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# Journal of African Elections

*Electoral Perspectives and the Process of Democratisation  
in the Democratic Republic of Congo*

## ARTICLES BY

Georges Nzongola Ntalaja  
Adrien Mulumbati Ngasha  
Denis Kadima  
Bookie Monica Kethusegile-Juru  
Obede Baloi  
Tom Lodge  
Khabele Matlosa  
Arsène Waka-Sakrini  
Matezo Bakunda  
Lloyd Sachikonye  
Joram Rukambe  
Balefi Tsie

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South Africa

P O Box 740  
Auckland Park  
2006  
South Africa  
Tel: +27 011 482 5495  
Fax: +27 0 11 482 6163  
e-mail: kadima@eisa.org.za

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The conference brought together 120 participants from the 11 provinces that constitute the DRC. At EISA's invitation, various SADC experts shared election-related issues and experiences with their Congolese counterparts.

The papers have been updated to include changes that have taken place in specific countries since the conference was held.

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# LA GUERRE, LA PAIX ET LA DEMOCRATIE AU CONGO

*Par*  
*Georges Nzongola-Ntalaja*

## INTRODUCTION

Quelle est la nature du conflit armé en République démocratique du Congo? S'agit-il d'une guerre civile, comme les médias internationaux persistent et signent ou avons-nous affaire à une guerre d'agression extérieure, comme l'affirment les autorités de Kinshasa et les patriotes congolais? Indépendamment de la position qu'on prendrait vis-à-vis du régime instauré par Laurent-Désiré Kabila au Congo, force est de reconnaître le bien-fondé de sa position, d'autant plus que les groupements rebelles ont été mis sur pied après l'invasion du pays par le Rwanda et l'Ouganda le 2 août 1998. Ainsi, devons-nous, pour mieux répondre à la question posée ci-dessus, pouvoir dire pourquoi la guerre perdure depuis 1998. Qu'est-ce qui a perturbé la paix au Congo? Comment se fait-il qu'un pays aux dimensions continentales soit envahi, occupé et pillé par des Etats lilliputiens comme le Rwanda, l'Ouganda et le Burundi? En bref, la réponse à la question principale passe forcément par l'élucidation de ces questions secondaires.

Par conséquent, nous devons remonter aux origines et aux causes lointaines de la guerre des Grands Lacs pour amorcer les perspectives de l'instauration de la paix et de la démocratie au Congo. Avant donc d'examiner celles-ci, nous devons analyser les facteurs ayant plongé le pays dans la crise actuelle. Ceux-ci sont au nombre de trois: l'effondrement de l'Etat sous le poids de la corruption du régime Mobutu; le génocide rwandais et ses répercussions dans la région; et les visées expansionnistes du Rwanda et de l'Ouganda. Nous verrons ensuite ce qu'on peut espérer obtenir du processus de paix en cours et comment nous pouvons remettre sur les rails le processus de démocratisation interrompu en 1997.

## L'EFFONDREMENT DE L'ETAT SOUS LE RÉGIME MOBUTU

Du 24 novembre 1965 au 24 avril 1990, le président Mobutu Sese Seko (ex-Joseph-Désiré) régna en maître absolu au Congo-Kinshasa. Son pouvoir sans partage fut caractérisé non seulement par la corruption et la mauvaise gestion, mais aussi par le détournement du pouvoir d'Etat au profit de lui-même et de son entourage, lequel aboutira à la privatisation de l'Etat et de ses ressources. S'inspirant du modèle

léopoldien, dans lequel le pays tout entier ainsi que ses richesses abondantes étaient la propriété privée du roi-souverain, Mobutu n'hésita pas à s'attribuer des prérogatives semblables. Ses prétensions monarchiques se concrétisèrent en plusieurs formes, entre autres:

- L'inauguration, en 1970, d'un pouvoir à perpétuité sous le régime du parti-Etat.
- Le fait de rebaptiser unilatéralement notre cher Congo par l'appellation insultante de 'Zaïre', une corruption portugaise du nom local pour le grand fleuve étant pour Mobutu plus authentique que le nom d'un illustre ancien royaume de l'Afrique centrale précoloniale.
- L'aliénation du patrimoine national au profit des particuliers en guise de 'dons du Président de la République'.
- La subordination, voire la trahison, des intérêts supérieurs de la nation dans ses alliances opportunistes avec les forces de la contre-révolution en Afrique australe, y compris les représentants de la criminalité financière internationale qui alimentent la guérilla de M. Jonas Savimbi en Angola<sup>1</sup>.

Comme l'exemple vient d'en haut, les membres de la nomenklatura mobutiste avaient, chacun à son niveau de responsabilité, repris à leur compte les comportements du président, combinant ainsi le détournement des deniers publics aux largesses propres aux grands dignitaires patrimoniaux pour reproduire le système du clientélisme. Ce système aura pour résultat majeur la commercialisation de tous les rapports humains au sein de l'appareil d'Etat et, partant, l'effondrement de ce dernier. Car, au lieu de constituer un ensemble d'institutions impartial oeuvrant dans l'intérêt général, l'Etat ainsi privatisé était devenu le monopole du chef et de son entourage. Privé de ses moyens d'action, c'est-à-dire les ressources tant humaines que matérielles nécessaires à son fonctionnement, l'Etat était progressivement devenu incapable de remplir les fonctions les plus élémentaires.

Dans les années 70, l'Etat congolais avait entrepris un programme ambitieux visant à former et à équiper une armée capable de maintenir la paix et la sécurité à l'intérieur du pays et de participer d'une façon effective aux opérations de maintien de la paix en Afrique centrale. Craignant de perdre le pouvoir aux jeunes officiers formés dans les meilleures des académies militaires du monde, Mobutu et ses vieux compagnons de la Force publique (l'armée coloniale) dont les compétences ne correspondaient pas à leurs grades de colonel et de général, lancèrent une chasse aux sorcières dont l'aboutissement fut le contrôle des forces armées par une clique

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<sup>1</sup> Un tonnerre d'applaudissements éclata lors de ma dénonciation de cette 'haute trahison' du haut de la tribune de la Conférence nationale souveraine le 14 mai 1992 au Palais du Peuple à Kinshasa. Lire 'Déclaration de politique générale du professeur Georges Nzongola-Ntalaja, invité de la Conférence nationale souveraine (Personnalité scientifique)', dont le texte a été publié dans une douzaine des journaux de Kinshasa et vendu en vidéocassette à Bruxelles.

d'officiers généraux proches du maréchal Mobutu. Ceux-ci se sont illustrés par leur corruption et par leur manque de patriotisme, lesquels sont bien décrits dans l'autopsie du régime Mobutu par son parent et proche collaborateur Honoré Ngbanda(1998). Les détournements de soldes, la vente du matériel militaire et l'implication d'officiers généraux et supérieurs dans toutes sortes d'activités illicites sont parmi les causes majeures de l'effondrement de l'armée de Mobutu.

Entre avril 1990 et janvier 1993, la dictature faisandée du vieux léopard avait progressivement perdu ses moyens de défense pour devenir un fruit mûr, susceptible de se détacher de l'arbre du pouvoir à la moindre pression du vent du changement<sup>2</sup>. L'effondrement, en si peu de temps, de l'autorité ainsi que des moyens de coercition d'un régime où la parole du chef avait force de loi ne fut rien que phénoménal. Suivant un des dires mémorables du chef de file de l'opposition Etienne Tshisekedi, la puissance d'un dictateur réside surtout dans la peur que le peuple a de lui. Par conséquent, et c'est le cas du Congo, une fois que cette peur se dissipe, l'empereur est dénudé et rabaissé des nuages où il prétendait briller en roi-soleil pour rejoindre le commun des mortels.

Pour le maréchal du Zaïre, la suite des événements qui sonnèrent le glas de son règne comprend la fin de la guerre froide, avec ses répercussions par rapport à la couverture néocoloniale dont il jouissait en tant que client obligé de l'Occident; le massacre de Lubumbashi, qui entraîna la suspension des aides extérieures sur lesquelles son appareil de répression s'appuyait pour le recyclage du personnel et le renouvellement de l'équipement; les pillages de 1991 et 1993 par les militaires, qui résultèrent dans la destruction quasi-totale du secteur commercial moderne, la perte de milliers d'emplois et l'informalisation à outrance de l'économie congolaise; et la Conférence Nationale Souveraine (CNS), le point culminant du travail de sape que le mouvement démocratique a pu réaliser contre le mobutisme. Notons au sujet de ce dernier événement que si la tentative de recouvrement de la souveraineté populaire et de la consécration de l'Etat de droit n'a pas réussi à instaurer la démocratie et le progrès social au Congo, elle a néanmoins légué au peuple congolais des acquis démocratiques non négligeables, notamment par rapport à l'éveil de la conscience nationale et à l'affirmation du droit de résistance contre tout pouvoir illégal<sup>3</sup>.

Etant donné que les amis d'hier ne pouvaient plus venir à la rescousse de Mobutu, comme ils le faisaient avec impunité dans le passé, l'effondrement de son régime s'avérait irréversible, malgré son maintien à la tête de l'Etat à titre

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2 Malheureusement pour le Congo, le vent de l'intérieur, qui avait démoralisé et affaibli la dictature à la CNS, n'était pas suffisamment puissant pour franchir les murs du Palais du Peuple afin d'anéantir l'appareil sécuritaire sur lequel le régime Mobutu devait se replier. Il a fallu que le vent du changement vienne de l'Est et outre les frontières de la République pour en finir avec la dictature.

3 Dans un ouvrage à paraître en février 2002 à la maison d'édition Zed Books de Londres et intitulé *The Congo from Leopold to Kabila: A People's History*, je consacre une grande partie du chapitre sur la lutte pour la démocratie multipartite (ch. 6) à une analyse de la nature, du fonctionnement et des acquis de la CNS.



honorifique, d'après la formule pleine d'ambiguïtés du Compromis politique global<sup>4</sup>. La tentative de restauration du régime entre 1994 et 1997, à travers le troisième mandat de Léon Kengo wa Dondo comme chef du gouvernement, était vouée à l'échec. Car la désignation de Kengo comme premier ministre de la transition n'était qu'une manœuvre d'arrière-garde par la fraction réformiste de la nomenklatura, soutenue par la Troïka (Belgique, Etats-Unis, France) et les institutions de Bretton Woods, pour étouffer dans l'œuf les acquis de la CNS.

### LE GÉNOCIDE RWANDAIS ET SES RÉPERCUSSIONS DANS LA RÉGION

C'est dans ce contexte de l'effondrement du régime Mobutu ainsi que celui de l'Etat dont il n'était plus capable d'assurer la gestion qu'intervint le génocide rwandais de 1994. Face à la résistance du peuple contre la dictature, l'Etat délégitimé et démuné de moyens d'action ne pouvait ni arrêter le génocide ni réagir d'une façon efficace à ses répercussions au Congo. Les Rwandais, tant Hutu que Tutsi, tirèrent grand profit de l'effondrement de l'Etat congolais. Les premiers se sont servis de la faiblesse et des complicités des Forces armées zaïroises (FAZ) pour s'installer sur le sol congolais avec tous les équipements militaires que les soldats français de l'Opération Turquoise leur avaient permis d'emporter du Rwanda. Par conséquent, les soldats des Forces armées rwandaises (FAR), l'ancienne armée gouvernementale, ainsi que les *interahamwe*, les milices extrémistes hutu, investirent les camps de réfugiés, au vu et au su du régime Mobutu et de la communauté internationale, avec toutes les conséquences que cela devrait entraîner pour la sécurité du nouveau régime à Kigali.

Deux mois avant le déclenchement de la guerre d'octobre 1996, l'Armée patriotique rwandaise de Paul Kagame avait commencé à tester la capacité de réaction de l'armée de Mobutu en lançant des attaques contre les camps de réfugiés. Ayant fait le constat qu'elle était en face d'un tigre en papier, l'armée tutsi s'est permis de déclencher le 6 octobre une opération de grande envergure, à laquelle l'Ouganda de Yoweri Museveni s'est associée pour des raisons qui deviendront plus claires par la suite.

Le voile a été finalement et définitivement levé sur le rôle moteur du Rwanda dans la guerre de sept mois et le renversement de Mobutu par les déclarations du général Paul Kagame au journal américain le *Washington Post* en juillet 1997 et confirmées dans son entretien avec le professeur ougandais Mahmood Mamdani<sup>5</sup>. Même si la contribution de l'Angola sur le plan des opérations militaires proprement dites (la défaite des mercenaires à Kisangani, de la DSP à Lubumbashi et des hommes

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4 En ma qualité d'Invité de la CNS, j'ai introduit au nom de 13 groupes lumumbistes une motion contre cette disposition du compromis politique à la séance plénière du lundi 3 août 1992. Le texte de la motion a été publiée dans le *Potentiel* du 4 août 1992.

5 Lire le *Washington Post* du 9 juillet 1997 et l'article de Mamdani dans le *Mail & Guardian* (Johannesburg) du 8 août 1997.

de l'Unita à Kenge) fut beaucoup plus importante, compte tenu de sa longue expérience en matière, un dispositif logistique considérable, les orgues de Staline et d'autres armes sophistiquées, l'initiative rwandaise visant la destruction des camps des réfugiés hutu au Congo et, partant, les bases des ex-FAR et des *interahamwe* reste la clef de voûte de la marche victorieuse de l'Alliance des forces démocratiques pour la libération du Congo (AFDL) vers Kinshasa.<sup>6</sup>

Ceux qui refusent de reconnaître cette réalité auront du mal à expliquer comment une coalition de quatre groupes de rebelles disparates formée le 18 octobre 1996 à Lemeru, soit environ deux semaines après le déclenchement des hostilités par l'armée rwandaise, puisse se restructurer et s'organiser pour mener une campagne militaire victorieuse en un rien de temps, d'une part, et pourquoi, d'autre part, un officier militaire rwandais, James Kabarebe, devait prendre le commandement de la nouvelle armée nationale, les Forces armées congolaises (FAC). Le fil des événements ne tardera pas à démontrer que Paul Kagame et le président ougandais Yoweri Museveni avaient soutenu l'AFDL pour masquer leurs propres visées expansionnistes. Ayant constaté qu'ils ne pouvaient pas transformer le président Laurent-Désiré Kabila en une véritable marionnette, ils se sont décidés de s'en débarrasser. D'où la guerre d'agression et de pillage déclenchée le 2 août 1998.

#### LES VISEES EXPANSIONNISTES DU RWANDA ET DE L'OUGANDA

Pour les décideurs américains, les responsables des institutions de Bretton Woods, ainsi que leurs relais dans les cercles universitaires, Museveni et Kagame appartiennent à une 'nouvelle génération des leaders africains', qui prônent l'indépendance d'action ainsi que le souci d'apporter des 'solutions africaines aux problèmes africains'. On leur reconnaît les qualités d'homme fort, de fin manoeuvrier, d'habile communicateur et de gestionnaire pragmatique (Mukendi and Kasonga 1997).<sup>7</sup> Ce groupe d'élite comprendrait également le sud-africain Thabo Mbeki, l'erythréen Isaias Afwerki et l'éthiopien Meles Zenawi.

A l'exception de Mbeki, dont le pouvoir est circonscrit par le compromis historique de 1994, le pouvoir économique du patronat et des colons blancs, la solidité des institutions étatiques et la puissance de la société civile, les dirigeants qui répondent à ce genre de profil sont tous des anciens chefs de guerre qui règnent en maîtres absolus. Ayant conquis le pouvoir par la force des armes, ils se laissent convaincre facilement, par leur entourage ou par leur propre imagination, qu'après

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<sup>6</sup> Les troupes victorieuses contre les mercenaires blancs, la Division spéciale présidentielle et l'Unita de Savimbi étaient composées pour la plupart des auxiliaires congolais de l'armée angolaise connus sous l'appellation de 'tigres'.

<sup>7</sup> Contrairement aux souhaits de Mukendi et Kasonga, Laurent-Désiré Kabila, que l'ancienne secrétaire d'Etat américaine Madeleine Albright et d'autres auraient voulu voir s'associer à ce groupe, resta fidèle aux principes révolutionnaires de sa jeunesse et, en conséquence, s'est vu exclu de cette amicale.

maintes épreuves subies et tous les dangers encourus, ils ne peuvent être rien d'autre que des hommes providentiels. D'où l'arrogance du pouvoir.

Malgré l'autoritarisme caractérisant leur pratique du pouvoir, ces leaders jouissent d'un soutien considérable de la part de ceux-là mêmes qui prétendent combattre le terrorisme et promouvoir les valeurs démocratiques à l'échelle mondiale. En réalité, les grandes puissances ne se préoccupent que de leurs intérêts économiques et stratégiques. Même dans ses transformations à l'heure de la mondialisation, de la guerre des étoiles et du bouclier antimissile, l'impérialisme recherche toujours des relais régionaux, pour mieux assurer ces intérêts, y compris l'accès aux ressources indispensables au maintien de son hégémonie. Malheureusement pour le Congo, le coltan et d'autres ressources du sous-sol congolais sont incontournables pour la technologie de pointe, de la fabrication et l'entretien des engins aéronautiques et spatiaux aux ordinateurs et à la téléphonie cellulaire.

La classe politique congolaise ayant démontré son incapacité de servir d'un intermédiaire fiable, la conquête du pays, ou tout au moins sa partition par des voisins capables d'y extraire et d'évacuer vers les marchés du Nord les ressources stratégiques dont l'industrie a besoin, s'imposait. Tout en renflouant leurs trésors nationaux et permettant aux officiers militaires de s'enrichir, les Etats clients de la région s'acquittent bien de leurs obligations envers l'allié américain. Lors de sa visite à Kampala en mai 2001, le Secrétaire d'Etat américain Colin Powell a rejeté tout reproche aux nouveaux poulains de l'Oncle Sam en Afrique pour la mort de 3 millions d'âmes au Congo. La légèreté de ses réponses aux questions des journalistes sur les crimes commis par les régimes de Kampala et de Kigali au Congo montre à quel point les Etats lointains, grandes puissances y compris, ne restent pas indifférents au pillage des ressources naturelles des pays en crise. Destinataires majeurs des métaux rares comme le coltan, ces puissances extérieures demeurent, en tant que receleurs de biens volés, tout aussi coupables selon le droit occidental que les pilleurs eux-mêmes.

Après la publication par les Nations unies en avril 2001 du rapport du groupe d'experts sur le pillage éhonté et criminel des ressources du Congo, ainsi que celle de l'additif fort riche en données en novembre 2001, y-a-t-il encore raison de perdre du temps à démontrer l'enjeu principal du conflit de la région des Grands Lacs?<sup>8</sup> En dépit des protestations des uns et des autres, il est internationalement établi que dans cette sale guerre régionale au Congo, les 'alliés' et les 'agresseurs' se retrouvent dans le même camp, celui des pilleurs. Si les premiers participent au partage du gâteau congolais d'une façon légale, c'est-à-dire avec l'approbation des autorités congolaises, le fait que ce partage du gâteau ait été effectué sans transparence et serait dans certains cas contraire aux intérêts supérieurs de la nation rendrait les Congolais impliqués coupables du bradage du patrimoine national.

