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Botswana & Zimbabwe
Comparative Analysis of the Rule of Law and State Institutions

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I. Introduction

"Democracy, like a little plant, does not grow or develop on its own. It must be nursed and nurtured if it is to grow and flourish. It must be believed in and practiced if it is to be appreciated. And it must be fought for and defended if it is to survive."

Seretse Khama, first president of Botswana (1978)

Neighboring countries often share a lot of characteristics with each other. Naturally, their geography, cultural background, and history have common and overlapping elements. However, in some cases there are drastic social, economic, or political differences between these neighbors. The most famous example of this phenomenon is the developmental difference between North Korea and South Korea, but Slovenia and the other ex-Yugoslav countries, or Austria and Hungary, can be mentioned as well.

Nowadays, the study of regional differences is becoming ever more popular. Several schools of thought strive to answer the question: Why do regional differences develop? There are a lot of variables in the formation of these differences, geography, historical happenstances, the action of individuals, or simply luck, but none of these can offer a comprehensive solution. After the failures of neoclassical developmental theories during the 1990s (e.g.: regime change in Central and Eastern Europe), institutional based approaches to development became more and more prominent. Previous theories cannot account for the differences of the two analyzed African countries either. Institutional theory offers an explanation for the social and economic disparities, as I demonstrate in this paper. According to this theory, the main reason for the economic and social differences can be found in the institutional system of the given country (or region). The rule of law based measurements are an integral part of the institutional theory, as it connects governance aspects with economic and social development. This approach states that a stable rule of law environment greatly helps inclusive growth and economic opportunities. While the lack of rule of law can hinder social equality and economic development.

At first glance, Botswana and Zimbabwe are similar countries with corresponding economic structures and political systems. However, upon closer examination, they are far from similar, in almost every metric Botswana dominates the comparisons. My research question is: What are the causes of the social and economic differences between Botswana and Zimbabwe? According to my thesis, the main cause for the differences can be found in the state institutions and the rule of law environment. I start my paper by establishing the basis of comparison, then

defining the key differences between the two countries, next I review the relevant literature. In the following chapter I conduct a short historical overview of the Tswana and Shona state institutions. Then in the following section, I analyze both objective and subjective indicators to test my thesis' validity. Finally, I summarize the paper and draw my conclusions from the research.

II. Background

II.1 Basis of comparison

Botswana and Zimbabwe are neighboring countries (as seen on the Map 1) in the southern part of Sub-Saharan Africa. An initial examination shows us – as seen in Table 1 – that the base characteristics of the two countries are fairly similar or even favor Zimbabwe.

Table 1: Base characteristics

Metrics	Botswana	Zimbabwe
Geography	582 thousand km ² (80% Kalahari Desert)	391 thousand km ²
Population	2.4 million	15 million
Ethnic diversity	Tswana – 80% Kalanga and others – 20%	Shona – 80% Ndebele – 20%
Economy	Diamonds (87.5% of exports)	Gold and other minerals (58% of exports)
History	British Protectorate	Settler Colony
Political system	56 years of BDP rule	42 years of ZANU-PF rule

Sources: Acemoglu et al., 2001a; Martin, 2006; OEC, 2020; UNData, 2022

These characteristics paint a similar picture of the countries. Similar economic structure, colonial history, relatively homogenous population, and undemocratic political system. Zimbabwe's geographic location is slightly more favorable (it also has a larger population). These initial indicators imply a similar economic and social development level for both countries (with a slight advantage for Zimbabwe). However, further examination of the data shows a completely different reality, I describe these differences in the next section.

Map 1: Political map of Southern Africa

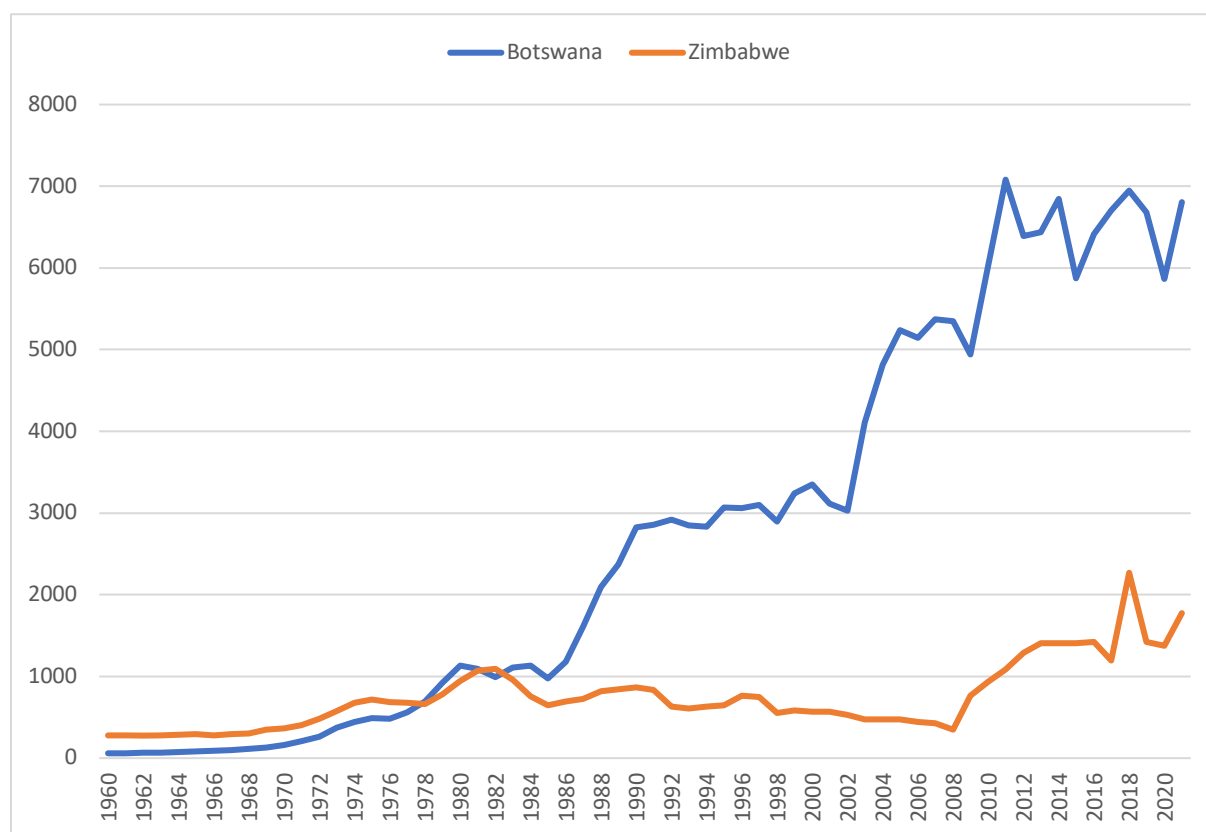


Sources: Nations Online Project, 2023

II.2 Differences

Counterrally to the initial assumptions, the economic indicators point to a drastically different economic situation. According to World Bank data, Botswana's GDP per capita in 2021 was 6805 USD, while Zimbabwe's was only 1773 USD, which is more than a 3.5-fold difference. As seen in Figure 1, this difference is consistent and steadily growing. Furthermore, there are also substantial differences regarding inflation. Zimbabwe's 2021 inflation reached 113%, while Botswana's was only 2.5 per cent. This indicates that Botswana's economy is much more stable than its neighbors' (World Bank, 2022).

