the Ministry of Health; 58 employees from the Ministry of Minerals, Energy and Water Resources; 252 from local authorities, being employees from fire, sewerage and electrical services; 174 employees from the Ministry of Infrastructure, Science and Technology; and 38 civilian personnel from the Botswana Defence Force. The government also imposed a no work no pay rule on the strikers. Critics of President Khama argued that these intimidation tactics were intended to force workers to concede defeat. Nonetheless, workers defied the government and blatantly disregarded its intimidation, threats and outright repression (Moupo, 2011).

Subsequent to the dismissals of essential services workers, unions held talks with the government, where they expressed their willingness to accept the 3% offer provided the offer was distributed across the pay structure in a pyramid form; dismissed employees in essential services were reinstated and the 'no work no pay rule' was annulled (Tautona Times, 2011). The government refused to reinstate the sacked workers and to withdraw the 'no work no pay' clause. Ultimately, negotiations collapsed and violence escalated. Heavy security (armed police, paramilitary Special Support group and the helicopter was deployed to prevent the striking workers from engaging in acts of violence and destruction that had accompanied the strike (Motshegwa and Tshukudu, 2012). The presence of the security forces intimidated strikers to suspend the strike. Some trade union leaders were even arrested for allegedly urging strikers to throw Molotov cocktails at the police (Throup, 2011).

The government's intolerant and insensitive response to the strike raised many eyebrows. Some clergymen from the country's big religious denominations who viewed the strike as a national crisis, pleaded with President Khama to reconvene

Parliament, which he had prorogued two days before the strike began but the request fell on deaf ears. Instead the president chose to address the strike in rural kgotla meetings hardly attended by any worker, where he trivialised the workers case, portraying them as selfish people who in demanding a salaries increase, were seeking to appropriate an exorbitant share of the national income (Moupo, 2011). Werbner (2013) observes that in the early years after independence the demand for workers' rights in Botswana was construed as unpatriotic.

The government has often used propaganda about nationalism to discourage workers from lobbying for their rights. The president's response to the 2011 strike laid bare Good's (2008) remark that he is more of a 'despotic chief' than a democratic ruler. The government under the patronage of President Khama perpetually suppresses trade unions and consequently workers. As Motshegwa and Tshukudu (2012:128) argue, "the 2011 strike brought many conflicts and controversies in Industrial relations in Botswana". The education sector under the Ministry of Education was the hardest hit of all ministries by the 'mother of all strikes'. The Minister of Labour and Home Affairs in a direct response, promulgated the regulations in terms of Trade Disputes Act and classified members of the teaching service and few more professionals as "essential services", thus curtailing their right to strike as provided for in terms of the *new Public Service Act.*

BOFEPUSU's constituent unions took the minister to court for an order declaring the re-classification of essential services cadres. Judge Justice Dr. O.B.K Dingake in *Botswana Public Employees Union and Others v Minister of Labour and Home Affairs and Another MAHLB-000674-11* declared the Trade Disputes (Amendment of Schedule) Order, 2011 contained in Statutory Instrument No. 57 of 2011 invalid and of no effect. Furthermore, the court declared that Section 49 of the Trade Disputes Act 2003 (Act No. 15 of 2004) is incompatible with the Constitution of Botswana and accordingly invalid. The government of Botswana appealed the ruling of Dr. Dingake to the highest court in the land and the court also declared the participation of essential services employees in the 2011 strike as illegal. Following this ruling, the government unilaterally employed a statutory instrument to increase the list of categories covering essential service employees. Statutory Instrument No. 49 of 2011 incorporates cadres such as teaching services, diamond sorting, cutting and

selling services and veterinary services.

The sudden amendment of the Trade Disputes Act was arguably meant to make it difficult for some employees to engage in strike activities (Bertelsmann Stiftung Report 2013). The unions challenged the amendment at the High Court, which ruled in their favour and Statutory Instrument No 49 of 2011 was rescinded. The government again appealed this High Court decision but lost the case. According to Werbner (2014), Batswana are used to 'living their lives in courts,' to an extent that the belief in the right to go to court and the rightness of going to court to defend one's rights is thus a taken-for-granted for most Batswana. Furthermore, the government in Botswana does not hesitate to disregard its own laws and court decisions. Werbner (2014) argues that the government's contempt of court's ruling makes the law seem ineffectual. The futility of Botswana laws seemed most evident during the 2011 strike when the government as employer appeared intent on undermining the reforms to labour law (Werbner, 2014).

In Botswana, the president appoints judges and this becomes problematic and unfair for trade unions. Section 96(1) and section 100(1) of the Constitution of Botswana provides that the President appoints the Chief Justice and the president of the Court of Appeal. According to Dithapelo (2013) the President does not have to consult anybody in making these appointments. This means that the he can use his absolute discretion since the Constitution does not provide for any process of consultation (The Law Society of Botswana, 2011). The constitution has vested too much power in the president of Botswana such that, as Motshegwa and Bodilenyane (2012) argues, the absolute power his government possess, places the unions in a subordinate position because government is neither a neutral representative of the public or social interest' nor 'a captive of class forces, economic forces or the capitalist mode of production but rather has some degree of relative autonomy that the unions do not have. Hence the unions will always bargain from a disadvantaged position (Motshegwa and Bodilenyane, 2012:72).

Workers in Botswana are granted the right to strike in principle as such the tension/conflict between the public-sector unions and the government pertaining to the strikes remains high. BOFEPUSU reported the government of Botswana to the ILO for its violation of workers' right to strike. However, the ILO ruling remains

indecisive in determining whether Botswana labour laws granting public servants the right to strike are in compliance with ILO standards that Botswana committed herself to. The flawed Public Service Act further complicates the state of labour relations in Botswana.

According to Mogalakwe, Mfune and Molutsi (2008:551-552) in Botswana, neither the Public Service Act nor the country's constitution provides machinery for collective bargaining. The Act empowers the President of the country to make regulations for setting up a 'body' for the purpose of 'consultation' between the government and members of the public service. This is problematised by the undemocratic leadership style of Botswana's President thus causing more harm to the already frayed labour relations. This harm, according to Kekgonegile (2012) is huge not only to the trade unions but also to the mind-set of all involved in the implementation of labour laws. It is argued that President of Botswana is a law unto himself and the draconian labour laws that his government has adopted restrain the development of trade unions and subsequently curtailing the right to strike. The state's hostility and repression of workers' rights portrays the government as one which has adopted the legal framework because of international pressure.

The character of the government in its relations with trade unions and workers may also be seen to reflect what Michels terms the Iron law of oligarchy. This refers to "an organisation which gives birth to the dominion of the elected over the electors, of the mandatories over the mandators, of the delegates over the delegators" (Held 2006:135). This generally means that an oligarchic government is the one in which power is concentrated in the hands of the few leaders and such governments consequently fragment the union grassroots base. Seemingly, Botswana government is trying hard to make trade unions virtually powerless through its various repressive mechanisms. The state misuses its power to dominate and oppress the labour movement in an attempt to annihilate it. Borrowing Marx, line of reasoning, all societies are dominated by the ruling class. The government in modern capitalist society exists to serve the interest of the ruling class. The capitalist class monopolises access to positions of political authority (Fulcher and Scott, 2011). Manipulations and pressure are the mechanisms through which the state serves the interest of capitalists. Capitalists translate their economic interest into state policies and their power is

stronger where its economic dominance is matched by political dominance (Fulcher and Scott 2011:794).

In Botswana, the government relies on the majority of the BDP members it obtains in parliament. The BDP has been the ruling party for over forty years and its leaders are mostly from the aristocracy established during the colonial period. “The Botswana government strongly intervenes in the country's industrial relations system and its labour legislation is designed to attract foreign investment and promote economic growth” (Mogalakwe *et al.,* 2008:552). In pursuit of attracting foreign investors, the government uses state repressive apparatus to dominate workers and silence trade unions. The Botswana government views industrial action as a threat to development. Strikes are equated to instability and are viewed as threat to foreign investment. Therefore, to satisfy foreign investors the government manipulates its power and represses the labour movement.

It must be borne in mind, however, that the problematic character of the industrial relations system in Botswana is fundamentally due to the historical repression of labour which has culminated in the weak movement the country is having. External factors such as implementation of neoliberal policies are just catalysts exacerbating the already existing problems. The country’s labour relations system has always been assumed to be cordial owing to the country’s democratic nature. Nonetheless, according to Kaboyakgosi and Marata (2012) while Botswana has long enjoyed accolades for having a tranquil labour relations system, the 2011 brought home an uncomfortable truth. Motshegwa and Bodilenyane (2012) emphasise that the industrial action of 2011 by the civil servants and the government responses to it invalidates the review that Botswana has had uninterrupted peace and progress in virtually all areas of human endeavour. Furthermore, “the industrial relations in Botswana have turned to be like that of market individualism because it is characterised by weak labour that is subordinate to the employer through the indirect control of the politicians” (Motshegwa and Bodilenyane, 2012:72). Kaboyakgosi and Marata (2012) indicate that, beneath the stability that the country has enjoyed, there have been multiple sources of discontent which cause conflict that in previous years was concealed but is now being actively expressed by citizens.

CHAPTER 3: RESEARCH METHODOLOGY

3.1. Research Design

Research design is "a strategic framework for action that serves as a bridge between research questions and the execution or implementation of the research" (Terre Blanche, Durrheim and Painter, 2006:34). Research design is very important because it clarifies the research methods. "The way in which researchers develop research designs is fundamentally affected by whether the research question is descriptive or explanatory" (de Vaus, 2001:2). A descriptive question examines what is going on whilst an explanatory one investigates why a particular thing happens. This is study is based on descriptive inquiry intended to give an account of the labour relations system, in Botswana.

The study followed a post-positivism paradigm based on ontological assumptions of interpretivism: that is the epistemology recognises that the researcher and what is being researched shapes one another. Therefore a complete separation of the researcher and subject is impossible to maintain (Denzin and Lincoln, 2000). The study is by nature exploratory and interpretive and as such it largely used a qualitative approach. Babbie and Mouton (2001) postulate that the goal of qualitative research is to understand and describe social action. The study sought to understand the character of labour relations in Botswana through recorded interviews and consulting written documents. According to Denzin and Lincoln (2000), qualitative researchers use a wide range of interpretive methods to understand social phenomena. Therefore, this study used both individual in-depth and focus group interview as well as document analysis. Before starting the fieldwork the researcher had envisaged conducting three focus group interviews to supplement individual interviews; however, the sensitivity of the topic disadvantaged the plan and only one focus group interview materialised.

3.2. Sampling

This study is based on descriptive and explorative inquiry, providing information on perceptions of workers and trade unionists on the character of the labour relations system in Botswana. According to Neuman (2000:196), qualitative researchers focus less on a sample's representativeness and more on how the sample illuminates social

life. Therefore this study did not focus on statistical representativeness but on obtaining findings that will be indicative of the current situation regarding the labour relations system in Botswana. The findings of this study cannot be regarded as statistically representative but are indicative of the situation in respect to labour relations in Botswana.

The sample was purposefully selected through informal interviews. Neuman (2000) and Babbie (2001) observe that, purposeful sampling allows the researcher to select the sample with specific purpose in mind using his/her knowledge of the population. In this study the specific purpose was to find out the perceptions of employees on the character of Botswana's labour relations system and therefore a specific informative population sample was targeted. Purposive sampling method allowed the researcher to dig much deeper into the information since the people with information were already identified. The sample group comprised dispute resolution officers, primary school teachers, nurses, industrial court clerks, ILO officials who have worked with both Botswana government and public sector unions, doctors who left Botswana after the strike, labour relations officials and leaders from public sector unions.