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8 Lire le *Rapport du groupe d'experts sur l'exploitation illégale des ressources naturelles et autres richesses de la République démocratique du Congo*, Conseil de sécurité des Nations unies, New York, 12 avril 2001 et l'*Additif au rapport du groupe d'experts sur l'exploitation illégale des ressources naturelles et autres richesses de la République démocratique du Congo*, Conseil de sécurité des Nations unies, New York, 13 novembre 2001.

Quant aux agresseurs, il est évident que le Rwanda, l'Ouganda et le Burundi s'adonnent plus au pillage des richesses congolaises qu'à la poursuite de leurs 'forces négatives' respectives au Congo. Ces trois pays ont purement et simplement annexé de vastes zones du Congo afin d'y piller systématiquement les ressources naturelles de notre pays.

A cet égard, le silence des Etats-Unis et de l'Europe vis-à-vis des crimes commis au Congo et le refus d'imposer des sanctions au Rwanda et à l'Ouganda quand leurs comportements dépassent de loin ce que l'on reproche aux Etats comme le Zimbabwe, prouvent à suffisance l'hypocrisie du discours occidental sur les droits humains, lesquels sont subordonnés aux intérêts économiques et stratégiques. D'autre part, 'le nouveau type de dirigeants africains', qui osent apporter 'des solutions africaines aux problèmes africains' dans la région des Grands Lacs avec l'approbation tacite de leurs alliés du Nord, appartiennent en réalité à l'espèce bien connue de chien de garde de l'impérialisme.

Les conclusions du rapport onusien sur le pillage des ressources au Congo constituent une victoire pour la société civile congolaise qui, depuis la consultation du 21 au 23 novembre 1998 à Morat, en Suisse, n'a cessé de dire qu'il était exagéré de parler de guerre civile à l'Est du Congo, tant il est clair que les rebelles du Rassemblement congolais pour la démocratie (RCD), toutes tendances confondues, ne sont que des simples marionnettes.<sup>9</sup> Si Jean-Pierre Bemba semble jouir d'une certaine popularité du fait de son enracinement dans sa région d'origine, il n'en reste pas moins qu'il a des comptes à rendre à Museveni, son parrain politique, et à ses bailleurs de fonds, qui comprennent les anciens généraux de Mobutu.

## LES PERSPECTIVES DE LA PAIX ET DE LA DÉMOCRATIE AU CONGO

De ce qui précède, il est évident que certains préalables sont incontournables pour le processus de la paix. Si la crise actuelle est en grande partie due à l'effondrement de l'Etat congolais et de son armée, la reconstruction de l'Etat et de l'armée sont indispensables à une paix durable au Congo. En deuxième lieu, si la guerre perdure à cause de l'exploitation illégale des ressources du Congo par ses voisins, la communauté internationale a le devoir, sous la Charte des Nations unies, de prendre toutes les mesures nécessaires pour mettre fin à cette exploitation illicite. De ces deux scénarios possibles, celui qui offre le plus de chances pour mettre fin à la guerre est évidemment le premier. Un Congo uni et organisé pourra réussir en moins de rien à repousser les troupes d'occupation jusqu'à Kigali, Kampala et

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<sup>9</sup> Le compte rendu de la réunion du collège des fondateurs du RCD-Goma tenue du 13 au 14 octobre 2001 à Himbi est très révélateur à cet égard. A la question d'expliquer le contact avec le président Joseph Kabila et Jean-Pierre Bemba du MLC à Gaborone, le président Adolphe Onusumba répond de la manière suivante: 'Le contact avec Kabila et Bemba, je me suis expliqué pendant plus de 4 heures avec les dirigeants du FPR à Kigali. Je n'ai plus de commentaires à faire.' On sait à qui il a des comptes à rendre. Compte rendu publié par le journal *Les Coulisses*, no. 100, du 15 novembre au 15 décembre 2001. Mes remerciements à Pascal Kambale, qui a bien voulu me transmettre cette information.

Bujumbura. Les dirigeants congolais ont-ils la maturité politique et le patriotisme requis pour un heureux aboutissement de ce scénario, lequel exige un front commun contre la menace extérieure?

La guerre de la région des Grands Lacs est une 'guerre des ressources' initiée par des régimes militaristes à la recherche de zones tampon de sécurité, d'expansion territoriale et d'exploitation économique dans un pays aux richesses fabuleuses mais sans Etat ni armée dignes de nom. Il s'agit d'un conflit armé alimenté de l'extérieur mais qui permet aux seigneurs de la guerre locaux d'user du contrôle des populations et des ressources naturelles comme tremplin à la conquête du pouvoir. Ce genre de conflit exige au moins deux conditions préalables: l'existence d'une richesse naturelle abondante et l'effondrement de l'Etat. Quand les ressources en question sont à la fois d'une valeur stratégique et susceptibles d'être extraites par des moyens artisanaux, la région cible attirera vers elle les partenaires de la criminalité financière internationale, dont les composantes majeures et le fonctionnement sont bien explicités de la manière suivante par le *Monde diplomatique*:

Abandons de souveraineté et mondialisation libérale – permettant aux capitaux de circuler sans contrôle d'un bout à l'autre de la planète – ont favorisé l'explosion d'un marché de la finance hors la loi, moteur de l'expansion capitaliste, et lubrifié par les profits de la grande criminalité. Partenaires associés sur l'archipel planétaire du blanchiment de l'argent sale, gouvernements, mafias, compagnies bancaires et sociétés transnationales prospèrent sur les crises et se livrent au pillage du bien commun en toute impunité.

(Avril 2000)

La logique de pillage, qui caractérise les relations entre l'économie mondiale et l'Afrique depuis le XVI<sup>e</sup> siècle, ne peut que se renforcer au fur et à mesure que l'effondrement de l'Etat et de son autorité devient monnaie courante dans les zones d'exploitation minière sous contrôle des mouvements d'opposition armés. Aux ambitions démesurées, les chefs de ces mouvements ne se gênent guère d'entrer en partenariat avec les marchands d'armes et de drogues ainsi que les banques off shore et les transnationales minières pour promouvoir des intérêts autres que ceux de leur propre pays. L'obsession du pouvoir et la quête des richesses matérielles est telle que les seigneurs de la guerre fassent montre d'un manque éhonté du patriotisme, en préférant de détruire et de diviser leur propre pays qu'à partager le pouvoir avec le frère ennemi. En effet, si le rôle des facteurs extérieurs n'est pas négligeable, il n'en reste pas moins que la responsabilité primaire revient aux acteurs locaux, qui se prêtent à servir de relais ou des hommes de paille des forces étrangères.

La paix est-elle possible en RDC? Il est évident que la guerre en cours n'aurait pas eu lieu sans l'effondrement de l'Etat congolais et de ses forces armées. Pour réaliser une paix durable, la reconstruction de l'Etat et la formation d'une véritable

armée nationale et républicaine sont incontournables. C'est d'ailleurs ce qui est prévu à l'Accord de Lusaka, où il est question de mettre en place de nouvelles institutions politiques pendant la période de transition. Les tentatives de positionnement et celles de court-circuiter le dialogue intercongolais par des rencontres préemptives telles que celles parrainées par l'ONU à Abuja sont contraires à la lettre et à l'esprit de l'Accord de Lusaka. Des négociations entre les seules forces combattantes, comme cela a été fait en 1997 en Afrique du Sud et à bord de l'*Outeniqua*, le navire de la marine sud-africaine, renforcent l'idée selon laquelle le changement politique ne peut se faire que par la force. Or, n'eut été la résistance populaire à la dictature mobutiste, qui déblaya le terrain pour la chute du régime, la guerre de 1996-1997 aurait eu du mal à aboutir.

La nation congolaise ne peut pas se reconstruire sous la direction des seuls belligérents de la guerre des Grands Lacs, parmi lesquels on trouve des compatriotes à la remorque d'une dynamique régionale dont la plupart des citoyens ignorent les tenants et aboutissants. Qu'il s'agisse de l'AFDL reconvertie en Comités de pouvoir populaire (CPP) ou de deux mouvements rebelles, aucun des belligérents n'a jusqu'à ce jour présenté au peuple congolais un projet de société plus crédible que celui issu de la CNS. Si on peut le juger par ceux qui en sont responsables, le modèle de société du groupe CPP manque de cohérence du fait de ses multiples héritages, entre autres, le nationalisme progressiste des années 60, l'expérience du maquis de Hewa Bora, la guerre de sept mois et le mobutisme, ce dernier courant étant bien représenté au sein du groupe par l'un de ses architectes, Dominique Sakombi Inongo.

Par son affinité avec la personnalisation du pouvoir autour de la notion de l'homme providentiel, ce modèle de société apparaîtrait, selon le journaliste belge Gérard Papy de *La Libre Belgique*, 'bien étranger aux aspirations inassouvies des croisés de la démocratie congolaise' qui, entre 1990 et 1997 'ont réussi à se forger, pendant cette période de démocratisation avortée, des espaces de liberté dont ils ont aujourd'hui le droit d'être fiers' (cité par Lejeune 1997). Pour ce peuple martyr, la CNS constitue l'alpha et l'oméga pour toute politique crédible de transition démocratique au Congo. Il est donc souhaitable que les participants au dialogue intercongolais se mettent d'accord pour remettre sur pied les institutions de la transition créées par la CNS, à savoir, le Haut Conseil de la République (HCR), le gouvernement de transition et la Commission Nationale des Elections (CNE). Pour qu'elles réussissent à exécuter leurs mandats respectifs, ces institutions devraient être dotées des moyens appropriés de leurs actions.<sup>10</sup>

Si le règlement de la crise de la transition démocratique, qui perdure depuis 1990, exige la concertation et l'entente entre les Congolais eux-mêmes, mettre fin à l'exploitation illégale des ressources congolaises par les pays en conflit exige, du

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10 Une des raisons principales de ma démission de l'ancienne CNE en 1996 était justement le refus du gouvernement Kengo de lui fournir les moyens financiers dont elle avait besoin pour accomplir sa mission.



moins à court terme, l'intervention de la communauté internationale. Il est temps que celle-ci abandonne sa politique de deux poids, deux mesures dans sa stratégie de réponse aux crimes contre l'humanité et aux crimes de guerre. Car, s'il est juste d'empêcher et de punir le nettoyage ethnique dans les Balkans, pourquoi ne mettrait-on pas des moyens semblables pour combattre le terrorisme d'Etat dont les populations congolaises sont rendues victimes par le Rwanda et l'Ouganda? Comment peut-on punir l'Irak si sévèrement pour son invasion du Koweït il y a plus de 10 ans, tandis que l'Ouganda et le Rwanda continuent à jouir des aides bilatérales et multilatérales malgré leur invasion, occupation et exploitation illégale des ressources naturelles et autres richesses du Congo, qui continue jusqu'à ce jour?

### CONCLUSION

En définitive, nous devons nous rendre compte du fait que notre salut ne peut se matérialiser que par nos propres efforts. Il est inutile d'attendre que d'autres viennent résoudre nos problèmes, d'autant plus que c'est parmi eux qu'on trouverait les vrais commanditaires de nos agresseurs. Ce dont les Congolaises et le Congolais ont grandement besoin c'est de développer un attachement sincère et patriotique au principe du respect de l'intérêt général et du bien public, qui remplacerait les anti-valeurs de la poursuite des intérêts sectaires et personnels ainsi que l'amour du gain facile. Suivant le vœu exprimé par notre héros national Patrice Emery Lumumba, nous avons le devoir de récrire notre histoire suivant une perspective africaine, c'est-à-dire arranger nos affaires nationales en fonction des aspirations profondes du peuple, au-lieu de s'inspirer des schémas imposés de l'extérieur.<sup>11</sup>

Pour que notre pays réussisse d'endiguer la crise actuelle et de mettre fin aux ingérences extérieures, il lui faut un gouvernement responsable et légitime, c'est-à-dire un gouvernement dans lequel le peuple se reconnaît et qu'il considère comme celui qui exprime le mieux ses aspirations et défend le mieux ses intérêts. Un tel gouvernement n'est possible que dans la mesure où il est composé des femmes et des hommes imprégnés du patriotisme et de la conscience nationale et qui jouissent de la confiance du peuple. Après toutes les trahisons que notre pays a connues de 1960 à présent, ces femmes et ces hommes doivent être des nationalistes sans reproche, et des personnalités qui défendront à tout prix et contre vents et marées les intérêts supérieurs de la nation congolaise.

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<sup>11</sup> Le vœu de Patrice Lumumba que l'histoire africaine soit conçue et rédigée à partir d'une perspective africaine est exprimé dans sa dernière lettre à son épouse, écrite dans la prison du camp militaire de Mbanza-Ngungu. Voir Van Lierde 1963.

## ----- RÉFÉRENCES -----

- Kennes, Erik. 1998. 'La guerre au Congo'. In Filip Reyntjens et Stefan Marysse (eds). *L'Afrique des grands lacs: Annuaire 1997-1998*. Paris: L'Harmattan, Paris, p. 238.
- Lejeune, Emile. 1997. *Laurent-Désiré Kabila, militant nationaliste congolais*. Tubize: Gamma Presse, p. 83.
- Le Monde diplomatique*. 2000. 'Dans l'archipel planétaire de la criminalité financière', avril.
- Mukendi, Germain et Bruno Kasonga. 1997. *Kabila, le retour du Congo*. Ottignies: Quorum, p. 70.
- Ngbanda Nzambo-ku-Atumba, Honoré. 1998. *Ainsi sonne le glas! Les derniers jours du maréchal Mobutu*. Paris: Editions Gideppe.
- Van Lierde, Jean (ed). 1963. *La pensée politique de Patrice Lumumba*. Bruxelles: Editions des Amis de Présence Africaine.



# APERCU HISTORIQUE DE LA PRATIQUE ELECTORALE EN REPUBLIQUE DEMOCRATIQUE DU CONGO DEPUIS SON ACCESSION A L'INDEPENDANCE

*Par*  
*Adrien Mulumbati Ngasha*

*Professeur Adrien Mulumbati Ngasha est maître de conférence  
dans le département de la politique de science à l'Université de Lubumbashi*

La démocratie représentative telle qu'elle existe dans le monde depuis le 18<sup>ème</sup> siècle implique que le peuple élise ceux qui gèrent les affaires publiques en son nom et à sa place. L'élection de ces derniers qu'on appelle gouvernants, est faite suivant les systèmes électoraux qui varient selon qu'on est dans les pays à régime politique monopartiste ou dans les pays à régime multipartiste.

Dans les pays à régime politique monopartiste les gouvernants sont choisis par les dirigeants du parti unique qui confectionnent les listes des 'candidats' et font ensuite adopter ces listes par les électeurs par un simulacre d'élection. Si dans ce cas le choix des gouvernants par les responsables du parti se fait avant la présentation des listes des 'candidats' aux électeurs, il arrive de fois que le choix se fasse à posteriori. Dans ces cas, sont élus les candidats que les dirigeants du parti unique estiment ou considèrent comme bons, et cela quel que soit le nombre des voix obtenues.

Dans les pays à régime politique multipartiste les gouvernants sont choisis par les gouvernés électeurs selon trois systèmes électoraux principaux: le système majoritaire, le système de représentation proportionnelle et le système mixte.

Le système majoritaire est cette forme de l'élection où est élu celui qui obtient la majorité des voix. Il peut se présenter soit sous forme de scrutin majoritaire à un tour, soit sous celle de scrutin majoritaire à deux tours, soit encore sous celle de scrutin uninominal, soit encore sous celle de scrutin plurinominal. Le scrutin majoritaire à un tour est la forme de système majoritaire où est élu celui qui obtient le plus grand nombre des voix quel que soit le total des voix obtenues par les autres candidats. Le scrutin majoritaire à deux tours est la forme de système majoritaire où est élu celui qui obtient la majorité absolue des voix exprimées, c'est-à-dire la moitié des voix plus une au moins. Le scrutin uninominal est la forme de système majoritaire où un seul candidat est élu par circonscription électorale. Le scrutin plurinominal est la forme de scrutin majoritaire où plusieurs candidats sont élus dans une circonscription électorale. Il est à observer que dans le cas les candidats

se regroupent par liste d'où le scrutin plurinominal est parfois appelé scrutin de liste. Il est à observer par ailleurs que le scrutin de liste peut être bloqué ou panaché. Il est bloqué lorsqu'en votant les électeurs votent pour la liste et non pour les candidats qui figurent sur la liste. Il est panaché lorsqu'ils choisissent parmi les candidats qui figurent sur la liste ceux pour qu'ils veulent réellement voter. Les électeurs forment, dans ce cas, leurs propres listes.

La représentation proportionnelle est la forme d'élection où les différentes listes en compétition obtiennent chacune le nombre d'élus proportionnel au nombre des voix obtenues. Pour déterminer le nombre d'élus de chaque liste, on utilise soit le système du quotient du nombre uniforme soit celui du quotient électoral. Dans le système du quotient du nombre uniforme, la loi électorale fixe d'avance pour l'ensemble du territoire national, le nombre de voix requises pour qu'une liste ait un élu. Chaque liste a le nombre d'élus correspondant au nombre de fois que ce nombre est contenu dans le total de voix qu'elle a obtenues.

Dans le système du quotient électoral, on divise dans chaque circonscription le total des voix exprimées par le nombre de candidats à élire. Le chiffre ainsi obtenu est appelé quotient électoral. Chaque liste a le nombre d'élus correspondant au nombre de fois que le quotient électoral est contenu dans le total de voix qu'elle a obtenues si on recourt au scrutin de liste bloquée. Si on recourt au scrutin de liste panachée, la base de calcul est la moyenne de la liste, qu'on obtient en divisant le total des voix obtenues par chaque candidat par le nombre de membres de la liste.

Le système mixte est la forme d'élection où on recourt à la fois au système majoritaire et à la représentation proportionnelle.

Depuis son accession à l'indépendance la république démocratique du Congo a, sur le plan politique, connu plusieurs élections dont les plus importantes sont les élections communales, les élections provinciales, les élections législatives nationales et élections présidentielles. Les systèmes électoraux selon lesquels ces élections étaient faites, étaient tributaires des régimes politiques qui fonctionnaient sur place. Depuis son accession à l'indépendance, la République Démocratique du Congo, connu deux régimes politiques: le régime pluraliste et le régime moniste.

Le régime pluraliste a fonctionné depuis l'accession du pays à l'indépendance jusqu'en 1965, date à laquelle le président Joseph Mobutu a, par un coup d'état, pris le pouvoir. Il était caractérisé par l'existence de plusieurs partis politiques et plusieurs groupes de pression notamment les organisations syndicales par et travers lesquels la vie politique était organisée et fonctionnait.

Le régime moniste a fonctionné depuis le 24 novembre 1965, date à laquelle le président Joseph Mobutu a, par un coup d'état pris le pouvoir jusqu'en 1997, date à laquelle le président Laurent Désiré Kabila a pris le pouvoir. Il était caractérisé par l'existence de parti unique dénommé 'Mouvement Populaire de la Révolution' (MPR) et d'une seule organisation syndicale dénommée 'l'Union Nationale des Travailleurs Congolais'(UNTC).

### LES ELECTIONS SOUS LE REGIME PLURALISTE (1960-1965)

Sous le régime pluraliste la République Démocratique du Congo a connu les élections communales, les élections provinciales et les élections législatives nationales. Ces différentes élections ont été faites selon le système électoral de représentation proportionnelle.

