



Promoting Credible Elections and
Democratic Governance in Africa

ELECTION UPDATE 2004

BOTSWANA

number 2 23 November 2004

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Published with the assistance of
**NORAD and
OSISA**



Introduction

Botswana's recent elections, held on 30 October 2004, have once again reinforced the country's reputation as one of the "most stable, liberal and effective democracies" in Africa. The opposition, however, needs to be strengthened. This is according to political analysts clearly observing the

country's new political development. According to Khabele Matlosa, a senior research advisor at EISA, Botswana needs to opt for a proportional representation (PR) voting system to provide the opposition with a "bigger presence" in Parliament. In the PR system, a political party receives a share of seats in direct proportion or equal to the number of votes it garners

in the election. The validity of these assertions concerning the PR system can be clearly demonstrated. Although the BDP has captured 80 percent of the seats in Parliament, on the basis of details from 55 out of the 57 constituencies, the ruling party only polled 52 percent of the popular vote, with 48 percent of the electorate voting for the opposition. Therefore, if the

number of votes cast translated into seats, then the BDP would only have 30 seats in the 57-seat National Assembly, with 27 going to the combined opposition parties. A number of political commentators and opposition parties have called for a change from the present first-past-the-post system or for its combination with aspects of the PR system. All these suggestions, however, have been consistently rejected by the BDP.

A delegation of 22 observers from South Africa-based organisation, EISA, arrived in Botswana a week prior to the general elections and in preparation for the country's October 30 poll. On that date, 552,890 registered voters were expected to cast their ballots in parliamentary and local government elections at one of 2,179 polling stations countrywide. EISA was invited by the Botswana Independent Electoral Commission (IEC) to observe pre-polling, polling, counting and the early stages of the results tabulation. To do this, it deployed teams in Gaborone, Francistown, Jwaneng, Lobatse, Maun and Selibe Phikwe. They were expected to meet with electoral stakeholders, including the Independent Electoral Commission, political parties and civil society organisations ahead of election-day.

The mission's assessment of the elections was based on the Principles of Election Management, Monitoring and Observation (PEMMO) in the SADC region. A Southern African Development Community Parliamentary Forum team also observed the poll, Botswana's ninth since independence from Britain in 1966.

At the conclusion of the general election, all local and regional observer and monitoring missions declared the elections to be free and fair. The ruling Botswana Democratic Party (BDP) took 44 of the 57 parliamentary seats, the opposition Botswana National Front (BNF) obtained 12 seats (it had five after the 1999 elections) and a rival opposition party, the Botswana Congress Party (BCP), has maintained its one seat in Parliament.

Opposition Needs to be Strengthened

Addressing the press after the election, the head of the EISA mission and Speaker of the Lesotho National Assembly, Ms Ntlhoi Motsamai, said that Botswana should consider funding political parties in order to level the playing field by minimising the adverse impact of private funding on politics. This issue has been a subject of debate in Botswana in the period leading up to the

elections, but the ruling BDP has always rejected the idea.

Motsamai indicated that it was universally recognised that money may have undue influence on a country's politics and many countries are reviewing their laws to provide for the compulsory disclosure of private funding to political parties and candidates. EISA also stated that the appointment procedures of the IEC and its executive secretary raised concerns of perception about the independence and impartiality of the IEC.

The mission observed that the All Party Conference should be strengthened in order to build consensus and promote trust in the Commission. It expressed concern that the appointment of the IEC was too close to the election date, saying this could disrupt the electoral process. The mission also recommended that Botswana follow other SADC countries by having a constitutional provision for the election date. Opposition parties in Botswana have long complained that it is the government and not the IEC that sets the election date and have called for the same change EISA recommended by EISA.

The mission proposed that Botswana should abide by PEMMO's proposition that access to and use of public media and other public resources during an election should be equitable.

Opposition parties in Botswana have also complained that the public media, especially television, gives the ruling party greater coverage.

Other recommendations included reviewing the electoral system to accommodate a more balanced gender representation and the counting and reconciliation of ballots at the polling stations immediately after the close of voting. The mission stated that the current system of taking ballots to a central place is long, cumbersome and risky. The opposition suffered a serious setback in the election once more, due to vote splitting in the elections. These were also marred by long queues and very slow counting of ballots – resulting in some voting outcomes being known two days after votes were cast.

