

## **President Festus Mogae: The Regent Who Became King**

*Botsalo Ntuane\**

The watershed moment came on 4 November 1995. By the time delegates made their way back home, it was all over. In an extraordinary year, the ruling Botswana Democratic Party (BDP) had met twice in congress. Four months earlier, in July, the faithful had descended on the dormitory village of Mogoditshane for another bout of factional bloodletting. The congress came two years after Kanye, at which the polarity in the ruling party had reached crisis level. This particular congress came in the wake of the gravest crisis the party had ever faced.

In 1991, in response to a litany of complaints about the performance of land boards, Peter Mmusi had initiated an investigation into the matter. Little knowing that the outcome would ensnare him, Mmusi, in addition, convinced President Ketumile Masire to set up a commission of inquiry to investigate allegations of impropriety regarding land allocation in Mogoditshane and other peri-urban villages. The findings that came out left a trail of political destruction and ruin in their wake.

Chaired by a founding party stalwart, Englishman Kgabo, the commission found that though Mmusi and Daniel Kwelagobe had not stolen any land or illegally acquired any land in Mogoditshane, Mmusi had committed an error of moral and political judgement in upholding Kwelagobe's appeal for a certain piece of land in Nkoyaphiri. The two were not ordinary men. Mmusi was Vice President of the country and also Minister for Local Government and Lands. Kwelagobe was party Secretary General and Minister of Agriculture.

The outcome of the Kgabo Commission set in motion a chain of events which would propel Festus Mogae to power. When the report was tabled in Parliament, legislators from both the opposition and the ruling party benches went for the jugular. They demanded swift action against what they termed corrupt activities and abuse of office against the two men.

Likewise, university students and trade unions took to the streets echoing the demand for action. At the beginning of March, and with the controversy turning into an inferno, Masire travelled to Japan on a working visit. He returned home on 5 March and was received at the airport by Vice President Mmusi. The President was under pressure to act. However, in a pre-emptive move, Kwelagobe, in dramatic fashion and at the end of the budget presentation for his ministry, announced his resignation on the floor of Parliament.

The situation was of terrible personal anguish to Masire given his closeness to the two men. Kwelagobe had served as deputy when Masire was still both party Secretary General and Vice President under Seretse Khama. As for Mmusi, they were close associates from long back. At Masire's wedding to Gladys Olebile Molefi, Mmusi was in the groom's party. On assuming the presidency in 1980, he had appointed Lenyeletse Seretse his deputy. On the latter's demise three years later, Mmusi got the nod. A year later, in the 1984 elections, the Vice President contested the Gaborone South constituency against Dr Kenneth Koma, scrapping through by a small margin. But subsequent to the election, a sealed ballot box was discovered, which necessitated a rerun won by the BNF leader. Saddled with a Vice President who had no constituency, it was resolved that a junior minister in the government, Gaotlhaetse Matlhabaphiri, step aside as specially elected Member of Parliament to create an opening for Mmusi. In exchange, Matlhabaphiri was given a diplomatic assignment abroad.

Embroided in another scandal, Mmusi was left with little choice and submitted his resignation. Two of the most prominent members of government had fallen on their swords. Masire was seized with the task of reconstituting his government. Of immediate priority was to fill the vacancy created by Mmusi. Thus, four days after his arrival from Japan, the nation was informed on 9 March 1992 of the elevation of Festus

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Mogae to the position of Vice President.

A relative unknown to the party faithful, he was something of an outsider. A career technocrat of many years, Mogae had entered politics in spectacular and controversial fashion. In the 1980s, the country was undergoing rapid developments fuelled by diamond revenues. To drive the development agenda and respond to the aspirations of a nation undergoing rapid changes, Masire felt he needed to surround himself with the best talent on offer. Those possessed of such talent tended to be in the civil service. In a move that sparked condemnation from the opposition, the President borrowed a leaf from his predecessor's book. In 1974, Seretse Khama had plucked Archie Mogwe and Gaositwe Chiepe from the civil service and redeployed them in active politics as cabinet ministers. The *modus operandi* was for the party to go to elections, and on the eve of formation of a new government, for those identified to retire overnight from the civil service, and be named the following day as members of the cabinet. For them to qualify, they entered through the constitutional window of specially elected Members of parliament.