#### *Les élections communales*

Depuis l'accession du pays à l'indépendance, les élections communales ont été organisées en 1963 à Ibanda, Bagira, Bandundu, Kikwit, Bulungu, Idiofa et Mangai, en 1964 à Kadutu, Matadi, Boma et Banzangungu, en 1965 à Kinshasa appelé alors Léopoldville. De ces différentes élections communales, nous nous appesantissons sur les élections communales à Kinshasa (Léopoldville) qui ont fait l'objet du décret-loi du 12 novembre 1964 portant organisation des élections communales dans la ville de Léopoldville (*Moniteur congolais* n°6) complété par le décret-loi du 8 décembre 1964 portant modification du décret-loi du 12 novembre 1964 relatif à l'organisation des élections communales dans la ville de Léopoldville (*Moniteur congolais* n°1) et par le décret-loi du 23 janvier 1965 portant modification de l'article 12 du décret-loi du 08 décembre 1964 relatif à l'organisation des élections dans la ville de Kinshasa (Léopoldville) (*Moniteur congolais* n°5).

Il est à noter que les candidats se sont présentés à ces élections par liste dont 11 étaient pour l'association des Bakongo (ABAKO), 67 étaient pour les autres associations, et 32 étaient pour les candidats individuels.

**Tableau 1**  
**Les résultats des élections communales se présentent comme suit**

Listes	Candidats	%	Voix	%	Sièges	%
11 listes de l'ABAKO	269	21,6	23 622	41,4	125	42,1
67 listes des autres associations	936	75,3	31 479	55,2	170	57,17
32 listes individuelles	38	3,1	1 956	3,4	2	0,7
Total	1 243	100	57 057	100	297	100

Source: CONGO 1965, 208

**Tableau 2**  
**Les résultats des élections communales par commune et par groupe de liste se**  
**présentent comme suit**

COMMUNES	Bureau de vote	Elections inscrites	Sièges	Listes	Candidates	Votes valables	ABAKO		Autres listes		Listes individuelles	
							Voix	Sièges	Voix	Sièges	Voix	Sièges
Bandalungwa	14	7 000	21	13	91	5 076	2 440	12	2 395	9	241	-
Barumbu	11	5 500	21	6	105	3 712	1 359	8	2 353	13	-	-
Bandale	24	12 000	27	12	115	7 099	4 035	18	2 686	9	378	-
Kalamu	22	11 000	27	18	142	6 733	2 519	12	3 675	14	539	1
Kinshasa	22	11 000	27	8	122	5 594	1 656	9	3 831	18	107	-
Kitambo	8	4 000	19	7	94	2 974	1 261	9	1 699	10	14	-
Léopoldville	2	1 000	23	4	43	539	-	-	478	22	61	1
Limete	8	4 000	15	5	49	1 889	-	-	1 864	15	27	-
Matete	16	8 000	23	9	115	4 960	2 108	11	2 719	12	133	-
Ndjili	23	11 500	27	8	124	6 595	3 997	17	2 449	10	151	-
Ngaliema	8	4 000	15	3	47	2 181	522	3	1 669	12	-	-
Ngiringiri	22	11 000	27	15	109	6 452	2 024	10	4 175	17	253	-
Saint Jean	11	5 500	25	8	89	3 241	1 701	16	1 488	9	52	-
Ville de Léopoldville	191	95 500	297	116	1 243	57 057	23 622	125	31 497	170	52	2

Source: CONGO 1965, les dossiers du C.R.I.S.P et I.N.E.P., p.209

Une fois élus, les conseillers municipaux ont, à leur tour, élu les bourgmestres de différentes communes dont voici la liste:

**Tableau 3**

Communes	Bourgmestres	Listes
Bandalungwa	Albert Mavungu	ABAKO
Barumbu	Jacques Mukelenge	Luka
Dendale	Thomas Kumwini	ABAKO
Kalamu	Maurice Diasuka	ABAKO
Kinshasa	Thomas Mitondo	Union Kwango-Kwilu et lac Léopoldville
Kitambo	Laurent-Denis Kabuka	Front commun intercommunal
Léopoldville	Elias-Nestor Ikambo	U.C.B.C. – Intercommunaux
Limete	Alfred Kwele	Intérêts communaux
Matete	Gregoire Zengi	ABAKO
Ndjili	Gregoire Lwemba	ABAKO
Ngaliema	Alphonse Paulusi	Luka – intérêts communaux - Ngaliema
Ngiri-ngiri	Joseph Nsiku	ABAKO
SAINT Jean	Dominique Nkailu	ABAKO

Source: CONGO 1965, 209

### *Les élections législatives nationales*

Les premières élections législatives nationales que le pays a connues depuis son accession à l'indépendance ont eu lieu en 1965. Ces élections ont fait l'objet du décret-loi du 6 octobre 1964<sup>2</sup> complété par le décret-loi du 8 janvier 1965 portant modification du décret-loi du 6 octobre 1964 organisant les élections législatives nationales et provinciales et du décret-loi rectificatif du 31 décembre 1964 (*Moniteur congolais n°6*).

Deux cents vingt trois partis politiques ont déposé des listes pour un total de 167 sièges. Peu avant les élections, le premier ministre Moïse Tshombe organise à Luluabourg du 7 au 20 février 1965 un congrès auquel participent 49 partis et associations ethniques. A l'issue de ce congrès les partis et les associations participant décident de se regrouper au sein de la convention nationale congolaise (CONACO). Les élections législatives nationales ont ainsi opposé la CONACO aux autres partis et associations.

2. *Moniteur congolais* du 6 octobre 1964.

**Tableau 4**  
**Les résultats de l'élection des députés se présente comme suit**

Circonscriptions électorales	Sièges à pourvoir	Partis et membre de la CONACO	Sièges obtenus	Autres partis et associations	Sièges obtenus
Katanga oriental	7	Conakat	7	–	–
Lualaba	4	Conakat	2	Atcar	2
Nord-Katanga	7	Fronkat	3	Balubakat	3
		CONACO	1	ABAKO	7
				Mwindi -Bakongo	5
Kongo central	12	–	–	ABAKO	7
Kwango	5	Luka	3	–	–
		PDC /CONACO	2		
Kwilu	14	Udeco	7	PSA - Kamitatu	7
Lac Léopold II.	3	Radeco	1	Unilac	
				MNC -L	1
Vlle de Kinshasa	7	CONACO	1	ABAKO	3
		Luka	1	Ba-likolo	1
				MNC – L	1
Cuvette centrale	7	CONACO	1	Unicentrale	4
				Association	2
Moyen Congo	5	–	–	Puna	4
				Union Budjale	1
Ubangi	6	Preco /CONACO	4	–	–
		Meda	2		
Lomami	4	MUB /CONACO	3	–	–
		CTS/UPB/CONAC	1		
Luluabourg	7	UDA- Lubaya	4	–	–
		CONACO	2		
		PSDA/CONACO	1		
Sankuru	4	MPS /CONACO	2	–	–
		Anamongo/Conaco	1		
		ENSP / CONACO	1		
Kasaï- sud	12	Deco / CONACO	4	–	–
		Panaco/ CONACO	4		
		Rapelu	4		
Unité kasaïenne	6	Radeco/CONACO	4	Atcar-CONACO	1
Mweneditu	2	CONACO	1	Indépendant	1

Kivu central	11	Reco/CONACO	3		
		PRC	2		
		PANACO	2		
		PDC	1		
Maniema	5	CONACO	3	–	–
		PRC/COCO	2		
Nord-Kivu	9	Awabelo	7	Froconki	
		PANACO	1		
Sahabunda	1	ASCCO	1	–	–
Fizi	2	Reco/CONACO	2	–	–
Haut-Congo	8	CONACO	8	–	–
Kibali-Ituri	9	CONACO	9	–	–
Uele	10	CONACO	10	–	–
République Démocratique du Congo	167		122		45

Source: CONGO 1965, 222–223

### *Les élections provinciales*

En 1965, on a également organisé les élections provinciales en vue de renouveler les assemblées provinciales. On a trouvé sur le plan provincial les mêmes partis et les mêmes associations que pour les élections législatives nationales.

**Tableau 5**  
**Les résultats des législatives provinciales se présentent comme suit**

Circonscriptions électorales	Sièges à pourvoir	Répartition des élus par liste
Katanga Oriental	31	Conakat: 25 Ambakat: 1 Abakat: 1 Balubakat: 1 Collectivité rurale: 1 MNC/L: 1 Liste individuelle: 1
Lualaba	15	Conakat: 9 Atcar: 5 Ndembo/Frérer: 1

Nord-Katanga	27	Balubakat: 10 Fronkat: 8 Conakat: 3 Conakat: 3 CONACO: 2 Liste indépendante: 2 Liste individuelle: 2
Lac Léopold II	15	Unilac: 6 MNC/L: 4 Radeco: 4 CONACO: 1
Cuvette Centrale	29	Unicentrale: 13 Assoretshu: 5 CONACO: 3 Interco/Bongandanga: 2 Afaremi: 1 Intercommunale/Boende: 1 PDC: 1 Intérêt Cuvette Centrale (Monkoto): 1 Intérêt Cuvette Centrale (Ingende): 1 Uneko (Union du Peuple Ekonda): 1
Moyen Congo	29	Puna: 11 Union Budja: 6 Meda: 1 Meda: 1 Pareco: 1 Ressortissants Belombo/ Bangala: 1
Kongo Central	48	ABAKO: 26 MWINDA-Bakongo: 17 Areba: 2 Indépendants: 1 Liste Diomi: 1 Liste individuelle: 1



Kwango	22	PDC/CONACO: 11 Luka: 10 Atcar: 1
Kwilu	57	PSA: 28 Udeco: 28 Intérêt Kikwit: 1
Luluabourg	28	UDA-Lubaya: 12 PSDA/CONACO: 7 CONACO: 4 PRC: 3 AST/CONACO :2
Sankuru	17	CONACO/Anamongo: 7 MPS/CONACO: 4 Front/commun/CONACO: 3 PUA/CONACO: 2 PANACO/Conaco: 1
Sud Kasai	48	Panaco/Conaco : 17 Deco/CONACO: 15 Rapelu/CONACO: 15 Groupement/Mulumba: 1
Unité Kasaienne	26	Abambo/Conaco: 5 Apende/Conaco: 3 Atcar/Conaco: 3 MDK/Conaco: 3 Unekete/Banku/CONACO :3 MLS/CONACO: 2 Radeco: 2 UECM/Conaco : 2 Babola/Atcar/CONACO: 1 Bakete de Mulav : 1 Udi/Cobanu/coalition CONACO: 1 CONACO: 1
Mwene ditu	8	CONACO : 6 Deco: 1 Rapelu : 1

Kivu central	35	Reco: 18 ASCCO: 6 PRC: 5 PDC: 3 Intérêt rural : 2 Umeco: 1
Maniema	18	20 Elus (dont 1 en litige, M.Kipeleka)
Nord-Kivu	35	Awabelo: 21 Fracokin: 8 Panaco: 6
Ubangi	24	Pareco/CONACO: 12 Meda: 8 ABMNK: 2 Intérêt local n°11: 1 Sangi/Intérêt local: 1
Lomami	17	MUB/CONACO: 11 CTS/UPB/CONACO: 4 Front/MUB: 1 ICPL:1
Shabunda	5	ASCCO: 3 PDC/CONACO: 2
Fuzi	6	Reco/CONACO: 6
Goma-Ruthuku	8	PANACO: 5 ASCCO: 2 Awabelo:1
Haut-Congo	33	CONACO: 33
Kibali-Ituri	34	CONACO: 34
Uele	38	CONACO: 34

Une fois les élus les assemblées provinciales ont procédé à la désignation des gouverneurs de province que voici:

**Tableau 6**  
**La désignation des gouverneurs de province**

Provinces	Gouverneurs	Provinces désignés	Gouverneurs désignés
Cuvette central Katanga oriental Lualaba Nord-Katanga Haut-Congo Kibali-Ituri	Engulu Godefroid Munongo. Dominique Diur Henri Kambola Ndala Alamazani Manzikala	Maniema Kwilu Congo Central Lomami Lualuaburg	Pascal Luangly Takizala Muanda Manono Tshilumba

Source: Congo 1965, 233-235

Il est à noter, d'autre part, que conformément à la constitution, les assemblées provinciales ont procédé à la désignation des sénateurs à raison de six sénateurs par province, l'un d'entre eux étant choisi obligatoirement parmi les chefs coutumiers. Seule la ville de Léopoldville a désigné ses sénateurs au suffrage universel parce que ne possédant pas d'assemblée provinciale.

**Tableau 7**  
**La désignation des sénateurs**

Provinces	Sièges à pourvoir	Répartition des sièges par liste
Katanga Oriental	6	Liste du Katanga oriental: 3 Listes individuelles: 2 Chef coutumier:
Lualaba	6	Conakat/CONACO:3 Atcar: 1 Ndembo frère: 1 Chef coutumier: 1
Nord Katanga	6	CONACO: 3 Balubakat: 2 Chef coutumier: 1

Kwilu	6	PSA: 2 CONACO: 2 Intérêts Gungu: 1 Chef coutumier: 1
Lac Léopoldville II	6	Unilac/Radeco: 5 Chef coutumier: 1
Ville de Léopoldville	6	ABAKO: 3 Ba-likolo: 1 Luka: 1 MNC/L: 1
Kongo Central	6	ABAKO: 3 MWINDA-Bakongo: 2 Chef coutumier: 1
Kwango	6	Conaco: 3 Luka: 2 Chef coutumier: 1
Ubangi	6	Pareco/CONACO: 3 Meda: 2 Chefcoutumier: 1
Lomami	6	MUB/MUL: 4 Liste individuelle:1 Chef coutumier:1
Luluabourg	6	CONACO:3 UDA:2 Chef coutumier:1
Sankuru	6	Cartel Amongo/CONACO: 4 Liste individuelle:1 Chef coutumier:1
Sud-Kasaï	6	Rapelu:2 Panaco/Déco Liste individuelle:1 Chef Coutumier: 1

Unité Kasaïenne	6	CONACO: 4 Alliance des associations de l'unité Kasaïenne:1 Chef coutumier: 1
Cuvette centrale	6	Unicentrale: 5 Chef coutumier: 1
Moyen Congo	6	Puna: 5 Chef coutumier:1
Kivu Central	6	ASCCO:3 Recop/PDC/CONACO: 2 Chef coutumier:1
Maniema	6	5 élus dont l'appartenance politique n'est pas indiquées chef coutumier: 1
Nord Kivu	6	Awabelo: 4 PANACO: 1 Chef coutumier: 1
Haut Congo	6	Listes individuelles: 5 Chef coutumier: 1
Kibali- Ituri	6	Listes individuelles: 5 Chef coutumier: 1
Uele	6	Listes individuelles: 5 Chef coutumier: 1

Source: Congo 1965, 235–236

### LES ELECTIONS SOUS LE RÉGIME MONISTE (1965-1997)

Sous le régime moniste la République Démocratique du Congo a connu plusieurs élections dont les plus importantes sont: les élections urbaines et communales, les élections provinciales, les élections législatives nationales, l'élection du comité central du mouvement populaire de la révolution, les élections présidentielles.

### *Les élections urbaines et communales*

Les premiers bourgmestres et les bourgmestres qui, depuis le coup d'état du lieutenant général Joseph Désiré Mobutu en 1964, administraient les villes et communes étaient jusqu'en 1977 nommés par le président de la république. En 1977 ont eu lieu les premières élections urbaines et communales. Les conseillers élus à l'issue de ces élections ont procédé à la désignation de bourgmestres et bourgmestres adjoints des communes. Ils ont procédé ensuite à la désignation de leurs représentants appelés à constituer des assemblées urbaines qui ont désigné les premiers bourgmestres et les premiers bourgmestres adjoints.

Il est à noter que l'élection des conseillers communaux, la désignation des bourgmestres et bourgmestres adjoints des communes, la désignation des représentants des conseillers communaux au sein des assemblées urbaines se sont faites sous le contrôle minutieux du parti. Le parti avait mis en place des mécanismes qui ont fait que seuls ceux que le parti voulait étaient élus ou désignés comme conseillers communaux, bourgmestres et bourgmestres adjoints des communes, membres des assemblées urbaines, premiers bourgmestres et premiers bourgmestres adjoints.

En fonction de l'ordonnance-loi 082/006 du 26 février 1982 sur la décentralisation, les communes et les villes étaient devenues des entités décentralisées. C'est dans ce contexte qu'ont été mises en place les assemblées urbaines et assemblées communales dont les membres étaient en partie cooptés par le président de la république, président du mouvement populaire de la révolution, et en partie élus. Il est à noter que ceux qui étaient élus ne l'étaient que grâce aux dirigeants du parti qui proclamaient comme élus ceux qu'ils voulaient quel que soit le nombre des voix obtenues.

### *Les élections provinciales*

En fonction de la loi 082/006 du 25 février 1982 susmentionnée, les provinces étaient devenues aussi des entités décentralisées. C'est dans ce cadre qu'ont été organisées en 1982 les élections provinciales en vue de former les assemblées provinciales qui étaient appelées à jouer le rôle des législatifs provinciaux. Il est à noter que l'élection des membres des assemblées provinciales s'est faite mutatis mutandis comme celle des assemblées urbaines et communales. Comme les membres des assemblées urbaines et communales, les membres des assemblées provinciales étaient en partie cooptés par les instances supérieures du parti et en partie élus. A ce propos il convient d'observer que si les candidats se sont librement présentés aux élections seuls ceux qui avaient les faveurs du parti étaient proclamés élus quel que soit le nombre de voix obtenus. Il est à observer, d'autre part, que si les différents membres des bureaux des assemblées provinciales étaient élus, les présidents des assemblées eux étaient nommés par le président de la république, président du mouvement populaire de la révolution, parti unique.

### *Les élections législatives nationales*

Sous le régime moniste il y a eu 5 élections législatives nationales qui, selon des modalités variables, ont toutes connu des implications du mouvement populaire de la révolution, parti unique.

Les membres de la première législature (1970-1975) étaient choisis par le bureau politique, organe de conception, de décision et d'orientation du mouvement populaire de la révolution, et son choix était entériné ensuite par le peuple par acclamation. En effet, les candidats députés étaient présentés au peuple rassemblé dans des stades de football; et par acclamation le peuple entérinait le choix opéré par le bureau politique.

Les membres de la deuxième législature (1975-1977) étaient choisis mutatis mutandis comme ceux de la première législature. Leur mandat n'était que de deux ans pour des raisons que voici. Du 21 au 23 mai 1972 fut organisé le premier congrès extraordinaire du mouvement populaire de l'évolution (M.P.R) pour désigner le candidat du parti à la magistrature suprême estendrez présidence de la république et pour recommander l'institutionnalisation du mouvement populaire de la révolution.

Il en est résulté que les anciennes institutions étaient devenues des organes du mouvement populaire de la révolution et que le président du mouvement populaire de la révolution devenait de droit chef de tous les organes. Cette recommandation, en imposant la révision constitutionnelle du 15 août 1974, a imposé les élections législatives anticipées en 1975. C'est cette situation qui explique le fait que la deuxième législation n'a duré que de 1975 à 1977, année où de nouvelles élections nationales devaient avoir lieu.