Some of the constituencies where vote splitting was pronounced and which were widely expected to fall to the opposition, include Selibe Phikwe East and West – where the BNF President (Otsweletse Moupo and BCP Vice President (Gilson Saleshando) – suffered defeat at the hands of the BDP. If the opposition had been united in these and other constituencies where they lost, they could easily have beaten the BDP. The vote split, however, was mainly between the BNF and

the BCP. In addition, serious vote splitting was caused by two opposition parties, that are also BNF splinter groups, contesting in the sane area. Mogoditshane constituency might also have gone to the opposition as here; the combined vote for the opposition also exceeded that of the BDP. The same is true of Ngwaketse South and Kgatleng West. The people in the two constituencies clearly voted for opposition in large numbers, but they were let down by the BNF splinter parties.

The BDP therefore, benefited from the opposition split vote to finally obtain 44 parliamentary seats out of the 57 in the enlarged National Assembly of Botswana.

Women Representation in Parliament

Due to the vote splitting, the BNF lost a number of former strongholds which it had dominated in previous elections. Examples are Gaborone North, a constituency in the capital of Gaborone. The BNF has held this since the 1984 general elections, but lost to the BDP. At the same time, the BCP wrestled its lone seat from former cabinet minister Margaret Nasha in a closely contested parliamentary race for Gaborone Central, reducing the number of women MPs to four – all from the BDP.

This has already attracted the anger of the newly-formed Gender and Media Southern Africa (GEMSA) Network, which, in a recent press statement, stated that it was deeply disappointed by the decline in women MPs in the new Botswana Parliament in this last election before to 2005: the regional deadline for achieving at least one third representation by women in decision-making.

Members of the network, which comprises gender and media activists across the Southern African Development Community (SADC) region, urged President Festus Mogae and his party to take every measure to rectify the situation. This includes through their prerogative to nominate four members of parliament. The ruling party and its government have since apparently responded favourably to the call after it elected three women into Parliament as specially-elected members: Professor Sheila Tlou, Moggie Mbaakanyi and Margaret Nasha.

The failure of Botswana to elect more women into decision-making positions like Parliament comes at a time when SADC leaders have dedicated themselves to achieve a 1:3 ratio of women in their parliaments by 2005. Botswana will not have another chance to do this before the 2005 deadline. This does not auger well for

a country that is widely seen in the sub-continent as a model of democracy and good electoral conduct. It will also host and chair SADC in 2005.

In the 1999 elections, Botswana managed to get 17 percent women representation in Parliament, but the number of elected women has since dropped to seven percent after the latest elections. This has reduced Botswana from position six in the SADC region in terms of women representation in Parliament, to position 12, only ahead of Mauritius.

Botswana is also the only SADC country that held elections this year that has experienced a decline in women's representation; with both South Africa and Malawi (which had their elections earlier in the year), registering increases – from 30 to 32 percent, and eight to 17 percent, respectively.

The poor gender balance in the Botswana parliament caused GEMSA to state that although it is aware that the mere representation of women in politics is not equivalent to gender transformation, "...we also firmly believe that transformation cannot begin to be take place when over half the population is effectively excluded from decision-making. It is distressing that in a country that is a model for democracy and electoral

conduct, is host to and will chair SADC in 2005, there should be a back-tracking on closing the gender gap in politics at this critical juncture. "At our Gender and Media Summit in September 2004 we expressed concern that even if every woman candidate were to win her seat in the October election, women would only constitute 21 percent of the members of parliament. We warned at the time of the danger that Botswana could regress from the 17 percent achieved in the 1999 elections- up from seven percent.

"Our worst fears have been confirmed, with women's representation dropping to seven percent of elected parliamentarians in the October elections, and Botswana climbing down the regional ladder from sixth to twelfth position (ahead only of Mauritius)," stated GEMSA.

GEMSA also stated that, *"While we recognise that the democratic process must take its course, we note that despite repeated reminders and examples of good practice in other countries, political parties and the government in Botswana did not take any special measures to try to promote the increased representation of women in this year's elections, such as constitutional, legal or voluntary party quotas.*

"The position of Speaker also remains to be decided. We urge the Parliament of Botswana to consider a woman candidate for this post. The new cabinet also remains to be announced. This is an area of decision-making in which the president has the power to make radical changes. We challenge him to show his commitment to regional decisions and to gender equality by doing so.

"We also urge that other SADC countries in the region that have elections pending in the coming months, including Namibia, Mozambique, Angola, Zimbabwe, Tanzania and Mauritius state how they intend to honour the commitment made in the SADC Declaration on Gender and Development."

The Botswana Parliament has not heeded this call. It elected Patrick Balopi as the Speaker on 8 November, 2004 and we are yet to see whether the deputy will be a woman.

The BDP has been in power since independence from Britain 38 years ago. The BNF has so far raised their number of seats from six to 12, while the BCP won only one seat in the 1999 national elections. After this year's election, the opposition is weak and fragmented and has been unable to sway voters because they remain too close to the mainstream

positions taken by the ruling party.