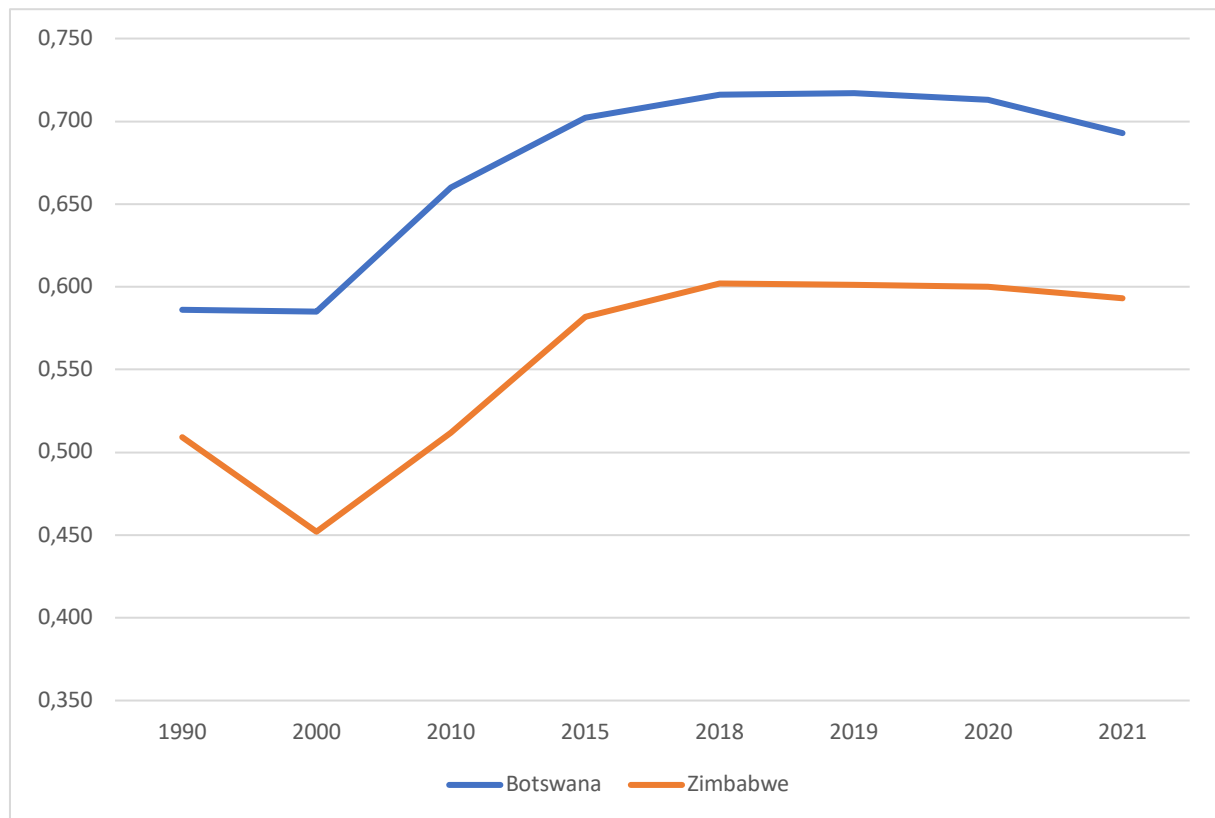
Figure 1: GDP per capita (current USD)



Source: World Bank, 2022

The differences carry through to the UN's Human Development Index as well. HDI examines three dimensions: health, knowledge, and standard of living. The mean years of schooling in Zimbabwe is 8.7 years, while it is 10.3 years in Botswana. The Gross National Income per capita of Botswana is 16198 USD, while in Zimbabwe it is only 3810 USD. Accordingly, Botswana's HDI is 0.693, whereas Zimbabwe's is 0.593. Figure 2 shows that this disparity is also consistent in the long run (HDI, 2022).

Figure 2: Trends in HDI



Source: HDI, 2022

At first glance, their political systems seem similar, but upon further examination there are substantial differences. While both the BDP and ZANU-PF have been in power for an exceptionally long time, they achieved this with completely different means. BDP has continuously won in democratic and free elections, while ZANU-PF has used violence, intimidation, and election fraud to secure its rule. (Acemoglu et al., 2001a; Williamson, 2010) This difference is shown in The Economist Intelligence Unit's Democracy Index (as seen in Table 2), which puts Botswana at 30 in the worldwide ranking, with 7.73 points. The index defines Botswana as a flawed democracy, it has the second-best ranking in the Sub-Saharan region. On the contrary, Zimbabwe is at 133rd place and receives only 2.92 points. Zimbabwe's regime is defined as authoritarian, and its regional ranking is 32nd (out of 44 countries) (EIU's Democracy Index, 2021)

Table 2: EIU's Democracy Index¹

Country	Overall score	Rank	Electoral process and pluralism	Functioning of government	Political participation	Political culture	Civil liberties
Botswana	7.73	30	9.17	6.79	6.67	7.5	8.53
Zimbabwe	2.92	133	0	2.5	3.89	5	3.24

Source: EIU's Democracy Index, 2021

How did these differences come to be? Their geographical characteristics favor Zimbabwe, while their contemporary economic structure (mineral extraction) and political system (effective one-party rule) put them on a similar footing. Despite these apparent similarities, the countries showcase remarkable economic and political differences. In this paper, I argue that these differences between the two countries can best be explained by the difference in their institutions and in their adherence to the rule of law.

II.3 Classical development theories

Understanding what drives economic development has been a central topic of economics for the past decades. Many tried to find what has worked in developed countries and simply implement the same reforms in developing countries as well. This notion of finding the “right formula” dominated development theories for much of the previous century.

One of the earliest theories is the Harrod-Domar growth model. This model focuses on the domestic growth rates are determined by national saving ratio and the capital output ratio. The model treated countries as a closed system, where household invested their saving into companies, then these companies provided jobs and wages for the households. Accordingly, the model established that market investments – and economic development – only depended on savings. It stated that if a country wished to grow its economy, it only needed to save more or reduce the capital output ratio (Hochstein, 2017, pp. 349–350; Todaro & Smith, 2020, pp. 118–121). However, the practical implementation of these measures had faced many challenges. Many developing countries have low propensities to save, as households would rather increase their consumption, than invest into the market. Moreover, developing countries often lack an adequate financial system. This could lead to mismanagement of investments, which further lowers the public's trust toward investing into the market. Setting all that aside, developing countries rarely have the essential institutional and structural conditions to take

¹ Points on a 0-10 scale.

advantage of the increased investments. These states lack the necessary infrastructure, R&D, human capital conditions or government administration to effectively utilize new capital. Given that the model was created in the early 20th century, it doesn't include foreign investments either. Ultimately, the core concepts of the Harrod-Domar model are still – partially – correct. Savings and investments into the economy are necessary conditions for development, however they are not sufficient (Todaro & Smith, 2020, p. 122). The challenges and failures of the model's practical implementation showcases that the market structure, institutions and attitudes (cultural, historical) are as important as the investments themselves.

After the second world war and the decolonization of Africa and Asia, development economics' importance increased significantly. The coming decades – spearheaded by the Bretton Woods Agreement – were dominated by Keynesian economics. These Keynesian policies (such as the Harrod-Domar model) focused on active government interventions to the market (Sato, 1964, pp. 380–387). According to the Keynesian theories, government action did not limit growth or development, on the contrary – government policies stimulated and enabled economic development. However, the 1973 oil crisis and the subsequent stagflation shocked the Keynesian worldview. Continuous crises in Latin American countries – a failure of the “big state” developmental model – paved the way for the resurgence of neoclassical economics.