La troisième législature (1977-1982) est par rapport à la deuxième caractérisée par le fait que les candidats députés étaient élus directement par le peuple. Et ce sont ceux qui avaient eu le plus de voix qui étaient élus. Mais pour ne pas être débordés à l'assemblée par les députés dont ils n'étaient pas sûrs, les dirigeants du parti unique s'arrangeaient pour faire élire ceux qu'ils voulaient avoir comme députés en les proclamant vainqueurs aux élections quel que soit le nombre de voix obtenues.

La quatrième législature (1982-1987) est caractérisée par le fait que le parti s'est impliqué dans le choix des députés en amont et en aval. En effet, les candidats députés étaient sélectionnés par le comité central (ancien bureau politique) qui a établi la liste des candidats retenus circonscription par circonscription. Et après l'élection seuls les candidats que le parti voulait qu'ils soient élus, étaient proclamés élus. C'est dans ce cadre que le comité central a, en 1982, publié la liste des candidats députés par la décision d'Etat n° 28/82 du 14 août 1982 portant publication des candidats aux élections législatives de 1982.<sup>1</sup>

Les membres de la cinquième législature (1987-1994) ont été élus mutatis mutandis comme ceux de la quatrième législature. Le comité central a, en 1987, publié la liste des candidats députés retenus par la décision d'Etat n° 55 du 15 août

1987 portant publication des listes des candidats aux élections législatives de 1987 (Décisions d'Etat 1988, 231). Et après l'élection ont été proclamés élus ceux des candidats que le parti voulait qu'ils soient députés.

### *Les élections du bureau politique*

Parmi les élections que la République Démocratique du Congo a connues depuis son accession à l'indépendance il faut noter également l'élection du bureau politique en 1977. Le mouvement populaire de la révolution a, en 1977, décidé que les membres du bureau politique qui étaient jusque là nommés par le président du mouvement populaire de la révolution, président de la république, soient élus par le peuple dans le cadre du processus de la libération de la démocratie.

Il est à noter que de différents candidats qui se sont présentés aux élections, le mouvement populaire de la révolution n'en a retenus que ceux qu'il voulait voir au bureau politique, quel que soit le nombre de voix obtenues, et ce sont ceux là qui étaient proclamés élus.

### *Les élections présidentielles*

Sous le régime moniste il a été organisé trois élections présidentielles en 1970, en 1977 et en 1984. Et dans les trois élections, le candidat président de la république était unique.

Du 21 au 23 mai 1970 a eu lieu le premier congrès extraordinaire du mouvement populaire de la révolution pour désigner le candidat du parti à la magistrature suprême du pays entendez présidence de la république et pour proposer l'institutionnalisation du mouvement populaire de la révolution, parti unique. C'est dans ce cadre que le lieutenant général Joseph Désiré Mobutu a été désigné comme candidat unique aux élections présidentielles qui ont eu lieu cette année. Il a été élu avec plus de 90 % de voix pour un mandat de sept ans.

En 1977 ont eu lieu les deuxième élections présidentielles. Comme aux élections présidentielles de 1970, aux élections présidentielles de 1977, le président Joseph Désiré Mobutu a été désigné et présenté comme candidat unique du parti par les instances supérieures du parti. Et comme aux élections présidentielles de 1970, il a été élu avec plus de 90 % de voix pour un nouveau mandat de sept ans.

En 1984 ont eu lieu les troisième élections présidentielles. Le président Joseph Désiré Mobutu a été désigné et présenté comme candidat unique du parti par la décision d'Etat n° 35/CC/84 du 24 mars 1984 relative à la candidature du citoyen Sese Seko Kuku Ngbendu wa Zabanga au poste de président du mouvement populaire de la révolution, président de la république. Et après l'élection où il a eu 99,16 % de voix il fut proclamé président du mouvement populaire de la révolution et de droit président de la république pour un nouveau mandat de sept ans.



### *Les Problèmes Soulevés par le Déroulement des Elections*

L'analyse du déroulement des élections sous le régime pluraliste et sous le régime moniste nous a conduit aux observations que voici:

Le déroulement des élections s'est heurté à plusieurs problèmes dont les plus importants sont: le manque de recensement fiable, le manque de voies et de moyens de communication appropriés, l'ignorance des principes démocratiques, l'ignorance des vertus démocratiques, l'ignorance des vices démocratiques, le manque de culture politique qui s'accommode avec les élections, l'ignorance de l'organisation et du fonctionnement des partis politiques, la crise de représentation politique

Les résultats de toute élection ne peuvent être fiables que lorsqu'on a des statistiques fiables sur le nombre des gens appelés à voter. Sous le régime pluraliste comme sous le régime moniste, les élections se sont faites sur base des projections des statistiques élaborées du temps colonial ou sur la base des statistiques imaginées par le ministre de l'intérieur. Ce qui en favorisant les uns, a défavorisé les autres. Cette situation a constitué une source de contestation des résultats des élections et des élus issus de ces élections.

Les élections faites sous le régime pluraliste et sous le régime moniste se sont heurtées aussi au problème des voies et des moyens de communication appropriés. Le manque d'entretien des voies de communication et le manque de moyens de déplacement appropriés ont fait que pour se déplacer d'un point à l'autre il fallait parfois des semaines et des semaines. Cette situation a fait que certaines élections (ex les élections législatives nationales de 1965) ont été étalées sur 30 jours. Ce qui, en favorisant la fraude, a favorisé la contestation des élections et des élus issus de ces élections.

Les différentes élections se sont heurtées aussi à l'ignorance des principes démocratiques à respecter pour que la démocratie existe et fleurisse et dont les plus importants sont: la participation politique du peuple, la représentation du peuple, le respect de la loi, l'égalité entre les citoyens, le système électoral basé sur la majorité.

Les différents éléments de la population ignoraient ce qu'est la participation politique, les formes qu'elle revêt, les fonctions qu'elle remplit dans la vie politique. Ceci concerne aussi bien les gouvernants que les gouvernés. Par ignorance de ce qu'est la participation, les gouvernants s'opposaient, parfois brutalement, à ce que les gouvernés participent à la vie politique sous forme de critique verbale ou écrites, de manifestations publiques comme les grèves ou les marches de protestation. De leur côté les gouvernés par ignorance de la participation politique n'hésitaient pas à s'abstenir lors de certaines élections.

La notion de représentation du peuple était aussi mal comprise par les gouvernants et par les gouvernés. Ne sachant pas ce qu'est la représentation politique les représentants du peuple aux différents niveaux se comportaient parfois sans égard aux gouvernés dont ils étaient des représentants. De leur côté les gouvernés se comportaient parfois sans égard aux instructions et aux directives de

leurs représentants. Cette situation a contribué à la crise de représentation politique.

Les différents éléments de la population ignoraient d'autre part que la démocratie impliquait le respect de la loi ; certains d'entre eux considéraient la démocratie comme synonyme de libertinage. C'est ce qui explique en partie le caractère déviant des attitudes et comportements qu'ils adoptaient dans les différentes actions politiques qu'ils posaient et dans les différentes interactions qu'ils développaient entre eux.

Les différents éléments de la population ignoraient également le principe de l'égalité entre les citoyens. C'est ainsi certains empêchaient d'autres de briguer tel ou tel mandat en vertu d'une certaine supériorité qu'ils prétendaient exercer sur eux.

La liberté des citoyens était également mal comprise par les gouvernants et par les gouvernés. Les gouvernants, dans leurs interactions politiques avec les gouvernés n'acceptaient pas que ces derniers posent certaines actions ou adoptent certaines attitudes ou comportements. Les gouvernés, de leur côté, n'acceptaient pas que les gouvernants posent certaines actions ou adoptent certaines attitudes ou comportement.

Le système électoral basé sur la majorité était également mal compris par les gouvernants et par les gouvernés. De même que les gouvernants n'acceptaient pas que leurs adversaires soient proclamés élus pour avoir eu plus de voix, de même les gouvernés n'acceptaient pas que leurs candidats perdent les élections pour n'avoir en pas eu la majorité électorale. Cette situation a souvent été à la base des contestations des résultats des élections et des élus issus de ces élections.

Les élections faites sous le régime pluraliste et sous le régime moniste se sont également heurtées à l'ignorance des vertus démocratiques qu'il faut cultiver qu'il s'agisse des vertus civiques comme la maîtrise de soi, du respect des engagements, de l'altruisme, du dévouement ou qu'il s'agisse des vertus politiques comme la véracité, la prudence, la justice.

Les différentes élections se sont heurtées également à l'ignorance des vices démocratiques qu'il faut éviter. Il s'agit notamment de l'intolérance, du sectarisme, de l'égoïsme et du rigorisme.

Les différentes élections se sont heurtées également au manque de culture politique qui s'accommode des élections. La culture politique qui a prévalu et qui prévaut encore aujourd'hui en République Démocratique du Congo est, pour utiliser l'expression d'Almond et Powell (1972), paroissiale. Il en est résulté que les partis politiques et les associations par et à travers lesquels les gens participaient à la vie politique étaient formés essentiellement sur base des affinités ethniques. C'est ce qui explique le fait que bien des associations étaient transformées en partis politiques.

L'ignorance de l'organisation et du fonctionnement des partis a, d'autre part, fait que les partis politiques ou ceux qu'on présentait comme tels n'avaient pas de projet de société exprimé dans une idéologie claire, la plupart de ces partis étaient animés par des structures mal définies remplissant des fonctions mal définies et

dirigées par des hommes à compétence douteuse sélectionnés sur la base des affinités ethniques ou provinciales. Il est à noter que certains de ces partis se présentaient comme des partis clientèles dans la mesure où les gens se regroupaient autour d'une personnalité appartenant soit à leur ethnie soit à leur province et dont ils espéraient des solutions à leurs problèmes, d'autres se présentaient comme des partis électeurs dans la mesure où ils se mobilisaient uniquement au moment des élections.

Les représentants élus dans ces conditions ne pouvaient que représenter leurs ethnies ou leurs provinces dont ils étaient issus. Il est à noter, par ailleurs, que par leur façon de travailler, ces représentants ont été à la base du découpage du pays en nouvelles entités politico-administratives. Les éléments de différents groupes ethniques ont, pour la plupart, cherché, chacun à vivre dans une entité politico-administrative dirigée par quelqu'un de leur groupe ethnique qui, selon eux, pouvait mieux s'occuper de leurs problèmes, de leurs besoins, bref de leurs intérêts. Cette situation a contribué à la crise de représentation.

Le système électoral privilégié aussi bien sous le régime pluraliste que sur le régime moniste est celui de représentation proportionnelle. Ce système apparaît, par rapport aux différents systèmes électoraux susmentionnés comme le meilleur dans la mesure où il accorde à chacun son dû. Mais confronté à la réalité sociale, ce système comporte de nombreuses distorsions. D'abord tous les partis et toutes les associations n'étaient pas représentés au sein des institutions politiques du pays. Certains partis n'étaient pas représentés parce que très petits, d'autres étaient sureprésentés parce que très grands. Cette situation s'est présentée lorsque le nombre d'élus par circonscription était petit. Il en était de même des associations. A ces considérations il faut ajouter le fait que toutes les associations n'avaient pas présenté des candidats dans la mesure où certaines, sous l'emprise de plusieurs facteurs notamment la culture politique paroissiale, n'avaient pas estimé nécessaire de se faire représenter au sein du système politique. Pour ces raisons les représentants issus des partis politiques et surtout des associations ne pouvaient pas prétendre représenter tous les éléments de la population. Il est à noter aussi que la représentation proportionnelle a aussi connu une crise parce que les représentants, enivrés par les avantages que confère la représentation ne faisaient plus ce que voulaient ceux qu'ils représentaient, n'agissaient plus et ne parlaient plus dans l'intérêt de ceux dont ils étaient des représentants.

La crise de représentation politique s'explique aussi par l'incapacité des représentants politiques de défendre les intérêts de ceux qu'ils représentaient. Incapables de prendre la parole dans les débats, incapables de développer des arguments solides et cohérents pour défendre les intérêts de ceux qu'ils représentaient certains représentants politiques approuvaient parfois ce que les autres représentants politiques faisaient ou disaient contre les intérêts de ceux qu'ils représentaient.

La crise de représentation politique s'explique également par l'ignorance du rôle de représentants. En effet, ne sachant comment ils devaient se comporter en

tant que représentants, les représentants politiques agissaient ou parlaient sans égard aux intérêts de ceux qu'ils représentaient. Cette situation a amené les différents éléments de la population à bafouer les instructions, directives de leurs représentants politiques, à adopter des attitudes et des comportements opposés à ceux leur recommandés par leurs représentants politiques.

La crise de représentation politique faisait, d'autre part, que les représentants politiques étaient moins forts que les autres représentants notamment les représentants religieux, culturels, économiques et symboliques.

### CONCLUSION

Les différentes élections que la République Démocratique du Congo a connues depuis son accession à l'indépendance ont, pendant leur déroulement, développé des antagonismes entre les leaders des partis ou associations et entre les différents éléments de la population qui les supportaient, par manque d'ignorance des mécanismes de fonctionnement de la démocratie.

Les élus issus des ces différentes élections n'ont pas pu promouvoir le développement socio-économique du pays parce que les partis et les associations par et à travers lesquels ils étaient élus étaient formés essentiellement sur base des affinités ethniques ou provinciales. Ils avaient, de ce fait, tendance à travailler dans l'intérêt des ethnies ou provinces auxquelles ils devaient leur élection.

D'autre part ne comprenant pas très bien le rôle de représentants et omnibulés par les avantages matériels liés aux fonctions politiques qu'ils exerçaient, bien des élus ne travaillaient plus dans l'intérêt du peuple qui les avait placés au pouvoir. Ce qui a favorisé la crise de représentation politique.

Le champ de la pratique électorale en République Démocratique du Congo depuis son accession à l'indépendance est très étendu. Il requiert d'autres investigations que voudrait susciter cet essai.

### ----- RÉFÉRENCES -----

#### Ouvrages et Article

- Almond, G.A et G. B. Powel. 1972. *Analyse comparée des systèmes politiques: Une théorie nouvelle*. Paris: Edition Internationales (coll. Tendances actuelles).
- Ansart, P. 1965. *Les idéologies politiques*. Paris: Ed. gallimard.
- Amon, R. 1965. *Démocratie et totalitarisme*. Paris: Ed. gallimard.
- Baechler, J. 1965. *Démocratie*. Paris: Ed. Camanu-Levy (coll. Liberté de l'esprit).
- Bernard, S. 1985. *Les attitudes politiques en démocratie*. Bruxelles: Ed. de l'Institut de sociologie de l'université de Bruxelles (Coll. De centre de théorie politique).
- Boudon, R. 1986. *Idéologie*. Paris: Ed. Fayard.
- Braud, P. 1973. *Le comportement électoral en France*. Paris: P.U.F.
- Charlot, J. 1971. *Les partis politiques*. Paris: Ed. A. Colin.

- Cranston, M. 1980. *Idéologie et politique*. Bruxelles: Ed. Bruylant.
- Duverger, M. 1969. *Les partis politiques*. Paris: Ed. A. Colin.
- 1967. *La démocratie sur les peuple*. Paris: Ed. du Seuil.
- Gaxie, D. 1996. *La démocratie représentative*. Paris: Ed. Montchrestien.
- Hallowell, J.H. 1988. *Les fondements de la démocratie*. Paris: Ed. Nouveaux Horizons.
- Hanspeter, Kriesi. 1994. *Les démocraties occidentales – une approche comparée*. Paris: Ed. Economica.
- Hermet, G. 1986. *Sociologie de la construction démocratique*. Paris: Ed. Economica.
- Lancelot, A. 1971. *La participation des français à la politiqu*. Paris, P.U.F.
- Lavroff, D.G. 1970. *Le parti poplitique en Afrique noire*. Paris, P.U.F.
- Lipson, L. 1972. *La civilisation démocratique*. Paris: Ed. Inter-nationales (Coll. Tendances actuelles).
- Lovens, M. 1965. 'Les élections communales du 31 janviers 1965 à Leopoldville'. *Etudes congolaises* VIII(2), mai- avril.
- Meynaud, J. 1972. *Les groupes de pression*. Paris, P.U.F. 1965.
- Michels, R. 1971. *Les partis politiques*. Paris: Ed. Flammarion.
- Mobutu. 1971. *Dignité pour l'Afrique*. Paris: Ed. Albin Michel.
- Moyer, Nona et Perineau. 1992. *Les comportements politiques*. Paris: Ed. A. Colin.
- Offerle, M. 1987. *Le partis politiques*. Paris: Ed. P.U.F.
- Ornstein, Norman and Shirley Elder. 1982. *Politique et groupes de pression*. Paris: Ed. Nouveaux Horizons.
- Ostragorski, M. 1993. *La démocratie et l'organisation des partis politiques*. Paris: Ed. Fayard.
- Rangeon, F. 1986. *L'idéologie de l'intérêt*. Paris: Ed. Economica.
- Sargent, L.T. 1989. *Les Idéologies politiques contemporaines*. Paris: Ed. Nouveaux Horizons – Economica.
- Seiler, D.L. 1993. *Les partis politiques*. Paris: Ed. A Coln.

### Documents Divers

- Congo 1963, Les dossiers du C.R.I.P centre de recherche et d'information socio-politique (C.R.I.S.P-Bruelles) et institut national d'études politiques (INEP – Kinshasa).
- Congo 1956, Décision d'Etat, directives et déclaration du comité central 1980-1988, Kwilu 1988.
- Mobutu 1975. Allocations et messages (tome 1). Paris: Edition j.a.
- 25<sup>ème</sup> anniversaire du conseil législatif 17-06-1960-17-06-1985.
- Moniteur congolais* n° 1 du 1<sup>er</sup> janvier 1965.
- Moniteur congolais* n° 5 du 1<sup>er</sup> mars 1965.
- Moniteur congolais* n° 6 du 1<sup>er</sup> mars 1965.

# CHOOSING AN ELECTORAL SYSTEM

## Alternatives for the Post-war Democratic Republic Of Congo

*By*  
*Denis K Kadima*

*Denis K Kadima is the Executive Director of the Electoral Institute of Southern Africa (EISA),  
P O Box 740 Auckland Park 2006, Johannesburg.  
Tel: +27 011 482.5495; Fax: +27 011 482.6163; e-mail: dkadima@eisa.org.za*

### INTRODUCTION

The civilised way of selecting individuals as representatives of the citizens of a country is through free, fair and genuine elections. However, the translation of the results of an election into seats depends considerably on a combination of provisions and procedures known as the electoral system. Thus, the choice of an electoral system has a direct effect on the electoral results and has serious political consequences for representation and political stability.

In this paper I discuss types of electoral systems and their impacts on political representation and stability, and point out the most important elements that will affect the citizens of the Democratic Republic of Congo (DRC) when they choose and engineer an electoral system for their country. The experiences of various relevant countries will be outlined to enable the Congolese to draw lessons and expand their understanding of the political consequences of different electoral systems. Special emphasis is placed on the applicable experiences of countries in the Southern African Development Community (SADC) because of the similarity of their political, economic, cultural and social contexts.

There is no such thing as the perfect electoral system. However, it is undeniable that some systems have advantages over others. The design of an electoral system is always influenced by a country's particular conditions, including its history, culture, politics, demographic composition and the views and roles of key actors. The post-war DRC has the challenge of designing a system that will ensure political stability and fair representation and sustain nation-building efforts.