Masire had little time for the complaints of those who found fault with the practice. To him, Botswana was a developing country, and its best brains could be deployed anywhere in national service for as long as the rules were followed. And if the talented few were willing to join his party, so much the better. Therefore, consistent with this ethos, 1989 saw the arrival of founding commander of the Botswana Defence Force (BDF), Lt Gen. Mompoti Merafhe, who was deployed to the Office of the President. Former Permanent Secretary to the President, Festus Mogae, was appointed the new Minister for Finance and Development Planning –taking over from Mmusi.

An examination of the relationship between the older man and his protégé would reveal that Mogae had only ever worked in departments where Sir Ketumile was the political head. Upon completion of his studies, Mogae was posted to the Ministry of Finance and Development Planning, first as a planning officer, progressing to become Director of Economic Affairs. In 1975, he rose to Permanent Secretary in the same ministry, before proceeding to Washington DC the following year to serve as executive director of the International Monetary Fund (IMF) for Anglophone Africa. On his return four years later, Mogae was appointed Governor of the Bank of Botswana for a short stint before reuniting with Masire in 1982 as his Permanent Secretary.

Impeccable authority has it that when Mmusi met Masire to convey his resignation note, he proposed Kedikilwe in his stead. On the other hand, there were those who backed Merafhe for the position. Both men lost out. Although his appointment came as a major shock to pundits who had hardly considered him a contender, the choice of Mogae must be seen in the context of his close bond with Masire. The former President concedes that both Kedikilwe and Merafhe had the requisite attributes to replace Mmusi. Their fatal undoing was that they were aligned to the factions tearing the party asunder. Now enjoying his retirement years, the former President admits that working with Mogae may have given him an opportunity to know more about him than, perhaps, his colleagues. But Masire does not believe that that could have been the sole overriding factor. Pointing out that he does not have close, personal friends, he does not subscribe to the theory because personal affinity alone was not enough to influence his decision. Any consideration based on personal friendship would, in his words, 'be criminal'. More than anything, he thinks he opted for Mogae because the man did not seem to belong to either of the two factions. Again in Sir Ketumile's own words, he also 'respected Mogae's intelligence, humility, unassuming manner and also because Festus didn't come across as a person with any particular wish to be president'.

With Mogae installed as VP, the feuding in the party continued unabated. Suspension from their party positions meant Mmusi and Kwelagobe were now cast out in the wilderness. Not only were they out of government, they had also suffered the humiliation of being demoted to backbenchers. Determined to rehabilitate themselves, the duo toured the country addressing party members sympathetic to their cause. As far as they were concerned, the Kgabo Commission had been orchestrated by a group of cabinet mem-

bers who resented the hold the two men had on the party. They and their supporters were adamant that the entire thing was an elaborate plot to remove them to make way for a group alleged to be led by Mompoti Merafhe, later to be known as the Big Five, and comprising notably David Magang, Bahiti Temane, Roy Blackbeard and Chapson Butale. In appealing to their supporters, Mmusi and Kwelagobe, labelled the Big Two, singled out the Big Five as conspirators behind the plot. To them, Merafhe had used his influence as Minister for Presidential Affairs and Public Administration to pack the enquiry with fellow conspirators. Asked some years later why his mentor, Englishman Kgabo, would conspire against him, Kwelagobe said the old man did not have any control over the proceedings of the commission. His role was of figurehead. Whichever way one looks at it, the era of the factions had arrived in the party.

A more chilling story doing the rounds was that the Big Five were pursuing a northern agenda because they resented the fact that the top three positions in the party and the government –President, Vice President and Secretary General respectively –were held by southerners. Those associated with the Big Five gave short shrift to this charge by pointing out that out of many, David Magang was from the south. To the Big Five, such accusations were only meant to distract them in their quest for clean government and observance of the rule of law. In any case, Kwelagobe and Mmusi drew some of their strongest support from the north. The ratcheting of accusations and counter accusations pointed to a looming showdown.