The neoclassical counter-revolution had brought a significant shift in development economics. Starting from the 1980s a “new”² perspective gained dominance in mainstream economics and in international financial agencies, as free markets – once again – took the center stage in development. The new approach developed by the Chicago school of economics was characterized by rational expectation theories, supply side macroeconomics and market-friendly policies. Neoclassical economics states that the state-ownership and government regulations on the market lead to poor resource allocation and market failures. In their view the government's involvement in the market will inevitably result in corruption, lack of incentives and inefficiencies (Todaro & Smith, 2020, pp. 133–138). As such, their “recipe” for economic development was straight forward: liberalization, stabilization, and privatization. Rather than trying to implement new institutions or strategies, the state should stay out of the economy and adopt a *laissez-faire* approach. According to neoclassical economics, on the long run the “invisible hand” of the market will bring stability, there is no need for government intervention (Buchanan & Yoon, 2000, pp. 43–48). Furthermore, by liberalizing and opening up their markets, developing countries can attract more foreign investments into their economy.

² The theory was developed during the 1960s, but it only gained prominence after the fall of Keynesianism (Muth, 1961).

Neoclassical economists concluded that they found the optimal solution for achieving economic development. In the 80' and 90' neoclassical economic policies were adopted in the Western countries (most prominently in Western Europe, North America) and their effectiveness was wildly praised by economist and politicians alike. According to neoclassical theory underdevelopment was internally generated by – excessive – government interventions. Thus, it argued that developing countries should adopt “good” economic policies to rectify their development strategies. The theory stated that there are no innate differences between developed and developing countries, the development and wealth disparities are a result of economic policies. Consequently, they thought that their solutions – and policies – can be applied and adopted universally. This notion culminated in the Washington Consensus (initially as an answer to the Latin American debt crisis), which codified the most important neoclassical policy prescriptions (e.g.: fiscal discipline, financial liberalization, privatization, market deregulation, trade liberalization). Promoted by – among others – by the International Monetary Fund and the World Bank, the Washington Consensus offered developing countries a guideline for obtaining economic development (Williamson, 2000, pp. 251–264, 2004, pp. 195–206). However, the results fell short of expectations, as despite implementing the neoclassical policies, most of the developing countries couldn't achieve the economic miracles seen in the West.

Similarly, to the prescriptions of the Harrod-Domar model, the neoclassical economic policies are necessary but not sufficient for economic development. Free market policies and privatization can produce economic growth, but only if the essential institutions are in place. In much of the Western world these institutions are a fundamental part of the economic life of the country, however in many developing countries this is not the case. A developing country can adapt the “best” neoclassical economic policies, but without the proper institutional background the result will be ineffective. Moreover, the “one size fits all” policies cannot be adapted equally by every state as cultural, historical, and institutional differences make their implementation difficult or outright impossible (Hausmann et al., 2008, pp. 324–355). Unique, local problems cannot be solved by universal solutions, especially if the local people's traditions and culture dictates otherwise.

Consequently, the failures of the Washington Consensus and the previous development policies, necessitated a new approach to development, which takes into account the unique environments, cultures, and people. Institutional economics offers a new perspective, not by rigorously following theories and international policies, but by trying to understand the root causes of economic and social differences and finding local solutions to local problems.

II.4 The primacy of institutions

The emergence of economic and social differences between regions and countries has been a part of human life since the dawn of civilizations. However, the economic literature doesn't have a simple, all-encompassing answer for these phenomena. There were multiple theories through the decades of research, including geography or trade embeddedness. In the past years, the institutional approach has become more popular amongst economists. This theory states that the differences between regions can be best understood by looking at their institutions, as these institutions influence both the social and economic development of a given community. Douglass North defines institutions as follows: "Institutions are the rules of the game in a society, or, more formally, are the humanly devised constraints that shape human interaction." (North, 1990, p. 3) Acemoglu and Robinson, as well as Rodrik, Subramanian and Trebbi also highlight that the quality of the institutions is the most important indicator in determining the income levels in a region (Acemoglu & Robinson, 2012, pp. 7–8; Rodrik et al., 2004, pp. 138–147). Furthermore, their studies conclude that other aspects such as geography and trade embeddedness have only a limited – and indirect – influence on regional development.

The institutional approach is far from unified, there are many sub-theories and additions to the initial theory. Researchers such as Bourdieu, Coleman and Putnam emphasize the importance of social capital (Bourdieu, 1986, pp. 21–14; Coleman, 1988, pp. 100–105; Putnam et al., 1994, pp. 7–12). While Acemoglu, Johnson and Robinson or Barro focus on the rule of law aspect of institutions. They argue that the rule of law (and its various aspects) can explain the economic success of a given region. The rule of law determines the environment of economic, social, and political actions. Thus it can support or hinder regional development (Acemoglu et al., 2001b, pp. 1369–1373; Barro, 1996, pp. 3–12). However, there is no obvious way to measure the rule of law. There are many possible indicators to choose from, furthermore there is the question of measurement. Indicators can be divided into two main groups: subjective and objective indicators (Haggard & Tiede, 2011, p. 676). While objective indicators only include data-based research provided by credible organizations (such as the World Bank or the IMF), subjective ones are mostly based on the evaluation of experts or ordinary people (usually through surveys). Objective indicators are generally regarded as the more "trustworthy" and accurate measures, nevertheless as Kurtz and Schrank described, they can distort the results through the observed outcomes and their consequences. As a result, the observed good economic performance can influence the objective indicators more than the institutional (rule of law) indicators (Kurtz & Schrank, 2007, pp. 563–564). Subjective indicators help balance these discrepancies, moreover they offer an insight into the difference between *de jure* and *de*

facto institutions, that is how the laws are written versus how they are implemented in practice (Haggard & Tiede, 2011, p. 676). It can be said that both measurement types have their advantages and disadvantages, but they can complement each other, which can lead to more accurate results.

There are various concepts when it comes to defining the rule of law and its most important aspects. The mainstream economic definition places property and contracting rights at the center (for example, Acemoglu et al., 2001b, pp. 1369–1373; Demsetz, 1967, pp. 347–350). This theory states the protection of private property rights and enforcement of contracts (promises of future action) help to create incentives for trade and investments and thus they are associated with better economic development. From a political point of view, the most important aspects are the checks on governments. These checks restrict the executive power of the government (e.g., independent judiciaries) and help encourage investments and trust in the institutions. Without checks governments could enact any decision which promotes their own interests and could dominate any profitable market under their legislation (Henisz, 2000, pp. 11–23). One of the earliest theories came from Hobbes, who stated that nature or “the natural state” is characterized by violence and threats. Accordingly to Hobbes’ philosophy, personal security is the most fundamental condition for economic growth and social development (Haggard & Tiede, 2011, p. 674). On the other hand, other researchers emphasize the corruption aspect of the rule of law. In their view, besides limiting the power of governments rule of law has an equally important role in restricting private power as well. Corruption can take many forms (restrictions on market entry, government bribery, illegal monopoly formation, etc.) but it is detrimental to long-term economic growth in all of its forms. Corruption damages public trust in institutions and lowers entrepreneurial desire as it distorts the “level playing field” in the market (Shleifer & Vishny, 1993, pp. 604–615). In general, centralized governments can better combat corruption, than decentralized ones.