This paper is subdivided into two sections. The first gives a brief account of the political context in the DRC, a factor which will inform the choice of an electoral system for the Congo. The second section describes types of electoral systems, with an emphasis on those used by countries in the SADC region and their political consequences for those countries. In the conclusion, I suggest which electoral system is the most likely to meet the political needs of today's DRC.



## HISTORICAL OVERVIEW

In colonial times, movements of indigenous populations in the Congo from one province to another or from rural to urban areas were strictly restricted and generally required the presentation of a valid *feuille de route* or passbook, issued by the colonial authorities. Interactions between different ethnic groups or provinces were unusual in this country of 'around 365 ethnic groups' (Ndaywel e Nziem 1998). When, in 1957, the colonial officials authorised the creation of African political parties, the majority of the parties were ethnically or regionally based, originating from tribal, ethnic or regional associations. Only a few political parties were able to recruit, or were interested in recruiting members countrywide, beyond ethnic and regional considerations.

Moreover, most Congolese knew little about the types of electoral systems, nor were they aware of the effects of a given electoral system on variables such as political stability and representation. The outcome of the first ever parliamentary and provincial elections, in May 1960, demonstrated that ethnicity was the basis of the voters' choice. The winner-takes-all electoral system, combined with the ethnic and regional voting pattern, culminated in an outcome that failed to give an overall parliamentary majority either to one party or to a coherent coalition of parties. This resulted in a coalition government composed of almost all the major parties, most of whom were ethnically or regionally based, with few ideological convictions.

In addition to the ill-designed electoral system inherited from colonisation, various endogenous and exogenous factors caused the post-colonial political instability in the Congo. These factors include the lack of a proper political transition from colonial rule to a democratic dispensation; ethnic and political rivalries among the Congolese leaders; the inadequacy of some key constitutional provisions and the adverse roles of the former colonial power and the Cold War superpowers.

This poor beginning affected tremendously the functioning of the political system of the new state. The DRC has never fully recovered from its post-colonial past. Thus, the history of the Congo has been characterised by a serious crisis of legitimacy, resulting in secession wars, political conspiracies and assassinations and successive rebellions. Even during Mobutu Sese Seko's 32-year reign, there were frequent armed attacks, particularly in the eastern and southern provinces of the Kivu, Katanga and Eastern provinces (Chomé 1967; Young and Turner 1985; Callaghy 1986; Schatzberg 1988 and Leslie 1993).

After several decades of undemocratic rule, which was opposed consistently by non-violent groups, the Mobutu administration was overthrown in a war that received massive support from the population. The very same forces that helped Laurent Kabila in his fight against Mobutu however, soon started a new war against Kabila, a war that failed to receive similar levels of support from the Congolese people because it was widely perceived as a war of aggression. It has been proved that some neighbouring countries orchestrated the current war against the DRC in order mainly to advance their economic interests.

However, it must be admitted that the foreign aggression and the subsequent involvement of some Congolese politicians, mainly former dignitaries of the Mobutu regime and people of Tutsi descent, was made possible by the high levels of discontent among large segments of Congolese society. Indeed, the coalition that led Kabila to power, better known as the *Alliance des Forces Démocratiques pour la Libération du Congo* (AFDL), used illegitimate means of access to power and governed in an undemocratic manner, which angered many Congolese people.

On the other hand, a number of provinces have been embroiled in ethnic hatred and/or open violent confrontations. In the *Province Orientale*, the rebel group in control of that part of the country remote-controlled the ongoing massacres between the Hima and Lendu ethnic groups, allegedly with the blessing and support of the Ugandan army.

Violent conflicts between Congolese autochthonous populations and the Tutsi settlers in the North and South Kivu provinces, where the latter are denied Congolese nationality, have been accompanied by massive killings, rapes and other flagrant violations of human rights against civilians, mostly women and children. In Katanga, local militias massacred large numbers, mainly of natives from the Kasai provinces, and violently drove hundreds of thousands of them out of the province in the early 1990s, illegally destroying or seizing their properties.

The Congolese have the opportunity and the challenge to start afresh and design a constitutional and institutional framework that will ensure peaceful coexistence between communities, political stability and fair representation of Congo's diverse population.

Given the highly divisive nature of electoral competition, especially in a country where the state is increasingly the sole provider of resources, the engineering of an appropriate electoral system is of utmost importance. The design of a suitable electoral system would constitute an indispensable step towards the creation of a truly democratic Republic of Congo, where various interest and ethnic groups can live in harmony.

## TYPES OF ELECTORAL SYSTEM

An electoral system is a set of electoral laws, principles and mechanisms that specify the methods by which votes are translated into seats in the process of electing representatives to public office. There are almost as many electoral systems as there are countries. The variations between systems result from factors such as the history, the culture, the practices and the roles of key actors in each country.

I will focus on the three main types of electoral systems used in the SADC region – namely, single member plurality (SMP), list proportional representation (PR) and mixed electoral systems. I will also describe briefly the majoritarian electoral system used particularly in France and in many of its former colonies in Africa.



### *Single Member Plurality*

Inherited from the Anglo-American tradition, the Single Member Plurality is used in countries like the United Kingdom, the United States of America, India and Canada, as well as in most SADC countries such as Botswana, Lesotho (until recently), Malawi, Swaziland, Tanzania, Zambia and Zimbabwe.

The SMP is also known as 'first-past-the-post', 'winner-takes-all', 'simple majority' or 'relative majority'. The principle underlying the SMP is simple: the winner is the candidate who receives a minimum of one more vote than each of the other candidates, and does not have to obtain more votes than all the others combined.

This can be illustrated with a hypothetical example. Let us imagine a single seat constituency where five candidates obtained the electoral results recorded in Table 1 below. Candidate D won the election with a relative majority of 29.9%. The victor is not required to secure an absolute majority of the valid votes cast. In the SMP system, smaller parties, such as A and C, do not stand a chance of being elected.

**Table 1**  
**Hypothetical Example Showing the Functioning of the SMP**

Party Names	Number of votes	% of votes received
A	51	5.10
B	280	28.00
C	85	8.50
D	299	29.90
E	285	28.50
Total	1000	100.00

There is abundant literature on the relative advantages and disadvantages of various electoral systems. The first argument in favour of the SMP is that it is the simplest system, as all voters have to do is to put an unequivocal mark next to the name of the candidate of their choice on the ballot paper. The system is said to be easy to use even in countries where the rates of illiteracy are the highest.

The most persuasive argument in favour of the SMP is its effect on political stability. David Farrell (2001) notes that the plurality system is said 'to exaggerate the winning party's lead, making it easier to win a clear majority of seats, hence promoting greater parliamentary stability'. Indeed, proponents of the SMP praise it for its propensity to produce stable governments, and therefore stable political

systems and regimes. By encouraging large parties, to the detriment of small parties, the SMP ensures that electoral competition ultimately takes place between the two largest parties, one of which will win and form the government; hence, the emergence of a two-party political system in countries like the USA and the UK.

Another argument in favour of the SMP system is that it maintains a link between an elected representative and his/her constituency, thereby offering a high level of representative accountability.

On the other hand, critics of the SMP have identified many weaknesses in the system. First, they question the argument that it ensures governmental stability while the list proportional representation system, for example, may be risky for emerging democracies because of the possibility of it resulting in unstable shifting coalition governments.

Arend Lijphart undertook an empirical study to determine the levels of stability in various countries using different electoral systems. The results of the study (Table 2) demonstrate that 'while having a non-proportional electoral system helps to promote government duration (and hence at least one indicator of stability), it is quite possible for proportional systems to have the same result' (Farrell 2001).

**Table 2**  
**Proportionality and Government Stability**

Country	Electoral System	Level of Disproportionality	One-party Governments	Average Government Duration (Years)
Switzerland	List	2.53	0.0	8.59
Jamaica	SMP	17.75	100.0	5.99
United Kingdom	SMP	10.33	100.0	5.52
Austria	List	2.47	33.8	5.47
Australia	AV	9.26	69.2	5.06
Canada	SMP	11.72	100.0	4.90
USA	SMP	14.91	89.1	4.45
Spain	List	8.15	100.0	4.36
Costa Rica	List	13.65	100.0	4.31
New Zealand	SMP	11.11	99.7	4.17
Colombia	List	10.62	52.9	3.48
Sweden	List	2.09	70.4	3.42
Norway	List	4.93	79.4	3.17
Ireland	STV	3.45	53.9	3.07
Greece	List	8.08	96.4	2.88
Germany	MMP	2.52	1.7	2.82
Venezuela	List	14.41	83.1	2.72

Netherlands	List	1.30	0.0	2.72
Japan	SNTV	5.03	46.2	2.57
France	2-Round	21.08	53.1	2.48
Denmark	List	1.83	42.9	2.28
Portugal	List	4.04	43.0	2.09
India	SMP	11.38	41.4	2.08
Belgium	List	3.24	8.3	1.98
Israel	List	2.27	0.1	1.58
Papua New Guinea	SMP	10.06	0.0	1.57
Finland	List	2.93	10.9	1.24
Italy	List	3.25	10.3	1.14

Source: Arend Lijphart, quoted by David Farrell (2001: Table 9.1).

The above table shows that SMP countries like the UK, Canada and Jamaica are nearly as stable as countries such as Switzerland and Austria that use list proportional representation. Conversely, government instability, understood in the sense of short Cabinet longevity, is as common in countries like Belgium, Israel, Finland and Italy that use the list proportional representation system as it is in the SMP countries like India and Papua New Guinea.

In Lijphart's study government instability is defined only on the basis of elements such as the holding of elections, changes in the composition of the governing party and changes of prime minister. Measurements of political stability should also encompass extra-constitutional actions used by citizens and politicians to destabilise the elected government, such as coups d' état, unrest and violent confrontation. While the SMP system may allow political stability through the dominance of one party, as it does in Botswana (Tables 3 and 4), the disproportional representation generated by this electoral system also led, in Lesotho, to the violent rejection by the losing parties of the electoral outcome, which was considered to be illegitimate (Table 5).

**Table 3**  
**Percentage of Popular Votes by Party in Botswana**

Party	1965	1969	1974	1979	1984	1989	1994
BDP	80.4	68.4	76.6	75.2	67.9	64.7	54.5
BNF*	–	13.5	11.5	12.5	20.5	26.9	37.3
BPP	14.2	12.1	6.6	7.4	6.6	4.5	4.1
BIP/IFP	4.6	6.0	4.8	4.3	3.0	2.4	3.6
Others	0.8	0.0	0.5	0.2	2.0	1.5	0.5

Source: Somolokae 1999

\*Note: In 1965 the Botswana National Front (BNF) had not been formed.

**Table 4**  
**Number of National Assembly Seats by Party (1965 – 1994)**

Party	1965	1969	1974	1979	1984	1989	1994
BDP	28	24	27	29	28	31	31
BNF	–	3	2	2	5	3	13
BPP	3	3	2	1	1	0	0
BIP/FP	0	1	1	0	0	0	0
TOTAL	31	31	32	32	34	34	44

Source: Somolokae (1999).

**Table 5**  
**1998 Lesotho Parliamentary Election Results: Party Votes Achieved and Seats Won**

PARTY	Votes Achieved	% of Votes	Seats Won	% of Seats
LCD	360 665	60.51	79	98.75
BNP	145 210	24.36	1	1.25
BCP	61 995	10.40	0	0
Others	19 050	3.20	0	0
MFP	9 129	1.53	0	0
TOTAL	596 049	100.00	80	100.00

Source: Kadima (2000a)

Table 5 illustrates an extreme case of how votes cast in an election are translated into seats in the SMP system. It shows that this system denied the losing parties in Lesotho fair representation in Parliament. This clearly illustrates that the most striking weakness of single member plurality electoral systems is that they allow a disproportionate representation of parties. The SMP all but ignored the choice of almost 40% of the Lesotho electorate.

The exceedingly disproportionate nature of the SMP caused popular frustration in Lesotho after the May 1998 elections, resulting in violent demonstrations by supporters of the losing parties a few days after the announcement of the results (Sekatle 1999; Kadima 1999a). The violence was quelled only after the military

intervention of SADC troops from South Africa and Botswana (Molomo 1999; Makoa 1999; Kadima 1999a). Lesotho has since reformed its electoral system, moving from the SMP to a mixed electoral system, combining elements of SMP and list proportional representation.

Andrew Reynolds studied electoral system design and executive types in five Southern African countries – namely Malawi, Namibia, South Africa, Zambia and Zimbabwe. His main finding is that ‘strong evidence suggests that presidencies, [single member] plurality electoral systems, and majoritarianism combine to create the democratic cousin of Hobbes’s all-powerful Leviathan state, thus leaning towards an ethos of exclusion’.

In a country like the DRC, where there is no national majority ethnic group, only regional majorities, the single member plurality would have the effect of encouraging the emergence of ethnically and regionally concentrated parties.

In young democracies non-proportional systems, such as the single member plurality, are inherently destabilising because a chamber and Cabinet that come to power by virtue of a simple majority may be perceived as illegitimate. Consequently, radical elements may resort to extra-constitutional means to overthrow such governments.

The argument that the SMP ensures greater accountability because of the link between the elected representative and the constituency is debatable for many reasons. It is doubtful that 70.1% of the electors, in the hypothetical example given in Table 1, might perceive Deputy B, who won with the support of only 29.9 % of the constituency’s electorate, as their own representative.

This is more manifest in ethnically divided societies or post-war situations, where levels of hostility and mistrust between candidates from different parties are high, especially if those parties were engaged in acts of violence against each other. Even in old democracies like the USA one can wonder to what extent the concerns of a Democratic voter are served by a conservative Republican congressman or congresswoman from the same constituency.

In addition, decisions in national parliaments are taken on the basis of lobbying and votes. An individual action by a member of parliament (MP) is often of limited impact. More importantly, the focus of national parliaments is on national matters. Is it not, therefore, unrealistic to expect an MP to shift the attention of the parliament to the particular problems of her or his constituency?

Third, the SMP has been criticised for its failure to ensure a fair representation of women and minorities. Certainly, this has proved to be so in the SADC region. Several countries have introduced constitutional provisions aimed at correcting the main weakness of the SMP in order to enhance the representative character of parliament as far as the under-represented segments of the society are concerned.

In Botswana, besides the 40 contested seats, the Constitution entitles the President of the Republic to nominate four ‘specially elected MPs’. These appointments have increased the number of women MPs in the National Assembly in Botswana (Kadima 1999c) though their level of representation is still insignificant.

Botswana is not the only country in the region where the President is allowed to appoint MPs. Presidents of Namibia, Zambia and Zimbabwe are also constitutionally entitled to appoint a proportion of members of parliament. In Namibia those appointed MPs do not have voting rights, while Zambian and Zimbabwean appointed MPs enjoy full voting rights.

It is clear that the appointing authorities in these countries are motivated by party allegiance rather than the need for a truly representative legislature. It is doubtful that a constitutional provision which allows a president, who is not above politics, to appoint MPs in a discretionary manner, falls within the democratic parameters. Each country should find proper mechanisms to improve the representation of all significant segments of the society, and those mechanisms should be based on the will of the people, expressed through votes, and not on the will of an individual or a group of individuals.

An additional shortcoming of the SMP system is its vulnerability to gerrymandering – manipulating the demarcation of electoral boundaries for electoral gain. Constituencies are generally redelimited after a census or a general voter registration exercise, or prior to a general election. It has been observed that this process is open to political manipulation to give an advantage to a political party or a candidate, or to make it harder for a particular party to win an election.

Gerrymandering is not applicable in the list proportional representation system but it occurs in majoritarian systems because, like the SMP, majoritarian systems are constituency-based and therefore entail the delimitation of electoral boundaries.

### ***The Majoritarian System***

The SMP and majoritarian systems have several common features, including the fact that they are both non-proportional, single seat-based systems. The most distinctive difference between them is that the former requires the winner to receive a simple majority of the votes cast while in the latter, the victor is required to receive an absolute majority of votes, that is, a minimum of 50% plus one.

There are two main types of majoritarian electoral systems, namely, 'the two-round' system and the 'alternative vote' system. Neither of these is used in the SADC region for national elections.

### ***The Two-round System***

The two-round system, also known as the 'run-off' or 'two-ballot' system, is used in France and some of its former colonies. The system is characterised by the fact that two rounds of voting take place on two different polling days in single seat constituencies in order to increase the prospect of one candidate winning an absolute majority of the votes cast.

France uses two versions of this system. The 'majority-plurality' is used in parliamentary elections. Its principle is simple: only candidates who receive a minimum of 12.5% of the votes qualify to stand for the second ballot. This is a way

of reducing the number of candidates (and parties) and increasing the probability that the winner will be elected with an absolute majority. The winner of the second ballot is not required to obtain an overall majority of 51% because there could still be more than two candidates in the run-off. The maximum number of candidates in the second round cannot exceed eight ( $12.5 \times 8 = 100$ ).

The second version of the two-round system, known as 'majority-run-off', is used in the French presidential election. If none of the presidential candidates receives more than 50% of the votes in the first round, there will be a run-off between the two leading candidates. This will ensure that the winner is elected with an absolute majority of the valid votes cast.

### ***The Alternative Vote System***

Also known as the 'preferential voting' system, the alternative vote system is a single seat constituency-based electoral system in which candidates are ranked in order of preference. If there are five candidates, voters will rank them from 1 to 5, 1 being the highest preference, 2 the second highest, and so forth.

The main advantage of majoritarian systems over the SMP is that they ensure that the victor wins with a substantial majority. However, it has been observed that majoritarian systems produce results that are even more inequitable than those produced by the SMP. In addition, they treat smaller parties even more unfairly than the SMP (Farrell, 2001).

Fair representation of significant segments of the population has been one of the most conspicuous strengths of the list proportional representation.

### ***List Systems of Proportional Representation (List PR)***

The list systems of proportional representation are the most widespread of the electoral systems. The aim of the list PR is that the composition of a representative chamber should closely reflect the viewpoints, interests and demographic composition of the electorate. Parliament should therefore be a 'microcosm' of society.

There are two types of list PR systems – the 'open list' or 'preferential' and the 'closed list' or 'non-preferential'. In the open list, electors are given the choices between casting a vote for a party or for a candidate. A vote cast for a candidate will result in that candidate moving higher up the ranking order. This study focuses only on the closed list PR.

Closed list PR systems are characterised by the following features:

- They are not constituency-based.
- Voting is party-based (not candidate-based).
- Party headquarters finalise the list of candidates and rank them.
- Parties may have as many candidates as there are seats in parliament.
- The allocation of seats to a party is, as closely as possible, proportional to the percentage of votes received.

Let us illustrate the closed list PR system with a hypothetical example (see Table 6) portraying four parties competing for 40 parliamentary seats. Blue Party achieved 49% of the valid votes cast and is entitled to 19 of the 40 seats (49%) in the chamber. To form the government, the Blue Party will need to enter into a coalition with another party.