The study also used snowball-sampling technique to trace additional participants. Snowball sampling (also called network, chain referral or reputational sampling) is a method for identifying and selecting the cases in a network (Neuman 2000:199). This method involves identifying research participants by referral from others. The secretary general of BLLAHWU, who is also the deputy general secretary of BOFEPUSU, recommended the secretary general of the NALCGPWU, who is also the labour secretary of BOFEPUSU. Also recommended for interview was the secretary general of both BOSETU and BOFEPUSU. These are three of the five main public sector unions under the auspices of BOFEPUSU that were actively involved in the 2011 strike. Union leaders also helped to identify shop stewards in various government departments. Unfortunately the majority of the identified shop stewards could not participate in the study due to unworkable procedures that the researcher was asked to follow by their superiors at work.

The key informants in this study were the ILO Officials who worked with Botswana government and public sector unions to try and resolve the prevailing

conflict fuelled by the 2011 strike. The other key informants were BOFEPUSU officials who provided names of government departments where the researcher could find unionised workers. Public service workers, at their discretion, assisted with the names of fellow workers who took part in the 2011 strike. Nonetheless most of the identified participants were not free to openly discuss the events surrounding the 2011 strike out of fear of victimisation that many workers experienced following the strike.

3.3. Data Collection instruments and procedures

This study used data from various sources such as union handbooks, ILO brochures and country reports, court pamphlets, individual face-to-face interviews, Skype interviews and a focus group. The research project involved fieldwork that was carried out in Pretoria in South Africa as well as Gaborone, Lobatse and Goodhope in Botswana.

3.4 In-depth Interviews

This study focused on the current labour relations system in Botswana and the central question was: does the government of Botswana through its labour relations system repress the workers right to strike? In total, sixteen in-depth face to face, and two Skype interviews were conducted. One interview was done via email. The initial plan was to conduct twenty in-depth interviews but this plan was thwarted by some unanticipated problems in the field. On average participants involved in this study were mainly men of ages ranging from 36 to 65. Participants' level of education ranged from Diploma to Masters Degree and all of them are employed on full time basis.

In-depth face-to-face interviews were conducted with four ILO officials in Pretoria, another informational interview at ILO was done through e-mail. Furthermore, individual face to face interviews were conducted with three union leaders in Gaborone; two teachers in Lobatse; two nurses in Lobatse; two labour relations officials in Goodhope; one labour relations specialist at the University of Botswana in Gaborone; two Industrial court personnel in Gaborone and one dispute resolution officer at the Ministry of Labour and Home Affairs in Gaborone. Additionally, two Skype interviews were conducted with doctors who worked in Botswana in 2011 but are now based in Namibia and South Africa. The primary role of these interviews was to solicit respondents' views on the character of the labour

relations system and the right to unionise and engage in industrial action in the public sector. Interviews conducted with industrial court employees were intended to provide an insight on the legislative framework and whether it demonstrates government's willingness to grant full labour rights to workers in the public service.

A tape recorder was used, with permission from the participants, during some of the interviews. In others, respondents were not comfortable as such the researcher had to make shorthand notes of their responses. However, other respondents, especially teachers and nurses did not want their interviews recorded either in a tape recorder or manually by writing for the reason that it may be easy for responses to be traced back to them in case the tape recorder end up in the hands of their superiors or even worse, the DIS. Another teacher expressed high degree of mistrust on the researcher and as such did not want his responses to be recorded at all. To fulfil the ethical requirements of social research, whilst also considering the sensitivity of the topic and the timing of data collection, the researcher acceded to the demands of the participants and assured them that under no circumstance will the researcher attribute some statements to them or even their profession. In order to keep a track of non-recorded or written interviews, the researcher reserved a notebook in which descriptive accounts of fieldwork activities were recorded.

Table 3.1 shows the descriptive information of the people who participated in my fieldwork. In particular, in the table are the names, age, gender, organisation and occupation of the participants. It is important to note that the names of the participants are not the actual names (are representative names) while the rest of the information is exact. The use of fictitious names was motivated by the sensitivity of the study and on the moral grounds to observe the participants' demand not to disclose their names.

Table 3.1

Participants' names (NB. All names are fictitious)	Age (years)	Gender	Organisation	Occupation
1. Grace	29	Female	Rolong Landboard	Labour Relations admin officer
2. Kutlwano	40	Male	Rolong Landboard	Internal Auditor
3. Dan	45	Male	University of Botswana	Lecturer
4. Julie	Confidential	Female	ILO	Labour Standard Specialist
5. Sethunqolo	33	Female	ILO	Programme Assistant
6. Bobby	50	Male	ILO	Social Dialogue Specialist
7. Maziva	36	Male	ILO	Programme officer
8. Phiri	50	Male	Vryburg Hospital	Senior Medical Officer
9. Moyo	42	Male	Oshakati State Hospital	Medical Officer
10. Shima	48	Male	Ministry of labour	Dispute Resolution Officer
11. Nani	Confidential	Male	Industrial Court	Court Administator
12. Andile	36	Male	Industrial Court	Executive law Secretary
13. Samuel	65	Male	NALCGPWU/BOFEPUSU	Labour Secretary
14. Mothusi	39	Male	BLLAHWU/BOFEPUSU	Deputy General Secretary
15. Brown	42	Male	BOSETU/BOFEPUSU	General Secretary
16. Rauwe	33	Female	Lobatse Clinic	Nurse
17. Tebogo	40	Female	Lobatse Hospital	Nurse
18. Nakedi	42	Male	AB Primary School	Teacher
19. Nomfundo	37	Female	NU Primary School	Teacher

3.5. Focus Groups Interviews

Initially, three sessions of focus group interviews were planned but only one was successful. This group included six participants from managerial levels at the Rolong Land Board in Goodhope, Botswana. When selecting focus group participants, the researcher incorporated Neuman's (2000) suggestion that participants should be sufficiently homogeneous to avoid conflict and occurrence of 'group think'. The researcher facilitated the discussion to curb domination of discussion by some of participants. Nonetheless, some participants still flinched from expressing their opinions thus giving chance to the vocals one to dominate the discussion. Others were

more cautious on what they say lest their colleagues expose their responses to the superiors. This group interview was used to get perceptions and views of ordinary workers with regards to the prevailing labour conditions and instances relating and/or concerning the historical public sector strike of 2011.

3.6. Document Analysis

Data collected through interviews has been augmented with analysis from some documents. This is consistent with Denzin and Lincoln's (2000:2) claim that "combination of multiple methods, empirical materials and perspectives in a single study is best understood as a strategy that adds rigor, breadth, and depth to any investigation". The analysis of this study incorporates certain provisions of the *Public Service Act of 2008* particularly those relating to the right to strike. In addition, Botswana public sector unions particularly manuals are also incorporated to give an insight on formation of public sector unions and the challenges they have faced since formation. The primary documents consulted for this study were newspaper articles detailing the 2011 strike and the ILO reference books on conventions ratified by Botswana government. There is no much publication on the 2011 strikes and the eye-witness accounts of people who experienced the events of 2011 public sector strikes is extensively covered by Botswana newspapers.

3.7. Data Analysis

The purpose of this study was to investigate the character of Botswana's labour relations system largely using a qualitative approach. Qualitative research is essential for social inquiry. The analysis reports the results in qualitative form. The interviews, both individual and focus group, were recorded and transcribed. The report places emphasis on the perspectives of the interviewees as such analysis will give prominence to text rather than numbers as this is the most important feature of qualitative analysis (Bryman, 2012). Furthermore, the study will largely use direct responses from the participants in line with inductive analysis. In this form of qualitative analysis, themes and categories emerge out of the data collected rather than from a pre-determined framework. According to Denzin and Lincoln (2000) and Patton (2002), inductive analysis allows the researcher to uncover common themes within the data. Recurring issues raised by the participants will be used as themes and

will inform data interpretation. Neuman (2000:148) advises that, it is the researcher's responsibility to interpret data by finding out how the informants see their world, how they describe their situation or what it means for them.

3.8. Significance of study

Industrial relations, according to Dunlop (1958: v) defines "the complex interrelations among managers, workers and agencies of the governments". Hyman (1975) locates the intricacy of industrial relations in the quest for control of work by different actors within the system. Hyman (1975) argues that this quest for control brings workers into direct confrontation with the management and considers government and its regulatory agencies as mere tools of influential individuals or groups who perpetrate their selfish interests. It is against this background that the issues of conflict manifested through industrial action are increasingly widespread in a number of countries. In Botswana, this conflict was unveiled by the historic 2011 public sector strike. This study endeavours to make contribution to academic assessment on the effectiveness of certain provisions of the Botswana Public service Act of 2008 particularly those relating to the right to organise, associate and bargain collectively and importantly to exercise industrial action. The study further seeks to add to the body of knowledge on the area of strikes in Botswana.

3.9. Limitations of the study

The data collection process became long and tiring and at many a time very precarious because of the obstacles I met in Botswana. The principal limitation in this study is that the majority of public service workers were not willing to participate in interviews out of fear of victimisation. The labour relations system of Botswana, following the 2011 strike, has been marred by tension and conflict between public sector unions and the government. Many workers are still afraid to voice their opinions openly following the government's controversial decision of dismissing thousands of public sector workers arguing that their participation in the strike was illegal. One could hear workers in many government institutions telling their colleagues who were willing to participate in this study that '***o tla ikgolega'*** a Tswana expression directly translating to, you will put yourself in trouble. The fear that many potential participants displayed thwarted the efforts to conduct the anticipated three focus group interviews. As noted above, in the one that was successfully conducted,

participants were very cautious on what they say, others kept on declining to answer certain questions referring them to their group mates.

In other instances, public service workers associated the researcher with the ill-famed DIS. Whenever potential respondents were given an explanation of what the research is all about they would ask, "How will we know if you are not working for the intelligence security services? If you are not then why do you want to record our conversations?" These questions were frequently asked by many of the potential participants and even if the researcher produced the student card from the University to authenticate her identity, some just remained skeptical and refused to participate.

The awkward procedure for obtaining permission to access government institution was another impediment to this study. Apparently, before one can conduct a research in any government establishment in Botswana, the University where he/she is studying should write to the Ministry, under which the establishment falls, giving details of the research study. This letter will then be taken to the Permanent Secretary of that ministry who will either approve or decline the request. The researcher started distributing letters from the University of Witwatersrand, requesting for permission to access the premises in the month of June, and followed them up through email and telephone. One of the letters was submitted to Botswana College of Agriculture, a parastatal under the Ministry of Agriculture. Every time the researcher phoned to ask if there has been any response from superiors, she was told that the letter is still at the Permanent Secretary's office. From June until September, when the researcher returned back to the University of Witwatersrand to resume lectures, the letter was still at the Permanent Secretary's office. Efforts to trace it by phone proved futile.

Collecting data in Botswana was not only expensive, as the researcher had to shuttle between South Africa and Botswana, it was also emotionally draining. There were moments when interviews had to be conducted under the prying eyes of some individuals who believed that the study was politically predisposed. Some participants were totally scared away from participating in the study by their superiors. For those who chose to defy the intimidations and agreed to talk, the conditions they gave the researcher were often unfavourable. For example the two teachers requested that their interviews should not be recorded and their school names should not be indicated in

the report as it may be easy for their superiors to trace their response which will inevitably warrant disciplinary action. The two nurses, who happened to be the victims of the 2011 dismissals, echoed the same views. Nevertheless, in the face of all these, the researcher had to remain observant to ethical principles guiding social research.

3.10. Ethical Considerations

By virtue of involving human subjects in the data collection process, there were ethical principles that the researcher had to carefully observe. Ethical considerations revolved around the data collection process and in the release of the results obtained. Prior to commencing the data collection process, permission was sought from different organisations. Consent forms were used to obtain permission of the participants who were initially informed about the purposes of the study and the overall meaning of the participation. Participation in the study was voluntary and participants had the liberty not to answer certain questions they felt uncomfortable with. To adhere to confidentiality and anonymity requirements, findings of this study narrate participants' responses using pseudonyms. All the names used in this study are fictitious and findings of this study will be used for academic purposes only.

CHAPTER 4: BOTSWANA'S CONTESTED LABOUR RELATIONS REGIME: FINDINGS FROM THE STUDY

4.1. Introduction

The purpose of this study was to investigate the character of labour relations in Botswana in the context of the 2011 public sector strike. This analysis reports the results in the qualitative form. Conducting qualitative research was essential for social inquiry. The report places emphasis on the perspective of the interviewees and focuses more on text rather than numbers. The researcher encouraged participants to express themselves in their language of preference thus some opted to answer questions in their native Tswana.