High noon would come at the 24<sup>th</sup> national congress in Kanye. In a continuing bid to repair their reputation, the duo took the government to court to contest the findings of the Kgabo Commission. In response, they were slapped with suspension from the Central Committee. But that was not before Sir Ketumile had told a Youth Wing congress in Letlhakane that he had had several discussions with the two men during which he endeavoured to persuade them to withdraw their case because it was proving divisive. The reasoning of Masire was that by taking the government to court they were also challenging the party and bringing its name into disrepute. In his phraseology, the President considered the party and the government as two sides of the same coin.

Therefore, in the scheme of the factional wars, the Big Five were set to romp to victory in Kanye. But close to congress, lawyers for Mmusi and Kwelagobe put it to the party that their clients were entitled to contest elections at the congress. In turn, the party sought and was furnished with legal opinion advising that the party and government could not be deemed as one entity. By suing the government, the two men were exercising a constitutional right that had no bearing on their standing in the party. In addition, their suspension would naturally lapse with the expiry of the term of office to which they had been elected.

The stage was now set for confrontation. In BDP history, the Kanye congress, known as '*kgola disana*' ('cut tree stumps'), has no precedent in hostility between democrats. For all intents and purposes, Domkrag went to congress as two parties in one, with the sole mission of annihilating each other for supremacy. In terms of convention, the Chairman of the party chairs congress proceedings, interchangeably with the President. Owing to the fact that Mmusi was still in limbo, the Treasurer Ponatshego Kedikilwe, assumed the role of acting Chairman. In the subsequent election, the Big Two faction swept the boards with Mmusi and Kwelagobe bouncing back as Chairman and Secretary General, respectively. For a man who held no party position, Festus Mogae kept his head low. Speculation had been doing the rounds before congress about the probable senior positions for which he would contest. Instead, he settled for one of the five additional members. When the ballots were counted, he came top of the list. In the meanwhile, flush with victory, the Big Two had further cause for celebration when the High Court ruled in their favour in the case against the government. However, the experience of Kanye and the events preceding it had planted the seeds of bitter enmity between party members. Kwelagobe returned to lead the 1994 general election campaign alongside Masire while Mmusi, who had not been well, passed away just before the elections.

The BDP went to the general elections walking wounded. In the polls, the opposition BNF took advantage of the disarray in the ruling party and shot from a fringe party to the political mainstream by reg-

istering 13 parliamentary seats, more than double the highest number it ever held. Festus Mogae returned to Parliament as a popularly elected member representing the ruling party stronghold of Palapye. But that was only after contesting a tough primary election against one of the party's founding stalwarts, Moutlak-gola Nwako. The latter had a chequered political career as something of an independent mind, whom, upon the death of President Seretse Khama, had shown ambitions for the presidency. Poor electoral performance notwithstanding, the BDP had now entered a phase in which factional rivalry in its different manifestations became the hallmark of the party.

In April 1995, the party met for its National Council in Sebele, just outside Gaborone. At the beginning of the decade, the BDP was undergoing a transformation in the profile of its membership. Previously considered the party of poor rural folk and the cattle baroncy, better educated and cosmopolitan professionals took up membership. It is not known whether the new arrivals joined because the BDP was a family party for many Batswana or if, in light of recent seismic changes in Eastern Europe, the new arrivals were disenchanted by radical left wing politics.

Most notable of this cadre was Sidney Pilane, a brilliant and flamboyant city barrister seen as a key strategist of the Big Five. Alongside him was Kabo Morwaeng, a political science graduate who acted as storm trooper for Mmusi and Kwelagobe. About a year before the National Council, Morwaeng had addressed an indoor seminar in Lobatse at which he called for reforms to the party constitution to bring it in line with contemporary democratic practice. Noteworthy among his proposals was for the party primary elections to be opened to all democrats instead of limiting the Electoral College to office bearers in the various structures. Morwaeng also surmised that if the membership could vote for its parliamentary and local government candidates, then it should also elect its leader. This was heresy in the BDP. Morwaeng was summoned to a disciplinary committee on a charge of bringing disrepute to the organisation. But ahead of the National Council, the BDP structure at the University of Botswana, known as GS 26, had organised a seminar at which different functionaries from the Youth Wing were invited to make presentations. One of the resource persons was Sidney Pilane. He called for political reforms. Most notably, Pilane also called for Masire's retirement.