Institutions can have both positive and negative effects on development, Acemoglu and Robinson make a distinction between “extractive” and “inclusive” institutions (Acemoglu & Robinson, 2012, pp. 9–11). Inclusive institutions facilitate entrepreneurship, development, progress, provide equal opportunities in the markets, and uphold the rule of law. These institutions represent the interests of the majority in society, and thus for their long-term survival, strong and stable democratic governance is a necessity. Additionally, the given government must have an adequate level of centralization. Otherwise, it cannot enforce the “rules” of inclusive institutions, which in turn will damage social cohesion and lower the trust in the institutions. On the other hand, extractive institutions only serve the interest of a narrow

class of elites. These elites seek to exclude every other interest group from political or economic power, in order to maximize their own influence and wealth. These extractive institutions don't support progress or development. Instead, they seek to preserve the status quo, keep the elites in power and exploit the society and the economy as much as possible. To uphold such a system, extractive institutions are usually paired with authoritarian regimes, where the rule of force replaces the rule of law.

While the literature is far from unified regarding the details of the connection between institutions, the rule of law and economic development, it is clear that institutions and the various aspects of the rule of law directly affect social and economic development. They can create inclusive and fair social and economic environments, thus facilitating long-term economic progress in the region. However, institutions can also act as tools in the hand of the elites, enabling the economic exploitation of the given country.

III. Historical overviews

III.1 Brief history of Botswana

Botswana from many aspects has a unique history and culture. Botswana's pre-colonial institutions, the rule of law, the concept of state power, and colonial history greatly differed from the rest of the Sub-Saharan region. The source of these discrepancies cannot be defined by a single event, movement, or leader but by a combination of both internal and external events and actors. In the followings, I will summarize the main points of Botswana's history, particularly regarding the institutional developments and the evolution of the rule of law.

III.1.1 Pre-colonial Tswana states

Tswana tribes first moved into the region of today's Botswana in the eighteenth century. The Tswana moved to the north from the territory of modern South Africa and conquered the indigenous (most prominently the San and the Kagatla) tribes. In contrast to other conquerors, the Tswana generally aimed to incorporate and assimilate the conquered people into Tswana society. This integration effort led to the relative homogeneity of Botswana's nationalities and languages. Compared to other Sub-Saharan states (e.g.: Nigeria, Democratic Republic of the Congo, Ghana, etc.), Botswana has a clearly defined dominant culture, as approximately 79%

of the population identify as Tswana and 85 per cent speak Setswana (Acemoglu et al., 2001a, p. 11).

Governance in the tribes was centralized in the hand of the chiefs. This not just meant political power but religious as well. The separation of the state and religion (as seen with other South-African cultures, like the Shona) did not occur in the Tswana tribes. As Zibani Maundeni writes: “Thus, the possession of magical and real political power by the Tswana states led to the subordination of all religious and of all magical institutions, and to the centralization of social power in the states. There was no parallel religious institution which rivalled the state.” (Maundeni, 2002, p. 109) As a consequence, there was little to no fragmentation of political and social power inside the tribes. Moreover, Tswana culture code of morality (and religious dogma) discouraged any conflict inside the royal families. Unity and loyalty to the state were promoted over personal ambitions and familiar grievances. Interestingly parallel with the centralized power of the chiefs, there was a strong emphasis on the role of public forums (Acemoglu et al., 2001a, pp. 9–10). These assemblies, called kgotlas had multiple roles, here the chiefs could settle disputes and court cases, and most importantly consult about the governance and new laws of the state.

This centralization was not limited to the political and the social aspects of the Tswana states but to the economic as well. The land (mostly deserts or low value farmlands) was collectively owned, but the cattle were in private ownership. The biggest cattle owners were usually the chiefs and the state elites, which in turn made them more likely to cooperate in line with their economic interests (Robinson, 2013, p. 3; Seidler, 2010, p. 27). Cattle represented the main economic sector of the Tswana states, so the concentration of economic wealth in the hands of the elites further helped with the centralization of the tribal kingdoms. This clear definition and enforcement of private property rights are an integral part of both Tswana culture and state institutions. This stands in contrast with the neighboring tribes, where the economic wealth was divided and often fought over by competing factions. Furthermore, there were no permanent standing armies in the Tswana tribes, just temporary militias led by the chiefs (Maundeni, 2002, p. 115). This meant that there was no potential army general who could usurp power from the state, on the other hand, this system made the tribes more vulnerable from external attacks.

The main aspect of pre-colonial Tswana state institutions can be defined by the centralization of state power in the hand of the chiefs and the establishment of the kgotlas as a permanent public forum. They achieved this by uniting state and religious authorities, promoting peace,

unity, and loyalty among subjects (assimilating conquered tribes), by establishing, and protecting property rights.

III.1.2 Bechuanaland Protectorate

During the 19th century the Tswana tribes had to face multiple challenges to their rule of the region. These include the rising Zulu Kingdom, the Boers who started to expand northward into Tswana territories, and lastly the colonial powers of Europe. The balance of political power on the region was rapidly changing. The Tswana had to adapt to the new situation, otherwise they would be conquered by one of the expanding empires.

One of the most important developments originating from these conflicts is the cooperation of the Tswana tribes against the invaders, thus laying down the foundations of a shared national identity. The previously independent tribes, united to combat the Boer invaders, thus laying down the foundations of a common national identity. In the middle of the century major shifts occurred in Tswana culture as well (Acemoglu et al., 2001a, p. 12; Maundeni, 2002, pp. 119–120). Through a voluntary and gradual process, the chiefs and their people converted to Christianity. The chiefs invited missionaries to the land and began the conversion process. The introduction and spread of Christianity were planned and controlled by the Tswana states. Consequently, the tribes could avoid major conflict or violent disruptions and could succeed with the adaption of the new religion. The Tswana states incorporated the Christian church into their institutions by building a mutually protective and beneficial relationship between state and church.

From the 1850s onward the Tswana states – realizing their vulnerable position against the Boers – began to seek protection from the British (Seidler, 2010, p. 3). At first the British did not consider the Tswana territories valuable enough for protection, but with the start of the ‘scramble for Africa’ the region’s strategic importance (German Southwest Africa to the west, the Boer states to the east) has increased. Finally in 1885 the British agreed to establish the Bechuanaland Protectorate. Zibani Maundeni named this process “invited colonization” (Maundeni, 2002, p. 120). This is a rare phenomenon, but in the case of the Tswana tribes this option presented the best possible outcomes.

The British government aimed to minimize the costs of the protectorate, so they extensively relayed on local chiefs and administrators. In contrast to the rest of the British Empire’s colonies Bechuanaland enjoyed a wide range of autonomy and indigenous rule. The Tswana elites were Christian, they joined the empire willingly, and they were open to cooperation. The indirect rule is maybe best be represented in the fact that the protectorate was

governed from South Africa (first from Vryburg, then Mafeking), outside of its territory (Robinson, 2013, p. 1).

During the era of colonization, the Tswana states and most importantly their institutions managed to adapt to the new situations and maintain most aspects of the centralized indigenous rule of the pre-colonial era. The tribes were willing to work together against a common enemy, they were willing to adapt foreign customs (Christianity), and the chiefs were willing to give up their absolute power and their state's independence to the British. By this adaptiveness, the Tswana were able to preserve their institutions, values, and the continuity of the rule of law in their country.

