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Application of Y.S. Lee’s General Theory of Law and Development to Botswana

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Abstract: Botswana has achieved significant socio-economic development despite its low-income status in 1966 when colonial rule ended, earning it the status of an “African success story” and “African miracle”. Botswana’s development was achieved in great part to its abundance of natural resources (diamonds), in contrast to other African countries that displayed conditions affiliated with the “resource curse”: corruption, rent-seeking behaviour by the ruling class, Dutch disease, declining terms of trade, the absence of economic diversification, and even civil conflict. Despite its extensive coverage in political economy and development studies literature, Botswana’s socio-economic development has yet to be interrogated through a law and development lens. Yong-Shik Lee offers a theoretical framework to conduct such an analysis in his article, *General Theory of Law and Development*, which proposes that law directly impacts development through three categorical Regulatory Impact Mechanisms: regulatory design; regulatory compliance; and quality of implementation. This article applies Lee’s theory to Botswana, making it one of the first applications of Lee’s theory to an African case study.

Keywords: law and development, Botswana, general theory of law and development, mineral resources

1 Introduction

This article explains Botswana’s development outcome using Yong-Shik Lee’s general theory of law and development (the “general theory”).¹ Lee’s newly advanced theory clarifies the conceptual parameters of law and development and posits that law directly impacts development through “Regulatory Impact Mechanisms”, which are comprised of three categorical elements: “regulatory

¹ Y.S. Lee, *General Theory of Law and Development*, 50 *Cornell Journal of International Law*, no. 3 (2017), 415–471.

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design”, “regulatory compliance”, and “quality of implementation”.² This article is one of the first attempts to apply Lee’s theory to an African case study.³ From all of the possible countries to study, Botswana’s status as an “African success story”⁴ and “African miracle”⁵ make it a worthwhile empirical study. Furthermore, Botswana’s successful development outcome has yet to be interrogated through a law and development lens, which Lee’s general theory provides.

Botswana has achieved significant economic growth and development despite its low-income status when it gained independence from Great Britain in 1966. Its location between South Africa and Germany’s Southwest Africa colony meant Bechuanaland (Botswana’s colonial predecessor) mainly served as a buttress to other colonial interests in the region, and was of little importance to the British Empire.⁶ Britain’s lack of interest in the colony was evident in its minimal investment – the physical infrastructure and political administration in Bechuanaland left Botswana with neither an indigenous economy nor an educated bureaucracy,⁷ and only 50–60 km of paved roads.⁸ Today, Botswana is classified as an upper middle income country with a gross domestic product (GDP) of \$15.5 billion USD and GDP per capita of \$7,877 USD.⁹ The annual growth rate remained steady over the past decade, averaging 5 per cent per annum.¹⁰

In the political sphere, Botswana escaped the civil conflicts that plagued many other African countries. It is the longest continuous multiparty democracy

² *Ibid.*, p. 5.

³ Lee previously applied his theory to South Korea, both in his 2017 article and in his paper *Law and Development: Lessons from South Korea*, 11 *Law and Development Review*, no. 2 (2018), 433–465, which was also presented at the 2017 Law and Development Conference held at the University of Cape Town (September 7–8, 2017).

⁴ D. Acemoglu, S. Johnson and J.A. Robinson, *An African Success Story: Botswana*, MIT Department of Economics Working Paper No. 01–37 (2001).

⁵ A.I. Samatar, *An African Miracle: State and Class Leadership and Colonial Legacy in Botswana Development* (Portsmouth, NH: Heinemann, 1999).

⁶ S.A. Beaulier and J.R. Subrick, *The political foundations of development: the case of Botswana*, 17 *Constitutional Political Economy*, no. 2 (2006), 103–115, at 108.

⁷ Samatar (1999), *supra* note 5, p. 68.

⁸ Beaulier and Subrick (2006), *supra* note 6, p. 104.

⁹ World Bank, “Botswana - Data”, available at: <<https://data.worldbank.org/country/botswana>>, accessed June 1, 2018; Open Data for Africa, “World GDP per Capita Ranking 2017”, available at: <<http://botswana.opendataforafrica.org/sijweyg/world-gdp-per-capita-ranking-2017-data-and-charts-forecast>>, accessed June 1, 2018.

¹⁰ World Bank, “Botswana Overview”, available at: <<http://www.worldbank.org/en/country/botswana/overview>>, accessed June 1, 2018.

in Africa.¹¹ The Botswana Democratic Party (BDP) has dominated the country's politics since independence, having formed the government after each election.¹² Despite this stronghold on power, no BDP president has sought to serve beyond the constitutional two term limit introduced in 1997. Only Botswana's first two presidents – Seretse Khama and Quett Masire – served longer than 10 years.¹³ However, their tenures were peaceful and were not marred by the coups and civil disruption that afflicted many other African rulers in the early post-colonial period.¹⁴

Botswana's development was possible in great part to its abundance of natural resources (diamonds), in contrast to other African countries that displayed conditions affiliated with the “resource curse”.¹⁵ Without the presence of sound institutions, natural resource endowment is typically viewed as a curse rather than a blessing because of the political and economic distortions that may arise, including corruption, rent-seeking behaviour by the ruling class, Dutch disease,¹⁶ declining terms of trade, the absence of economic diversification, and even civil conflict.¹⁷

To apply Lee's general theory to Botswana's law and development, this paper is divided as follows: Section 2 identifies the applicable law as well as the development objectives that spearheaded Botswana's economic growth. Section 3 then applies the “regulatory impact mechanisms” portion of the general theory. Section 4 concludes by evaluating the general theory's applicability to explaining Botswana's socio-economic outcome and assesses the impact of law on Botswana's development.

¹¹ BBC, “Botswana country profile”, available at: <<https://www.bbc.co.uk/news/world-africa-13040376>>, accessed July 26, 2018.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ Coup d'états were common occurrences in post-colonial Africa. Several leaders, including Kwame Nkrumah in Ghana, Patrice Lumumba in the Democratic Republic of Congo, Milton Obote in Uganda, Thomas Sankara in Burkina Faso, and Abubakar Tafawa Balewa in Nigeria were overthrown in coups. Many, like Lumumba and Sankara, were also assassinated.

¹⁵ P. Martin, *A Closer Look at Botswana's Development: The Role of Institutions*, 9 Paterson Review (2008), 35–54, at 36.