News agencies reported that the opposition attacked the government's record on poverty and unemployment during the election campaign, arguing that as the world's leading producer of raw diamonds, Botswana's wealth was benefiting only a few. In its latest report, the UN Economic Commission for Africa noted that Botswana needed to diversify its diamond-based economy.

Most of the council seats in the second largest city of Francistown went to the BDP. Some of the BDP victories, such as that of the Vice President and BDP chairman, Ian Khama, who won in one of the party heartlands in the Serowe constituency, were secured in unopposed polls. Most of the municipal and parliamentary seats in the capital city, as well as neighbouring Lobatse, hub of the beef industry, continued to be opposition strongholds.

Botswana's president-elect, Festus Mogae, was inaugurated in Gaborone on 2 November, 2004. He was swept back to power for a second and final term. He is expected to step down at the end of March 2008, when it is thought that he will automatically hand over to Vice President Ian Khama.

Constitutional and Institutional Context

The delimitation of constituencies, which had to be completed before the October 2004 general elections could take place in Botswana, is provided for under Section 63 of the Constitution. This section states that the country "shall be divided into as many constituencies as there are elected members of the National Assembly" and each of those constituencies shall elect one member of the National Assembly. Section 64 of the same Constitution empowers the Judicial Service Commission, headed by the Chief Justice of the High Court of Botswana, who is appointed by the President, to appoint a Delimitation Commission consisting of a chairman and not more than four other members, at intervals of not less than five years or more than 10 years.

Further, sub-section 2 of Section 64 of the Constitution also provides that the Judicial Service Commission shall at any time appoint the Delimitation Commission as soon as it is practicable, after the following has taken place:

(a) When Parliament has made provision or passed a law altering the number of seats of elected members of the National Assembly; or

(b) When a comprehensive national population census has been held.

The last constituency delimitation was undertaken in 2002 after the Judicial Service Commission appointed the Delimitation Commission on 18 July 2002, in terms of Section 64 (1). This followed the completion of the 2001 national population census and after Parliament instituted an increase from forty to fifty-seven, as the number of seats of elected Members of Parliament, through a constitutional amendment Act No. 12 of 2002. The 2002 constituency delimitation came 10 years after the one held in 1992.

The powers and functions of the Delimitation Commission are provided for under Section 65 of the Constitution as follows:

1. Whenever a Delimitation Commission has been appointed the Commission shall as soon as practicable submit to the President a report which shall state whether any alteration is necessary to the boundaries of the constituencies in order to give effect to sub-section (2) of this Section or in consequence of any alteration in the number of seats of elected members in the National Assembly and where any alteration is necessary shall include a list of the constituencies delimited

by the Commission and a description of the boundaries of those constituencies.

2. The boundaries of each constituency shall be such that the number of inhabitants thereof, is as nearly equal to the population quota as is reasonably practicable: Provided that the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of natural community of interest, means of communication, geographical features, density of the population, and boundaries of tribal territories and administrative districts.
3. In this section, "population quota" means the number obtained by dividing the number of inhabitants of Botswana (as ascertained by reference to the latest comprehensive national population census in Botswana), by the number of constituencies into which Botswana is divided under Section 63 of this constitution.
4. The President shall as soon as practicable after the submission of the report of the Delimitation Commission, by the Proclamation published in the *Gazette*; declare the boundaries of the constituencies as

delimited by the Commission.

5. A proclamation under subsection 4 of this Section shall come into force at the next dissolution of the National Assembly after it is made.
6. The Commission may by regulation or otherwise, regulate its own procedure and may, subject to its rules of procedure, act notwithstanding any vacancy in its membership or the absence of any member and its proceedings shall not be invalidated by the presence or participation of any person not entitled to be present at or to participate in those proceedings.
7. In exercise of its functions under this Section, the Delimitation Commission shall not be subject to the direction or control of any person or authority.
8. A Delimitation Commission shall stand dissolved upon the date on which its report is delivered to the President.

This provision also means that once the Commissioners have presented their report (to the President), they cease to exist as members of a Commission, and are therefore, technically no longer answerable for their actions or for the issues they raise in their report.

According to the Report of the Delimitation Commission of 2002, the Commission took into account and considered one or a combination of some or all of the factors set out in Section 65 (2) of the Constitution in relation to each locality or geographical area. It says the primary factor which the 2002 Commission was empowered by the Constitution, when carrying out its task, was to take account of population quota defined in the Constitution as meaning the number obtained by dividing inhabitants of Botswana as ascertained from the 2001 national population census by the number of the 57 constituencies which have been created by parliament. The report maintains that on the basis of the 2001 population census, the population of Botswana was 1.7 million and when that figure is divided by 57, the population quota obtained was 29 825.