4.2. Participants views about the Botswana labour relations regime.

The study revealed sharply polarised views about the Botswana labour relations regime. The interviewed public sector workers described the Botswana labour relations system in diverse ways. Whilst some felt that it is paradoxical others said it is problematic and is characterised by conflict. The majority of the interviewed public sector workers revealed that they were not conversant with the Public Service Act of 2008 and its clauses. Only three who indicated that they were aware of it and the reasons for its promulgation. One of the latter participants explained "the Public Service Act was promulgated to serve as a guiding tool for all public servants to know what is expected of them and the conduct they ought to display. Therefore, it is basically a document, teaching public servants about their labour rights". Another worker just briefly said it was promulgated to basically guarantee employees' job security. The union leaders explained that the promulgation was intended to make a unified law of governing public service sector from the fragmented one of the past. Sharing the same sentiments with the union leaders, Dan, a lecturer at the University of Botswana added that:

> There was a need to reconcile the Botswana labour laws with the international context so the Act should be seen as government's acknowledgement that old laws had to be amended and made labour friendly for example lack of bargaining in the country has been an issue of concern therefore, the Act has

tried to incorporate it and therefore promulgation was done to make the labour relations system of Botswana worker friendly.

Nonetheless, the majority of the workers downplayed the idea of a 'worker friendly' labour relations system. Although some workers alluded to the suggestion that the Act was meant to safeguard their labour rights, others felt that it does not have the workers interest at heart. Peter, one of the participants in the focus group lamented:

> Though I am not very conversant with the provisions on the Act, I just suspect our government was under immerse pressure so the Act was enacted when the stakeholders were not fully prepared for it. Therefore its enactment can be seen in the light of making a perfunctory effort to meet the expectation of the ILO so that it appears as if our government has the interest of the workers at heart.

Tebogo, a female administration officer, despairingly remarked "the Act was implemented to fool Batswana workers to think that they have labour rights". Additionally, another participant within the same group indicated:

> The Act was designed in such a way that the government is given enormous powers. Permanent secretaries within different ministries have been given the power to do as they please with the provisions of the *Act*. You wonder where they get all these powers. You can see that indeed the Act and its provisions were done hastily without even considering those it was drawn for, that is the workers. Ahhh!! (*He sighed expressing frustration*) what can we say this is really painful and stressful.

When asked if he was aware of the Botswana Public Service Act and whether it is in line with the ILO standards, the ILO officer responded:

> Yes I have seen the Act; actually Botswana is one of the few countries in Southern Africa, which ratified a Public Service labour Relations Convention number 151. Here in Southern Africa it is only Botswana and Zambia which have ratified this convention so ILO is quite aware of Botswana Act and it does meet the standards. In fact the ILO provided some technical assistance to the enactment of that Act.

Sharing the same sentiments with the ILO officer, Dan stated that, "In terms of ratifications yes the Act does comply with the ILO standards" however, he insisted that in practice the government still has a long way to ensure that the Act does comply with ILO standards. He further stated:

> The government may just be commended for the strides made in drawing up an Act that is aligned to ILO standards but the fact that there is a wide gap between the time when the government accepted ILO recommendations and the time when it implemented the Act raises many questions.

Mothusi, a union leader affiliated to BOFEPUSU, argued, "Initially, the government was reluctant to implement the Act but it was important that it is implemented so that its challenges could be seen and corrected". The unionists explained that, one of the pertinent challenges regarding the Act is that, it is not clear in terms of certain procedures for example disciplinary procedures are not provided for in the new Public service Act. He indicated that:

> If you look at the old Acts they had the general orders, which explained procedures like for instance, the transfer of an employee from one duty station the other but the new Act does not have those. It is still empty and needs further developments. However, other clauses were taken, as they are from the old Acts especially those stifling workers' rights for example the participation in politics.

Although he commended the Act for introducing provisions for bargaining, he criticised the government for ratifying conventions that it fails to adhere to. Mothusi explained, "The Act captures what the ILO recommendations desire however, the government's practice is at odds with this desire"

Additionally, the law secretary at the Industrial court highlighted that lack of technocrats at the Botswana Parliament has played a role in the shortcomings surrounding the Botswana Public Service Act. Nani argued that the Act is so bulky and when you have members parliament of the caliber that Botswana has, it becomes very problematic. He indicated,

> Members of parliament usually compromise the important aspects of the Act

> out of lack of understanding. The constitution of the Act has no problems but the problem now arise when the clauses of the Act has to be interpreted and put into practice.

When asked if the clauses of the Act relating to the right to strike are indeed supportive of industrial actions, there was a general consensus among participants that the Act may have clauses supportive of industrial action strike but the government has and continues to do all it can to suppress this right. One of the union leaders highlighted that the government of Botswana does not respect workers' right to strike. Kutlwano lamented that, "with the way the Act has been designed there is no way it can support workers' right to strike". In contrast the officer at the Ministry of labour convincingly argued, "The clause on strikes is very adequate and grants workers the right to strike as a form of bargaining tool". Dan refuted the claim stating that the clause on the right to strike is very restrictive in terms of the type of workers who are allowed to strike. He argued:

> The issue of essential services brings another paradox, on one level the government acknowledges that workers can unionise but again it constrains the space in which unions can attract membership. It is worrisome that certain employees that rightly so should not be considered for essential services, the government thinks that they should be.

Still on the issue of classification of essential services employees, two ILO officers also echoed the same views. Bobby argued that Botswana government did not follow the correct procedure in classifying the essential services employees. He emphasised, "there was no proper consultation with the labour advisory board". As such Maziva, of the ILO, supposed that improper classification of essential services constituted violation of rights, which according to him, is the only violation that he noticed in the Botswana conflict. In rebuttal Samuel, Brown and Mothusi, who are BOFEPUSU union leaders, argued that violation of labour rights has been displayed in many instances besides classification of essential services. The three leaders cited repression of union activities such as industrial action and freedom of expression as some of the many examples of the manifestations of violations in Botswana.

Brown and Mothusi cited that being a trade unionist in Botswana attracts numerous forms of abuse and unjustified castigation from the government. Brown lamented:

> As trade unions we are doing our best to try and accommodate the government, (who is also the employer) as our partner in the labour relations, but the government has become very aggressive. After the 2011 strike, the government became vindictive, trying by all means to muzzle if not terminate completely trade unionism in Botswana.

Moreover, Mothusi lambasted:

> The government enjoyed the previous dispensation where it could alter the conditions unilaterally and increase salaries, pretending as if they cared for workers and therefore the government does not like the current situation where it has to treat unions as partners because under bargaining provisions, we are partners and have to share power equally. So the government is not prepared for this. Botswana government does not want unions to be seen as making progress because when you dilute the power of unions there is high possibility that members will lose their trust hence unions will loose membership".

Samuel also harangued the government for its hostile and punitive attitude towards unions and workers. He angrily remarked:

> In the previous regime there was some form cooperation between trade unions and the government, there used to be some form of agreements on pertinent labour issues however, that came to an instantaneous end after the 2011 strike. Since then till to date there is no agreement in anything, the current government works with directives and it severely violates workers' rights.

The teachers and nurses echoed the similar views like Mr. Samuel and his comrades. Nomfundo, a 37 year old primary school teacher in Lobatse lamented:

> ***Nna mma re berekela goromente yoo senang sepe ka rona le fa ele ditshwanelo tsa rona ke jaaka o bona re nna mo di kotoising tsa matlo mme go ka bo gotwe re berekela lefatshe le humileng***.

This generally translates that we are working for the government that cares less about

us or our rights that is why you see us staying in very small house yet we work for a wealthy country. Nomfundo who was interviewed at her rented house explained that she is not very familiar with the Public Service Act but all she knows is that it documents the rights of public service workers. The 37-year-old teacher, who took part in the 2011 strike, shared the suffering she and her two children endured when her salary was suspended after the government's imposition of 'no work no pay rule'. When asked why the strike, Nomfundo quickly answered "we wanted money unfortunately we wasted our efforts and energy".

Another primary school teacher from a different school but within the same town bewailed, "participation in the 2011 strike was big mistake that I will never repeat. The way the government dealt with us was a lesson that we must never ever engage in industrial action again". Nakedi, a father of three, further explained that the consequences of their participation were agonising, their families suffered due to 'no work no pay' rule, they were crippled with debts because of borrowing money to feed the families during the period when their salaries were suspended and after all these sufferings they did not even get the anticipated 16% increment. He highlighted that the majority of the teachers who took part in the 2011 strike, especially those in urban areas where union activities are prevalent, were transferred to far rural places to discourage them from taking part in union activities. The two teachers mentioned that the complicated relationship between the government and trade unions makes the work difficult for unions to effectively represent their needs. Nakedi sadly noted, "We would rather not voice out our discontent because we fear the repercussions of doing so". When these two teachers were narrating their stories, the fear that they expressed was not only revealed in their speech but also in practice as they kept on looking around to see if there was anyone around who could report them to the seniors. The atmosphere was so tense and clouded by discomfort on the side of the teachers. They could not explicitly declare that the government is hostile towards workers' rights despite all their lamentations something that can arguably be traced to the fear that overwhelmed them.

Unlike the teachers, nurses were rather relaxed during the interview even though they had encountered the worst consequences than teachers. Rauwe and

Tebogo are two of the many nurses in Botswana who were dismissed, selectively re-employed and consequently redeployed owing to their participation in the strike. Both two health workers who were interviewed simultaneously requested that their interviews should not be recorded arguing that they are scared of victimisation. Tebogo recommended Rauwe as a potential participant through snowball sampling and the two suggested that they be interviewed together at a place far from their workplaces to preclude suspicions from fellow workers. The two nurses indicated that they did not know much about the Public Service Act but they knew that they belonged to essential service professionals before the strike. However, they cited the information they got from their unions was that this was a special case and as such their participation will not attract any disciplinary action let alone dismissal because they were not the only essential service workers who participated in the strike as doctors were also involved.

Tebogo narrated that during the strike they received letters from their employer (the government of Botswana) warning them against participation in the strike but she said they remained unwavering because they presumed that they were legally covered through their trade unions but what happened next really shocked them. She explained, "the government used its powerful hand ka gore ***tota ene*** indeed ***o nale letsogo le tona*** to catch us and deny us the right to express our dissatisfaction". The fellow nurses added that even though the government did not want the workers to express their dissatisfaction, they remained relentless. The nurse said the fact that the government prevented workers to display their discontent demonstrates that that there is a lot that the government is not doing well in respect of the public service. Nonetheless, Rauwe blamed the unions for their dismissals arguing that it seemed their union leaders did not know the correct procedures to follow before and during the strike. The two nurses described their dismissal as an act of suppression. When asked to describe the Botswana labour relations system Tebogo said it is a ***tit-for-tat*** type of system. She said, when unions s**ay** ***one*** the government **says** ***two*** so the fact that the two important actors in the system are at war makes the labour relations very complicated. Rauwe added that the government is very suppressive and they used not to be aware of this until the 2011 strike. Two foreign national doctors who worked in Botswana in 2011 expressed similar thoughts with regards to the misconception they had about the labour relations system of Botswana. The two doctors, who left

Botswana during the pandemonium of 2011, revealed that they left Botswana out fear that the relation between the government and medical doctors was strained and the government was not making any efforts to restore it. Doctor Moyo and doctor Phiri were interviewed via Skype.

Dr. Moyo explained that when he first arrived in Botswana from his native country, everything seemed rosy. According to him, when he first arrived in 2005, Botswana was one of the countries with the most attractive Public sector salaries in Southern Africa. Furthermore, the relationship between doctors, their immediate superiors at work and the permanent secretaries at the Ministry of Health was so harmonious that one could not expect that merely 6years down the line things would have totally taken a different twist. The doctor indicated that he did not know much about the Public Service Act even though it was at his exposure. He ascribed his ignorance of the Act and its clauses on the fact that his employment contract discouraged any involvement in political or union activities therefore he did not feel compelled to know what is in Act.