¹⁶ As a component of the resource curse, Dutch disease refers to the decline other industries experience due to a strengthening exchange rate caused directly by increased levels of resource extraction. Richard Auty, *Sustaining Development in Mineral Economies* (New York: Routledge, 1993), p. 3.

¹⁷ Martin (2008), *supra* note 15, p. 38.

2 Law and Development in Botswana

2.1 Applicable Law

Determining which law to examine forms part of the first prong of the general theory. Lee stipulated that in the context of law and development, “law” refers to both formal state law, and informal customary law.¹⁸ In Botswana’s case, formal state law is the focus of analysis for two main reasons. First, Botswana adopted a Westminster democratic system similar to Great Britain’s, where the power to make law rests with two key branches of the state – parliament and the executive.¹⁹ Botswana’s parliament consists of a unicameral Assembly that is responsible for debating and passing laws “for the peace, order, and good government of Botswana.”²⁰ The executive branch, made up of the president, vice-president, and cabinet, also possesses constitutionally granted law-making powers.²¹ Unlike Westminster-style democracies such as Great Britain, however, greater power rests with the executive to challenge laws proposed by parliament: the president can withhold signing bills, which results in their return to the assembly.²² As a result of this power imbalance, Botswana’s president has been a key figure in the country’s nation-building project.

Secondly, Botswana’s socio-economic development has been a state-led project since independence. The Botswana state’s role is often compared to the East Asian Tigers, like South Korea, Taiwan, and Singapore, resulting in the country being described as a developmental state.²³ Botswana transformed from one of the world’s poorest countries in 1966, to an upper middle-income country today, with a gross national income (GNI) per capita of \$6,820 USD in 2017²⁴ largely as a result of a number of factors characteristic of the developmental state: a development-oriented political leadership willing to intervene in the economy; an autonomous and effective bureaucracy; a production-coordinated

¹⁸ Lee (2018), *supra* note 3, p. 437; Lee (2017), *supra* note 1, pp. 423–424.

¹⁹ Beaulier and Subrick (2006), *supra* note 6, p. 109.

²⁰ Constitution of Botswana, 1966, s. 86.

²¹ *Ibid.*, ss. 47, 49–50.

²² Beaulier and Subrick (2006), *supra* note 6, p. 109.

²³ D. Sebudubudu, “The Institutional Framework of the Developmental State in Botswana”, in P. Mbabazi and I. Taylor (eds.), *The Potentiality of ‘Developmental States’ in Africa: Botswana and Uganda Compared* (Dakar: CODESIRA, 2005).

²⁴ World Bank, *supra* note 9. For much of the past 20 years, Botswana’s annual GNI either surpassed or was level with the average GNI for upper middle income countries as classified by the World Bank. See World Bank Data available online at: <<https://data.worldbank.org>>.

private sector; and performance-oriented governance.²⁵ One of the key features of Botswana's developmental state was the early relationship formed between the national government and the private sector, namely the De Beers Group. Soon after independence, the government of Botswana partnered with De Beers to develop the country's first diamond mine.²⁶ This partnership led to the creation of Debswana, a 50–50 joint venture between the Government of Botswana and De Beers.²⁷ Consequently, the contracts and other binding agreements that framed this public-private partnership are also an important consideration in the “law” contemplated in law and development.

Due to Botswana's state-led development through such mechanisms as legislation and contracts, formal state law is exclusively examined in this application of Lee's general theory. However, despite this focus, customary law and traditions remain a part of the law-making process in Botswana. For example, the broad-based participation of parliamentarians and civil servants infuses the consensus-driven approach commonly used in Botswana's contemporary legislative process. This approach has its origins in the traditional political customs that were in place during colonial rule.²⁸ Governance was not carried out in a hierarchical manner, but instead ensured an equal place for traditional rulers (the chiefs) in decision-making.²⁹ This practice continued after independence, with slight variations to account for the prominent role of the bureaucracy and evolving elite interests.³⁰ According to Scott A. Beaulier and J. Robert Subrick, the successful integration of customary practices into Botswana's modern institutions helps to explain the legitimacy and strong support Botswana's democratic institutions receive from its population.³¹

2.2 Development Objectives

Lee's general theory adopts the definition of development as “a progressive transformation of the economy and society.”³² Although Lee acknowledges that the

²⁵ P. Meyns and C. Musamba, *The Developmental State in Africa: Problems and Prospects*, INEF Report 101/2010, p. 42.

²⁶ K. Jefferis, *The role of TNCs in the extractive industry of Botswana*, 18 *Transnational Corporations*, no. 1 (2009), 61–92, at 62.

²⁷ *Ibid.*, p. 65.

²⁸ Beaulier and Subrick (2006), *supra* note 6, at 109.

²⁹ *Ibid.*

³⁰ Acemoglu et al. (2001), *supra* note 4, p. 3.

³¹ Beaulier and Subrick (2006), *supra* note 6, at 109.

³² Lee (2018), *supra* note 3, p. 428; Lee (2017), *supra* note 1, p. 439.

precise nature of this transformation is subject to debate, he embraces a joint interpretation of development focused on both economic and social objectives, with the former being central to achieving the latter.³³ Thus, “economic development” in the general theory is focused on economic growth indicators (i. e. GDP, employment, inflation), while “social development” may include such objectives as “political freedom, democratic governance, gender equality, protection of environment, access to education, protection of the environment, and the rule of law.”³⁴

Both economic and social development formed the crux of Botswana’s development objectives since it gained independence from Great Britain in 1966. It’s characterization as the “African miracle” and “African success story” is due both to the unanimous view that Botswana has achieved many of its development objectives while simultaneously avoiding the “African growth tragedy”³⁵ that afflicted other countries across the continent. The promise of its potential – which diamonds provided – was.³⁶ Unlike other resource-rich states across Sub-Saharan Africa that experienced low economic development since the 1970s, Botswana managed to maintain consistent growth spurred by diamond mining. To help explain Botswana’s historical development success, and to illustrate its recent development objectives, this section will discuss the country’s socio-economic conditions at independence, in addition to its post-colonial development trajectory.