III.1.3 Independent Botswana

In 1951 the British created a Joint Advisory Council in the Bechuanaland Protectorate as a first step towards joint European and African rule. Then in 1960 they formed the Legislative Council. In the early 1960s two major parties formed, the Botswana People's Party (BPP), and the Botswana Democratic Party (BDP). The BPP represented a pan-African radical anti-colonial program, while the BDP was the loyalist-conservative party (Maundeni, 2002, p. 125). The BDP represented the traditional chieftaincy, and both the old and new Tswana elites. In contrast the BPP mostly promoted nationalist, populist policies, and swift changes in governance.

The Botswana Democratic Party³ led by Seretse Khama achieved an overwhelming victory in the first election in 1965. So, when the country's independence was declared in 1966, BDP had already formed the government (Maundeni, 2002, p. 125). The new government made sure to block and counteract the BPP proposal, to keep them from gaining popular support. Seretse Khama and the BDP continued the Tswana institutional values as they sought to centralize the political power in the new country. They achieved this goal by creating an executive presidency and modernizing the traditional local tribal institutions. The modernizing effort was carried out with the cooperation of the chiefs and the old elites (Maundeni, 2002, pp. 124–126). Thus, by not challenging the positions of the old elites but involving them in the process, the government made the transition easier and faster.

After independence, BDP won every election and maintained its majority in the National Assembly. Since independence there are regularly held free elections in Botswana, without fraud or major scandals. The subsequent governments pursued gradual economic development and focused on long term growth (Acemoglu et al., 2001a, p. 18). They maintained

³ The party of chiefs, old and new Tswana elites.

the centralized institutional structure, developed the country's infrastructure, health system and education system, and secured the rule of law through protection of private property rights (Danevad, 1993, p. 89). Secure property rights were crucial in the development of the state because they unified the political elites and made them interested in the development of the country's economy. This common interest prevented any major strife to form inside the elites. Initially, most of the state's and the elites' revenue came from the cattle industry, but after the discovery of diamond resources by De Beers, their focus shifted to diamond exports (Acemoglu et al., 2001a, p. 17; Danevad, 1993, p. 39). To prevent the infighting for the control of the diamond fields ("resource curse"), the government created a national diamond company, Debswana, controlled by the state and De Beers. These economic policies led to the stable growth of the economy, the government invested its revenues soundly (e.g.: into human capital, and infrastructure), and maintained large reserves.

In summary, through their good leadership, centralized institutions, and stable property rights (rule of law) the Tswana states (and subsequently Botswana) managed to achieve relative political and social cohesion, while presiding over a stable and growing economy. These results cannot be attributed to a single factor but to a combination of them. For the purposes of my paper, I would like to highlight the role of the Tswana state values, which were essential in the establishment of the aforementioned factors. The tradition of strong property rights could explain how the Tswana could have maintained the relative unity of their elites, and why there was no civil war, revolution, or insurrection in modern Botswana either. Additionally, the country's leadership had invested in the country's future by developing its education, health system and infrastructure. The bases for these developments were created by the stable institutions and the rule of law framework, laid down Tswana state institutions and later Seretse Khama.

III.2. Brief history of Zimbabwe

Zimbabwe's history can be best described as "troubled". While it had the economic potential to develop and prosper, time and time again in its history the progress has been halted by internal or external factors. Although historical happenstance or individual decisions all played an important role, institutions and the rule of law had an unavoidable effect on the nation's economic and social development or the lack thereof. In this section, I will briefly summarize how the Zimbabwean institutions influenced historical processes and how these processes and changes influenced the institutions.

III.2.1 Pre-colonial “Great Zimbabwe”

The Shona were the first tribes to inhabit the territory of modern-day Zimbabwe, in the 12th century they created a thriving kingdom called Mutapa, ruled from its capital city Great Zimbabwe. Nominally Mutapa was not a unified kingdom but a loose confederation of petty kingdoms. Many historians doubt that the kingdoms were ever truly unified, in any case by the 16th century the Mutapa kingdom had collapsed into fragmented states (Maundeni, 2002, p. 113). The Ndebele arrived at the region much later, in the 19th century, as a part of the rapid conquest of the Zulu empire. Ndebele tribes were less numerous than the Shona, but they were more unified and more accustomed to warfare (Martin, 2006, pp. 240–241).

The fragmentation of the Mutapa kingdom – among other external factors – could be partly contributed to the Shona institutions. Power in the tribes was divided between the kings and the religious leaders. Unlike in the Tswana tribes, here the religion and the state were separated, and they exercised parallel social and political powers. Religion played a central part in Shona life, through this the priest could control many of the important institutions, and their power often eclipsed the kings. Moreover, succession in the Shona culture was practically open to the whole family of the previous ruler. This meant that infightings and civil wars were not rare in the kingdoms. In turn these conflicts lead to further fragmentation of the states (Maundeni, 2002, pp. 111–113). The divide between the religious leaders and the kings, and the frequent power struggles in the royal family prevented the centralization of the institutions and the state. The king’s power became more and more symbolic over the various chiefdoms until he ruled them only in name. Similarly, the monarch’s (both kings and chiefs) power inside his own state diminished, the rulers held mostly symbolic powers, while real authority was exercised by the priests.

Economic decision making was similarly under the control of the religious institutions, while material wealth was possessed by various families. In Shona tribes (like in the Tswana tribes) cattle was an important part of the national and familiar wealth. The distribution of cattle – and other resources – was dominated by the priests, therefore the state was left out of economic processes (Maundeni, 2002, pp. 117–118). Therefore, Shona kings and chiefs extensively relied on the priests and their economic influence to control the population and the elites.

The pre-colonial Shona institutions showed many characteristics which were detrimental for economic growth and social stability. Shona religion and culture had supported the fragmentation of the state and the weakening of the monarch’s power. The growing influence of the priests over political, social, and economic matters, coupled with the frequent infightings

in the elites, led to stagnation and made the Shona vulnerable (both economically and politically) to external forces.

III.2.2 Southern Rhodesia

Similarly to the colonization of Botswana, the colonization of the former Mutapa kingdom was a unique endeavor. However, unlike in the case of Botswana, the territory of Zimbabwe was not administered by the British crown but by the British South Africa Company (BSAC), which was under the control of the prime minister of the Cape Colony, Cecil Rhodes⁴ (Martin, 2006, p. 241). The armed forces of the company quickly overwhelmed any Shona or Ndebele defenses and took control of the region, they established their new capital in Salisbury⁵.

In 1896 a major uprising (the so-called “Chimurenga”) broke out amongst the Ndebele tribes, it represented an opportunity to showcase the unity of the former kingdoms and tribes. Many Shona joined the revolt, but also many joined the British to defeat the insurgents. The Shona tribes’ internal division led to fragmentation, and there was no unified front to protect their land from foreign invaders, personal rivalries and personal interests won over the common interests (Maundeni, 2002, pp. 121–122). Thanks to these fragmentations (and to their superior technology), the British could easily defeat the uprising and cement their rule over the region.

The next major event was in 1923 when the South Rhodesian settlers bought their freedom from the BSAC to become an official British Colony. This meant that they were largely left to their own devices to self-rule. In this case the self-rule meant settler rule not native rule as in Botswana. From this point on, the settlers dominated every aspect of political and economic life and oppressed the African majority (Martin, 2006, pp. 242–243). This oppression and subsequent segregation continued after the colony unilaterally declared independent from the British Empire in 1965. African nationalist parties opposed to the settler rule took up arms against the government. The first of these was the Zimbabwe African People’s Union (ZAPU), its leadership was mainly Ndebele, and they were relatively moderate politically. A breakaway group from ZAPU formed another party, namely Zimbabwe African National Union (ZANU), ZANU was more radical, and its leaders were Shona (Martin, 2006, pp. 244–245). Both parties created their own army, the Zimbabwe People’s Revolutionary Army (ZIPRA) of ZAPU and the Zimbabwe African National Liberation Army (ZANLA) of ZANU and started to wage a brutal guerilla war against the Rhodesian government and each other.