**Table 6**  
**Hypothetical Example of Seat Allocation in a List PR system**

Party	Votes received	% of votes	Seats won	% of seats won
Blue Party	392	49	19	49
Yellow Party	240	30	12	30
Grey Party	80	10	4	10
Orange Party	88	11	5	11
<b>TOTAL</b>	<b>800</b>	<b>100</b>	<b>40</b>	<b>100</b>

Theoretically, the percentage of seats won by each party must equal the percentage of votes cast. In reality, various factors distort the proportionality in all countries. These factors may include electoral thresholds, the use of regions or provinces as sub-national constituencies, and electoral formulas used (i.e., largest remainders and highest averages). The analysis of electoral formulas is beyond the scope of this study.

List PR is the most suitable system of representation as far as the fair representation of majorities and minorities is concerned. In addition, when well designed, list PR can be effective in nation building efforts as it tends to encourage political parties to seek votes and membership across communities. This limits the attractiveness of mono-ethnic, racial or religious parties and prevents the political instability that would result from the de facto exclusion of some communities from parliament or government.

Recent elections in SADC countries have shown that women and other under-represented groups, such as ethnic minorities, are better represented in list PR systems. Table 7 demonstrates this view in terms of gender representation. It must also be pointed out that in Botswana, Tanzania, Zimbabwe and Zambia, all of which use the SMP system with special constitutional arrangements or quotas to improve representation of under-represented groups the percentage of women MPs is relatively high. Malawi, Mauritius, Lesotho and Swaziland do not have such provisions and rank at the bottom of the table in terms of representation of women in their national legislatures.



**Table 7**  
**Women in SADC Parliaments**

COUNTRY	Election	Seats	Women	% of Women	Electoral System
MOZAMBIQUE	Dec 1999	250	75	30.0	List PR
SOUTH AFRICA	June 1999	400	119	29.8	List PR
NAMIBIA	Nov 1999	72	18	25.0	List PR
SEYCHELLES	Mar 1998	34	8	23.5	Parallel FPTP
BOTSWANA*	Oct 1999	47	8	17.0	FPTP
TANZANIA*	Oct 1995	275	45	16.4	FPTP
ZIMBABWE*	Apr 1995	150	21	14.0	FPTP
ZAMBIA*	Nov 1996	158	16	10.1	FPTP
MALAWI	June 1999	193	16	8.3	FPTP
MAURITIUS	Nov 1995	61	5	8.2	Block
LESOTHO	May 1998	79	3	3.8	FPTP
SWAZILAND	Oct 1998	65	2	3.0	FPTP

Source: Compiled by Julie Ballington from a variety of sources.

\* Countries with constitutional provisions allowing the President of the Republic to appoint additional MPs. At times, this provision has contributed to the increase of women and minority representation in parliament and possibly in government.

It is worth pointing out that PR offers better representation to women and other under-represented groups only when the political party leaderships are committed to improving this representation or if the law enforces it. In South Africa, only the ruling African National Congress (ANC) applies a gender quota system to ensure an increase in the political representation of women (Kadima 1999b). Taking into consideration the importance of the ranking in closed list PR system, the ANC's regulations provide that at least every third candidate on the list shall be a woman. The ruling Frelimo party in Mozambique also uses a quota system in its lists to ensure better representation of under-represented groups, such as women, the youth and former freedom fighters (Kadima 1999d).

Like all electoral systems, the closed list PR has its shortcomings. It is blamed for allowing small parties into representative chambers, thus creating opportunities for extremist and chauvinistic parties to find their way into government through coalitions, and cause political instability by shifting their allegiance at will. These parties would also be able to advance their minority interests at the expense of the majority.

Admittedly it is worth avoiding the danger of having extremist parties enter the system and destabilise it. Nonetheless, it would be preferable to have those extremist parties within the system where their views would be moderated through interaction with others, rather than to keep them outside the system, where they might resort to extra-parliamentary means to destabilise the country.

When there is a serious risk associated with the easy entry of small extremist parties into parliament, electoral system designers may set legal thresholds to contain the rise of such parties. Legal thresholds may also be used to discourage the proliferation of ethnically based parties. The Netherlands has one of the lowest thresholds (0.67%) and Poland one of the highest (7%). In the SADC region, Mozambique has set the legal threshold at 5%, creating a *de facto* two-party political system, while in South Africa there is no such threshold. In South Africa, a party may be elected with just 0.25% of the valid votes cast. The levels of distortion of proportionality are directly related, among other things, to the levels of the legal threshold.

Another argument against the List PR system is that voters do not have a say in the composition of and rankings in the party lists. Can the opposite be said of other systems? Can one argue that voters have more say over who should stand for a party in a given constituency in the plurality and majoritarian systems? In all electoral systems, unless one is an influential party member, one cannot exert enough pressure on parties to get one's preferred candidates selected.

Another recurrent argument against List PR is the lack of a link between the elected representative and the electorate, since electors vote for political parties and not for individual candidates. Regardless of the type of electoral system in force, those members of the electorate who voted for the opponent of a successful candidate might not perceive the member of parliament as 'their own representative', especially if the MP has won only by a narrow majority. This problem is aggravated in ethnically divided countries or in situations where parties differ substantially on vital policy matters.

In South Africa, to minimise the absence of formally established constituencies inherent to the list PR, the ANC and several other political parties have subdivided the country into 'constituencies'. They strive to maintain a regular link between the MPs and their supporters in those constituencies, thus ensuring some representative accountability. Prior to elections, some MPs lose their rank on the candidate lists and others are dropped from the lists during 'party primaries' because they have failed to be accountable to the electors during their tenure.

The value of associating representative accountability with constituency-based electoral systems is debatable because in list PR systems parties can organise themselves and maintain a regular link with the electorate in *de facto* sub-national constituencies. In the final analysis, the individual accountability of a representative to his or her constituency is not as important and relevant as the collective accountability of a parliament vis-à-vis the nation, because national parliaments are not concerned with matters of local interest but with those of national interest.

### ***Mixed Electoral Systems***

Some countries have designed electoral systems that combine the features of plurality and majoritarian systems and list PR in order to benefit from the advantages of both systems. These systems are known as mixed electoral systems.

The fact that there are various types of mixed electoral systems makes generalising about them risky (Massicotte and Blais 1999). The best-known mixed system is that of post-war Germany (1949-1953) which combined elements of single member plurality and proportional representation.

In the aftermath of its May 1998 elections, Lesotho opted for a mixed electoral system similar to the German model. The size of parliament was increased from 80 to 120 MPs. The SMP/ PR split will be 80/40.

Electoral designers should note that the mere fact of combining features of constituency-based electoral systems with those of proportional representation does not ensure a better system. Care is needed because the combination may result in a 'bastard-producing hybrid' combining the defects of PR and SMP (Sartogi 1997).

### CONCLUSION

In December 2002, Congolese leaders met in Pretoria and agreed upon transitional arrangements and how political power will be shared among the Kabila government, the armed groups, the political opposition and the *forces vives*, or civil society organisations. The time has now come for the Congolese leadership and the population at large to discuss and agree upon the institutional and constitutional frameworks which would ensure for the country political stability, the rule of law, good governance, the protection of human rights and peace.

The choice and design of an adequate electoral system for the Congo is one of the topics that deserves special attention, given the lasting political consequences of electoral systems for political stability and nation building objectives. It is crucial that discussion about the electoral system take place in a non-partisan, dispassionate, impersonal, disinterested and unbiased manner.

It is clear that there is no perfect electoral system. Furthermore, the same electoral system has different political consequences in different countries because such systems do not function in a vacuum, they are affected by each country's specific political context, institutions, culture and actors.

The DRC comprises a diversity of ethnic groups, languages, cultures and religions. Its 43 years of post-colonial history have been characterised by political agitation, institutionalised corruption and mismanagement, massive violations of human rights, civil wars, rebellions and secession wars. Such a diverse and divided country needs an electoral system which ensures a fair representation of political and ethnic groups, political stability and nation building.

The exclusionary nature of plurality and majoritarian systems would exacerbate the divisions in the DRC. We have seen how the disproportionate representation generated by the SMP led to violence and serious political instability

in Lesotho, when the supporters of the losing parties rejected the electoral outcome as illegitimate. By contrast, proportional representation provides 'the foundational level of inclusion needed by precariously divided societies to pull themselves out of the maelstrom of ethnic conflict and democratic instability' (Reynolds 1999).

In a country like the DRC, where there is no majority ethnic group nation-wide but only ethnically and regionally based ethnic majorities and minorities, the SMP would stimulate the emergence of regionally concentrated parties. The result of such a scenario would be that the government might be made up of a large number of ethnic or regional parties hostile to one another.

In these circumstances the closed list proportional representation system appears to be the most suitable one for the post-war Congo, in spite of its inherent weaknesses, for which corrective provisions may be developed.

Among its advantages is the fact that it is inclusive and representative, which would ensure the legitimacy of the representative bodies. List PR can also be effective in nation building efforts, as it tends to encourage political parties to seek votes and membership across communities. This limits the attractiveness of mono-ethnic politics, preventing the political instability that would result from the de facto exclusion of some communities from the national parliament and government.

To limit the tendency of the list PR system to encourage the mushrooming of political parties, Congolese electoral engineers should consider setting a reasonably high legal threshold.

The advantages of list PR generally outweigh its disadvantages, hence its popularity all over the world. By opting for this electoral system, the DRC would gain tremendously in terms of political stability, peaceful coexistence of groups and nation building, which are all key political prerequisites for sustained economic and social development.

#### ----- REFERENCES -----

- Ballington, Julie. 2000. 'Electoral Systems, Electoral Processes and Gender Equality'. Regional Election Management Training Programme for Commonwealth Countries. Mauritius, 9 May.
- Callaghy, Thomas. 1984. *The State-Society Struggle: Zaire in Comparative Perspective*. New York: Columbia University Press.
- Chomé, Jules. 1967. *Mobutu et la Contre-Révolution en Afrique*. Bruxelles: Tiers-monde et contre-révolution.
- Farrell, David M. 2001. *Electoral Systems: A Comparative Introduction*. New York: Palgrave.
- Kadima, Denis. 1999a. 'The DRC and Lesotho Crises: Some Lessons for the SADC'. *Lesotho Social Science Review* 5(1) pp 65-82.
- , 1999b. *The June 1999 South African Elections: ECF Observer Mission Report*. Johannesburg: EISA Publications.

- , 1999c. *The October 1999 Botswana National Assembly Elections: ECF Observer Mission Report*. Johannesburg: EISA Publications.
- , 1999d. *The December 1999 Mozambique Presidential and National Assembly Elections: ECF Observer Mission Report*. Johannesburg: EISA Publications.
- , 2000a. 'Effects of Electoral Systems on Political Competition, Representation and Accountability'. The Southern Africa Elections Forum. Windhoek, 11-14 June.
- , 2000b. 'The Inter-Congolese Dialogue and Constitution-Making'. In Kadima, Denis and Claude Kabemba. *Whither Regional Peace and Security: The Democratic Republic of Congo after the War*. Pretoria: Africa Institute of South Africa, pp78-89.
- , 2002. 'The Democratic Republic of Congo'. In Tom Lodge, Denis Kadima and David Pottie. *Compendium of Elections in Southern Africa*. Johannesburg: EISA Publications.
- Leslie, W. J. 1993. *Zaire: Continuity and Political Change in an Oppressive State*. San Francisco and Oxford: Boulder, Westview Press.
- Makoa, Francis. 1999. 'The Challenges of the South African Military Intervention in Lesotho after the 1998 Election'. *The Lesotho Social Science Review* 5(1), pp 83-109.
- Massicotte, Louis and André Blais. 1999. 'Mixed Electoral Systems: Conceptual and Empirical Survey'. *Electoral Studies* 18, pp 341-366.
- Matlosa, Kabhele. Unpublished. *Lesotho Electoral Profile*. EISA.
- Molomo, Mpho. 1999. 'External Military Intervention in Lesotho's Recent Political Crisis'. *The Lesotho Social Science Review* 5(1), pp133-162.
- Ndaywel è Nziem, Isidore. 1998. *Histoire Générale du Congo: De l'Héritage Ancien à la République Démocratique*. Bruxelles: De Boeck & Larcier.
- Reynolds, Andrew. 1999. *Electoral Systems and Democratisation in Southern Africa*. New York: Oxford University Press.
- Sartogi, Giovanni. 1997. 'Comparative Constitutional Engineering': *An Inquiry into Structures, Incentives and Outcomes*. London: Macmillan.
- Schatzberg, M. 1988. *The Dialectics of Oppression in Zaire*. Bloomington: Indiana University Press.
- Sekatle Pontso. 1999. 'The Lesotho General Election of 1998'. *The Lesotho Social Science Review* 5(1), pp31-45.
- Somolokae, Gloria. Forthcoming. *Botswana Electoral Profile*. EISA.
- Smith, Hempstone. 1962. *Katanga Report*. London: Faber and Faber.
- Young C. and T. Turner. 1985. *The Rise and Fall of the Zairian State*. Madison, Wisconsin: The University of Wisconsin Press.

# INTRA-PARTY DEMOCRACY AND THE INCLUSION OF WOMEN

By  
*Bookie Monica Kethusegile-Juru*

*Bookie Monica Kethusegile-Juru is Technical Advisor (Gender) to the SADC Secretariat,  
Private Bag 0095 Gaborone, Botswana Tel: +267 395.1863; Fax: +267 397.2848; e-mail: bkethusegile@sadc.int*

## INTRODUCTION

The inclusion of women in decision-making is a fundamental human right and an issue of social justice. There can be no democracy where 'decisions about changing the lives of people are taken without the participation of more than half of the very lives that have to be changed. It cannot be participatory democracy when decisions are taken by some on behalf of others' (Mtintso 1997). Further, it has been argued that the participation of women in leadership positions has brought about 'another perspective' and resulted in increased focus, attention and allocation of resources to life quality issues such as health and education. The participation of women has been credited with bringing about a qualitative transformation of institutions, laws and policies (Molokomme 2001a).

As Zofia Kuratowska, Deputy Speaker of the Polish Senate, noted 'nobody with common sense can doubt that the participation of women in the political decision-making process should be comparable to [that of] men'.

With that as background, this paper explores the extent to which intra-party democracy allows for the inclusion of women in electoral politics (Molokomme 2001b). There is no doubt about the political commitment of SADC member states at regional level to the attainment of gender parity in politics and decision-making, and indeed in all other spheres of life.

In the light of this expressed commitment, I explore the performance or practice of SADC member states in the representation of women in political decision-making positions and the trends that have emerged in methods of facilitating the entry of a critical mass of women into political leadership.

Finally, I reflect on the lessons that the DRC can learn from these experiences and their implications for a future in which gender parity will become the norm in SADC political systems.

## THE COMMITMENT

The commitment of SADC member states to gender parity in politics and decision-making has been made at the highest levels.



Regionally, the Declaration on Gender and Development, signed by SADC heads of state or government in September 1997, commits SADC countries to:

ensuring the equal representation of women and men in the decision-making of member states and SADC structures at all levels, and the achievement of at least a thirty per cent target of women in political and decision-making structures by the year 2005.

The Plan of Action for Gender in SADC that was approved by the Council of Ministers in September 1998 identifies the achievement of this target as one of its six objectives. In order to achieve the target, a Regional Programme of Action on Women in Politics and Decision-making was adopted by SADC Gender Ministers in June 1999, and is now being implemented (SADC Gender Unit 1999).

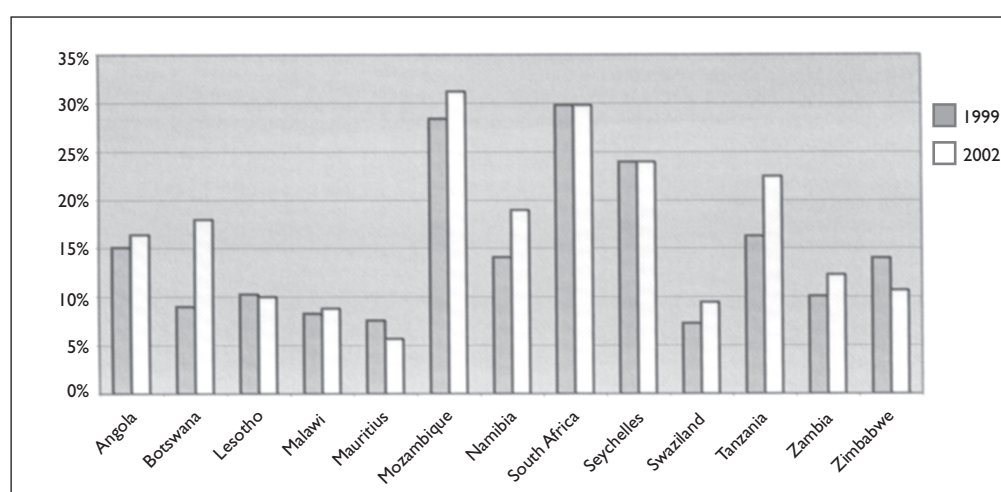
On receiving a progress report on the implementation of the Declaration, SADC heads of state or government at their summit in Maputo in August 1999 further committed themselves to adopting special measures, such as constitutional and/or legislated quotas and nominations of women, to ensure the attainment of agreed targets.

### THE ROLES OF WOMEN AND MEN IN POLITICS AND DECISION-MAKING IN SADC

The following statistics, showing the numbers of women in SADC parliaments and Cabinets, demonstrate how SADC countries are performing against expressed commitments.

The situation is summarised in Tables 1 to 3 and in figures 1 to 3.