The agitation for reform by the Young Turks must be viewed against the backdrop of the new wave of democracy sweeping across the continent. As one-party regimes embraced multi-party democracy, they also found themselves having to accept more progressive political legislation. As the doyen of democracy on the continent, the BDP was merely a detached observer whose attitude was that it had nothing to learn from the greenhorns. But through their vocal agitation, Morwaeng, Pilane and like-minded Young Turks were thrusting the discourse of meaningful constitutional reform on the party. It need be noted that on another flank, the opposition, too, was advocating for political reforms

By the time the National Council met, the air was pregnant with tension. Masire appeared unreceptive to reform because he felt the task team had not sufficiently consulted the party structures. It is also not beyond reason to believe the President suspected the reforms could be a plot to force him from office. Owing to the President's stance, it was resolved that the review exercise be deferred to a later date. This was to give structures and other role players an opportunity to acquaint themselves with issues.

With the arrival of July, came the National Congress. A lot of unfinished business remained from Kanye. The factions squared up for another fight to the death. The Big Two were unhappy that despite being in control of the party machinery, the cabinet comprised more members from the Big Five. On the other hand, the Big Five were still determined to wrest control of the party.

In the interim after Kanye, Mmusi was gone. In his place, Kwelagobe's supporters had enlisted Kedikilwe to contest the position of Chairman against Merafhe, who would be going for his third attempt. If anything, Kedikilwe was more formidable than Mmusi. Not only did he have a way with words, but he also brought an intellectual dimension to the faction. For some observers, the clash between Merafhe and

Kedikilwe pitted two men whose backers considered them worthy presidential material. The question is asked why engage in such a bruising contest if neither of them saw the chairmanship as a stepping stone to the presidency? Certainly, their backers at that point did not consider Mogae the heir-apparent to Masire.

In yet another acrimonious congress, the Kedikilwe/Kwelagobe axis triumphed, with Kedikilwe installed as the new Chairman. Just like he had done in Kanye, Mogae kept his head below the parapets and ran as an additional member. Once again, he received the highest number of votes. Unlike Kanye –where no party business, save for elections, was transacted –the Mogoditshane gathering resolved to call a special congress later in the year to deal with a review of the constitution. Ever since the Young Turks provoked debate, the issue of constitutional reforms had assumed centre stage, hence the special congress at Sebele near Gaborone in November of the same year.

In preparation for the congress, a task team headed by David Magang had been set up to peruse the constitution and advise on clauses that needed review. As a matter of fact, the team had been in existence since 1991 as an outcome of the Palapye congress. The plan was for this team to present its recommendations to the Central Committee, which would then table them before the special congress. But beneath the surface, there was furious paddling. The two factions saw an opportunity in the review process to advance their interests. But unbeknownst to them, through the exercise the President also saw a final opportunity for him to draw up a succession plan.

Masire says when he appointed Mogae as his deputy, he had not considered him a successor. He had kept his mind open that somebody else could possibly emerge. Mogae was something of a regent, a neutral caretaker appointed in a time of crisis. But by the time of the Mogoditshane congress, the President's mind was made up that Mogae should succeed. The major challenge was to engineer the succession. The constitution was explicit that when the party was in power its leader remained State President. Were a vacancy to arise, then the party parliamentary caucus would meet within seven days at which it would elect an individual to be presented for endorsement by Parliament as State President. That is what had happened in 1980 when the founding President died. Quite contrary to urban legend that suggests a bitter struggle between him and Nwako for the presidency, Masire ventures that though his compatriot may have had ambitions, the ascendancy was a consensus decision by his colleagues in the parliamentary caucus. Even today, Masire maintains the view that as a country, we should count ourselves lucky that the transition was smooth.