Abdi Ismail Samatar succinctly described Botswana at independence as “an impoverished society” that “lacked two main ingredients necessary to transform its economy: educated and skilled labour and immediately exploitable natural resources.”³⁷ Diamonds were not discovered in the country until 1968. After 4

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ William Easterly and Ross Levine used the term “African growth tragedy” to refer to the unfulfilled potential of Africa’s post-colonial economic history. Africa’s growth potential was ranked ahead of East Asia’s in the 1960s. Yet, that potential was not realized over the next 30 years as per capita GDP per capita did not grow in Africa, while East Asia and Latin America respectively experienced 5 percent and 2 percent growth. W. Easterly and R. Levine, *Africa’s Growth Tragedy: Policies and Ethnic Divisions*, 112 *Quarterly Journal of Economics*, no. 4 (1997), 1203–1250.

³⁶ Beaulier, *supra* note 6, p. 105. Due to the wealth that mining provided, Botswana did not embark on an economic diversification plan centered on industrialisation until recently. However, the country’s industrialisation strategy is diamond-centric and focuses on ways to expand downstream beneficiation in the mining industry. This is discussed in greater detail in Section 3.1.3.

³⁷ Samatar (1999), *supra* note 5, p. 62.

years, diamonds were first mined at Orapa with a \$33 million USD investment.³⁸ Samatar further detailed Botswana's "shallow financial base from which to launch a development program', as well as its "[dependence] on [Britain's] financial support to balance its annual budget."³⁹ The shortage of employment opportunities in the country further impeded its development prospects at independence.⁴⁰ Despite the significant obstacles the country's new leadership faced in 1966, they embarked an ambitious development that sought to improve socio-economic conditions. Remarking on Botswana's status at independence on its tenth anniversary, the new president Seretse Khama said

When we attained independence in 1966 we had no economic base from which to proceed with the development of our country. Our chances of survival as a viable country were almost nil but we were not discouraged nor could we ever willingly return to the old days of colonial neglect. Having accepted the challenges of independence we had no other alternative but to get down to work to make our independence a meaningful one.⁴¹

Thus, "the very process of nation-building after independence took on a nature that was inspired by the fundamental task of development."⁴² To achieve this, the BDP adopted the methodology used by the Protectorate Administration in its final years of existence: centralized development planning.⁴³

Botswana's initial priorities in this area were to "establish a coordinated institutional capability and to attract sufficient public and overseas private funds."⁴⁴ 4 years after independence, the Ministry of Finance and Development Planning (MFDP) was established as the centralized "institutional brain of the economic policy-making process."⁴⁵ The Ministry became responsible for: planning, coordinating, and budgeting all development activities; overall design of the state's financial affairs; the implementation of development projects; and negotiating and liaising with aid agencies.⁴⁶

³⁸ J. Nocera, "Diamonds are forever in Botswana", available at: <<https://www.nytimes.com/2008/08/09/business/worldbusiness/09nocera.html>>, accessed August 25, 2018.

³⁹ Samatar (1999), *supra* note 5, p. 63.

⁴⁰ *Ibid.*, p. 64.

⁴¹ I. Taylor, "Botswana's Developmental State and the Politics of Legitimacy", in G. Harrison (ed.), *Global Encounters: International Political Economy, Development, and Globalization* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2005), p. 45.

⁴² *Ibid.*

⁴³ Samatar (1999), *supra* note 5, p. 83.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*, p. 85.

⁴⁶ *Ibid.*

Under the leadership of Vice-President Quett Masire, the MFDP undertook development planning through 6-year National Development Plans (NDP), which addressed both social and economic development objectives.⁴⁷ Not only did the Plans contribute to creating and implementing a coherent developmental vision for the state, but the government procedure that was developed to produce the Plans entrenched a consensus-driven process that resisted destructive neo-patrimonial and rent seeking behaviour.⁴⁸ For example, Botswana's current NDP 11⁴⁹ includes objectives in five key areas: macroeconomic strategies; economy and employment; sustainable environment; governance, safety and security; and social upliftment. A summary of the current objectives is included in Table 1 below.

Botswana's state-led development planning and implementation resulted in the country achieving one of the highest average annual growth rates in the latter part of the twentieth century (10.7% between 1974 and 1992).⁵⁰ This economic growth continued into the twenty-first century, with average rates of 5% per annum over the last decade.⁵¹ Annual growth in Botswana's per capita income also averaged 7% in the period from 1966 to 1999.⁵² According to a study, Botswana's average annual growth in per capita income surpassed that of Chile, Indonesia, Ireland, South Korea, Singapore, and Thailand during that same period.⁵³ In addition to its successful economic development, Botswana's social development achieved favourable results in education (88.5% literacy rate⁵⁴; universal primary education; 9% of GDP directed towards education funding⁵⁵) and health (64.5 years life expectancy at birth⁵⁶; reductions in HIV

47 J.C. Leith, *Why Botswana Prospered* (Montreal: McGill-Queen's University Press, 2005), p. 58.

48 Martin (2008), *supra* note 15, p. 42.

49 The Government of Botswana, *National Development Plan 11*, Volume 1 (April 2017 – March 2023), available at: <<https://www.tralac.org/images/Resources/By%20country/Botswana/Botswana%2011th%20National%20Development%20Plan%202017-2023.pdf>>, accessed May 24, 2017.

50 Samatar (1999), *supra* note 5, p. 65.

51 World Bank, *supra* note 10.

52 M. Lewin, *Botswana's Success: Good Governance, Good Policies, and Good Luck*, available at: <<http://siteresources.worldbank.org/AFRICAEXT/Resources/258643-1271798012256/Botswana-success.pdf>>, accessed November 21, 2017, p. 81.

53 *Ibid.*, p. 82.

54 United Nations Development Programme, Botswana Human Development Report, available at: <<http://hdr.undp.org/en/countries/profiles/BWA>>, accessed November 21, 2017.

55 World Bank, *supra* note 10.

56 UNDP, *supra* note 54.

Table 1: Botswana's Current Development Objectives.

Areas of focus	Key objectives
Macroeconomic strategies:	<ul style="list-style-type: none"> – Developing diversified sources for economic growth; – Using domestic expenditures as a source for growth and employment creation; – Expanding the export-led growth strategy; – Ensuring a conducive environment for the private sector to grow the economy and employment creation; – Securing a regulatory framework for doing business and competing globally.
Economy and employment:	<ul style="list-style-type: none"> – Improving the quality and relevance of education and training; – Improving educational quality and skills development to promote workforce productivity; – Improve capacity in research and innovation; – Develop an entrepreneurial culture to foster manufacturing in technological industries.
Sustainable environment:	<ul style="list-style-type: none"> – Ensure a healthy environment for a healthy population; – Encourage sustainable management of natural and cultural resources; – Develop climate change adaptation and mitigation strategies; – Support sustainable human settlements.
Governance, safety and security:	<ul style="list-style-type: none"> – Further enhance citizen participation; – Promote government transparency through the creation of two new audits; – Modernize the courts through measures such as e-Government, simplified rules of courts, and reduced litigation costs; – Promote gender equality and women's empowerment.
Social upliftment:	<ul style="list-style-type: none"> – Combat rural poverty; – Support the development of small, medium, and micro-enterprises; – Continue the provision of social safety nets; – Eradicate absolute poverty; – Improve access to quality health care services.