⁴ The newly acquired colonies were named after him.

⁵ Today’s Harare.

By 1979 it was clear that settler (white) rule was not sustainable, after considerable military losses and international pressure, the Rhodesian Government decided to negotiate with ZAPU and ZANU to end the conflict (Machakanja, 2010, p. 10). These negotiations resulted in a ceasefire and the creation of Zimbabwe–Rhodesia, a transitional state, until the 1980 general elections.

Colonization or rather the struggle against the colonial rule, then the settler government did not create the unity of the various Shona and Ndebele tribes. They continued their pre-colonial rivalries, and continuous infighting had prevented the formation of a unified national identity.

III.2.3 Modern Zimbabwe

As Seretse Khama's policies and personal decisions were indispensable in protecting the rule of law in Botswana and facilitating the country's modern development, his counterpart Robert Mugabe presided over the dismantling of Zimbabwe's institutions and the destruction of its rule of law.

When Mugabe emerged as the leader of ZANU, the party was far from a unified block. ZANU was deeply embedded in Shona culture, and like most of the Shona state institutions, the power inside the party was fragmented (Maundeni, 2002, pp. 127–128). There were multiple factions and power centers inside both the political and military wing of the party. These were not interested in the rise of a powerful central leader, as they sought to keep their individual influence. In the absence of any institutional mechanism for centralization, Mugabe had to use force in order to centralize his power. By using his connections to the army (ZANLA) and invoking Shona nationalist (anti-Ndebele) rhetoric, he defeated anyone who opposed his leadership inside the party.

After the victory of ZANU in the 1980 elections, Mugabe became president and immediately moved to secure his rule over the whole country. Similarly to his conduct inside the party, Mugabe was not hesitant to use military force to achieve his aims. He ordered the armed forces to crack down on opposition ZAPU leaders and their – mostly Ndebele – supporters. After ZAPU was driven into obscurity, Mugabe turned against the white Zimbabwean farmers. He introduced a new land reform and used mobs of former guerillas to occupy the farms (Machakanja, 2010, p. 2; Williamson, 2010, pp. 392–393). While the High Court of Zimbabwe condemned the occupations, they were utterly powerless to stop them (Martin, 2006, p. 250). The seizure of the farms and subsequent persecutions led to the collapse of the agricultural sector and widespread famines across the country. These events showcased that the protection of private property was no longer enforced equally. Mugabe and ZANU

elites used (or abused) the law as they saw fit to benefit themselves, consequently leading the country to near economic collapse in almost every sector (Machakanja, 2010, p. 9; Martin, 2006, p. 249). Over the years, Mugabe with the support of a loyal military clique undermined, hijacked, or abolished any institution which opposed his rule. He resisted any democratic change or movement, he waged bloody campaigns against the opposition party Movement for Democratic Change and its supporters. Under Mugabe's reign the rule of law was discarded and replaced by the rule of force.

State institutions should support the creation of a competent and efficient central government, however in turn they should limit the powers of this government to prevent excess and abuses. Mugabe and his governance cannot be separated from the Shona institutions which produced them. In the absence of an institutional mechanism to create centralized power, the only remaining option to achieve it by military force. Subsequently, if these institutions do not limit the power of the government in the use of military force for its own aims, the rule of law cannot be enforced. In the case of Zimbabwe, these supporting and limiting state institutions were almost completely missing, which enabled Mugabe and his party to usurp more and more power.

In summary, as Seretse Khama was a product of the Tswana institutions and state culture, Robert Mugabe's rule was a consequence of Zimbabwe's institutions (or the lack thereof). Political oppression, ethnic discrimination and economic exploitation are an integral part of the Zimbabwean status quo, as they are essential to maintain the rule of force over the country.

IV. Comparative analysis, institutions

As mentioned previously, there is no standard way to measure the rule of law in the literature. In this chapter, I will use both objective and subjective indicators in order to get as accurate a picture as possible. This way, I can get a more comprehensive understanding about the state institutions and the rule of law on a theoretical (*de jure*) as well as on a practical (*de facto*) level.

IV.1 Objective indicators

One of the most useful and popular indicators for measuring the effectiveness of institutions and the rule of law internationally is the World Governance Indicators (WGI). WGI

uses over 30 data sources to create its indicators, and they rank the countries on a -2.5 – 2.5 scale. It includes six dimensions where governance measurement is conducted, these are:

- a) Voice and Accountability,
- b) Political Stability and Absence of Violence/Terrorism,
- c) Government Effectiveness,
- d) Regulatory Quality,
- e) Rule of Law,
- f) Control of Corruption (WGI, 2022).

WGI shows a sharp difference in the institutional quality and protection of the rule of law between the countries, as seen in Figure 3 (WGI, 2022). Botswana leads the way in every indicator, while Zimbabwe drastically lags behind. Furthermore, all of Zimbabwe's indicators are below -1, on the other hand, Botswana's ones are all above 0. Botswana's highest score is in political stability (0.98), followed by regulatory quality (0.61), and the lowest score is in government effectiveness (0.35). Political stability is Zimbabwe's best score with -1.03, while regulatory quality (-1.37) is its weakest, followed by government effectiveness (-1.24).

These indicators seem to support my initial thesis, as Botswana's superior WGI ranking corresponds with its better economic development and more stable political system. However, the implementation of laws and policies can differ substantially from their written form, so it is important to examine subjective indicators as well.