**Figure 1**  
**Percentage of Women in Parliament 1999 and 2002**



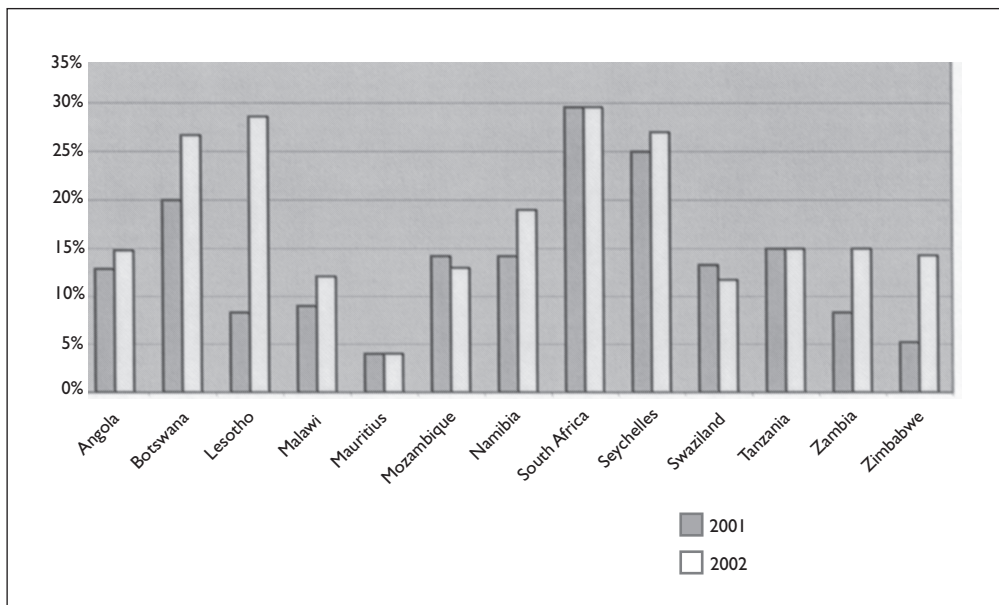
Source: SADC Secretariat

**Table 1**  
**Women In Parliament And Cabinets In The SADC Region**  
 (Sept/Oct 2002 Summit)

COUNTRY	ELECTORAL SYSTEM	WOMEN /PARL	% WOMEN PARL	WOMEN CABINET	% WOMEN CABINET	WOMEN DEPUTY MIN	% WOMEN DEP MIN
ANGOLA	PR	36/220	16.4	4/27	14.8	6/56	10.7
BOTSWANA	CONST	8/44	18.0	4/15	26.7	2/6	33
DRC	-	-	-	-	-	-	-
LESOTHO *	CONST	12/120	10.0	6/21	28.5	0/2	0.00
MALAWI	CONST	17/193	8.8	8/33	24.2	4/13	30.8
MAURITIUS	CONST	4/70	5.7	1/25	4.00	-	-
MOZAMBIQUE	PR	78/250	31.2	3/23	13	5/25	20
NAMIBIA*	PR-NAT	19/99	19	3/21	14.20	5/22	22.70
	C/REG						
	PR/LOCAL						
SOUTH AFRICA *	PR-NAT	120/400	29.9	8/27	29.60	8/33	61.50
	PR AND						
	C/LOCAL						
SEYCHELLES	CONST	8/33	24.0	3/11	27	NO SUCH	POSTS
SWAZILAND	CONST	7/95	7.3	2/17	11.8		
TANZANIA	CONST	62/275	22.5	4/27	15.00	5/17	29.4
ZAMBIA	CONST	19/154	12.3	3/20	15	3/35	9
ZIMBABWE	CONST	156/150	10.7	4/28	14.3	1/12	8.3

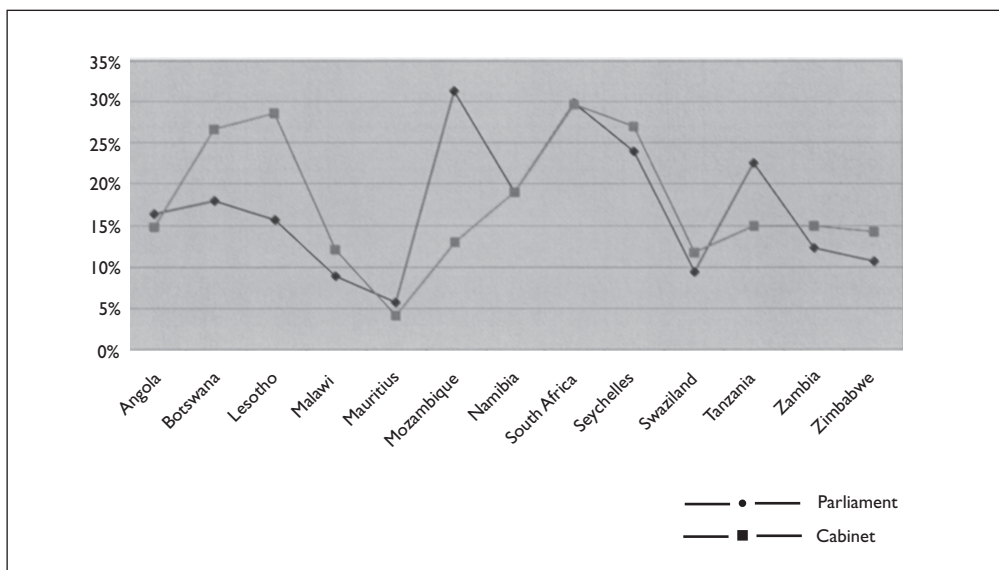


**Figure 2**  
**Percentage of Women in Cabinet 2001 and 2002**  
**(Excludes Deputy and Assistant Ministers)**



Source: SADC Secretariat

**Figure 3**  
**Percentage of Women in Parliament and Cabinet 2002**



Source: SADC Secretariat

**Table 2**  
**Analysis of Representation of women in SADC Parliaments**

COUNTRY	ELECTORAL SYSTEM	NEXT GENERAL ELECTION	WOMEN/MEN IN PARLIAMENT	2005 TARGET	ADDITIONAL NO OF WOMEN REQUIRED
ANGOLA	PR	Not Known	36/220 (16.4%)	66	30
BOTSWANA	CONST	2004	8/44 (18.0%)	13	5
LESOTHO	CONST	2002	12/120 (10%)	36	24
MALAWI	CONST	2004	17/193 (8.8%)	58	41
MAURITIUS	CONST	2005	4/70 (5.7%)	21	17
MOZAMBIQUE	PR	2004	78/250 (31.2%)	75	-3
NAMIBIA	Pr-nat/ C/Reg PR/local	2004	19/ 99 (19%)	30	11
S. AFRICA	PR/Nat PR and C/local	2004	119/400 (29.8%)	120	1
SEYCHELLES	CONST	2004	8/34 (23.5%)	10	2
SWAZILAND	CONST	2003	9/95 (7.3%)	28	19
TANZANIA	CONST	2005	62/275 (22.5%)	83	21
ZAMBIA	CONST	2001	19/154 (12.3%)	46	27
ZIMBABWE	CONST	2005	16/150 (10.7%)	45	29

Source: SADC Secretariat

The figures as at February 2001 reveal the following general trends:

#### *Parliament*

- The average percentage of women in parliaments in the region (excluding the DRC, for which figures were not available) is about 17 per cent.
- South Africa leads the region, with the highest number of women in Parliament (31.3%), followed by Mozambique (31.2%). Both countries have passed the 30 percent minimum target. Seychelles has reached 24 per cent and Tanzania 22.5 per cent.
- Eight SADC countries have 15 per cent or higher representation – that is, more than half the desirable figure. In addition to those cited above, they are Botswana (18%); Namibia (18%), Angola (15.1%) and Zambia (15%).
- Mauritius, at 5.9 per cent, is furthest from reaching the target; followed by Malawi (8.3%); Swaziland (9.47%), Zimbabwe and Lesotho (10%). Representation of women in Zimbabwe and Mauritius dropped after their elections in 2000.

**Table 3**  
**Analysis of Representation of women in SADC Cabinets**

COUNTRY	ELECTORAL SYSTEM	NEXT GENERAL ELECTION	WOMEN/MEN IN PARLIAMENT		2005 TARGET	ADDITIONAL NO OF WOMEN REQUIRED
ANGOLA	PR	Not Known	4/27	(14.8%)	8	4
BOTSWANA	CONST	2004	4/15	(26.7%)	5	1
LESOTHO	CONST	2002	6/21	(28.5%)	7	1
MALAWI	CONST	2004	4/33	(9.0%)	10	6
MAURITIUS	CONST	2005	1/25	(4.0%)	8	7
MOZAMBIQUE	PR	2004	3/23	(13%)	7	4
NAMIBIA	Pr-nat/ C/Reg	2004	3/21	(14.2%)	6	3
S. AFRICA	PR/local PR/Nat PR and C/ local	2004	8/27	(29.6%)	8	0
SEYCHELLES	CONST	2004	3/11	(27%)	4	1
SWAZILAND	CONST	2003	2/17	(11.8%)	5	3
TANZANIA	CONST	2005	4/27	(15.0%)	8	4
ZAMBIA	CONST	2001	3/20	(15%)	6	3
ZIMBABWE	CONST	2005	4/28	(14.3%)	8	4

Source: SADC Secretariat

### *Cabinet*

- The average percentage of women in Cabinets in the region (excluding the DRC, for which no figures were available) is 17.4 per cent. This figure does not include deputy and assistant ministers.
- Again, South Africa, with 33.3 per cent, has exceeded the 30 per cent minimum target, followed by Lesotho (28.5%), Botswana (27%) and Seychelles (23 per cent). In South Africa 57.1 per cent of deputy ministers are women, in Botswana 33 per cent, in Tanzania 29 per cent and in Mozambique 27.7%.
- Tanzania (15% ministers and 29% deputy ministers) and Zimbabwe (16%) are just over the halfway mark while Angola, Mozambique, Namibia and Swaziland, are close to it. Swaziland (11.7%), Malawi (9%) and Mauritius (4%) have the lowest representation of women in the Cabinet.
- In the seven countries for which data were available, an average of 26.9 per cent of deputy ministers were women, suggesting that women are generally better represented at that level.

### *Some Comparisons and Recent Trends*

- At 17 per cent, the proportion of women in parliament in SADC is considerably higher than the sub-Saharan Africa average of 9 per cent, the African average of 11 per cent and the global average of 13.4 per cent. The proportion is also higher than that for Europe (excluding the Nordic countries) and the Americas, where the figure is 15 per cent. Of the ten countries in the world with the highest representation of women in parliament, three of them – South Africa, Mozambique and Seychelle – are in Southern Africa (Lowe Morna 2000).
- Of the eight SADC countries that have held elections since 1999 the representation of women has only dropped in Mauritius (from 7.6% to 5.9%) and Zimbabwe (from 14% to 10%). In the case of Botswana, the figure doubled from 9 to 18 per cent.
- There has been a positive tendency in the region in these years for women to be appointed to ministerial portfolios that have traditionally been considered the domain of men.

Although these figures should make the SADC region proud of its achievements, the relatively favourable averages should be judged against the performance of individual countries and the sustainability of the gains made. The figures in more than half the SADC member states are still under 15 per cent – far below the projected 30 per cent target. Moreover, those countries that are doing well in one area, such as parliament, are not necessarily performing as well with respect to Cabinet and other levels of decision-making, such as local government and senior public service positions.

In Mozambique, for instance, fewer than 15 per cent of Cabinet ministers are women, despite the fact that it has the second highest number of female parliamentarians and, in Namibia, which is low on the list of women parliamentary representatives and Cabinet ministers, an impressive 43 per cent of those in local government are women.

A notable exception is Seychelles, which, in addition to satisfactory percentages in parliament and the Cabinet has a record 60 per cent of women in local government.

These trends naturally raise the question of what the countries that are performing well with respect to women's representation in political positions have done to attain these impressive figures. To what extent have intra-party democracy and various election systems facilitated or hindered the inclusion and maximum participation of all social groups, especially marginalised groups such as women? What measures are necessary to ensure that the gains are not reversed?

### THE ROLE OF ELECTORAL SYSTEMS

Although in-depth research has not been conducted in all countries, available evidence both from within SADC and from outside suggests that the choice of

electoral system can contribute greatly to the achievement of gender equality in politics. This applies to electoral systems at various levels – the overall system at national, provincial, and regional level, as well as the procedures and systems within parties, such as primary elections. The latter are often ignored, but they certainly have a major impact on the representation of women in political leadership.

### *Intra-Party Electoral Systems and Procedures*

The process of selecting candidates within political parties is just as important – perhaps even more important – to inclusivity than the type of electoral system at national level (Molokomme 1999). Political parties have their own internal procedures for selecting those who will stand for them, and someone who seeks political office and does not survive the selection process at the party level cannot stand as that party's candidate. It is therefore important that selection procedures within parties be inclusive, transparent and democratic.

Before the 1994 democratic elections in South Africa women constituted 2.7 per cent of Members of Parliament. Because the ANC provides for a 30 per cent quota for women 27 per cent of National Assembly seats in the 1994 elections went to women. The decisive role of the ANC quota, together with the proportional representation system, directly increased the representation of women (Mtintso 1999). In the 1999 elections women's representation further improved to reach the present figure of close to 30 per cent. The appointment of eight women ministers and eight deputy ministers improved the position of women in the Cabinet.

Similarly, a major victory for feminists in Norway was the acceptance of gender quotas – a controversial move. Quotas were initially accepted within the Labour Party and were later introduced by the centre parties. The Labour Party then introduced gender quotas in government. Thus in 1996, 40 per cent of the MPs in Norway were women, 45 per cent in the executive of government, 33 per cent in the councils of local municipalities and 40 per cent in regional councils.

As with the proportional representation system of the ANC, in Norway a list of candidates nominated by each party runs for several seats in every constituency. This system makes it far easier for women to be nominated and elected. It also provides an opportunity for broader recruitment and participation of women in party leadership positions. It is a 'rule' in Norway that every second name on the list of candidates should be that of a woman (Hilde Frafjord Johnson 1996).

In the SADC region, the fact that there are 31.2 per cent women in the Parliament of Mozambique is largely due to Frelimo's deliberate policy of including women. Out of a total of 129 Members of Parliament, Frelimo has 37.7 per cent, Renamo 13.4 per cent and UD 11.1 per cent.

In Namibia the representation of women increased significantly when the affirmative action law was applied in the first two local government elections. Now 43 per cent of local government seats are held by women. The affirmative action law was not applied in relation to regional decision-making positions or to

parliamentary elections so women only occupy 3 per cent of regional positions and 19 per cent of parliamentary seats (Eunice Lipinge 1997).

Unfortunately, in most cases procedures are, at best, gender blind, and at worst not sufficiently transparent and democratic. Generally, they have not been conducive to the election of women and, in some cases, they have contributed to the marginalisation of women candidates within parties. The option of going independent is the only other route, but this has not proved feasible.

It appears that the most common method of selecting internal party candidates, especially in constituency-based systems, is through primary elections, of which there are at least two forms – direct and indirect. In the direct system all members of a political party who qualify can vote for the candidate of their choice in the primary election. In the indirect system, which is more common, voters select a smaller number of representatives to vote on their behalf in the primaries. An example of this is the electoral college system. The latter system has been criticised on the basis that it is more susceptible to manipulation, especially by wealthy and influential members of the party. It is often argued that it is easier to buy the votes of or influence the few people in the electoral college than to do so in the case of a body of voters. In many cases where this system has been used it has tended to return the same powerful candidates or groups of people to power (See Somolekae 1998).

In view of the gender imbalances within parties and society generally, this system is not conducive to the election of marginalised groups such as women. In fact, in the case of Botswana, women politicians have identified the electoral college system as one of the stumbling blocks to their standing for office.

Direct elections are more likely to benefit women candidates because they tend to do most of the organising, fundraising and campaigning for their parties at the grassroots level, and are better known and appreciated by their own constituents at this level.

## TYPES OF ELECTORAL SYSTEM

### *Proportional Representation (PR) versus Constituency-Based Systems*

Writing on the situation in the Commonwealth, Lowe Morna (1996) observes that there is overwhelming evidence to suggest that women stand a better chance of being elected under the PR system than under a constituency-based system. The reason for this, she argues, is because in the former case 'candidates focus on the party and its policies, rather than on a particular individual. This works in favour of women – at least in getting their foot in the door – because of the in-built prejudices against women.'

The experience of SADC countries supports the observation globally that the proportional representation and list system is more conducive to the representation of women than the constituency based system. The case of Norway is an example of this.

Of the thirteen SADC countries represented in Table 1, six have constituency-based electoral systems. Four of these – Mozambique, Namibia, South Africa and Angola – have proportional representation systems, except at the local level in South Africa (in which there is a combination of the PR and constituency-based systems) and at the regional level in Namibia (where elections are constituency based). Seychelles has a mixed PR and constituency-based system. Tanzania has a constituency-based system with 20 per cent of seats reserved by the Constitution for women and contested on a PR basis.

In other words, two of the three countries in SADC with the highest representation of women in parliament (South Africa and Mozambique) have proportional representation systems. The third top performer, Seychelles, has a mixed system. This shows a definite correlation between the use of PR, either in full or in part, and increased representation of women in political leadership positions.

Writing on the 1994 elections in South Africa, Mtintso (1999) observes that:

The 1994 national and provincial elections were run wholly on a proportional representation basis. The advantage of the proportional representation system for women is illustrated by the contrast between the national/provincial and local government elections. In the seats contested on the basis of proportional representation, women won 27.9 per cent of the seats. In the ward or constituency based seats, women won only 10.84 per cent of the seats. This gave an overall average of 19 per cent of the seats in local government being won by women.

### *Quotas and Special Measures*

The PR system on its own is not an absolute guarantee of increased representation of women. According to Lowe Morna (2000), the chance of women getting elected is even higher when the PR system is combined with a legislated or party-based quota. As is shown in the following (edited) extract from her paper, there are four possible combinations of quotas and electoral systems.

#### ***The Voluntary Party Quota, combined with the Proportional Representation (PR) System***

Examples of this are found in South Africa and Mozambique, and it is no coincidence that these are the two countries in SADC with the highest representation of women in parliament. The two ruling parties, the ANC and Frelimo, have voluntarily adopted 30 per cent quotas. Because they are the majority parties, this system has ensured levels of representation by women of close to thirty per cent. The disadvantage of this system is that it is reliant on the ruling parties winning



substantial majorities. In other words, unless every party contesting an election has a 30 per cent quota, there is no guarantee that the 'critical mass' of 30 per cent will be achieved.

### ***The Legislated Quota, Combined with the Proportional Representation System***

An example of this is the local government elections in Namibia. Because the quota was legislated, as opposed to being voluntarily adopted by one or other party, the 30 per cent representation of women was guaranteed. However, because some parties fielded more than the statutory minimum, the overall outcome was 41 per cent. This suggests that the legislated quota and PR system is the most powerful combination for achieving gender parity in politics – the ultimate objective.

### ***The Legislated or Constitutional Quota in the Constituency-based System***

The example of this in Southern Africa is in Tanzania, whose Constitution stipulates that at least 20 per cent of the 283 members of parliament must be women. In other words, 47 seats are reserved for women. With the eight seats that women contested directly and won, this has given women in Tanzania an overall representation of 16.4 per cent in parliament. Clearly, the quota has boosted the level of representation by women in Tanzania.

### ***The Voluntary Party Quota Combined with the Constituency-based System***

An example of this is that of the Labour Party in the United Kingdom, which, through its commitment to fielding women candidates, managed to increase substantially the representation of women .

On the other hand, in Botswana, which has a constituency system, two opposition parties (the Botswana Congress Party and Botswana National Front) had thirty per cent quotas for women for the 1999 elections. However, the parties did not actively ensure that their quotas were met – they did not review their procedures to enhance access by women, nor did they head hunt or encourage women to stand for the primary elections. As a result, the parties fielded very few women in the national parliamentary elections.

By contrast, the ruling Botswana Democratic Party (which does not have a quota for women, but yielded to pressure from women in the party and from women's organisations) fielded more women, many of whom were elected and are now in parliament and the Cabinet. This example shows that while quotas are indeed useful, it is vital that political parties act to ensure that their structures and culture enable and encourage women to stand for elected office.

In addition to quotas, the electoral systems of many countries (Zimbabwe, Botswana and Swaziland are examples) allow the head of state to make some appointments to parliament. Indeed, of the eight women in the Swazi parliament, only two were elected. The King appointed the other six. Similarly in Botswana,



two of the eight women in Parliament are specially nominated – a practice that has been in place for some time.

### CONCLUSION

Internal political party electoral systems and procedures, especially for primary elections, can play a major role in promoting the election of women to positions of power. Related to this is the importance of demonstrated commitment and action on the part of political parties to implementing agreed measures such as quotas. This requires a fundamental transformation of party structures, rules and institutional cultures to make them more encouraging to women candidates. Such a culture must be internalised by party members, who should feel a sense of ownership of the process rather than see it in narrow terms as the agenda and responsibility of the women members of the party.

A democratic party is one which believes in and operates on principles of social justice, gender equality and equity; embraces the principle that women's rights are human rights; allows women and men to have equal rights and exercise their political and civic rights and provides structures to enable both women and men to stand for elections. It should also nominate candidates on merit and empower women members to participate effectively in the mainstream activities of the party, without fear of intimidation.