The Constitution further provides that when demarcating the boundaries of constituencies, the Commission is at liberty to have a constituency which is greater or less than the population quota when regard is had to geographical features such as deserts, forests, rivers, and swamps, means of communication such as roads, and telephones, population density, administrative districts, tribal territories'

boundaries and natural community of interests.

Observers have already indicated that the constitution here creates a loophole that is well exploited by the ruling party when it comes to delimiting constituencies in urban centres where its support is waning. Because of the relatively improved conditions, the lack of deserts, forests, rivers etc in urban centres, communication and transport are thought of as within easy reach, hence some Gaborone constituencies are twice as large as some rural constituencies.

But how true is the assertion that modes of communication and transport are within reach of the urban poor? In deciding to demarcate the present 57 constituencies, the Commissioners based their criteria solely on population size and took advantage of the loopholes in the constitution in relation to the "the less or greater than the population quota", with the conspicuous exclusion of other considerations in most cases. The Commission legitimises its actions in this regard with the assertion that while other factors such as geographical features, means of communication, population density, boundaries of tribal territories and administrative districts were taken into account, as listed in the

proviso to Section 65(2) of the constitution, and are easy to understand, the Commissioners felt the phrase "community of interest" was too loaded and all-encompassing and not defined in the constitution. They arrived at the conclusion that the phrase means "a collection of common interests that arise from an association of a group of people brought about by natural as opposed to artificial means".

The 57 new constituencies and their population sizes

constituency	population
Three new constituencies were created from Maun/Chobe	
1.Chobe	19 390
2.Maun East	28 125
3.Maun West	29 060
unchanged	
4.Ngami	36 115
5.Okavango	30 280
North East constituency was divided into:	
6.Tati	24 988
7.Tati West	24 311
The City of Francistown, population 82 985, was divided into:	
8.Francistown East	26 271
9.Francistown West	27 503
10.Francistown South	29 211
Sebina -Gweta became	
11.Nata Gweta	29 011.
Nkange was realigned and other areas excised	
12.Nkange	36 258
Tonota constituency, population 48 115, was divided into:	
13.Tonota North	32 070
14.Tonota South	28 458
In Borbiwa (population over 40 811), another area was excised	
15.Bobirwa	36 844
unchanged	
16.Madinare	35 190
Selebi-Phikwe, population 49 849, was divided into	
17.Selebi-Phikwe East	25 019
18.Selebi-Phikwe West	24 830
unchanged	
19.Tswapong North	33 515
20.Palapye	29 094
21.Tswapong South	29 372
Mahalapye, Shoshong, and Tswapong South constituencies (total population 110 000) were deemed contiguous and divided into three constituencies:	
22.Mahalapye East	25 387
23.Mahalapye West	29 743

24.Shoshong	25 366
Shoshong retained its name while the rest of the population went to Tswapong South.	
This constellation of constituencies lies within the Mahalapye sub-district of the Central District, with its capital at Serowe. This is an area where the influence of the ruling BDP is felt very strongly.	
Serowe North was divided into:	
25.Serowe North East	27 754
26.Serowe North West	25 108
27.Serowe South	29 434
Boteti became	
28.Boteti North	24 212
29.Boteti South	26 627
Unchanged	
30.Kgatlang East	38 566
31.Kgatlang West	34 910
Gaborone (population 200 000) was divided into five constituencies, namely:	
32.Gaborone Central	35 745
33.Gaborone North	38 741
34.Gaborone South	36 365
35.Gaborone West-North	37 959
36.Gaborone West-South	37 517
South East (population 60 564) was divided into	
37.South-East North	26 471
38.South-East South	32 890
Mogoditshane was divided into	
39.Mogoditshane	32 811
40.Kweneng South East	29 640
Thamaga was renamed	
41.Kweneng South	34 635
Molepolole was divided into:	
42.Molepolole North	29 531
43.Molepolole South	28 512
Lentsweletau was renamed	
44.Kweneng East	28 985
Letlhakeng was divided into	
45.Letlhakeng East	19 768
46.Letlhakeng West	18 549
unchanged	
47.Lobatse	30 892
48.Borolong	36 539
49.Ngwaketse South	33 546
Kanye was divided into	
50.Kanye North	26 977
51.Kanye South	27 177
Unchanged	
52.Moshupa	29 313
Ngwaketse West retained its name but reduced in size:	
53.Ngwaketse West	24 709
Kgalagadi was divided into	
54.Kgalagadi North	21 245
55.Kgalagadi South	20841
Ghanzi was divided into	
56.Ghanzi North	17 437
57.Ghanzi South	15 744

Empirical evidence indicates that the ruling party strongholds such as the Central District, North East and Kgalagadi, gained most from the sub-divisions into many small constituencies.