Figure 3: World Governance Indicators



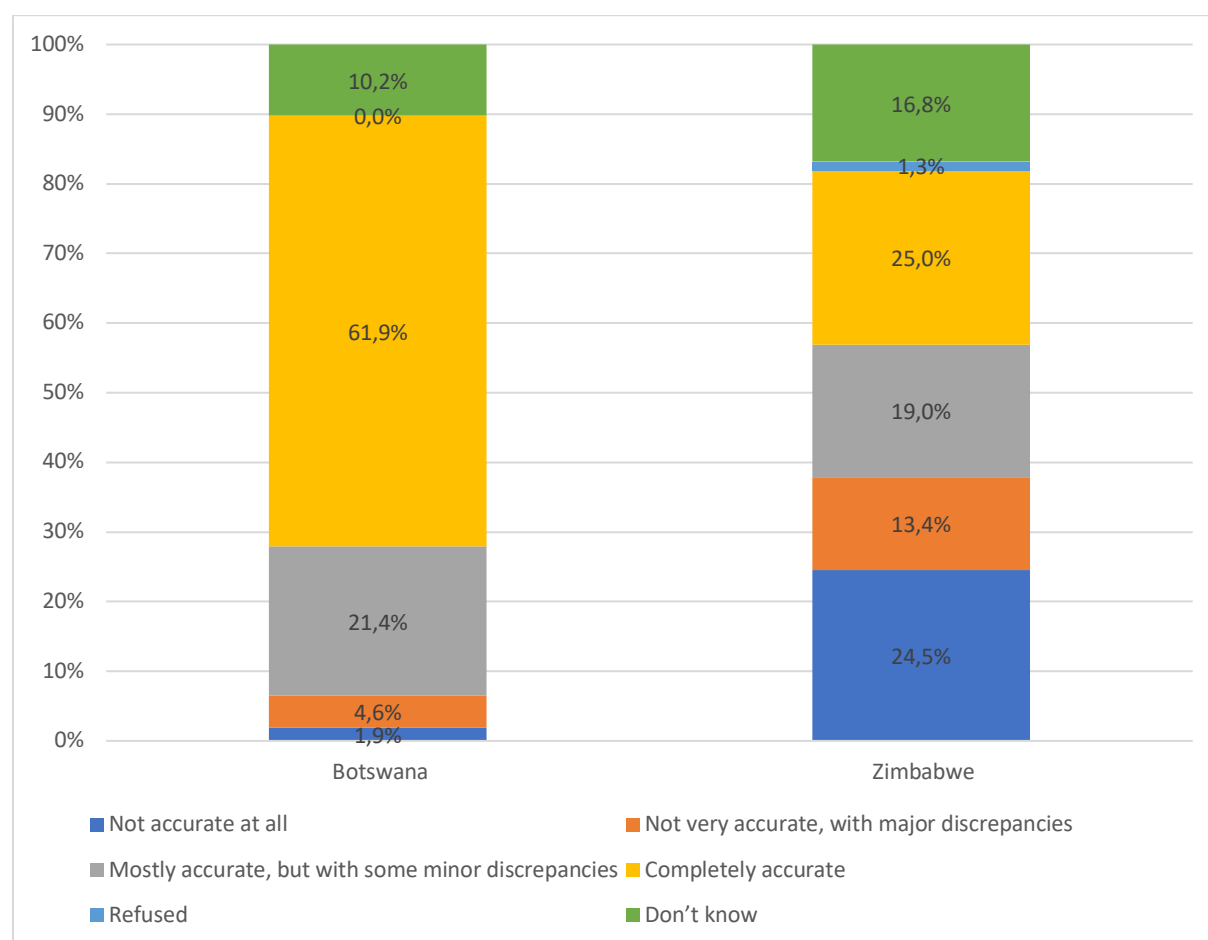
Source: WGI, 2022

IV.2 Subjective indicators

In order to examine subjective indicators, I reviewed Afrobarometer's surveys (as seen in Lekorwe & Ringo, 2015). Afrobarometer is a non-profit, non-partisan research center headquartered in Ghana which conducts surveys on economy, governance, democracy, and security. These surveys are conducted face-to-face, with a randomly selected, representative sample of the given country's population (Round 9 Survey Manual, 2022). Given the almost 400 questions, I highlighted a few surveys that can give further insight into the actual rule of law situation on the ground.

Citizens were asked to what extent announced results reflected the actual counted results in the last national election (Afrobarometer, 2022). 61.9% of Botswanan responders said, "completely accurate", while only 25% said the same in Zimbabwe. On the contrary, as much as 24.5% of Zimbabwean responders said, "not accurate at all", and only 1.9% of responders gave this answer in Botswana. Further answers are displayed in Figure 4.

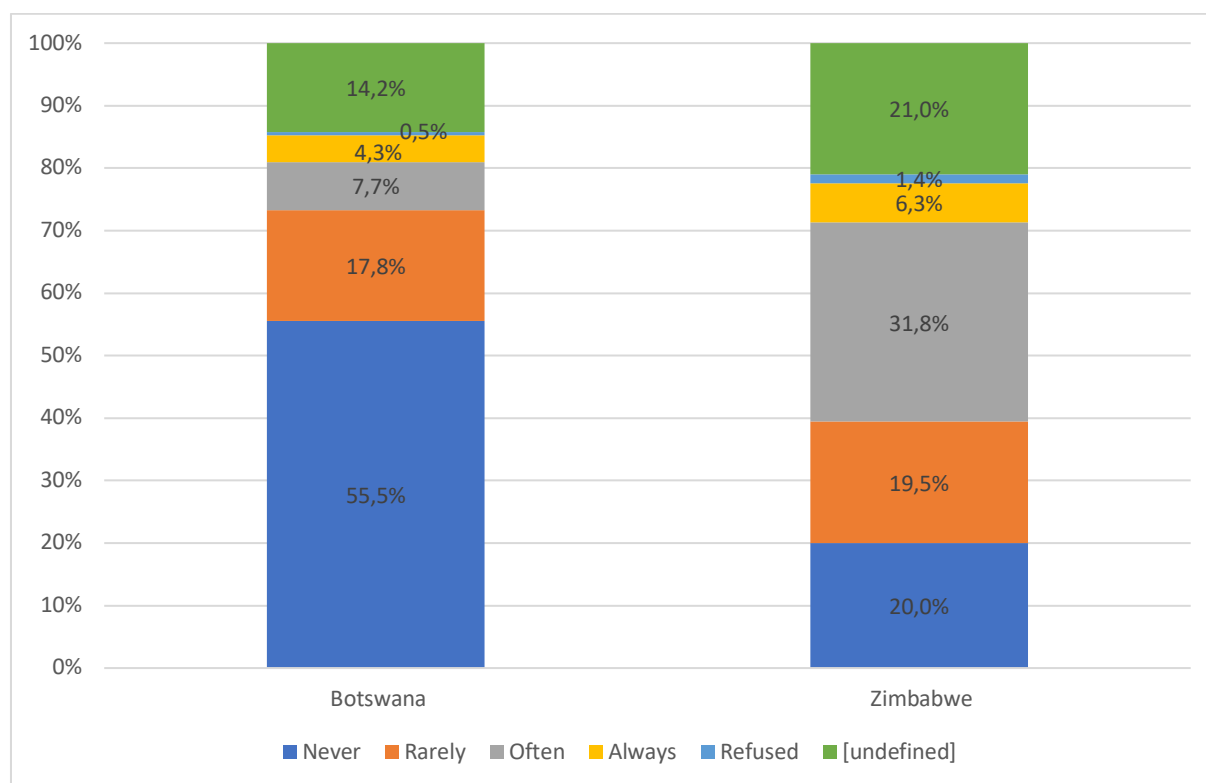
Figure 4: Last national election results



Source: Afrobarometer, 2022

When asked how often the president ignores the courts and laws, 55.5% of Botswanan responders answered “never”, the second most response was “barely” with 17.8%. The most common answer in Zimbabwe was “often” with 31.8%, while only 20% of respondents said “never” (Afrobarometer, 2022). The distribution of the rest of the survey is displayed in Figure 5.