Source: *Botswana, National Development Plan 11, Volume 1 (April 2017-March 2023)*.

prevalence rate among adults ages 15–49 from 26% in 2000 to 22.2% in 2015).⁵⁷ Compared to the rest of Africa, Botswana's human development ranking is only

⁵⁷ *Ibid.*

surpassed by Seychelles, Mauritius, Algeria, Tunisia, and Libya.⁵⁸ It is the highest ranked Sub-Saharan African country, ahead of Gabon and South Africa in the top 10.⁵⁹ Despite its success in promoting human development, Botswana maintains a high unemployment rate of 17.8%, which has stalled efforts to combat income equality and reduce poverty.⁶⁰

3 Application of the Regulatory Impact Mechanisms

This section examines Lee's proposed mechanisms by which law impacts development – the Regulatory Impact Mechanisms. Each categorical element – regulatory design, regulatory compliance, and quality of implementation⁶¹ – is applied to the Botswana case study.

3.1 Regulatory Design

Regulatory design “analyses how law is designed to achieve a development objective” and consists of the following sub-elements: anticipated policy outcome; organization of law, legal frameworks, and institutions; and adaptation to socio-economic conditions.⁶²

3.1.1 Anticipated Policy Outcome

The first sub-element, anticipated policy outcome, refers to the outcome of a policy that law is anticipated to deliver. Botswana's diverse development objectives were implemented through a wide spectrum of policies across a range of areas. Despite these seemingly disparate policies, it can be argued that Botswana's range of development policies had, at a minimum, the anticipated

⁵⁸ Organization for Economic Cooperation and Development, *Africa Economic Outlook 2017: Entrepreneurship and Industrialisation*, p. 112, available at: <https://read.oecd-ilibrary.org/development/african-economic-outlook-2017/human-development-in-africa_aeo-2017-7-en#page1>, accessed August 26, 2018.

⁵⁹ *Ibid.*

⁶⁰ World Bank, *supra* note 10.

⁶¹ Lee (2018), *supra* note 3, p. 435; Lee (2017), *supra* note 1, p. 443.

⁶² *Ibid.*, p. 436, p. 444.

outcome of positively impacting social or economic development, either at the state or individual level. At the state level, this included growth-promoting policies that covered the important areas of minerals, land and agriculture, international trade, money, exchange rates, fiscal revenues, fiscal expenditure, labour market, state-owned enterprises, and industrialization.⁶³ At the individual level, development policies were designed to impact health, gender equality, and rural poverty reduction.

Table 2 below summarizes some of Botswana's key state-level development policies since independence and their anticipated outcomes.⁶⁴

In addition to these growth-promoting policies, the government of Botswana introduced social development policies aimed at improving outcomes for individual Botswana by complementing Botswana's main social development policy, the NDP. Some notable examples were the National Policy for Rural Development,⁶⁵ the 2002 Revised National Policy for Rural Development,⁶⁶ the National Policy on Gender and Development,⁶⁷ and the National Policy on HIV and AIDS.⁶⁸ Each attempted to tackle pressing social development issues. The 1973 and revised 2002 National Policy for Rural Development sought to reduce rural poverty and promote sustainable livelihoods by stimulating the rural economy through increased agricultural productivity.⁶⁹ In 2015, the Botswana government introduced the National Policy on Gender and Development as a replacement for the 1996 Women in Development Policy.⁷⁰ This policy provided

⁶³ Leith (2005), *supra* note 47, pp. 59, 97.

⁶⁴ The data summarized here is taken from Leith (2005), *supra* note 46, pp. 59–101; Acemoglu et al. (2001), *supra* note 4, pp. 16–19; and G.S. Maipose, *Institutional Dynamics of Sustained Rapid Economic Growth with Limited Impact on Poverty Reduction*, prepared for the United Nations Research Institute for Social Development project on Poverty Reduction and Policy Regimes (Geneva, January 2008).

⁶⁵ Government of Botswana, *National Policy for Rural Development*, Government Paper No. 2 (May 1973).

⁶⁶ Government of Botswana, *Revised National Policy for Rural Development*, Government Paper No. 3 (2002).

⁶⁷ Government of Botswana, *National Policy on Gender and Development*, available at: <<http://www.gov.bw/en/Ministries-Authorities/Ministries/Ministry-of-Labour-Home-Affairs-MLHA/Ministers-Speeches/THE-NATIONAL-POLICY-ON-GENDER-AND-DEVELOPMENT/>>, accessed November 25, 2017.

⁶⁸ Government of Botswana, *National Policy on HIV and AIDS*, available at: <<http://www.gov.bw/en/Ministries-Authorities/Ministries/State-President/National-AIDS-Coordinating-Agency-NACA1/Tools-Services/Services-Forms/HIV-and-AIDS-Policies/>>, accessed November 25, 2017.

⁶⁹ F.L. Kessy and A. Tostensen, *Out of poverty: comparative poverty reduction strategies in Eastern and Southern Africa* (Oxford: African Books Collective, 2008), p. 104.

⁷⁰ Botswana, *National Policy on Gender and Development*, *supra* note 67.

Table 2: Key Development Policies and Anticipated Outcomes.