This has resulted in opposition complaints. In contrast, in opposition strongholds such as Gaborone, Kanye and Ngwaketse West, the Commissioners failed to apply the same criteria as in the ruling party strongholds, resulting in a dilution of opposition strongholds to the benefit of the ruling party. This created a public impression that constituencies had already been delimited before the Commission was convened.

Voter Registration

SADC norms and standards for conducting free and fair elections, as well as the Independent Electoral Commission study on voter apathy of 2002, have both recommended the establishment of a continuous registration processes. Both the IEC and the government have long started to implement such recommendations.

In addition, Botswana's Electoral Act provides for continuous registration or the updating of existing voters rolls instead of creating new rolls every time there are general elections. However, there are no permanent registration cards so that one can register once and be able to vote in subsequent elections. A national identity card, (*O mang* in Setswana), is necessary to register as a voter and those whose identity documents have

expired or been lost are barred from registration. On the day of the election, voters are required to produce both the election registration card and the identity card.

Section 7 of the Electoral Act stipulates that the general registration of voters shall commence after polling districts and polling stations have been established under Section 5 or whenever the Commission considers necessary for new general rolls to be prepared in order to obtain accurate rolls of voters in any constituency. The Commissioner shall by order published in the *Government Gazette*, appoint a period to be a general registration period, in respect of the constituency or constituencies specified in the order.

The Section further provides that if the Commission is satisfied that existing voters' roll constitutes a substantially accurate record of persons entitled for registration at polling stations, such rolls shall be used in the preparation of general rolls following that registration period.

During the general registration period, registration officers shall attend at all polling stations and designated polling districts for the purposes of registering voters. Copies of relevant sections of existing rolls shall be made available

for inspection by the public at the offices of the principal registration officer.

On the publication of an order appointing a general registration period, according to Section 5, the Secretary of the Commission shall publish a notice in a manner he considers appropriate:

- (a) calling upon every person entitled to register to apply for registration during the general registration period, and specifying the dates, times and places when and at which persons so entitled may apply for such registration.
- (b) The Commissioner will also be obliged to disclose the times and places when copies of the relevant sections of the existing rolls will be available for inspection by the public and where and at what times and dates.

Section 8 of the Electoral Act provides that the registration of voters other than during the general registration period shall be conducted at the office of the principal registration officer for each constituency. The Act further allows for absentee ballot under Section 9(1), while Section 9(2) obliges the Secretary of the Commission to publish a notice in foreign newspapers where citizens are resident

during the specified registration period.

Eligible voters must provide their names, indicate their sex, give their postal address, house or plot numbers and identity number. Appeals and objections against registration are to be lodged within seven days with the principal registration officer. Subsequent supplementary registration allows for transfer of registration to another polling station.

The Constitution further provides that those people who have a right to vote are those who are:

- (1) a citizen of Botswana or any other country to which this section is applied by Parliament;
- (2) has attained the age of 18 years; and
- (3) has resided in Botswana for a continuous period of at least 12 months immediately preceding the date on which he applies for registration as a voter or was born in Botswana and is domicile in Botswana on the date on which he applies for registration as a voter, "shall, unless s/he disqualified as a voter under any law, be entitled, upon making application on that behalf at such time and in such a manner as may be prescribed by any law, to be registered as a voter for the purposes of elections of elected members of the National

Assembly, and no other person may be so registered".

According to Dingake (2000:142), the right to vote encompasses the right to have one's vote counted without being diluted by fraudulent votes.

Registration, he says, ensures that each person votes only once because, firstly the registered voter's name appears only in one polling station, so that he or she cannot vote under that name at any other polling station. Secondly, registration normally entails verification of the voter's identity in order to eliminate problems of attempted impersonation of another registered person who is either dead, has moved or is temporarily absent.

In Botswana, voter registration is the function of the Independent Electoral Commission. Voters will only be able to vote if their names are included in the voter's roll for the constituency in which they have been registered to vote.

The Electoral Act further provides that:

- (a) Where the President deems it appropriate for new general rolls to be prepared in respect of a constituency or several constituencies, he may appoint a period to be a general registration

period during which registration of voters will take place.

- (b) Supplementary registration periods may be held subsequent to the general registration period.
- (c) The Electoral Act permits any person who claims to be entitled to register to apply for registration before a registration officer for the constituency other than during the general or supplementary registration periods.