Owing to the fact that foreign doctors are not allowed to participate in industrial action, Dr. Moyo lamented that although he had loved to participate, he was bound by the terms and conditions of his contract not to. The 42year Medical Officer lamented:

> Unlike South African and Namibian laws, Botswana laws are unfairly prejudiced against foreign doctors in that they give us limited labour rights. Although we were similarly affected by low salaries akin to our Tswana colleague doctors, unlike them we could not openly voice out our grievances.

Dr. Moyo shared the same thoughts with the nurses that the labour relations system of Botswana is oppressive. He complained that the government of Botswana just wants public sector workers to accept what it gives without querying. He felt that the government does not care about the needs of its employees even the scarce skills cadres like doctors. The doctor narrated how dreadful the situation was at the hospital where he was before leaving the country. He lamented “foreign doctors were overwhelmed by work as they had to run all the departments by themselves whilst their Tswana colleague doctors went on strike. You can imagine how it is when a

doctor is overwhelmed by work, it is really risky".

His views resonating with those of his colleague, Dr. Phiri, a senior Medical Officer who has since moved to South Africa, explained that Botswana government has curtailed the doctors' right to strike yet no mechanisms are put in place to make up for that restriction. The 50 year-old doctor, who worked in Botswana since 2000 until 2011, also felt that Botswana labour laws are so restrictive especially to foreigners and recommended that they must be loosened. He cited South Africa as an example where the laws are not biased against any nationality. He remarked, "here in South Africa all the doctors who qualify to do locum jobs are welcome irrespective of nationality yet the salaries are better than in Botswana but in Botswana no public sector doctor can work elsewhere besides the hospital where he is appointed to by the government". Dr. Phiri suggested that Botswana labour laws should be revised especially those regulating employment of foreign nationals. He argued:

> Had the foreign doctors been allowed to join unions like here in South Africa, the strike would have borne fruits for public sector workers as involvement of foreign doctors would have meant closure of hospital and this chilling thought of having hospital closed would have shaken the government to act swiftly. Remember, Botswana government is immensely dependent on the manpower of foreign doctors.

Although the two doctors felt that their colleagues' participation in the strike was justified, the interviewed ILO officers condemned this involvement because doctors, by virtue of dealing with people's lives in their job, belong to essential services group and their involvement in strike may put lives in danger. According to Bobby, if a doctor goes on strike even for an hour, this interruption of his/her services puts lives at risk therefore there is no way doctors' involvement in a protest can be justified. From this perspective, the dismissal of doctors who went on strike in 2011 was fair although the same cannot be said with regards to teachers. Nonetheless, Nakedi described the government's decision to classify teaching under essential services as 'total madness".

However, Bobby warned, "We have to be cautious that we do not use this term 'essential service' in a cut and dry manner. Although teaching in its literal sense

is not an essential service, if it is interrupted for a lengthy period of time and indeed its interruption endangers lives then it becomes a different story", Bobby explained. Whilst union leaders vehemently criticised the government's decision to re-classify professions arguing that it was way of denying workers the right to strike, Shima, the officer at the Ministry of labour said, "there was a need for government to respond in the way it responded to the 2011 strike because it was a new occurrence in the history of Botswana's labour relations so there was a need to define it" He further explained "The right to strike is there, given to workers but it should be regulated so some of the development experienced during and after the strike was a way of regulating the strike process".

Maziva and Sethunqolo of ILO shared the same thought with Shima as they argued that the response was not one sided. Sethunqolo suggested that the response should be looked at in the context of all the parties involved that is the government, workers and the trade unions. She questioned "Were all the parties given adequate education on labour relations matters in Botswana? According to her, one of the biggest problems with Botswana case is the lack of social dialogue structures. With regards to the complaint raised by unions that much had not been done since they reported their grievances to ILO, Sethunqolo answered,

> The internal feuds between BFTU and BOFEPUSU are an impediment to ILO intervention, ILO signed partnership agreement with BFTU as per the recommendation of the Ministry of Labour and Home Affairs in Botswana. So BFTU is the officially recognised partner. However, BOFEPUSU also wants equal rights but because it has not yet been recognised by the Ministry of Labour and Home Affairs as the most representative federation this becomes problematic so the case is still with the Ministry.

BFTU is inclusive of both public and private sector unions which meets the definition of representative. BOFEPUSU on the other hand has a large membership but represents only government sector unions and as such it is not representative of workers as a whole. Maziva commented, "Theoretically it makes sense for BFTU to be recognised but practically it should be BOFEPUSU that is recognised". Both officers advised that BFTU and BOFEPUSU should resolve their disputes, as this would pave the way for ILO to effectively intervene and ensure that Botswana labour

relations conflict is resolved. Nonetheless, they explained that this does not mean ILO has not done anything though to help Botswana. Another officer from the ILO explained, "The ILO has offered a number of intervention strategies to the public sector unions in Botswana to ensure smooth industrial relations (IR) in the public sector". The organisation held a bipartite workshop on collective bargaining in the public service in Francistown, Botswana on the 13th to 17th August 2012. The activity was a collaborative effort between the Decent Work Team from Pretoria and the Sector ILO Headquarters. This was meant to promote the implementation of Public Service (Labour Relations) Convention, 1978 (No.151) by Botswana.

According to Julie: "This activity was held in line with the priorities of the Botswana Decent Work Country Programme which among other things seeks to improve the capacity of labour administration system to service collective bargaining and conciliation and arbitration mechanisms in the public sector". Julie acknowledged that although the bargaining council is now operational it is still at a 'teething stage' and still experiencing some challenges. On the other hand, Bobby explained that one of the problems with Botswana bargaining council is that when it was established after the 2011 strike, the parties did not set a framework for it so ILO has been trying to help Botswana to establish the framework, to learn some negotiation skills, to have procedures on how to conduct their meetings and resolve disputes. "Whenever these processes are underway the government or government representatives are invited, as it is imperative that they take part in them" Bobby explained. When asked if the government's decision to pull out of bargaining talks does not undermine ILO's efforts. Bobby quickly answered, "That issue is very complex**,** when you look at it you will realise that unions also are to be blamed not that I am saying the government is right but the political involvement of some public service unionists necessitated the government's action". Maziva shared the same view adding that Botswana public sector unions' involvement in politics imply that "they want to bite the hand that feeds them"

In contrast to this view, unions maintained that they never uttered any political statement. All they said, according to Samuel was that they would endorse in the upcoming elections a political party that had the interest of workers at heart. Accordingly, the government accusation that trade unions brought politics to the

bargaining table was just a "flimsy excuse by a government that is running away from its responsibility to grant workers their labour rights" Samuel emphasised.

The opinion that the government is not willing to give workers their full labour rights was also expressed by some public service workers. Peter, a Principal administration officer argued:

> The government of Botswana will never grant us full labour rights. In fact it will rather take away our right to form unions that's why it is fighting trade unions. It is the wish of the government to see union density reducing in Botswana. If the government was willing to grant us full labour rights it would not be as litigious as it is currently. The government of Botswana is ever ready to go to court with its employees and trade unions. The bargaining council up to now is still not fruitful. In fact our government doesn't even want the bargaining council to function. Had it not been for the pursuit made unions to compel the government to allow for formation of bargaining council we would not even be having it in Botswana because the government enjoys calling the shorts.

Eric added, "The current government and its leadership do not want any change inclined towards employees enjoying their labour rights. The government is using its reviews as Africa's shining example to repress workers. Our labour laws show that the government is not determined to allow workers the freedom to exercise their rights. That's why I still insist that our Public Service Act is useless"

Although workers lacked confidence that the system will ever change for the better, their union leaders were not as skeptical. "First and foremost", Samuel said enthusiastically, "there is a need for regime change because with the current government you cannot expect anything positive change so workers need to voice out using their vote in the upcoming elections". Additionally a fellow unionist suggested that public service workers must be sensitised on pertinent issues like labour rights. Grace, a 29 year old labour relations officer revealed: "Public sector workers are not well informed on their rights and the government has realised this loophole that is why it keeps on using threats and intimidations to silence workers, who often flinch out of fear of what the government can do to them".

Against this Shima refuted the claim that government is capitalising on workers' lack of labour rights knowledge. According to him, the same government that workers accuse is making efforts through different programs to take knowledge to workers. He added:

> We have a radio slot on Duma FM where we take time to teach workers about labour issues and their rights. During these live programs, workers are allowed to air their views and ask questions. We also have outreaches, even though they are not done often, but they assist us to reach a large audience in bus ranks, shopping malls where we inform Batswana about important labour issues.

4.3. Conclusion

Almost all the public service workers shared a mutual consensus that the government is violating their rights. Nevertheless, none of the ILO officers and Ministry of labour officers corroborated those claims. Julie, from ILO emphasised that "Botswana is by no means close to serious violations of human and workers' rights.

CHAPTER 5: THE CHARACTER OF BOTSWANA'S LABOUR RELATIONS SYSTEM: LESSONS FROM THE 2011 PUBLIC SECTOR STRIKE

5.1. Introduction

Chapter four has narrated the responses of various participants with regards to the labour relations conflict that arose out of 2011 strike. Findings display discordant views of workers and their unions and those of the ILO and the Ministry of labour representatives. This chapter will analyse these responses using some key words voiced out as key themes.

Implementation of Public Service Act a 'purposeless' effort

Botswana made sufficiently important and noteworthy efforts to domesticate International Conventions and Recommendations through promulgation of legal instruments in the form of Trade Disputes Act No.15 of 2004 as well as the Public Service Act No.30 of 2008. However, as Motshegwa and Bodilenyane (2012) observed, the absence of relevant stakeholders during the drafting of the Public Service Act has adversely affected the country's complicated industrial relations. Exclusion of workers and trade unions is very problematic because democracy in its practice requires the participation of the people, thus if people who are largely affected by the Act are not allowed a say in how it is drafted and its content, then clearly democracy is undermined.

Marginalisation of stakeholders, most importantly demonstrates the historical hostile relationship between the government and the labour movement. Since independence the government of Botswana has made attempts to dominate unions and limit their activities. This has been revealed by the response to 2011 strike which arguably exhibits continuation of the historical dominance that government has over unions. The 2011 public sector strike did not only worsen the historically strained relation between the two partners but also exposed it to the world. Although the promulgation of the Trade Disputes Act was intended to settle trade disputes and to further secure and maintain good industrial relations through the industrial court, the

state of labour relations in Botswana remains fractious (Dithapelo, 2013; Kaboyakgosi and Marata, 2012). Owing to the evident fragmented labour relations in the country, workers criticised the Public Service Act as a fallacy. One worker lamented that, when endorsing the Act, the government did not create a platform on which the public, especially government employees, could have a debate with regards to its contents. Consequently most of the pertinent issues in respect of workers interests have been left out. The feeling amongst public sector workers is that their labour rights are not adequately addressed by the Act as such they feel it is a purposeless piece of legislation that serves the interest of the ruling elite. Others feel that the Act codifies what the government fails to practice with a consequent contradiction between Botswana labour laws and government's practice. Workers expressed divergent views in respect of the Public Service Act but a common declaration amongst all of them was that the Act has not offered any significant assistance in their struggle to gain full labour rights. On the one hand it gives the workers important labour rights and on the other it takes away those rights, declared one public servant from the Rolong land board.

Experience has shown that change is a difficult phenomenon yet inevitable and people will not buy into any change program that they have not been part of. It is not surprising that public sector workers in Botswana have a negative perception of the new Act and its implementation. One of the democratic principles that have been historically upheld in Botswana is consultation through kgotla meetings but now it appears this principle, which has been acting as crucial glue that holds the society together, is slowly dissolving thus bringing into question the integrity of democracy in contemporary Botswana. As Dinokopila (2013) indicates, for democracy to function properly it needs a constitutional framework that will ensure that there is no arbitrary use of power but this cannot be said, especially after the 2011 public strike. According to Motshegwa and Bodilenyane (2012) during the historic public service strike, Parliament became useless, caught in no man's land and not knowing what role it could play in addressing the demands of civil servants.