Policy Area	Sample Policies	Anticipated policy outcome
Minerals	<ul style="list-style-type: none"> – <i>Mines and Minerals Act, 1967</i>; – <i>Mines and Minerals Act, 1999</i>; – Establishing agreements directed at state-ownership in – mineral extraction (Debswana, the joint-venture with De Beers, and the Okavango Diamond Company). 	Vest mineral rights in the state so that mineral wealth was directed to national purposes. This included using such revenue-generating measures as royalties, equity shares, and state ownership of extractive enterprises along the value-chain.
Trade	<ul style="list-style-type: none"> – Renegotiation of the Southern African Customs Union (SACU) agreement in 1969; – Special protections for beef exports in the 1975 Lome Convention. 	Increase government revenues and access to foreign markets for key exports.
Money	<ul style="list-style-type: none"> – <i>A Monetary System for Botswana</i>, Government Paper No. 1 (1975); – Creation of the Bank of Botswana. 	Create a new currency (the pula, launched in 1976), and establish the framework for monetary policy that was advantageous to domestic business, and the national economy.
Labour market	<ul style="list-style-type: none"> – <i>National Policy on Incomes, Employment, Prices and Profits</i>, Government Paper No. 2 (1972); – Public sector-led skills training. 	Establish a national minimum wage that varied by sector, and combat unemployment by increasing available skilled labour.
State-owned enterprises	<ul style="list-style-type: none"> – Creation of the National Development Bank (1965), and the Botswana Development Corporation (1970); – Creation of public enterprises providing utilities including water, electricity, telephones, and transportation. 	Support the development of indigenous businesses and investment and ensure the provision of essential services without draining government revenue.
Industrialization	<ul style="list-style-type: none"> – Financial Assistance Policy (1985); – Industrial Development Policy (1996); – Citizens Entrepreneurial Development Agency; – Economic Diversification Drive (2011–2016). 	Diversify the economy beyond minerals extraction.

a framework for including gender in all government activities in an effort to promote the “full and equal participation of women and men in a transformative development process.”⁷¹ Included among of the policies objectives were to: “create a conducive environment for gender equality and women’s empowerment”; “promote gender mainstreaming in ... development planning, policy formulation [and] legislation”; and “establish a framework for implementing and institutionalising gender equality initiatives.”⁷² The National Policy on HIV and AIDS was a response to growing social and economic impacts of the HIV and AIDS in Botswana, which has the third highest prevalence of HIV and AIDS in the world.⁷³ This policy not only attempted to reduce the rates of HIV and AIDS in the country, but it also sought to redress the socioeconomic impact of the disease on employment and healthcare infrastructure.⁷⁴

3.1.2 Organization of Law, Legal Frameworks, and Institutions (LFIs)

This sub-element of regulatory design refers to the structural organization and dynamics among law, legal frameworks, and institutions. It recognizes the importance of legal frameworks and institutions to ensuring effective development-facilitating policies and legislation.⁷⁵ Botswana’s legal frameworks and institutions were highly centralized, which allowed the government to direct top-down development policies that were implemented using available government resources. Vital to the effectiveness of Botswana’s LFIs were its civil service, and various public sector institutions specifically created to support development-facilitating policies, as further discussed below.

Autonomous bureaucratic institutions necessary to ensure the NDPs effectiveness, such as the MFDP, were also introduced by the Botswana government in the years after independence.⁷⁶ Key to their success was the government’s recognition that political interference, indigenizing the civil service, and creating a non-meritorious bureaucracy would hinder its early productiveness. Botswana’s early post-colonial civil service was based on a Weberian-model that attempted to maximize the knowledge of expatriate Britons who remained

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ Avert, “HIV and AIDS in Botswana”, available at: <<https://www.avert.org/professionals/hiv-around-world/sub-saharan-africa/botswana>>, accessed February 10, 2018.

⁷⁴ Kessy and Tostensen (2008), *supra* note 69, p. 95.

⁷⁵ Lee (2018), *supra* note 3, p. 441; Lee (2017), *supra* note 1, p. 449.

⁷⁶ Sebudubudu (2005), *supra* note 23, p. 81.

in the country.⁷⁷ Further contributing to the bureaucracy's effectiveness was their quick assimilation into the policy-making bloc, and their favourable intersection with political and economic elites. This close relationship between the bureaucracy and the ruling party resulted in the civil service becoming a recruitment site for senior positions in the ruling party, and the national government.⁷⁸

The national government also established centralized ministries empowered to direct development planning, and minerals governance. The MFDP was mandated to carry out the government's developmental planning, and became the centrepiece of the developmental state.⁷⁹ Similarly, the Department of Mines, the precursor to the current Ministry of Minerals, Energy, and Water Resources, was designated the designer of the country's early mineral governance regime, which included developing the fiscal regime entailing the royalty rate, and equity sharing option.⁸⁰

Complementing the civil service's work were a number of public sector institutions, including the Botswana Development Corporation, the Botswana Enterprise Development Unit, the National Development Bank, and the Trade and Investment Promotion Agency.⁸¹ These entities were tasked with promoting industrialization through infrastructural development and investment, credit and service support for Botswana small business, and trade promotion within and beyond SACU.⁸² The creation of these institutions helped ensure the effective implementation of Botswana's development policies through specialized organizations with the knowledge and capacity to support the state's agenda.

3.1.3 Adaptation to Socioeconomic Conditions

As Botswana's early development policies proved successful, government priorities evolved to account for the country's changing socioeconomic conditions. Through subsequent policy and legislation, the Botswana government maintained its development agenda by adapting to changes in the economy and developing new institutions and private sector relationships. Botswana's evolving activities in its mineral sector are one such example.

⁷⁷ Taylor (2005), *supra* note 41, p. 45.

⁷⁸ *Ibid.*, p. 49.

⁷⁹ Meyns and Musamba (2010), *supra* note 25, p. 47.

⁸⁰ Meyns and Musamba (2010), *supra* note 25, p. 48; Jefferis, *supra* note 26, p. 80.

⁸¹ Samatar (1999), *supra* note 5, pp. 141, 147.

⁸² *Ibid.*, p. 143.