Dingake maintains that it is unfortunate that although the Act allows for continuous registration, the practice is such that continuous registration appears not to be encouraged. According to Dingake, if the election office does not allow for a system of continuous registration, the result will inevitably be the disenfranchisement of a significant proportion of the electorate.

There have been reported delays in the issuing of national identity cards, resulting in many people being disenfranchised. This brings about serious reservations regarding the fairness of the electoral process.

Political Party Registration

According to Key Dingake, the right to be a candidate is closely linked to the right to

form a political party or to associate freely with others to promote common interests (Dingake, 2000:151).

Political parties in Botswana are registered in terms of the Societies Act. Those wishing to register a political party must apply in writing to the Registrar of Societies who may refuse to register such an association if in his interpretation, it appears that such an association may engage in unlawful activities or "it appears to him that its constitution, or rules, are repugnant or inconsistent with any written law."

Any society aggrieved by refusal to be registered may appeal to the Minister, according to the Societies Act.

Candidate Nomination Section 61 (a), (b), (c) and (d) provides for several qualifications that a person must possess in order to stand for membership of the National Assembly. A person shall not be qualified to be elected as a member of the National Assembly unless:

- (a) He/she is a citizen of Botswana;
- (b) He/she has attained the age of 21 years;
- (c) He/She is qualified as a voter for the purposes of the election of the elected members of the National Assembly and is so registered; and
- (d) He is able to speak, and, unless incapacitated by

blindness or other physical cause, to read English well enough to take an active part in the proceedings of the Assembly.

There is no requirement that a candidate must be resident in a constituency which s/he wants to contest. Certain persons who may otherwise be eligible for membership of the National Assembly are nonetheless barred from being candidates.

They are:

- (a) members of the House of Chiefs;
- (b) public officers
- (c) those having responsibility in connection with running of elections;
- (d) are under acknowledgement of allegiance, or obedience to a foreign power;
- (e) have been declared insolvent;
- (f) have been certified insane;
- (g) convicted criminals serving a sentence of more than six months.

Each political party will normally hold their respective primary elections to allow the general membership to decide who they prefer to represent them at parliament and council levels. However, the IEC noted in its 2002 study on voter apathy that "the conduct of primary elections has been questioned by some within the respective parties;

that they are undemocratic and lack transparency and are bent on imposing candidates on the electorate." The IEC further maintains that the disquiet in the conduct of such primaries in Botswana reflects the lack of institutionalisation of procedures, wherein every contestant would accept the result of such an election. This casts further, serious doubts over the extent of internal democracy within political parties themselves.

The election body maintains that there is cynicism regarding the conduct of primary elections, suggesting that the primary elections are manipulated to sideline people who are considered controversial by the party leadership. Consequently, some party activists have resigned from their parties while others were expelled for what was termed indiscipline and disloyalty to the party.

To qualify for election as President, one must meet the following requirements:

- (a) he must be a citizen of Botswana by birth or descent;
- (b) must have attained the age of 30 years and
- (c) be eligible to be elected as a member of the National Assembly. This means citizens by naturalisation or registration are disqualified from running for Office of the President. Dingake is

clear that such a provision, "exclude those persons who have attained citizenship through registration from contesting the presidency" and this is unfair in that it violates the principle of equality which is enshrined in the constitution.

The procedure for nomination of presidential candidates is governed by the Constitution and the Presidential Election Act (Chapter 02:01). Nominations are delivered to the returning officer on such a date and time as may be prescribed by law. The nomination of such a candidate shall not be valid unless such a candidate has been nominated by one person and endorsed by a majority of the Members of Parliament.

Candidates are nominated under Section b35 of the Electoral Act and are nominated by a proposer, seconder and not fewer than seven persons as supporters and the names of such proposers, seconder and supporters shall be on the election roll for the constituency for which the candidate seeks election. No nomination is valid unless, before his or her nomination paper is delivered to the returning officer, a candidate deposits at government revenue office, the sum of P500 in cash, in the case of election to Parliament, or

P100 in cash, in the case of election to council. Although Botswana does not provide for presidential elections, leaders of political parties are required by law to be nominated by at least 1, 000 supporters. Should a nominee fail to meet this criterion, he or she is disqualified as a presidential candidate for any given political party.