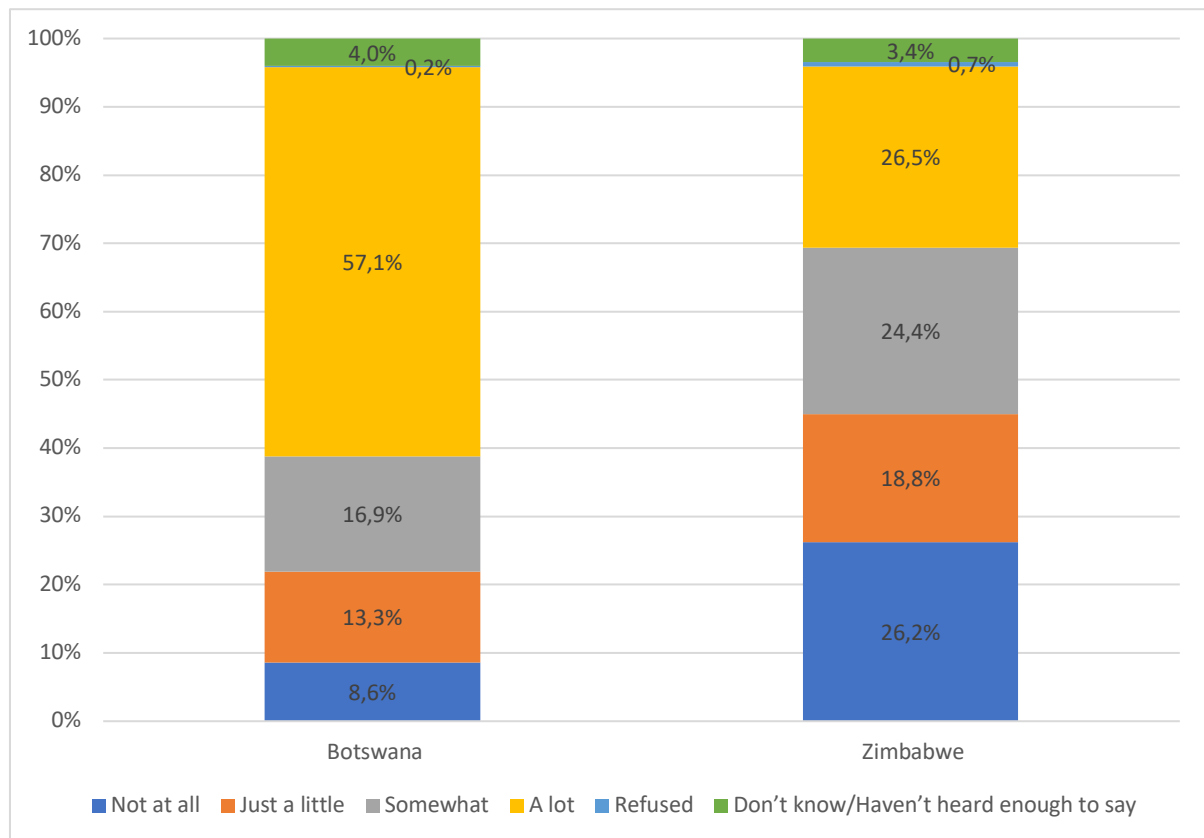
Figure 5: How often the president ignores laws



Source: Afrobarometer, 2022

Lastly, I would like to highlight the result of the survey about the trust in the armed forces (Afrobarometer, 2022). The army plays a vital role in domestic policy, it can support a legitimate civilian government, but it is also capable of usurping power and establishing military rule. Most responders – 57.1% – from Botswana said that they trust the army “a lot” and only 8.6% of interviewed people answered that they don’t trust the military at all. In Zimbabwe, only the responders 26.5% responded that they trust the army a lot, and almost as many responders – 26.2% – said that they don’t trust it at all. The details of the survey answers are seen in Figure 6.

Figure 6: Trust in the armed forces



Source: Afrobarometer, 2022

The subjective indicators seem to certify further my thesis, the majority of Botswana's survey responders have trust in the election system (particularly in the independence of the electoral commission), and this trust is essential for a stable democracy. However, in the case of Zimbabwe this national consensus is missing. Almost a quarter of responders doubts the announced election results. Similarly, many Zimbabweans feel like the president exceeds his authority, while in Botswana most responders think that the president respects the courts and the laws. When it comes to the army, once again the majority of Botswanan responders trust the armed forces, while in Zimbabwe the reputation of the army is a divisive question (see Machakanja, 2010, p. 2; Williamson, 2010, pp. 392–395).

These trends show a generally high trust towards state institutions (election commission, presidency, armed forces) in Botswana, which indicate a stable and effective rule of law. On the other hand, – in accordance with the objective indicators – the survey results substantiate the initial assumptions about the inadequate Zimbabwean state institutions and the country's poor rule of law situation. Zimbabwean citizens have less trust in their government, they believe that the election results are being tampered with, and they are untrustworthy towards the army.

As Acemoglu and Robinson describe the rule of law and more broadly the institutions (inclusive & extractive) can both support and hinder the development of a nation (Acemoglu & Robinson, 2012, pp. 9–11). In Botswana, a healthy rule of law environment and inclusive institutions (aided by a strong central government) foster the economic and social development of the country. On the contrary, in Zimbabwe the absence of the rule of law, coupled with extractive institutions hold back the country's development, and only serve the interests of state and military elites.

V. Conclusions

Botswana and Zimbabwe seemingly had a similar geographical, economic, and political backgrounds which produced drastically different outcomes. My thesis stated that these differences could be best explained by looking at their state institutions and the rule of law. First, I established the bases of comparison, specified the economic and political differences, and reviewed the relevant literature. Then I examined the Tswana and Shona state institutions' historical evolution. Here I outlined the core differences which could have led to the developmental differences present today. Finally, I conducted a comparative analysis utilizing both objective and subjective indicators.

It is evident that both Tswana and Shona cultures and indigenous institutions played an important role in shaping the modern nations. In the case of Botswana, stable and centralized state institutions laid the foundations for inclusive economic and social growth. Modern leaders – such as Seretse Khama – didn't have to struggle against traditional rulers or rivals, and as a consequence the rule of law stabilized and became the foundation of the governance. While in Zimbabwe, the institutions fostered segmentation and infighting, therefore the modern rulers (most notably Robert Mugabe) had to build their centralized power by force. This process inevitably produces powerful – primarily military – elites, who influence economic and social decisions and exclude the majority of the population from the nation's wealth.

The analyzed indicators supported my thesis, as Botswana's governance, institutional quality, and general rule of law environment perform better both in objective and subjective measurements. Zimbabwe falls behind in every observed institutional metric, the results correlate with the derived historical conclusions. It is important to mention that my analysis is far from comprehensive, there are many more aspects and indicators that could be examined and included in further research. Regarding the subjective indicators, there are always potential biases present. Survey taking in authoritarian regimes could be difficult, and the results could

be distorted, even because of the self-censorship of responders. Furthermore, I chose the analyzed three surveys from almost 400, which means that my personal biases could influence the result.

It is important to highlight, that my conclusions cannot be regarded as a general answer for the developmental differences in Sub-Saharan Africa. Africa is highly diverse in terms religion, culture, history, and geography, as such, an all-encompassing solution hardly be effective. Additionally, institutional economics places great emphasis on individual, country by country analysis. This is especially true for such a diverse region as Sub-Saharan Africa. Institutions are unique to each state, culture, and religion, we cannot effectively analyze them in groups or by generalizing. We have to acknowledge the constraints of the institutional analysis, most importantly the political reality. Institutions cannot function properly without adequate political will to maintain them. Many of Sub-Saharan African countries had historically strong, inclusive institutions, which were repressed and subverted by power-hungry elites and frequent violent civil conflicts. The examples of Botswana and Zimbabwe show us that political will can be supportive or detrimental for institutional development. Institutions are fundamentally endogenous, they are made up of people with different ideologies and aspirations. Leaders like Seretse Khama and Robert Mugabe defined their nations' modern history, but they were still influenced by institutions. Their actions and decisions were based on the given institutional environment, and their options were limited (or expanded) by the rule of law. In my opinion, despite the "individual variable" or "plain luck" (e.g.: finding diamonds in Botswana), the fundamental difference between the two countries can be found in their institutions and their rule of law.

There are many open questions regarding the future of the countries. Botswana is still a flawed democracy, wealth inequalities are high, and the country suffers from a severe AIDS epidemic. Zimbabwe's future is equally uncertain, food shortages, economic collapse and political power struggles threaten the stability of the nation. Further research into the topic could help with designing better policies and support mechanisms for the region in order to promote good governance, more effective support for state institutions, create more opportunities for inclusive growth, and prevent the degradation of the rule of law into the rule of force.

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