Mineral extraction was critical to ensuring sustainability and economic growth in Botswana since independence. Soon after independence, the Botswana government encouraged the exploration of its resources by foreign mining companies, which led to the discovery of mineral reserves after the first discovery at Orapa.⁸³ To promote this investment in the diamonds sector, Botswana entered into an agreement with De Beers in 1969 to establish the Debswana joint venture in which the state held a 50% stake.⁸⁴ Over the past two decades, Botswana's government recognized the need to promote economic diversification away from diamonds, and created more linkages between mining and other industries, while also ensuring a steady revenue stream from the mining sector. Mineral beneficiation policies were one way in which the Botswana government created more industrial linkages and promoted economic diversification. Expanding the country's downstream diamond production through polishing and cutting was an important component of this policy identified in the 11th NDP adopted in 2017.⁸⁵ The Diamond Technology Park built in Gaborone was one investment aimed at promoting beneficiation. The Park incubates small-scale companies (and their spinoffs) that cut, polish, and sell diamonds under the banner of the government's diamond sales corporation, Okavango Diamond Company.⁸⁶ Along with the Park, Botswana successfully negotiated the relocation of De Beers' rough diamonds sales operations from London to Gaborone.⁸⁷ Recent statistics indicate the efforts to encourage downstream mining are successful: more than 3,000 are employed in polishing operations (up from 500 in 2006), and polished diamond exports totalled \$800 million USD in 2013, compared to \$100 million USD in 2008.⁸⁸

Further pushing the need to diversify Botswana's economy is the recent slowdown in the global price for rough and polished stones in 2015 and 2016.⁸⁹ Lower global demand also led Debswana to cut its 2015 production target by 3

⁸³ Acemoglu et al. (2001), *supra* note 4, p. 24.

⁸⁴ *Ibid.*, p. 17.

⁸⁵ Botswana, *supra* note 48.

⁸⁶ R. Young, "Botswana: From sleepy backwater to global mining hub", available at: <<http://www.bbc.co.uk/news/business-23771552>>, accessed April 9, 2017; "Diamond Technology Park Botswana", available at: <<http://www.diamondtechnologypark.com>>, accessed April 9, 2017.

⁸⁷ Diamond Trading Company Botswana Sales Agreement, available at: <<http://www.dtcbotswana.com/about-us/sales-agreement/>>, accessed June 11, 2017.

⁸⁸ R. Weldon and R. Shor, *Botswana's Scintillating Moment*, 50 *Gems & Gemology*, No. 2 (2014), available at: <<http://www.gia.edu/gems-gemology/summer-2014-weldon-botswana-scintillating-moment>>, accessed June 2, 2017.

⁸⁹ J. Neicho, "Shine starts to fade on Botswana's diamond dividend" (January 28, 2016), available at: <<https://www.theguardian.com/global-development/2016/jan/28/botswana-diamond-mines-tourism-transport-agriculture-karowe>>, accessed June 2, 2017.

million carats to 20 million carats.⁹⁰ Exacerbating lower global diamond prices and demand is Botswana's dwindling reserves. Recent modelling estimates that the decline in Botswana's diamond reserves could lower the country's GDP per capita by 48% by 2027, when the effects will likely earliest be felt.⁹¹

3.2 Regulatory Compliance

The "regulatory compliance" element of the Regulatory Impact Mechanisms examines the general public's compliance with the law, which Lee argues is vital for law to have any impact on development.⁹² It is divided into two sub-elements: general regulatory compliance, and specific regulatory compliance.

3.2.1 General Regulatory Compliance

General regulatory compliance accounts for the public's overall level of compliance with laws, in addition to the public's confidence in the state implementing the law.⁹³ Borrowing Lee's adoption of the Rule of Law Index to measure general regulatory compliance in South Korea,⁹⁴ Botswana's level of overall public compliance is similarly strong. Both the World Justice Project's most recent Rule of Law Index, and the Ibrahim Index of Africa Governance rule of law indicator rank Botswana among the top three African countries.⁹⁵

Further evidence of general regulatory compliance in Botswana is the legitimacy of the state through decades-long public support of its initiatives and policies. The civil wars and political instability common to other parts of Africa never took place in Botswana. Its peace and minimal political dissent suggest the public supported and endorsed the government's economic and

⁹⁰ "Botswana's Debswana cuts diamond production due to market downturn" (September 11, 2015), available at: <<http://www.reuters.com/article/botswana-diamonds-idUSL5N11H16120150911>>, accessed June 2, 2017.

⁹¹ Neicho (2016), *supra* note 81; R. Grynberg, "And we will live like Swazis" (November 17, 2014), available at: <<http://www.sundaystandard.info/and-we-will-live-swazis>>, accessed June 2, 2017.

⁹² Lee (2018), *supra* note 3, p. 446; Lee (2017), *supra* note 1, p. 452.

⁹³ *Ibid.*

⁹⁴ *Ibid.*, p. 448; p. 453.

⁹⁵ World Justice Project, Rule of Law Index 2016 - Botswana, available at: <<http://data.worldjusticeproject.org/#/groups/BWA>>, accessed November 27, 2017; and 2017 Ibrahim Index of African Governance, available at <<http://iiag.online>>, accessed November 27, 2017.

development planning.⁹⁶ The government's legitimacy was also secured through continued support for the BDP that was buttressed by the state's mineral-fuelled growth. Relying more extensively on mineral revenues limited the government's reliance on taxes generated from the middle- and lower-classes, which yielded more socioeconomic benefits for these groups, and protected them from state exploitation.⁹⁷

3.2.2 Specific Regulatory Compliance

In the case of Botswana, specific regulatory compliance should be evaluated horizontally across different state institutions, and vertically between the national government and specific elements in society who were partners in the country's development. Since Botswana's development project was state-centric and relied heavily on the participation of various state actors, institutional acceptance of the government's agenda across all ministries was crucial to ensuring its effectiveness. Once broad-based compliance was achieved across government, specific regulatory compliance with private sector actors was required to ensure development-facilitating policies and legislation were effectively implemented.

Horizontal compliance across Botswana state institutions is illustrated by the government's efforts to ensure widespread support and agreement with a policy during its development process, and subsequently during the implementation phase. The practice of reaching widespread agreement across the national government is a continuation of Botswana's pre-colonial and colonial political decision-making processes. It encompasses Botswana's traditional institutions, the consensus-seeking approach to policy formulation, and the creation of broad political coalitions established after independence that placated the elite.⁹⁸

The country's early efforts to promote consensus-building and broad-based institutional participation within government helped stimulate compliance across departments. This allowed for better coordination in the planning of development objectives, particularly the NDPs.⁹⁹ The preparatory process for

⁹⁶ Meyns and Musamba (2010), *supra* note 25, p. 25.

⁹⁷ Samatar (1999), *supra* note 5, p. 74.

⁹⁸ Acemoglu et al. (2001), *supra* note 4; Leith (2005), *supra* note 47; and Martin (2008), *supra* note 15.