Kaboyakgosi and Marata (2012) argue that democracy in Botswana has in recent years emerged as a minimalist and hence lacks the characteristic of facilitating broad-based participation. The President's autocratic temperament and his intransigent

refusal to countenance discussion and compromise threaten the future of Botswana (Throup, 2011). Motshegwa and Bodilenyane (2012) observe that the unlimited powers that the President has, to act in his own deliberate judgment without having to consult anyone, is a potential assault to democracy. The peril of these unlimited powers became patent in the 2011 strike when the president abused his governmental authority and unilaterally declared Statutory Instrument No. 50 of 2011 that re-classified some public servants under essential services. This decision revealed the erosion of parliamentary powers by an executive presidency and constitutional failure to create effective checks and balances. It is for this reason and many others that Botswana labour relations has received mostly negative reviews.

The character of labour relations in Botswana: ***hostile, repressive archaic or adversarial?***

It is said that, conflict is inherently part of any industrial relations environment. Whilst Flanders and Dunlop believe that industrial relations conflict can be regulated by web of rules, Hyman condemns this view, arguing that emphasis should not be on how to control and contain conflict but rather on how industrial relations can incorporate the contradictory processes within the capitalist system (Ilesanmi, Ishola and Yusuf, 2013). Industrial relations is by nature contradictory and is characterised by both cooperation and antagonism between labour and capital. According to Edwards (2003) an element of cooperation is necessary because both the employer and employees ultimately depend on each other for the future success of the work organisation. Nonetheless, the two partners are also locked in a relationship that is antagonistic in that they always have different interests. Edwards (2003) explains that although the employers and employees depend on each other, the relationship is underlain by 'structured antagonism'. While it is the workers' capacity that is being used in the production process within the workplace, the control of this capacity resides with employers. Workers cannot decide on how their labour power should be deployed and this usually causes conflict especially when it comes to the value of the labour power.

In Botswana, the government is the largest employer in the country and it regulates wages. The fact that the government has powers to regulate employment regulations in Botswana infringes on workers' rights, enshrined in the Public Service

Act. For example, the Act allows for workers' organisation into trade unions, which incorporates engaging in industrial action but because of the excessive powers vested in the government this right has been severely constrained. When asked to describe the Botswana labour relations workers adverbs such as, very bad, suppressive, repressive archaic and adversarial sprang into mind.

Motshegwa and Bodilenyane (2012:72) remark that "the 2011 industrial relations developments in Botswana's public service have been horrific as the country had never experienced a strike of that magnitude". The government's paternalistic role in industrial relations became apparent in the 2011 strike. The workers' freedom of speech was blatantly violated as the government used intimidation and threats to silence workers as a means to pressure them to back down on their demands. Seemingly the government of Botswana is uncomfortable with workers who voice dissatisfaction and the idea of suppressing complaints has roots in the country's history.

Botswana has for many years been revered for good governance and stable democracy. For many years the government of Botswana has been described as the '*government of the people for the people and by the people'*. The country was well known for good salaries and working conditions that attracted considerable amount of foreign workforce. Owing to the glowing reviews that Botswana has received, the majority of the people around the world and even in Botswana have been persuaded that Botswana is a perfect model of democracy where human and labour rights are supported. Industrial action was not a common occurrence as most of the disputes were settled through peaceful negotiations. However, the events leading to the 2011 strike and after demonstrate that it was a matter of time before the true picture of Botswana could be shown to the world.

Fayoshin (1998) has observed that, although Botswana has enjoyed the status of being the most stable and prosperous economy in the continent, it has comparatively little experience in collective bargaining. Moreover, trade unions are free but they have been powerless to use the bargaining machinery for beneficial results. Subsequent to the 2011 strike, trade unions held bargaining negotiations with the government on salary increment. However, the government withdrew from the negotiations and unilaterally increased salaries of non-unionised employees by 4%, a

move that clearly contradict democratic principles that the country assumedly to ascribes to. Although the Committee of Experts on application of ILO Conventions and Recommendations has criticised the government of Botswana for undermining the bargaining council, it is still to be seen if it will indeed create conducive environment for the frictionless functioning of the Public Service Bargaining Council that ILO has recommended.

It has become a tradition if not a norm that the government runs the industrial relations using directives. The development of industrial relations in Botswana has been negatively influenced by the Tswana political system. In this system leadership position was attained by means of primogeniture and birthright. This system has cultivated subservience of Batswana. As Maundeni (2008) indicates, in Tswana Political administration, systematic constitutional violation was the norm as large segment of the population was excluded from participating in politics by the 'birthright' law. Citizens could not question this as they were made to believe that it was the natural way of doing things. This distorted system of leadership and governance has been extended into the present political system. The current government expects citizens, especially the working class, to accept all its decisions as a norm without questioning. President Khama's tendency to make unilateral decisions regarding pertinent labour relations issues may be located in the Tswana political illusion that leaders possess natural authority.

According to Taylor (2003), after independence, Batswana were submerged in a traditionalist culture of respect for authority which hindered any disputing of the post-colonial dispensation. This had a lot to do with the fact that first president of Botswana was also the heir to Bangwato throne. As Taylor (2003:8) argues, "crucially, at independence the first president, Seretse Khama, enjoyed a legitimacy, drawn from his position as (former) chief of the dominant Tswana tribe (the Bangwato) that was unrivalled". Through Tswana culture, the ruling elite was able to inculcate blind patriotism in the minds of Batswana whereby considerable attempts were made to turn the citizens into passive spectators. This, according to Taylor (2003:8), "granted space to Khama and his BDP to begin the task of establishing a hegemonic position within post-independence Botswana, something that his royal status had importantly prepared the ground for". The same can also be said about

President Ian Khama. Seemingly, being the first son of the first president instills some proprietary outlook in the current president. This is evidenced by the tendencies of overstepping his constitutional power and running the country as his personal property.

Following the 2011 strike, President Ian Khama adopted a very hostile attitude towards trade unions in an endeavour to weaken the fighting capacity of the labour movement and subsequently coercing them to concede defeat (Moupo, 2011). Union leaders lamented that after the 2011 strike, the president has refused to sit for negotiations with them to find a way forward in creating a harmonious industrial relations. The unconcealed high levels of intolerance towards trade unions after 2011, demonstrates that the government of Botswana either disdains the potent weapon conferred on the labour movement, by the LO and ITUC or the government is still under an illusion that Batswana workers are still meekly obedient as they were in the previous political dispensation. The president seems to ignore the fact that, unlike during his father's tenure, where the majority of Batswana were ignorant on their rights, nowadays many Batswana are informed on both human and labour rights. The president, through his draconian strategies, displays an attitude of wanting public sector workers and their trade unions to inherit the traditional system of passively conforming to authority.

Nonetheless, this is unviable in the current society because global interconnectedness has changed the landscape of labour relations in many countries. In previous years, conflict was completely avoided but, as Motshegwa and Tshukudu (2012) explain, with the advent of work and infusion of Western values and principles, the value system of Botswana (peaceful coexistence, consultation and participation in decision making processes) has changed dramatically. Unions can no longer passively accept to be subordinated to the position of junior partners.

Undoubtedly, the state of Botswana labour relations system has been disrupted by the government's selfish ambition of reinforcing its hegemony. Admittedly, Botswana has made commendable strides in human developments and helping citizens to improve their standards of living but these efforts has been marred by the violation of workers' rights. Public service workers in Botswana no longer feel like they have any right because if they voice out their concerns they risk losing their jobs

an occurrence that is incongruous with the widely publicised positive reviews of Botswana governance. It is very odd for a country that has been extensively labelled as Africa's example of shining democracy and good governance to have a labour relations system besmirched with intimidation, threats and consequently fear.

Cloud of Fear in Africa's shining example of democracy

In Botswana, as Good (2009) explains deference remains important in the society, upheld as the desired norm by the ruling elite in their admonitions that even questioning authority constitutes abuse. Violation of the right to freedom of speech is rife but veiled by the subservient character of Tswana people cultivated by the Tswana Political System. This system promoted docility under the pretext of creating a unified and peaceful society. It is in this regard that the government of Botswana responded to the strike with anger thereby instilling an overwhelming fear in public servants.

The expression '***o tla ikgolega'*** was prevalent in a number of government institutions. This expression carries huge implications, the most obvious one being suppression. Public servants in Botswana revealed that they live under perpetual fear since the implementation of the DIS. This security agency has become synonymous with terror. According to workers, intimidation and threats by the government became rife after the 2011 strike. It is alleged that the government deployed its agents to spy on workers, to find out those who are against it. The question is, why should it be an issue of concern for the government to know who is opposing its mandate and who is not, because constitutionally Botswana is a liberal democracy where freedom of speech is a right. However, the manner in which the government acted during and after the strike undermines its commitment to the ILO. Although ILO representatives downplayed unions' complaint that the government is violating workers' rights, the fear that Batswana workers expressed is on its own a crucial exposure of violation.

The government sought to weaken unions through intimidation and vindictive strategies. As one unionist lamented, once unions are weak, workers will lose confidence in their representatives thus nurturing termination of memberships. The government of Botswana is very much aware that reducing union membership will further weaken the already struggling Botswana labour movement not least because it

is almost solely dependent on membership fees to sustain itself. If members are reduced, this will certainly erode its power and the government is capitalising on this erosion of union power to successfully suppress the already withering right to strike.

The withering away of the right to strike.

Strikes are an integral weapon used by workers worldwide to get employers to attend to their grievances and the right to strike is one of the fundamental labour rights to which workers are entitled and the ILO affirms it. In Botswana, the right of employees to strike is fully recognised by the law but most of the strike that has occurred in the country has been termed illegal (Marobela, 2011). In the previous legal dispensation, the right to strike was impossible to enjoy because the law almost prohibited it in both the public and private sector (Keorapetse, 2013). However, in an attempt to commit itself to promotion of a legal system that endorses the rule of law in line with the international standards, Botswana promulgated the Public Service Act of 2008 that enshrines the right to strike. However, events surrounding the 2011 public sector strike demonstrate that, even though Botswana government formally recognises the right to strike, violation of this right is very high.

The 2011 strike exposed the complex character of the Botswana labour relations systems, a development that workers termed an 'insult' to Botswana government. The suppression of the right to strike by Botswana government has for long been camouflaged by the ostensible reason that Botswana is a peaceful country with stable industrial relations. The hegemonic BDP government instilled this false consciousness in the minds of the population at large including workers to cultivate a sense of passivity in respect to labour rights' awareness amongst civil servants. Nonetheless, as Dithapelo (2013) posits, unions in the public service and other progressive forces fought hard to improve the antagonistic environment that public servants operated in. The victory of this fight was seen in the endorsement of both the Trade Dispute Act and the Public Service Act (Dithapelo, 2013). Although this seemed like a triumph for Botswana labour movement, it was 'a paradox of victory'. While the government allowed public servants the freedom to strike via the Trade Dispute and Public Service Act, it also curtailed it through the difficult procedures required to have a legal strike. A general consensus amongst the interviewed public

servants was that they do not have the right to strike. They underline the fact that although it is provided for in paper, in practice the right to strike is non-existent as even validated by the government's harsh response to the strike. During the 2011 the government dismissed workers classified under essential services, froze the salaries of non-essential service workers, transferred some to awkward places and demoted others or even worse, frustrated them (Dithapelo, 2013). This, as Dithapelo (2013) further explains, was a declaration of war on workers and their unions.

The vindictive and personalised turn of events that became obvious after the strike, is just an exhibition of the government's inclination towards suppression of workers' rights especially the right to strike. The state has employed all the potential mechanisms including outright oppression disseminated by the militaristic leadership style of president Khama, to greatly undermine and repress the right to strike but this will take more efforts to be a successful pursuit. Botswana public servants displayed remarkable defiance during the strike, in the face of much adversity and official hostility. Therefore, even if the government can reinforce its oppression and efforts to subdue the workers' fundamental right to strike this will not be without resistance from the workers whose illusions about the democratic character of the Botswana government have since been cleared. As Moupo (2011) observed, the 2011 strike has provided workers with a unique opportunity of assessing the tactics, strategy and character of the Botswana government.