The IEC study also assessed whether or not the voting process contributes to voter apathy and the findings were that it does (IEC, 2002:58). Respondents and focus groups as well as the main survey provided evidence suggesting that the voting process contributes to voter apathy. There were long queues and the period set aside for polling was found to be too short. It was felt that a single day was inadequate to accommodate large crowds

Campaign Process

While the Electoral Act is silent on the issue of the campaign process, it does however proscribe certain behaviour and conduct on election-day. Caption 02:09:113 says;

(1) No person shall on the date on which an election is held commit any of the following acts within a polling station or within a distance of 200 metres from a polling station, namely;

- (a) canvassing for votes;
- (b) soliciting the votes of any voter;
- (c) persuading any voter not to vote for any particular candidate;
- (d) persuading any voter not to vote at the election;
- (e) shouting slogans concerning the election;
- (f) being in possession of any offensive weapon or wearing any dress or having any facial or other decoration calculated to intimidate voters;
- (g) exhibiting, wearing or tendering any notice, symbol, badge, photograph or party card referring to the election.

(2) No person shall, on the date on which a poll is held in a constituency,

- (a) convene, hold or attend any public meeting;
- (b) operate any megaphone, amplifier or public address apparatus for the purpose of making announcements concerning the election (unless he is an election officer making an official announcement).

(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable to a fine not exceeding P2 000 or to imprisonment for a term not exceeding five years, or to both, and the court convicting that person may in addition, notwithstanding the provisions of section 28 of the Penal Code or any other enactment exempting any person to be sentenced to undergo corporal

punishment, award corporal punishment not exceeding six strokes. Section 114 further prescribes disorderly behaviour and sets levels of punishment for infringement of the law as regards accepted political conduct.

Electoral campaigns in Botswana seem to merely add drama, rather than any real quality, to the political process. Often, it is the leaders of the various political organisations who address and harangue the electorate into this or that political position, telling them about problems and also offering their solutions. There is very little evidence that the general public also take part in decision-making. This calls for greater democracy within parties themselves. While at every rally there is a question time that may last as long as five minutes, in reality unscrupulous politicians have dominated this space as well. Political schemers and manipulators point only to friends and those whose views are already known to comply with the speaker's own. This then raises the question as to whether the conduct of political discourse is open enough to guarantee the nation's democracy.

However, Botswana's politics has not generated the violence and blood-letting that characterises some African countries. That is perhaps a great credit to the cool-headed approach of

Botswana to issues, as construed in their well considered idiom "*Ntwa kgolo ke ya molomo*" (that is, there is no greater warfare and contradiction than verbal debate).

From small groups under trees to large gatherings of urban folk to loud and vibrant motorcades through the dusty streets of large villages and urban centres, there seems to be a consensus that political change should be brought about by the ballot box. Unfortunately, this consensus is being eroded by the fact that fewer and fewer eligible voters are voting every year.

Campaigns, Issues and Visibility

President Festus Mogae has gone on record denying that his party used state funds to run its election campaign. Mogae said that as a party, the BDP depends on big business for funding as well as on the party's investments. At a dinner dance gala event, the BDP is said to have raised P2 million. Mogae has not denied that his party used BDF aircraft to transport his Vice President to and from political rallies.

While campaigns in Botswana tend to be noisy and dramatic, they often lack real substance. Bread and butter issues and matters of economic survival are often

given scanty attention. For instance, the fact of skewed national distribution of wealth, may be touched upon by speakers at rallies but has hardly ever produced a storm. From as early as four o'clock in the morning, loud hailers may be announce a rally later on that will be addressed by the local party leadership or a meeting at which the party will officially receive defectors from another political party.

When are African parties in government not making news? The constitution, with its emphasis on the supremacy of the Office of the President, its guarantees for his immunity against impeachment for commissions or omissions while in office, the fact that the President becomes the first citizen – all these and his other entitlements create a situation where the president becomes above the very laws that he promulgates.

From the beginning of his Presidency, Festus Mogae has been involved in various altercations and disputes with his his Attorney General, voters at Tsolamosese and other peri-urban centres where the state alleged that people had squatted illegally on tribal and state-owned land. Furthermore, there have been differences of opinion with human rights groups and those advocating an end to the death penalty as well as

the San and Survival International. He has had scuffles with the press and called a national State of Emergency on the eve of a national election in 1999.

In 2004 the ruling Botswana Democratic Party has once again stolen the limelight and unveiled well orchestrated political campaigns. Newspaper reports on party activity have accordingly devoted more space to the issues of the BDP. Where there were no issues, the party used its financial resources to remain in the forefront of public awareness, even when there were no immediate issues being debated. For months on end it was the BDP that occupied the front pages of newspapers. The squabble between the party chairman and the Vice President was well covered by all the newspapers. The BDP Gantsi conference was a subject of wide coverage both before and after the event. The conference was also covered by on national television making it more or less accessible to all, countrywide. Here, old and new loyalties were affirmed.

People said the real dispute was between President Festus Mogae and the veteran, PHK Kedikilwe, for the presidency and that all the arguments with Khama were Mogae's method for avoiding a direct assault from someone he knew had huge influence. Mogae said

he was duty-bound to defend Ian Khama because he had moved him from the army to the arena of politics.