⁹⁹ L. Adamolekun and P. Morgan, *Pragmatic institutional design in Botswana—salient features and an assessment*, 12 International Journal of Public Sector Management, No. 7 (1999), 584–603, at 598.

the NDPs typically extended over multiple years and included consultations at sub-national regional and local governments, as well as various non-elected municipal authorities.¹⁰⁰

Vertical compliance is visible through private sector participation in the formulation and implementation of development policies. One such example is the High Level Consultative Council. Chaired by the President, the Committee includes top ministry officials and members of the private sector who meet twice a year to consult on industrial and economic development policies.¹⁰¹ In addition to private sector compliance achieved through consultation, the government's negotiated agreements with various businesses, particularly mineral extraction corporations, produce further acceptance of the state's development-facilitating agenda.¹⁰²

3.3 Quality of Implementation: State Capacity and Political Will

Lee's final Regulatory Impact Mechanism, "quality of implementation", captures the state capacity and political will necessary to effectively implement development-facilitating laws and policies.¹⁰³ In Botswana, visionary leadership was decisive to setting and maintaining its developmental course after independence in 1966. A strong central government was a key to the nation-building project for President Khama because it limited the influence of external actors, such as traditional chiefs, on the decision-making process.¹⁰⁴ During colonial rule, the British Protectorate's administration decentralized some decision-making power to wealthy, cattle-owning chiefs in an effort to maintain a semblance of traditional authority, but ultimately created divisive, conflicting interests within the country.¹⁰⁵ Independence raised the challenge of unifying the country around a common agenda, while appeasing the traditional political and economic elite without vesting full control with them, or diminishing central government authority through their influence. President Khama's vision for a strong central government respected the influence of traditional rulers, but purposely made

¹⁰⁰ *Ibid.*

¹⁰¹ Taylor (2005), *supra* note 41, p. 50.

¹⁰² Jefferis (2009), *supra* note 26, p. 83.

¹⁰³ Lee (2018), *supra* note 3, p. 450; Lee (2017), *supra* note 1, p. 455.

¹⁰⁴ Acemoglu et al. (2001), *supra* note 4, p. 15.

¹⁰⁵ Samatar (1999), *supra* note 5, p. 47.

them less powerful by not entrenching any role for them in country's constitution.¹⁰⁶ The Botswana constitution vested greater decision-making power with a small group of leaders – namely, the president and cabinet – who were faced with little to no opposition in carrying out their economic and political objectives from the legislature due to the dominance of the BDP in the national parliament.¹⁰⁷ Despite purposefully situating power in a tiny sector of the state, making it potentially vulnerable to elite capture, President Khama appeased elite interests by focusing early NDP on the concerns of rural areas, the richest communities at the time.¹⁰⁸ Coincidentally, elites in government made use of the policy and legislative process to move the developmental project forward by providing public goods and investment in rural health, infrastructure, and education.¹⁰⁹

To further ensure the state's capacity to implement development objectives, President Khama proposed vesting mineral rights in the state rather than individual tribes in the year prior to independence. He declared in the Bechuanaland Democratic Party's (the precursor to the BDP) 1965 Election Manifesto that “[c]onsequently leaving mineral rights vested in tribal authorities and private companies must necessarily result in uneven growth of the country's economy, as well as deprive the Central Government of an important source of revenue for developing the country.”¹¹⁰ This policy proposal soon became entrenched in legislation following independence in the form of the 1967 *Mines and Minerals Act* (the “Act”).¹¹¹

In addition to vesting mineral rights in the national government, President Khama's government moved quickly to foster further benefits from potential mineral resources. The importance of visionary leadership was most crucial in the years immediately following independence because mineral deposits had not yet been discovered in the country. As discussed earlier, Botswana entered into a strategic partnership with De Beers to encourage exploration, and ultimately created Debswana. The 50–50 joint venture generated significant revenue for the central government, which was then directed towards infrastructure projects, and funding for health and education.¹¹²

106 Adamolekun and Morgan (1999), *supra* note 94, p. 588.

107 Acemoglu et al. (2001), *supra* note 4, p. 99.

108 Martin (2008), *supra* note 15, p. 42.

109 *Ibid.*

110 Leith (2005), *supra* note 47, p. 60.

111 Acemoglu et al. (2001), *supra* note 4, p. 15.

112 Martin (2008), *supra* note 15, p. 43.

President Khama's early commitment to social and economic development continued through the government's formalization of development planning through the NDPs. Not only did the Plans contribute to creating and implementing a coherent developmental vision for the state, but the government procedure that was developed to produce the Plans entrenched a consensus-driven process that resisted destructive neo-patrimonial and rent seeking behaviour.¹¹³ Development planning was also conducted at the highest levels in the Vice-President's office, where the MFDP was housed.¹¹⁴ Quett Masire's leadership role in Seretse Khama's government as Vice-President, and later as his successor, was key to establishing the NDPs development and implementation process.¹¹⁵

4 Conclusion: Reflections on Lee's General Theory

Lee's general theory offers a new and innovative way to interrogate Botswana's socioeconomic development. By promulgating a functional understanding of how law and legal institutions promote development, Lee's theory diverges from older approaches that relied on the presence of appropriate preconditions – like colonial origins, a rational legal system, institutions, or enforceable property rights—to explain the relationship between law and economic development.¹¹⁶ As Lee acknowledged in his 2017 and 2018 articles, there is no prevailing law and development theory today.¹¹⁷ Through his general theory, Lee provides a framework to better understand the causal relationship between law and socioeconomic development, which can surely aid developing countries with the formulation of development policies and legislation.

Botswana's progress has been lauded as a “miracle” and a “success story” because of the sound institutions and policies it implemented soon after independence. While other social science disciplines relied on established development theories to explain Botswana's success, a theory to explain the impact of law on Botswana's development was not yet available. Lee's general theory

¹¹³ *Ibid.*, p. 42.

¹¹⁴ Taylor (2005), *supra* note 41, p. 53.

¹¹⁵ Leith (2005), *supra* note 47, p. 121.

¹¹⁶ K. Pistor and C.J. Milhaupt, *Law and capitalism: what corporate crises reveal about legal systems and economic development around the world* (Chicago: University of Chicago Press, 2008), p. 18.

¹¹⁷ Lee (2018), *supra* note 3, p. 419; Lee (2017), *supra* note 1, p. 436.

offers this framework. Lee's Regulatory Impact Mechanisms explain how Botswana's state-led development-facilitating policy and legislation were effective. By evaluating their design, compliance, and quality of implementation, it is evident that Botswana law directly impacted socioeconomic development.