However, in a different time things could take an unpleasant turn. It is this apprehension that convinced him a mechanism had to be found that would avert uncertainty and instability, were anything to render the President incapable of carrying out his duties. In his own words, 'we must always have somebody ready anytime should anything happen to the president'. Masire says the manner in which the Americans handled the transition between JF Kennedy and Lyndon Baines Johnson also informed his thinking. No period of uncertainty that could destabilise the nation was allowed, with Johnson immediately taking the oath of office aboard the presidential plane.

With all these thoughts swirling around his mind, and with the date for the special congress drawing closer, Masire invited a young lawyer called Baedzi 'Parks' Tafa over to State House. Over a series of meetings they discussed ways and means of closing the loophole in the constitution that could create any uncertainty over presidential succession. Tafa was part of the new wave of young professionals who had nailed their flags to the BDP mast. He also had paid his dues as a GS 26 activist at the University of Botswana. On completing law studies, he joined Collins Newman and Company, who were BDP attorneys of long standing. It was as a lawyer at the firm that he successfully argued the case Kwelagobe and Mmusi had brought against the findings of the Kgabo Commission. He also continued his party activism, serving in sub-committees.

Tafa is reluctant to speak about his role in this historic episode. It has emerged, however, that he

is the one individual who advised the President that the only way out of his conundrum was to amend the constitution. Another consideration was that having designated his successor, the President was aware that the chosen one did not have a political constituency in the party that would guarantee him the top position. Going toe to toe against either Merafhe or Kedikilwe posed a risk of defeat. An appropriate constitutional amendment would take care of the problem.

It was also vital that for the amendment to pass it should be motivated by the President himself and no one else. This was to minimise dissent by the delegates because when Masire spoke the party listened. Parallel to the review process already underway by the task team, the President and his young lawyer were also working, in complete secrecy, on the enabling clause. For any constitutional amendments to be debated by congress, they first have to be presented to the National Council. Because the proposal had come after the statutory National Council held earlier in the year, a Special National Council was convened on the morning before the special national congress to insert the clause in the raft of envisaged changes.

Following the script to the letter, the President successfully motivated the constitutional amendments, of which the most significant were automatic succession and the limitation of presidential terms. Tafa admits that some senior party members did in the course of the debate convey their strong objection to automatic succession. They felt that the clause effectively mortgaged the party to a single individual who could choose and pick a successor on personal whim. It is known that in internal discussions, Kwelagobe and Merafhe were among those opposed to the move. But with Masire in his element in front of an adoring BDP crowd, there was little prospect of blocking the amendment.

By the time the November 1995 congress dispersed, Mogae was a step away from securing the presidency. The only outstanding issue was to amend the national constitution to bring it into conformity with that of the party. That was done two years later. But Sir Ketumile did not stop there. Now disposed to reform, he also proposed other political changes such as reducing the voting age to 18, establishing an independent electoral commission and providing for external voting. Owing to the fact that these were entrenched clauses in the constitution, a referendum was necessary. As expected, voters endorsed the proposals.

In 1997, the BDP went for another acrimonious congress, this time in Gaborone. In strategic terms, the factions were now fighting for the silver spoon and essentially venting out their mutual hatred. There had been speculation that Kedikilwe would give up the chairmanship to Mogae to ease him into the presidency. That never happened. Kedikilwe would later reveal that ‘thrice he offered Mogae the kingly throne, thrice it was denounced’. On the other hand, Mogae said that when the offer was made, it was a bit late in the day. The only conclusion to be drawn is that for Mogae, the chairmanship mattered little. He had the presidency secured, and everything else was immaterial.

On 1 April 1998, having completed his mission, Sir Ketumile called it a day, and after 18 years at the helm handed the baton to Mogae. In his valedictory address to Parliament on 10 November 1997, he had evoked Tennyson’s epic poem, ‘The Death of King Arthur’, announcing the old order was changing, yielding place to new. God was fulfilling himself in many ways, lest one good custom should corrupt the world.

Once more, with Mogae’s impending retirement (1 April 2008), the old order is about to change. Masire’s last word on his successor’s tenure is that, ‘despite his shortcomings, inherent in every individual, he has done as well as he could. Every president has his time and does things in response to a particular set of circumstances’.

### **Acknowledgement**

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