CHAPTER 6: CONCLUSION AND RECOMMENDATIONS

6.1. Conclusion

This study has attempted to shed a light on the character of Botswana's industrial relations since colonial period. The study has highlighted that trade unionism in Botswana has faced a myriad of challenges which have significantly impacted its development. Botswana has historically had weak trade unionism owing to various reasons one being the landscape within which it operated. Botswana has always been revered as a democratic, peaceful country inclined towards enhancing human capabilities. However, such reviews have prejudiced union activities in the country as they have been seen as a countermovement to the government's project of maintaining peace and good governance for all the citizens. Despite the formal perception that, by virtue of being a democratic country, Botswana upholds human and labour rights, union activities have been suppressed. The government of Botswana has always subordinated unions to the role of junior partners in industrial relations. Furthermore, the government has made significant efforts to discourage trade unions from engaging in politics attempting to narrow their focus and scope to mere bread and butter issues. This has contributed to the weak political orientation of the Botswana trade unions. This weakness has worked in favour of the BDP-led government as it managed to reinforce its dominance over the civil servants for many years.

The fact that the government has predominantly funded Botswana trade unions fairly incapacitated them to freely voice out on issues pertaining to social change in the interest of the broader working class. In previous years, the labour movement in could seldom criticise the government's biased socio-economic policies, which in most cases disadvantage the broader working class. Unions shied away from openly critiquing the government, as this seemed like they are biting the hand that feeds them. Compounding the weakness of the Botswana labour movement was the absence of collective bargaining, which is a powerful tool for trade unions worldwide. Nonetheless, owing to the pressure mounted on the government by trade unions, Botswana labour relations landscape was transformed by the endorsement of the

Public Service Act of 2008 and the Trade dispute Act which in theory but not in practice grant workers full labour rights including the right to strike. However, although the government of Botswana has ratified ILO conventions that encompass the right to strike, workers are still denied full access of this right.

The 2011 public sector strike demonstrated that public service workers in Botswana are still oppressed and denied their labour rights. The laws governing the public sector are still unjust and oriented towards favouring the government more than workers. This injustice can be tracked down to Botswana's constitution which confers excessive rights on the president at the detriment of the employees. It is for this reason that the 2011 strike did not yield any profitable results for the workers because nobody had the power to overturn the president's ruling with regards to salary increment. Effectively, the constitution gives the president powers to regulate the broader civil service and this on its own implies some degree of contravention of workers' rights especially those pertaining to freedom of speech and engaging in industrial action. Contravention of workers' rights played out during the bargaining talks when the government just withdrew from negotiations unilaterally. Although the Public Service Act and the Trade Dispute oblige the government to negotiate with unions in good faith, minimal efforts have been made to establish effectively functioning Bargaining Council. This is largely due to the adversarial and confrontational relationship between the labour movement and the government.

Government's hostility towards trade unions and consequently public sector workers worsened after the 2011 strike when it became apparent that Batswana are no longer docile. The aftermath of strike displayed the actual character of Botswana government that has been previously concealed by the misleading positive reviews of democracy and good governance. The government's response to the strike demonstrated that Botswana industrial relations is controlled and dominated by one partner; which is the employer. Other partners like the trade unions are just subordinates. Throughout the strike and after, the government refused to cooperate with unions towards attainment of an amicable solution of harmonising the country's conflictual industrial relations. The government did not only refuse to accede to the 16% salary increment but also took away workers' right to strike through its repressive strategies such as unfair dismissals and selective re-employment of the

dismissed workers. It is against this background that this study infers that Botswana labour relations system is oppressive to workers and their trade unions. This has been proven by many conflicts and controversies that resulted from the 2011 public sector strike.

6.2. Recommendations

In the view of the findings of this study, the following recommendations are made in the hope that they will help in mending the adversarial industrial relations in Botswana.

1. There is a need to revise the Constitution of Botswana because as it is now it gives the president enormous powers which has proven to be detrimental to the working class. During and after the 2011 strike the president habitually made unilateral decisions and the parliament, as the judiciary body could not do much to counteract the powers of the executive. The parliament was rendered to a subordinate position with regards to the decisions made by the president and this arguably exposed the weaknesses within the checks and balance system of Botswana.
2. Immediate action is imperative to solve the internal feuds within the labour movement. ILO officials explained that the rift between BFTU and BOFEPUSU compounds their efforts to intervene in solving the conflict between the government of Botswana and public sector unions. The two trade union federations ought to realise that their feud is also giving the government some leverage to oppress public sector unions as such public servants will continue to be subdued by the government.
3. There is a need to educate Batswana workers especially those in the public service on their rights because another loophole used by the government is the fact that many Batswana are ignorant of the labour laws. Public sector unions need to establish education programs through which workers can be taught labour laws and their rationale. A significant number of respondents attested that they don't know much about the Acts governing the public service.
4. Public sector unions needs to work hard on canvassing support from workers because reliance on government for funds makes them powerless when it

comes to openly critiquing government policies that are not in favour of the workers.

5. Finally, the government of Botswana must realise that the labour relations landscape has changed due to globalisation. Strikes are now globally recognised as a powerful tool for improvement of the socio-economic lives of workers. Labour movements now interact on global level and exchange skills with each other on pertinent labour issues. If the government could realise and acknowledge the fact that workers are now empowered to liberally access their rights and reduce interference in the trade unions activities, the probability of conflict within the industrial relations will be significantly reduced.

LIST OF REFERENCES

Acemoglu, D., Johnson, S., & Robinson, J. A., 2001. 'An African success story: Botswana'. In Rodrik, D. *In search of prosperity: analytical narrative on economic growth*. New Jersey: Princeton.

Akwetey, E.O. 1994. *Trade unions and democratisation: a comparative study of Zambia and Ghana.* Stockholm: University of Stockholm.

Alexander, K. & Kaboyakgosi, G. 2012. *A fine balance: Assessing the quality of governance in Botswana (eds)*. Pretoria: Idasa.

Alfaro, L., Spar, D. & Allibhoy, F. 2005. *Botswana: A diamond in the rough*. Harvard Business School.

Babbie, E. & Mouton, J. 2001.*The Practice of Social Research*. Oxford: Oxford University Press.

Beaulier, S. & Subrick, R. 2006. *The Political Foundations of Development: The Case of Botswana.* Working Paper 22. George Mason University.

Beckman, B. & Sachikonye, L. 2010. Trade unions and party politics in Africa. In Beckman, B., Sakhela, B. & Sachikonye, L. *Trade Unions and Party Politics: Labour Movements in Africa*. Cape Town: HRSC Press.

Bendix, S. 2008. *Industrial relations in South Africa (4th edn)*. Cape Town: Juta.

Bendix, S. 2010. *Industrial relations in South Africa (5th edn)*. Cape Town: Juta.

Bertelsmann Stiftung. 2014. Botswana Country Report. Gütersloh: Bertelsmann Stiftung.

Blanche, M.T., Durrheim, K. & Painter, D. 2006. *Research in Practice: Applied methods for the Social Sciences*. Cape Town: University of Cape Town Press.

Bratton, J. & Gold, J. 1999. *Human Resource Management Theory and Practice.* London: Macmillan.

Britwum, A.O. 2012. *Labour in African History Trends and organisational forms.* Paper presented at ITUC-Africa New Year School. Kisumu.

Buhlungu, S. & Tshoaedi, M. 2012. *COSATU's contested legacy: South African Trade Unions in the Second Decade of Democracy* (eds). Cape Town: HRSC Press.

Burroni, L. Keune, M. Meardi, G. 2012. *Economy and Society in Europe: A Relationship in Crisis* (eds). Cheltenham: Edward Elgar, pp: 124-139.

Cooper, D. 1985. Unions in Botswana: Comparisons with Lesotho. *South African Labour and Employment Bulletin*, 10:109.

Cronin, J. 1991. "Preparing Ourselves for Permanent Opposition?" In Buhlungu, S. & Tshoaedi, M. 2012. *COSATU's contested legacy: South African Trade Unions in the Second Decade of Democracy* (eds). Cape Town: HRSC Press.

Cook, A. & Sarkin, J. 2010. Is Botswana the Miracle of Africa? Democracy, the Rule of Law, and Human Rights versus Economic Development. *Transnational law & Contemporary problems,* 19 (3) 453-488.Accessed at http://bit.ly/GZ8oZN.

Denzin, N.K. & Lincoln, Y. 2000. The discipline and practice of qualitative research, In Denzin, N.K. & Lincoln, Y. *Handbook of qualitative research* (eds). California: Thousand Oaks.

De Vaus, D. 2001. *Research Design in Social Research*. London: Sage Publications.

Dibben, P., Klerck, G. & Wood, G. 2011. *Employment Relations: A Critical and International Approach*. London: CIPD.

Dipholo, K. 2010. "*Trade Unions should form alliance with the government*" Accessed at www.sundaystandard.infor/articke.php?news on 07.10.2014.

Dithapelo, K. 2013. "*The right to strike: a mirage"*. Accessed at http://www.gazettebw.com/?p=2136 on 24.09.2014.

Dinokopila, B.R. 2013. The Justiciability of Socio-Economic Rights in Botswana. *Journal of African Law* (57) 01, pp: 108-125.

Dzimbiri, L.B. 2008. *Industrial Relations in a Developing Society: The Case of Colonial, Independent One-party and Multiparty Malawi*. Gottingen: Cuvillier Verlag Gottingen.

Edge, W. & Lekorwe. M.H. 1998. *Botswana politics and society* (eds). Pretoria: Van Schaik.

Edwards, P. (2003). *Industrial Relations* (2nd edition). Oxford: Blackwell.

Fayoshin, T. 1998. *Industrial Relations in Southern Africa: The challenge of change*. Harare: ILO.

Friedrich Ebert Foundation 2008. *Trade unions in Botswana, Country Report*. Gaborone: Friedrich Ebert Foundation.

Friedrich Ebert Foundation 2014.*Trade unions in Botswana, Country Report*. Gaborone: Friedrich Ebert Foundation.

Frege, C., Kelly, J. & McGovern, P. 2011. Richard Hyman: Marxism, Trade Unionism and Comparative Employment Relations. *British Journal of Industrial Relations 49:2 pp. 209-230.*

Fulcher, J. & Scott, J. 2011. *Sociology 4th (*eds*)*. Oxford: Oxford University Press.

Gabonthone, M. 2009. *State of information technology in the Botswana Federation of Trade Unions: Challenges, opportunities and needs*. Paper presented at International Training Centre of the ILO in Turin.

Gabre-Michael, M. 1994. Second Subtheme: Changes in the roles of public authorities, employers' organisations and trade unions. In *ILO political transformation, structural adjustment and industrial relations in Africa: English speaking countrie*s. Geneva: ILO.

Geldenhuys, D. 1981. "South Africa's Black Homelands: Some Alternative Political Scenarios", *Journal of Contemporary African Studies*, 1:(1).

Good, K. 2008. *Diamond, dispossession and democracy in Botswana*. New York: Boydell & Brewer.

Good, K. 2009. The presidency of General Ian Khama: the militarization of the Botswana miracle. *Royal African Society*, 109(435) pp.315-324.

Glaser, D. 2007. African Marxism's moment. In Glaser. D & Walker, D.M. *Twentieth Century Marxism, a global introduction*. New York: Routledge.

Gwatiwa, T. 2011. Intelligence operations as terrorism: Emerging state terrorism in Botswana. *Journal of African Studies and Development 3(9), pp. 176-186.*

Held, D. 2006. *Models of Democracy*. Cambridge: Polity Press.

Holley, W. H. (2009). *The Labour Relations Process.* Mason, USA: South-Western Cengage Learning.

Hjort, J. 2009. Pre-colonial culture, post-colonial economic success? The Tswana and the African economic miracle. *Economic History Review,* (63) 3 pp. 688–709.