Campaigns never really stop even in between elections. In Botswana party political campaigns are waged at specially designated places called "freedom squares". Though these physical open spaces in between locations are also meant to be metaphorically "free" political spaces where people can say their minds, they are also gagged in every sense of the word. They are attended, at any given moment, by a battery of police men and women meticulously recording the proceedings.

This is a relic of the Seretse Khama era when opposition political parties were thought of as potentially subversive or likely to be swayed to violent political methods as had been popularised by liberation struggle movements. At that time, the opposition BNF did not rule out politics by other means.

In recent times, party political campaigns have gone to new centres and places of mass concentration, taxi and bus ranks, shopping complexes, and residential areas. Parties slug it out throughout week-days and night. Campaigns are no longer left to weekends. The process of taking the campaigns to different places has also implied using different types of media:

loud hailers, street posters, newspaper adverts, radio talk shows, television programmes, public debates and bill boards.

All these however, have increased the costs of seeking election to an office and thereby, further excluding the poorer members of society from seeking political office. In this era where petrol and services are worth their weight of gold, even the mere fact of getting to the people has become an issue of affordability. At the level of political parties, it means that it is only the party with strong financial backing that shall get its message across. Botswana is a large but thinly populated country. The distances between major centres of residence are usually big. The only places where campaigns may not be entered into are the kgotla and the pulpit, unless of course, if you are preaching the gospel of the "elected" government.

The Smiling Faces on the Poster

During this year's political campaign heat up, there was an increasing number of smiling faces that went up on the strategic places of Botswana streets. The four way stops and popular T-junctions provided much of the venue for these glossy campaign materials. In all the posters, there was no pretence of material well-

being of those seeking to be elected. In a country where an estimated 40% of the people live in poverty, how come the leaders are all particularly so “successful”?

Civic/Voter Education

Civic or voter education is insufficient and sporadic. There are no popular literacy programmes around the theme and activity of elections. Government has left this activity solely to the IEC to do. The IEC has ‘promoted’ a song, “Ditlhopho Di Tsile’ on the elections and drama in its effort to popularise voting. It has also mounted a drama on elections. What is visible concerning the voter education exercise are little publicised fliers, radio talk shows, and television programmes, occasional drama performance and occasional kgotla meetings.

Civic education is limited and is presumed to be taking place within institutions that are established to pursue limited civic goals, and to mediate or minimise the excesses of governance. To what extent does this happen in Botswana? Instead, there is increasing evidence to suggest stagnation. Most of voter education takes place at the freedom square. Parties seldom hold seminars to teach their own members about the new developments in their own policies. Research is yet to be conducted to establish

exactly what members know of their own parties.

Role of Security Forces

Policing the election process by making sure the ballot boxes do not disappear is done by Botswana Police Service - who guard and oversee the whole process. All the different branches of the police: the special-forces or the Special Support Group, the ordinary members of the Botswana Police Service, the Special Branch, (now there are also special constables); all these have a role in policing elections. Normally they are not armed. And if they are, they would be armed with light rifles on the day of elections.

The Commissioner of Police has to defend the state, its head and the nation. The uniformed forces swear their allegiance to the Head of State. In practice the president is the Field Marshal and supreme commander of the armed forces. He remains president until the next one has been sworn into office and can still call on the services of his commanders.

Botswana Army Trading Fatigues for Political Caps

There is now a special relationship between the armed forces, the Botswana Defence Force and members of parliament of the ruling BDP. The first commander

of the BDF, Lt. General Mompoti Merafhe is in parliament and was the Minister for Foreign and International Relations in the last government. Lt Gen. Merafhe has been re-elected for the third time as an MP for Mahalapye West.

Ian Khama Seretse Khama, his former deputy commander has just been elected the Vice President by Parliament and president in waiting of the party and the country. Ian Khama’s kin and son of the late Vice President Lenyeletse Seretse, is another former member of the military top brass. That is Brigadier Ramadeluka Seretse who has won the Serowe North East constituency. Another general in the pack is Major General Moeng Pheto who was MP in the last Parliament and an assistant minister. He has also won the seat for Lentsweletau constituency. Yet another former army man is Kitso Mokaila, who has just won a parliamentary seat in the Barolong constituency.

The BDP has since argued that soldiers like every other Motswana, are exercising their democratic right of voting or being voted for.

Controversy over Election Date

Up until a month before the elections, only the President knew the exact date for the October 30 election. The

Botswana constitution does not prescribe a specific date for the general election and this has been raised as an issue of concern by the various election observers and monitors in the country and from outside.

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