References

- Acemoglu, D., S. Johnson and J.A. Robinson, *An African Success Story: Botswana*, MIT Department of Economics Working Paper No. 01-37 (2001).
- Adamolekun, L. and P. Morgan, *Pragmatic Institutional Design in Botswana—Salient Features and an Assessment*, 12 *International Journal of Public Sector Management*, no. 7 (1999).
- Avert, "HIV and AIDS in Botswana", available online at: <<https://www.avert.org/professionals/hiv-around-world/sub-saharan-africa/botswana>>, accessed 10 February 2018.
- BBC, "Botswana Country Profile", available at: <<https://www.bbc.co.uk/news/world-africa-13040376>>, accessed 26 July 2018.
- Beaulier, S.A and J.R. Subrick, *The Political Foundations of Development: The Case of Botswana*, 17 *Constitutional Political Economy*, no. 2 (2006).
- "Botswana's Debswana cuts diamond production due to market downturn" (11 September 2015), available at: <<http://www.reuters.com/article/botswana-diamonds-idUSL5N11H16120150911>>, accessed 2 June 2017.
- Diamond Technology Park, available at: <<http://www.diamondtechnologypark.com>>, accessed 9 April 2017.
- Diamond Trading Company Botswana Sales Agreement, available at: <<http://www.dtcbotswana.com/about-us/sales-agreement/>>, accessed 11 June 2017.
- Easterly, W. and R. Levine, *Africa's Growth Tragedy: Policies and Ethnic Divisions*, 112 *Quarterly Journal of Economics*, no. 4 (1997).
- Government of Botswana, *National Policy for Rural Development*, Government Paper No. 2 (May 1973).
- Government of Botswana, *Revised National Policy for Rural Development*, Government Paper No. 3 (2002).
- Government of Botswana, *National Development Plan 11*, Volume 1 (April 2017a - March 2023), available at: <<https://www.tralac.org/images/Resources/By%20country/Botswana/Botswana%2011th%20National%20Development%20Plan%202017-2023.pdf>>, accessed 24 May 2017.
- Government of Botswana, *National Policy on Gender and Development*, available at: <<http://www.gov.bw/en/Ministries-Authorities/Ministries/Ministry-of-Labour-Home-Affairs-MLHA/Ministers-Speeches/THE-NATIONAL-POLICY-ON-GENDER-AND-DEVELOPMENT/>>, accessed 25 November 2017b.
- Government of Botswana, *National Policy on HIV and AIDS*, available at: <<http://www.gov.bw/en/Ministries-Authorities/Ministries/State-President/National-AIDS-Coordinating-Agency-NACA1/Tools-Services/Services-Forms/HIV-and-AIDS-Policies/>>, accessed 25 November 2017c.
- Grynberg, R., "And We Will Live like Swazis" (17 November 2014), available at: <<http://www.sundaystandard.info/and-we-will-live-swazis>>, accessed 2 June 2017.

- Jefferis, K., *The Role of TNCs in the Extractive Industry of Botswana*, 18 *Transnational Corporations*, no. 1 (2009).
- Kessy, F.L. and A. Tostensen, *Out of Poverty: Comparative Poverty Reduction Strategies in Eastern and Southern Africa* (Oxford: African Books Collective, 2008).
- Lee, Y.S., *General Theory of Law and Development*, 50 *Cornell Journal of International Law*, no. 3 (2017).
- Lee, Y.S., *Law and Development: Lessons from South Korea*, 11 *Law and Development Review*, no. 2 (2018).
- Leith, J.C., *Why Botswana Prospered* (Montreal: McGill-Queen's University Press, 2005)
- Lewin, M., *Botswana's Success: Good Governance, Good Policies, and Good Luck*, available at: <<http://siteresources.worldbank.org/AFRICAEXT/Resources/258643-1271798012256/Botswana-success.pdf>>, accessed 21 November 2017.
- Maipose, G.S., *Institutional Dynamics of Sustained Rapid Economic Growth with Limited Impact on Poverty Reduction*, prepared for the United Nations Research Institute for Social Development project on Poverty Reduction and Policy Regimes (Geneva, January 2008).
- Martin, P., *A Closer Look at Botswana's Development: The Role of Institutions*, 9 *Paterson Review* (2008).
- Meyns, P. and C. Musamba, *The Developmental State in Africa: Problems and Prospects*, INEF Report 101/2010.
- Neicho, J., "Shine Starts to Fade on Botswana's Diamond Dividend" (28 January 2016), available at: <<https://www.theguardian.com/global-development/2016/jan/28/botswana-diamond-mines-tourism-transport-agriculture-karowe>>, accessed 2 June 2017.
- Nocera, J., "Diamonds are Forever in Botswana", available at: <<https://www.nytimes.com/2008/08/09/business/worldbusiness/09nocera.html>>, accessed 25 August 2018.
- Open Data for Africa, "World GDP per Capita Ranking 2017", available at: <<http://botswana.opendataforafrica.org/sijweyg/world-gdp-per-capita-ranking-2017-data-and-charts-forecast>>, accessed 1 June 2018.
- Pistor, K. and C.J. Milhaupt, *Law and Capitalism: What Corporate Crises Reveal about Legal Systems and Economic Development around the World* (Chicago: University of Chicago Press, 2008).
- United Nations Development Programme, *Botswana Human Development Report*, available at: <<http://hdr.undp.org/en/countries/profiles/BWA>>, accessed 21 November 2017.
- Weldon, R. and R. Shor, *Botswana's Scintillating Moment*, 50 *Gems & Gemology*, no. 2 (2014), available at: <<http://www.gia.edu/gems-gemology/summer-2014-weldon-botswana-scintillating-moment>>, accessed: June 2, 2017.
- World Bank, "Botswana - Data", available at: <<https://data.worldbank.org/country/botswana>>, accessed 1 June 2018a.
- World Bank, "Botswana Overview", available at: <<http://www.worldbank.org/en/country/botswana/overview>>, accessed 1 June 2018b.
- World Justice Project, *Rule of Law Index 2016 - Botswana*, available at: <<http://data.worldjusticeproject.org/#/groups/BWA>>, accessed 27 November 2017; and *2017 Ibrahim Index of African Governance*, available at: <<http://iiag.online>>, accessed 27 November 2017.
- Young, R., "Botswana: From Sleepy Backwater to Global Mining Hub", available at: <<http://www.bbc.co.uk/news/business-23771552>>, accessed 9 April 2017.

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