Hlavac, M. 2010. *Economic development in pre-independence Botswana, 1820-1966: Historical trends, contributing and countervailing factors*. Georgetown University. Accessed at http://mpra.ub.uni-muenchen.de/26026/on 24.06.2014.

Holm, J.D. 1998. Botswana: a paternalistic democracy. In Linz, J.J. & Lipset S.M. *Democracy in developing: Africa.* Boulder, CO: Lynne Rienner Publishers.

Hyman, R. (1975). Industrial Relations: A Marxist Introduction. In Anyim, F.C., Ikemefuna, C.O. & Ekwoaba, J.O. 2012. Dunlopian Theory: Impact and Relevance to Nigeria Industrial Relations System. *International Journal of Management and Business Studies. 2(2), pp: 39-46.*

Hyman, R. (1977). Industrial Relations: A Marxist Introduction. In Joseph, J. 2004. *Industrial Relations: Towards A Theory of Negotiated Connectedness*. London: Sage.

Hyman, R. 2001. *Understanding European Trade Unionism: Between Market, Class & Society*. London: Sage.

Hyman, R. 2010. 'British industrial relations: the European dimension'. In T. Colling and M. Terry). *Industrial Relations: Theory and Practice* (eds). Chichester: John Wiley.

Hymer, S. H. (1970). Economic Forms in Pre-Colonial Ghana. *The Journal of Economic History* 30 (1), pp: 33-50.

ILO, 2009. *Rules of the game: A brief introduction to labour standards.* Geneva: ILO.

Ilesanmi, J.F., Ishola, A.O & Yusuf, S.O. 2013. A Critique of the Systems Theory of J. T. Dunlop. *International Journal of Academic Research in Economics and Management Sciences*. 2 (2), pp: 97-106.

Jihye-Chun, J. & Williams, M. 2013. Labour as a democratizing force: Lessons from South Africa and Beyond. *Rethinking Development and Inequality*. 2: 2-9.

Joyner, C. 2001. *The United Nations and International law*. New York: University of Cambridge Press.

Kaboyakgosi, G. & Marata, K. 2012. Introduction. In Alexander, K. & Kaboyakgosi, G. 2012. A *fine balance: Assessing the quality of governance in Botswana (eds)*. Pretoria: Idasa.

Kariuki, P., Abraha, F. & Obuseng, S. 2014. *Botswana: African Outlook*. UNDP.

Karlin, A.2010. *Botswana and Namibia.* London: Lonely Planet.

Keorapetse, D. L. 2013. An account of a De Facto One party state and lack of regime change in Botswana. In Amutabi, N.M. &Nasongo'o, S.W. *Regime Change and Succession Politics in Africa: Five Decades of Misrule* (eds). New York: Routledge.

Kekgonegile, G. 2012. "*Botswana Public Service Bargaining Council & a President on a learning curve*". Accessed at http://www.thetswanatimes.co.bw/opinions/269-botswana-public-service-bargaining-council-a-president-on-a-learning-curve.html on 24.09.2014.

Kester, G. 2007. *Trade Unions and Workplace Democracy in Africa*. Hampshire: Ashgate Publishing.

Khama, S. 1972. Trade Unions in Botswana. *Labour and Development* 19 (2), pp: 9-16.

Konings, P.2011. *The politics of neoliberal reforms in Africa: state and civil society in Cameroon:* Canada: Langaa Research and Publishing Group

Kraus, J. 2007. *Trade Unions and the coming of Democracy in Africa* (eds). New York: Palgrave.

Lange (2009) British Colonial Legacies and Political Development. *Elsevier World Development* 32(6) pp: 905-922.

Lebang, T. & Olsen, P. 1994. The settlement of labour disputes in Botswana. In ILO *Political transformation, structural adjustment and industrial relations in Africa: English speaking countrie*s (eds). Geneva: ILO.

Mabey, C., Salaman, G., Storey, J. 2001. *Human Resource Management. A strategic Introduction,* Second Edition, Blackwell Publishers: Oxford.

Maipose, G.S. 2008. *Institutional dynamics of sustained rapid economic growth with limited impact on poverty reduction*. Geneva: UNRISD.

Maipose, G.S. 2009. Democratic Governance and Economic Management in Botswana: Review of country experience and challenges. In *Organisation for Social Science Research in Eastern and Southern Africa. Good governance and civil society participation.* Addis Ababa: Ossrea.

Makgala, J.M. 2007. *History of the Botswana manual workers Union*. Gaborone: Bay Publishing.

Maul, D. 2012. *Human Rights, Development and Decolonization: The International Labour Organisation*, 1940-1970. New York: Palgrave Macmillan.

Maundeni, Z. 2008. *40 Years of democracy in Botswana 1965-2005*. Gaborone: Mmegi publishing house.

Maundeni, Z., Mpabanga. D., Mfundisi, A. & Sebudubudu, D. 2007.*Consolidating democratic governance in southern Africa: Botswana*. Johannesburg: EISA.

Marobela, N. 2011. Industrial relations in Botswana – workplace conflict: behind the diamond sparkle. *Emerald emerging markets case studies*, (1): 3, pp: 1-16.

Matlosa, K.1999. *Aid, Development and Democracy in Lesotho, 1966-1996*. Paper presented to the Centre for Southern African Studies on "Aid, Development and Democracy in Southern Africa". Cape Town: University of the Western Cape.

McKenna, A. 2011. *The Britannica guide to the history of Southern Africa*. New York: Britannica Educational Publishing.

McLoughlin, S. 2014.*The structural prevention of mass atrocities: understanding risk and resilience.* New York: Routledge.

Mgadla, M.1998. The Kgosi in a traditional Tswana setting. In Edge, W. & Lekorwe. M.H. *Botswana politics and society* (eds). Pretoria: Van Schaik.

Michon, F. 1992. 'The Institutional Forms of Work and Employment'. In Dibben, P., Klerck, G. & Wood, G. 2011. *Employment Relations: A Critical and International Approach*. London: CIPD.

Moalosi. R. 2007. *The Impact of Socio-cultural Factors upon Human-centred Design in Botswana*. Thesis submitted for Doctor of Philosophy (PhD) at Queensland University of Technology.

Mogalakwe, M.1994. *State Labour Relations in Botswana: Industrial Relations in an Emergent "Liberal" Capitalist Democracy*. University of Warwick.

Mogalakwe, M.1997.*The State and Organised Labour in Botswana. Aldershot: Ashgate.*

Mogalakwe, M.2003. Botswana: An African miracle or a case of mistaken identity? *Botswana Journal of African Studies* (17): 1, pp: 85-94.

Mogalakwe, M., Mfune, P. & Molutsi, P. 2008. The impact of state legislation on the organisation of trade unions: The case of the Botswana Federation of Trade Unions (BFTU) in Botswana. *Development of Southern Africa* (15): 4.

Moore, C. 2014. "*Botswana must sign the SADC protocol on Gender and Development*" Accessed at http://www.sundaystandard.info/print_article.php?NewsID=18836 on 24.09.2014.

Motshegwa, B. and Tshukudu, T.T. 2012. Deep-rooted conflict and Industrial Relations interface in Botswan*a, Journal of Public Administration and Governance*, 2 (3*),* pp: 118-133.

Motshegwa, M. & Bodilenyane, K. 2012. Botswana's Executive Presidency: Implications for Democracy. *Journal of Public Administration and Governance,* 2 (4). pp: 188-201.

Motshegwa, M. & Bodilenyane, K. 2012. Abrupt Termination of Employee Contracts in a Democratic State: The Case of Botswana. *Journal of Public Administration and Governance, 2 (4), pp: 71-80.*

Motshwarakgole, J. 2014. *Two years to vision 2016 yet too far: A quick guide to disturbing developments in the governance of Botswana*. Gaborone.

Moupo. O. 2011. "*Lessons of the Botswana public sector strike*". Accessed at http://www.afriquesenlutte.org/site. On 24 July 2014.

Neuman, L.W. 2000. *Social Research methods: Qualitative and Quantitative approaches.* Boston: Allyn and Bacon.

Nsereko, D.D.N. 2011. *Criminal law in Botswana*. Amsterdam: Wolters Kluwer.

Osabu-Kle, D. T. (nd). *African Blood for Imperialist Interests: The First and Second Scrambles for Africa – Imperialism, Colonies and Neo-colonies*. USA: Carleton University.

Patton, M.Q. 2002. *Qualitative Research and Evaluation Methods*. California: Sage Publications.

Parsons, N., Tlou, T. & Henderson, W. 1995. *Seretse Khama, 1921-1980.* Braamfontein: Macmillan.

Pillay, D. 2013. 'Between Social Movement and Political Unionism: COSATU and Democratic Politics in South Africa,' *Rethinking Development and Inequality*.2: 10-27.

Rantsimako, S. 2014. "*I am a trained soldier*" Accessed at http://www.gazettebw.com/i-am-a-trained-soldier/ on 07.10.2014.

Robinson, J.A. & Parsons, Q.N. 2006. State Formation and Governance in Botswana. *Journal of African Economies,* 15(1), pp: 100-140.

Robinson, J. 2009. *Botswana as a role model for country success*. Worldwide institute for development Economics Research: United Nations University.

Scherrer, C. & Hachmann, L. 2012. Can a labour friendly government be friendly to labour? A hegemonic analysis of Brazilian, German and South African experiences. In Mosoetsa, S. & Williams, M. *Labour in the global South*. Geneva: ILO.

Seidler, V. 2010. *Why did Botswana end up with Good Institutions: The Role of Culture and Colonial Rule.* Vienna University for Economics and Business.

Selolwane, O. 2012. *Policy reduction and changing policy regimes in Botswana*. New York: Macmillan.

Sidibié, O. O., & Venturi, B. (1994). Trade Unions and the Process of Democratisation. In Britwum, A.O. 2012. *Labour in African History Trends and organisational forms.* Paper presented at ITUC-Africa New Year School. Kisumu

Siphambe, H. *Growth and Employment Dynamics in Botswana: A Case Study of Policy Coherence*. Working Paper No. 82. Geneva: ILO.

Singh, B.D. 2008. *Industrial Relations and Labour Laws*. New Delhi: Excel Books.

Sinha, P.R.N., Sinha, I.B. & Shekhar, S. 2006. *Industrial relations, trade unions and labour legislation.* New Delhi: Dorling Kindersley.

Solo, K. 2007. Industrial relations in the public service: the right to join a union in Botswana contrasted with South Africa. *Journal of African Studies*, 1 (11), pp: 143-154.

Somolokae, G. 1998. *Democracy, civil society & governance in Africa: the Case of Botswana*. Available at http://unpan1.un.org/intradoc/groups/public/documents/CAFRAD/UNPAN009287.pdf.

Southall, R. 2013. L*iberation movements in power: Party state in Southern Africa.* Pietermaritzburg: University of KwaZulu-Natal Press and London: James Curry.

Southall, R. & Webster, E. 2010 "Unions and parties in South Africa: COSATU and the ANC in the wake of Polokwane". In Beckman, B., Sakhela, B. & Sachikonye, L. *Trade Unions and Party Politics: Labour Movements in Africa*. Cape Town: HRSC Press.

Spence, J. 1968. *Lesotho: The Politics of Dependence*. Oxford: Oxford University press.

Stedman, S.J. 1993. *Botswana: The political economy of democratic development*. London: Lynne Rienner Publishers.

Tautona Times, 2011. "Real leadership for real delivery". Accessed at http://www.gov.bw/Global/OPMinistry/TAUTONATIMES2012.pdf on 07.10.2014

Taylor, I. 2003. As good as it gets? Botswana's democratic development. *Journal of contemporary African Studies. 21(2).*

The Law Society of Botswana. 2012. *Position Paper on appointment of Judges.*

Throup, D.W. 2011. *Botswana: Assessing risks of stability*. Washington D.C: Center for Strategic and International Studies.

UNESCO, 2013. *Mapping Research and Innovation in the Republic of Botswana: GO-SPIN Country*. Paris: UNESCO.

Van Niekerk, S. 2011. *Botswana - Historic public workers strike*. Greenwich: Public Service International Research unit.

Von Soest, C. 2009. *Stagnation of a "Miracle": Botswana's Governance Record Revisited*. Germany: GIGA Working Paper No. 99.

Waldorff, P. 2012. *Repression of public sector trade unions in Botswana.* France: Public Service International

Werbner, P.2013. Dialogical subjectivities of hard times: expanding the political and ethical imaginaries of subaltern and elite Batswana women. In Schler, L., Bethlehem, L. & Sabar, G. (eds). *Rethinking labour in Africa, Past and Present.* London: Routledge.

Werbner, P. 2014. *Legal, mobilisation, legal skepticism and the politics of public sector unions in Botswana*. A paper presented to the United African Studies Annual Conference.

Webster, E. 2007. Trade Unions and Political Parties in Africa: New alliances, strategies and partnerships. *Friedrich-Ebert-Stiftung International Trade Union Cooperation. Briefing Papers N° 3*

World Bank (2013). *The World Bank Report: Botswana social protection assessment*. Accessed at http://www.worldbank.org/en/country/botswana on 24.06.2014.

Zikalala, S. 1991. "Overlapping Leadership in Alliance Partners". In Buhlungu, S. & Tshoaedi, M. 2012. *COSATU's contested legacy: South African Trade Unions in the Second Decade of Democracy* (eds). Cape Town: HRSC Press.

APPENDICES

APPENDIX A: REQUEST LETTER AND CONSENT FORMS



Mpho P. Mwatcha. Email: patymwatcha@gmail.com/870949@students.wits.ac.za

For Academic purposes only

BOTSWANA'S LABOUR RELATIONS SYSTEM AND THE LESSONS FROM 2011 PUBLIC SECTOR STRIKES

Dear Potential Respondent

My name is Mpho Patience Mwatcha. I am a Masters student in the Global Labour University Programme at the University of Witwatersrand in Johannesburg. As part of the requirements for a Master Degree at Wits University, I have to carry out a research study. The study I am doing is concerned with the character of Botswana's Labour Relations and lessons from the 2011 public sector strikes. The study intends to investigate whether Botswana's labour relations system, through its legislation impede on the workers' right to strike and/or engage in industrial action. It also examines the prevailing labour conditions relating to the right to strikes as contained in the Public Service Act of 2008 with specific reference to instances relating to the historical public servants strike of 2011.

I therefore request to conduct an interview with you to get your views on the subject. Participation in this study is voluntary and your name will not be written anywhere. Respondents for this study are selected using random sampling. This technique selects population of study with specific purpose in mind. In this study the specific purpose is

to find out the perception of public sector employees on the character of Botswana's labour relations system.

You are free to choose not to answer certain questions that you may feel uncomfortable with. The interviews will last for approximately an hour and will be recorded and deleted once the researcher has finished to transcribe them. The final report that will be published on the university website will use pseudonyms to protect your right to anonymity.

There are no known risks associated with this research. There are no benefits to you or to the researcher that would result from your participation in this research. The information you give will be for academic purposes only and will be treated with confidentiality. If you have any questions or concerns about this study please contact the University of Witwatersrand, Global Labour University (GLU) Programme telephone number: **27 (0) 11 717 4443/4479.** If you agree to participate in this study kindly sign the consent form below to demonstrate your willingness.

UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

Mpho P. Mwatcha. Email: patymwatcha@gmail.com/ 870949@students.wits.ac.za

CONSENT FORM

For Academic purposes only

BOTSWANA'S LABOUR RELATIONS SYSTEM AND THE LESSONS FROM 2011 PUBLIC SECTOR STRIKE

Dear Potential Respondent

If you agree to participate in this study kindly tick the boxes below to show your preference and sign the consent form.

☑ **I have read and understood the Participant Information sheet**

☑ **I understand the purpose and nature of this study**

☑ **I agree to participate voluntarily**

☐ **I agree to do audio taping**

☐ **I do not agree to take part in this study**

☐ **I do not agree to do audio taping**

Signed..... **Date**.13-10-14

UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

Mpho P. Mwatcha. Email: patymwatcha@gmail.com/ 870949@students.wits.ac.za

CONSENT FORM

For Academic purposes only

BOTSWANA'S LABOUR RELATIONS SYSTEM AND THE LESSONS FROM 2011 PUBLIC SECTOR STRIKE

Dear Potential Respondent

If you agree to participate in this study kindly tick the boxes below to show your preference and sign the consent form.

☑ **I have read and understood the Participant Information sheet**

☑ **I understand the purpose and nature of this study**

☑ **I agree to participate voluntarily**

☐ **I agree to do audio taping**

☐ **I do not agree to take part in this study**

☑ **I do not agree to do audio taping**

Signed..... **Date**....6/10/2014

APPENDIX B: INTRODUCTION LETTER FROM THE UNIVERSITY

Global University Programme – University of the Witwatersrand, Johannesburg

School of Social Sciences • Private Bag 3, Wits, 2050, South Africa • Tel: +27 11 717-4443/4479
Fax: +27 11 7174459 • E-mail: GLU.SouthAfrica@wits.ac.za • web site: www.global-labour-university.org

17 June 2014

To:
Botswana Manual Workers Union
BOTSWANA

Dear Colleagues,

Letter of Introduction: Mpho Mwatcha (Student Number 870949)

This serves to confirm that Mrs. Mpho Patience Mwatcha is a registered Master Student at the University Of Witwatersrand in the field of Labour Policy & Globalisation. As part of the University requirements for completion of her degree, Mrs. Mwatcha is required to carry out a research project, which she has selected to do in Botswana.

Mrs. Mwatcha's focus is on the industrial relations system of Botswana with reference to the 2011 strike. We would like to request that you permit her to conduct her research study in your institution.

Should you require further details of her study, you are welcome to contact me directly at Pulane.Ditlhake@wits.ac.za or on +27 11 717 4443. Your permission will assist her greatly in the development of body of knowledge about Botswana, but most specifically, labour matters pertaining to industrial action.

Yours sincerely,

Ms Pulane Ditlhake
Programme Coordinator
Global Labour University Programme
University of the Witwatersrand, Johannesburg
South Africa

APPENDIX C: RESEARCH INSTRUMENTS (IN-DEPTH INTERVIEW SCHEDULES)

Biographical Data for all interviewees:

Kindly provide the following details

Age:

Gender:

Educational Background:

Occupation (Job Description and Responsibilities):

Face to face in-depth interview schedule for union leaders

1. Please provide a brief history of your union (Date established, membership number, challenges and relationship with the government)
2. Are you familiar with the Public Service Act of 2008? Why do you think the government enacted the *Public Service Act of 2008?*
3. What are your views on the Act with regards to workers' rights particularly the right to unionise and strike?
4. How has the labour movement responded to the provisions of the Act particularly those relating to the right to unionise and strike?
5. Do you think the *Public Service Act 2008* complies with ILO standards?
6. What do you think of the development of the labour movement in Botswana and its current state?
7. What was the rationale for 2011 Public sector strike?
8. What do you make of the government's response and attitude to the 2011 'mother of all strikes'?
9. Why do you think the government responded in that way?
10. From the 2011 strikes, what would you say about the labour relations system of Botswana regarding the right to strike?
11. What are the prevailing labour conditions relating to the historical public servants strike of 2011?
12. What has been the relationship of the government and public sector unions

following the 2011 strikes?

13. Has the relationship always been like that or there was something that influenced it?
14. After the 2011 strike, there has been some developments relating to the 2008 Act, do you feel the present legislative framework demonstrate the willingness of the government to grant full labour rights to workers in the public sector?
15. If yes, explain how the government demonstrates this?
16. If No, what do you think should be done for workers to be granted full rights?

Individual in-depth interview schedule for unionised and focus group questions for non-unionised public servants

1. Are you are aware of the Public Service Act of 2008?
2. Why do you think the government enacted the *Public Service Act of 2008?*
3. What are your views on the Act? (Is it supportive of workers right to unionise and strike)
4. How has the labour movement responded to the provisions of the Act particularly those relating to the right to unionise and strike?
5. Does the *Public Service Act, 2008* comply with ILO standards?
6. What do you think of the development of the labour movement in Botswana and its current state?
7. How would you describe the government's response and attitude to the 2011 'mother of all strikes'?
8. From the 2011 strikes, what would you say about the labour relations system of Botswana regarding the right to strike?
9. What are the prevailing labour conditions relating to the historical public servants strike of 2011?
10. What has been the relationship of the government and public sector unions following the 2011 strikes?
11. Do you think the strike had any impact on this relationship? If yes what impact?
12. After the 2011 strike the government made some changes in the legal framework, do you feel the present legislative framework demonstrate the willingness of the government to grant full labour rights to workers in the public sector?

Interview schedule for Industrial Court Personnel and Labour Relations Officers

1. After its promulgation, the Public Service Act of 2008there was an immediate call for it to be amended. What was the main reason for this?
2. What do you think of the clauses of the Act that relate to the right to strike?
3. The Public Service Act, 2008 has been criticised by some section of public trade unions for its attempt to do everything (collective labour law, individual labour law and administrative law). What do you think of the criticisms, are they justified?
4. In 2011 Botswana experienced the historic public service strikes. What do you think of the government's response to the strikes?
5. There have been some changes in some clauses of the Public Service Act after the 2011 strikes. What was the purpose of those amendments?
6. It appears that the intended amendments were projected toward curtailing the right to strike as a reactionary move after the 2011 strike. Is this true?
7. Is the current Public Service Act in compliance with the country's international obligations as contained in the ILO standards?
8. Are there any clauses in the Act that violate the workers' rights to strike?
9. The Trade Dispute Act has some clauses that permit employers to demand withdrawal of registration of a trade union, don't you think this has some elements of violation of workers' rights to unionise and subsequently engage in industrial action?
10. Does Botswana's legal framework showcase government's readiness to adapt to the new labour regime in the public service and grant full labour rights to workers in the public service?
11. Does the Botswana's labour relation system contradict the government's commitment to ILO standards?

Interview schedule for the International Labour Organisation Personnel

ILO has recommended eight Conventions identified as fundamental to the rights of human beings at work. One of these conventions is the Right to Organise and Collective Bargaining**.** Botswana government ratified this right in 1997. However there have been instances where it appears this was just in paper and not in practice.

1. Is ILO aware of any infringement of conventions ratified by Botswana?
2. Does ILO have any form of monitor to determine violations of conventions?
3. How often does ILO check on member states to assess the progress of the ratified conventions?
4. IN 2008, Botswana enacted Public Service Act No. 30 with the intention of aligning the country's labour laws to international obligations, the Act was further amended to make in comply with the International Labour Laws. Is the ILO aware of this Act?
5. The Botswana Public Service Act endorses the right to strike. This is in accordance with ILO fundamental rights, however in 2011 following the country's historic public strike, a number of workers lost their jobs because according to the government their participation to strike was illegal. What was ILO's response to this development?
6. Following the dismissal of workers the government decided to amend the clause on strikes by adding number of workers classified under essential services. Was this not tantamount to invasion of workers right to strike?
7. Does Botswana's legal framework showcases government's readiness to adapt to the new labour regime in the public service and grant full labour rights to workers in the public service?
8. What has been ILO's overall response to the 2011 strikes and government's response?
9. The response of the government to repress workers' right to strike has been interpreted as on way of supporting IMF's neoliberal agenda (e.g. cutting on wages to give way to economic growth). Some Critics argue this incapacitates ILO intervention in the dispute between the government and the public service workers. What is ILO's relationship with IMF and how does this relationship affect the situation in Botswana?
10. Does the Botswana's labour relation system contradict the government's

commitment to ILO standards?

11. What is ILO doing to help Botswana public service workers to benefit from ILO conventions?
12. Do you think the government of Botswana is ready to conform to the changed landscape and the potent weapon conferred to employees in industrial relations with regards to the right to strike?

THANK YOU VERY MUCH FOR YOUR TIME AND COOPERATION