Democratic processes and procedures within a party should bridge the gaps between the various groups so that all, regardless of sex, class or race, are able to participate effectively and efficiently in party activities and programmes.

In a democratic institution any member can stand for election for any decision-making position at any level, and all can exercise their right to vote.

Intra-party democracy and inclusivity needs to be sustainable, and this requires a political party to have in place structures and systems that will ensure that all groups are catered for at all times. Resources need to be invested to ensure that the systems and processes are sustained.

There is no doubt that the choice of electoral system has a direct impact on access by women to elected positions. Available evidence from SADC countries shows that the PR system is more likely than the constituency-based system to deliver more women candidates. This conclusion has wider implications, in view of the ongoing debates in some SADC countries about changing from the PR system to a mixed system. It is important that the impact of such a change on women's representation be taken into account fully in these debates. In countries such as South Africa, which has the highest number of women in Parliament of the SADC countries, changes in the electoral system for the 2004 elections could erode the gains already made, and retard the achievement of the 30 per cent target by 2005.

It is also clear that the PR system on its own is not a sufficient guarantee of a critical mass of women in elected positions – it needs to be supplemented by a quota system, preferably one that is either constitutional or legislated, if it is to

achieve the desired result. While voluntary, party-based systems have worked in countries like South Africa, Mozambique and Namibia (at local government level), they are dependent upon the relevant parties winning large majorities. This justifies the call for explicit constitutional and legislative provisions for gender equality in SADC countries. In addition, legislative provisions for mandatory quotas may be required as a temporary measure until gender parity is achieved.

There is no doubt that while the choice of electoral system plays a major role in the participation of marginalised groups such as women in elected offices, other variables are also at play, which have not been raised in this short paper. Gender biases and stereotypes that do not encourage women to enter politics remain pervasive at all levels of society in SADC member states, and governments and political parties should play a leading role in social engineering. It is therefore the responsibility of all stakeholders in civil society, as well as researchers, independent electoral commissioners and academics, to consistently raise the issue of gender equality in leadership politics as part of their discourse on good governance and human rights.

#### ----- REFÉRENCES -----

- Frafjord Johnson, H. 1996. In *Women in Decision-Making: Empowerment for Action*. AWEPA.
- Iipinge, E. et al. Forthcoming. *The Status of Women in Politics and Decision-making in Namibia, 2000-2001*. Report commissioned by the SADC Secretariat.
- Lowe Morna, C. 1996. 'Strategies for Increasing Women's Participation in Politics'. Paper presented to the Fifth Meeting of Commonwealth Ministers Responsible for Women's Affairs.
- . 2000. 'Women's Political Participation in SADC'. Paper presented at the International IDEA Conference: 'Towards Sustainable Democratic Institutions in Southern Africa'. Gaborone, Botswana, May.
- Molokomme, A. 1999. 'Gender Equality in SADC: A Democratic Imperative'. Paper Presented to the SADC-EU Conference on 'Strengthening and Consolidating Democracy in SADC Through the Electoral Process'. Gaborone, Botswana.
- . 2000a. 'Gender and Democracy in SADC: A Regional Case Study'. Paper presented to the Commonwealth Workshop on 'Gender and Democracy'. Windhoek, Namibia, 9-11 February.
- . 2000b. 'Obligations and Timelines Under the 1997 SADC Declaration on Gender and Development and the 1999 Programme of Action on Women in Politics and Decision-making'. Paper presented to the seminar on 'Parliamentary Action on the Beijing Plus Five Review Process', Gaborone, April.
- . 2001a. 'Representation of Women and Men in Politics and Decision-making Positions in SADC'.

- , 2001b. 'Building Inclusiveness in SADC's Democratic Systems: The Case of Women's Representation in Leadership Positions'. *Report of the SADC Elections Forum*. Johannesburg: EISA
- Mtintso, T. 1997. 'Into the Future: Gender and SADC'. Keynote Address.
- , 1999a. 'Women in Politics and Decision-making: A Conceptual Framework'. Paper presented at the Conference on 'Women in Politics and Decision-making', Gaborone, March.
- , 1999b. 'A Voluntary Party-Based Quota in a List System'. Paper presented at the Conference on 'Women in Politics and Decision-making', Gaborone, March 1999.
- SADC, FEF, UNDP and Botswana Caucus for Women in Politics. 1999. *Beyond 30 per cent in 2005: Women in Politics and Decision-making in SADC*. Report of a conference held in Gaborone, Botswana, 28 March to 1 April.
- SADC Gender Unit. 1999. *Regional Programme of Action for Women in Politics and Decision-Making in SADC: Beyond 30% in 2005*.
- Somolekae, G. 1998. 'The Various Systems of Party Primary Elections in Botswana'. Paper presented to the National Conference on 'Women Preparing to Stand for the Primaries in Botswana', Emang Basadi, Gaborone.

# ELECTORAL CHOICE & PRACTICE AND THE DEMOCRATIC PROCESS IN MOZAMBIQUE

*By*  
*Obede Baloi*

*Dr Obede Suarte Baloi is Dean of the Faculty of Social Sciences, Eduardo Mondlane University,  
Maputo, Mozambique*

## INTRODUCTION

Elections, which constitute the basis of the concept and practice of modern liberal democracies, have a twofold significance: they serve as a tool for legitimating the political regime and they provide the main forum for both political competition and popular political participation. In both cases they help to secure popular control over government – the principal characteristic of a democratic representative system of government (Beetham and Boyle 1995).

Modern liberal democracies are basically representative political systems. This amounts to saying that a modern democratic government is legitimate to the extent that it has been constituted through some sort of expressed choice by the bulk of the citizenry. From Locke to Rousseau, from James Madison to Schumpeter, a democratic government is described as one that bears a popular mandate, obtained through several and distinct ways of amalgamating the popular will.

To be sure, as Schumpeter and a number of social choice theorists (notably William H. Riker 1982) stress, one important defining feature of modern democracies is that individuals acquire decision-making powers through a competitive struggle for the people's vote (Schumpeter 1954). This feature links elections with a particular institutional setting, namely that of a multi-party political system. This qualification is relevant because it is possible for elections to take place and political participation to be encouraged outside the realm of modern liberal and representative forms of democratic governments with a view to legitimating a particular political regime. Beetham and Boyle's 'democratic pyramid' encompasses, apart from elections, civil and political rights, a strong civil society and an accountable government, all of which find expression in a well functioning pluralistic political system (Beetham and Boyle 1995).

There are obviously other relevant forms of popular political participation, among them membership of political parties, pressure groups and different social movements, as well as activities designed to influence public opinion in a desired direction. However, these forms of participation require a certain degree of political

sophistication and awareness, mostly associated with levels of education, access to the means of mass communication, the existence of strong civil society networks and the nature of the prevalent political culture in a given society. In many countries these are scarce resources, both in terms of the general level of information and understanding and, specifically, in terms of political knowledge. Thus, in countries such as Mozambique, elections are the principal means of guaranteeing popular political participation.

In such circumstances, electoral systems are part of the main political institutions of democratic political systems. In fact, electoral systems constitute the mechanism through which norms and regulations are established that determine both how political preferences are expressed in a given society and how votes obtained in any given election are turned either into parliamentary seats or government positions. In other words, electoral systems influence both citizens' political behaviour and electoral results. Furthermore, they shape both the degree of political representation in a given political system and the character of the party system (Carrilho 1996).

For these reasons it is relevant to reflect on how electoral models and practices influence the development of the democratic process. This is even more so in countries such as Mozambique that are not only in the early stages of democratisation but are also emerging from a lengthy period of political confrontation and civil unrest. In the following pages this paper will approach the issue of the choice of the electoral model and its practice from two distinct standpoints – the choice between representativeness and governability, and the possible or desired balance between political competition and popular political participation. In both cases the discussion will bear in mind that the issue is not merely theoretical, it is a concrete reflection of the problems facing a democratising country emerging from a destructive war that not only created deep rivalries between important groups in society but also destroyed the sense of trust and common purpose among the population.

### CHOOSING THE ELECTORAL MODEL

It cannot be doubted that electoral systems are not neutral. Because they are not neutral, choosing one of them is also not innocuous. It is not a mere technical problem – knowing how best to translate the votes cast by the electorate into parliamentary seats.

Carrilho 1996

Two important points of departure for assessing and understanding the choice of an electoral model for Mozambique are to be found in the prevalent electoral culture of post-independence Mozambique, and the dominance of Frelimo and Renamo over the political landscape of the country. These points are institutionally related, and indeed formally represented, by the two main sources of the electoral law of

Mozambique – the 1990 Political Constitution and the 1992 General Peace Agreement (Law 13/92 of 14 of October)(Tollenaere 2000).

The choice that had to be made was between a multi-party parliament representing a broad spectrum of political parties and an unfragmented parliament and a cohesive and strong executive. The question that had to be asked was what mattered most to each of the principal political players? Here it is worth noting that Mozambique (with an estimated population of 18 million inhabitants and about 8 million eligible voters) has 26 officially registered political parties. The first to be registered (on 19 August 1991) was Frelimo, which has ruled the country for 25 years, the last was the tiny worker and peasants' party PANAOC, registered on 12 March 1999. Renamo, the former guerrilla movement, was registered on 22 August 1994. By 1994, the year in which the first general multi-party elections were held, 18 political parties had been registered. Between then and the 1999 general election eight more parties were formed.

In the 1994 election two electoral coalitions were formed: the Patriotic Alliance (AP) comprising two parties, Monamo and FAP, and the Democratic Union Coalition (UD) comprising three parties advocating a federalist system of government – Palmo, Panade and Panamo. While Monamo was formed around a veteran politician and lawyer, Dr Maximo Dias, FAP was a youth party created mainly by former graduates of the Eduardo Mondlane University. Parties in the UD coalition also had in common the fact that their leadership was drawn from former Frelimo cadres who had deserted the party, supposedly because they had failed to move up within the party's hierarchy. At the time, only one political party, PPLM, failed to participate in the election because of irregularities on its official documentation. So, participants in the 1994 elections included 12 parties and two coalitions. The possible balance between representativeness and governability has to be judged from the standpoint of this range of political expression.

During Mozambique's existence as a one-party state Frelimo established a system of government that rested on a strong presidency supported by the de facto dominance of the executive over all other branches of government. This was so despite the fact that in the 1975 Constitution it was stated that the Popular Assembly (then the National Assembly) constituted the supreme body of the state power. The cohesiveness of this system was guaranteed by the stipulation that the president of Frelimo was the automatic president of the country and the decision-making power was to be concentrated in the political commission (bureau) of the party. This system meant, in practice, that although there were elections between 1977 and 1986 (Monteiro 1988) in which the citizens had the opportunity to choose delegates for different levels of assemblies, in fact, it was the top leadership of the party that was responsible for the most important political decisions.

The point here is not to argue that the issue of representation was overlooked within the political practice of Frelimo. Indeed, the composition of the first Popular Assembly ensured a system of representation through which elements representing different segments of society (the mass democratic movements) were guaranteed

automatic seats. However, while such a measure may well have worked as a tool for promoting political awareness among the citizenry it was not a relevant intervening factor in the governability of the country. In light of this it was no surprise that the 1990 Political Constitution approved by the then one-party Popular Assembly introduced the 'first-past-the-post' electoral system for both legislative and presidential elections.

However, the context of the Rome peace negotiations between Frelimo and Renamo and the specific nature of the General Peace Agreement signed in 1992 between these two opposing political forces meant that the disposition of the country's Constitution regarding the electoral system had to change. It is important to note that the General Peace Agreement stated that: 'The Government undertook not to promulgate any legislation contrary to the agreement reached' (Protocol I: Basic Principles). Until the 1994 general election this meant that the General Peace Agreement was *de facto* above the state Constitution and, thereafter, *de jure* submitted to it (Carrilho 1996).

Two aspects are worth mentioning in the context of the Rome negotiations. One relates to the natural distrust between two rival political forces that had been in conflict for nearly 16 years and, indeed, during the negotiation itself, were still conducting important military operations in the field. In this context it is not difficult to understand why each side would regard with considerable suspicion any proposal coming from the opposing camp.

The other aspect relates to the perception by Renamo of the relative political advantage of Frelimo in the country. Indeed, Frelimo not only fought the liberation struggle that brought independence to Mozambique, it was also the single party in power throughout. This led Renamo to consider that Frelimo had chosen the majority system in order to establish its dominance. Thus, in order to secure a future relevant representation in parliament Renamo opted for an electoral system based on proportional representation, through closed party lists, with the 11 provinces of the country as constituencies.

It is tempting to suggest that while Frelimo opted for governability rather than representativeness, Renamo did just the opposite. In fact, both parties (Renamo transformed itself from a guerrilla movement into a political party immediately after the Rome Peace Accord) opted for the system that appeared to them best able to secure their political interests. Independently of the choice made, at the conclusion of the first multi-party general election it became clear that, somewhat contrary to conventional wisdom, the proportional representation system as practised in Mozambique produced a party system closer to that associated with a system of majority vote. The election produced a strong parliamentary majority for Frelimo and a two-party system, although the Democratic Union Coalition of three small parties managed to secure 9 seats in parliament against 129 for Frelimo and 112 for Renamo. Interestingly, had the 'first-past-the-post' system been enacted as originally envisaged in the Constitution, Renamo would have secured a strong parliamentary majority, with 152 seats. The party secured a majority in 6 of the 11 provincial



constituencies, including Zambezia and Nampula – by far the biggest constituencies in the country.

This is not the appropriate place to speculate about the reasons for this occurrence, but it can be said that Renamo underestimated the level of support it enjoyed in the country, particularly in the countryside. Another possible reason might have been that some voters opted for Renamo as a means of keeping the party within the wheels of the democratic process, thus preventing any possible return to war, starvation and mass destruction. Certainly important groups in society, notably religious entities, actively sought to mobilise voters to use their vote strategically, along the line of bipolar politics, to guarantee peace and reconciliation. Another possible intervening factor was the clear lack of institutional stability, territorial presence, organisational skills and material and financial resources among all political parties apart from the two main contenders. The culture of fear and the extreme deference to authority – strengthened by both pre-colonial and colonial-fascist modes of political exercise – can also shed some light on why the electoral battle was basically restricted to Frelimo and Renamo.

#### TENSION BETWEEN PEACE BUILDING AND THE DEMOCRATIC PROCESS

A new democratic order in Mozambique meant, in a substantive sense, the institutionalisation of political competition. While it can be argued that under the one-party state meaningful popular political participation was encouraged, it must be added that it was a guided political participation, mostly designed to legitimate the political regime. Undoubtedly such practice introduced most Mozambicans to a world of individual freedoms not exercised under the colonial regime. Furthermore, at least at the lower levels of legislative power, the system allowed for citizens to have direct control over their representatives and delegates. In general terms, the system broadened the scope of political mobilisation, helping to construct and consolidate a sense of a common purpose among the citizenry, an element that had largely been destroyed by the lengthy period of armed confrontation. However, political competition was not part of the system.

Political competition was enshrined in the Constitution and stamped on the electoral law at the time when the country and its people were struggling to secure peace and begin a long and difficult process of national reconciliation. One of the main reasons why political competition had to be established relates to the nature of democratisation. This is a process that, according to Przeworski (1991) ‘... is an act of subjecting all interests to competition, of institutionalising uncertainty. The idea is that by institutionalising political competition power is effectively devolved from a group of people to a set of rules. And, through the mechanisms of a free vote ‘the people have the opportunity of accepting or rejecting the men who are to rule them’ (Schumpeter 1954). Political competition made possible by democratisation can best flourish in a context where there is a broad consensus on certain



fundamental principles within society, such as the need to secure law and order, welfare, and the like. Conversely, where there are deep divisions within society, such as along ethnic, religious and/or racial lines, political competition can pose serious threats to the political order itself rather than contribute to the consolidation of democracy.

Thus, although it was stated in the first protocol concerning basic principles that 'Renamo committed itself to respect the laws and institutions of State', it was plain that the first general election could not have been conducted under the supervision of the existing institutional structure. In fact, it can be argued that the struggle of Renamo against the one-party state led by Frelimo was waged both against the party and against the state institutions themselves – an institution associated with the *status quo ante* could hardly command allegiance from the Renamo camp. Thus, in order to overcome the level of mutual distrust and in an effort to guarantee fairness and transparency in the electoral process, a new legal and institutional framework was set up to govern the first general multi-party election in the country. This framework comprised the National Elections Commission (CNE), the Technical Secretariat for Electoral Administration (STAE) and the Electoral Tribunal.

The National Elections Commission was to be the decision and supervisory body of the electoral process. It had 21 members – 10 nominated by the government, 7 by Renamo, 3 by the other political parties, and a chairman chosen by consensus. Frelimo and Renamo each nominated a vice-chair, and the three main committees – the Organisation and Operations Committee, the Legal, Training and Civic Education Committee and the Administration and Finance Committee (CNE 1995) – were chaired by a representative of each political grouping. It is clear that both the party political choice that determined the creation of the CNE and the requirement of consensus in decision-making were measures designed to build confidence between the main political contenders and to overcome distrust, particularly that of Renamo, towards the institutions of the state.

The same logic was applied to the constitution of the Technical Secretariat for Electoral Administration – the body responsible for implementing all electoral activities. Thus, while its chairman was appointed by the government, his two deputies were nominated respectively by Renamo and the 'unarmed' opposition parties (a term then used to describe all parties except Frelimo and Renamo). It is important to note that, at the central level, STAE also included fifty specialists – twenty-five nominated by government, thirteen by Renamo and twelve representing the United Nations System. This representation of the United Nations System was extended to the Electoral Tribunal – a body that had the power to hear appeals emanating from decisions of the CNE. Of the five members of the Electoral Tribunal, two were Mozambican judges nominated by the High Council of the Bench and three were foreign judges nominated by the United Nations (CNE 1995).

The presence of the United Nations during Mozambique's difficult democratic transition was of utmost importance in the drive towards finding a proper balance

between the requirements of peace building and the normal rules of the democratic order. The same can be said of the donor community at large, which provided funding for the electoral process as well as humanitarian assistance programmes, including earmarked funding to be allocated to the contending political parties.

### SOME REFLECTIONS ON THE PRACTICE OF THE CHOSEN ELECTORAL MODEL

The major achievement of Mozambique's electoral platform was its ability to secure post-conflict peace building and national reconciliation. This success can be explained by three factors.

The first was the direct involvement of the United Nations System in almost all phases of the electoral process – it effectively functioned as a third enforcing body to the agreements reached.

Secondly, the de facto bipartisan role of the two main political contenders in the constitution and functioning of the electoral bodies contributed to easing the atmosphere of distrust and guaranteed a degree of political competition which was not destructive to the process of national reconciliation.

Finally, the force of civil society organisations also played a critical role. Indeed, the phenomenon of war fatigue and the desire for the country to make a new start led several civil society bodies to take the initiative to guarantee that the elections would consolidate rather than hamper the peace process.

Another important achievement was the limits imposed on political parties interested in taking an active role in the country's political process who were effectively prevented from forming factions, be it along regional, ethnic, linguistic, racial or religious lines. In sum, the parties were expected to concern themselves with national issues. The parties were effectively given a monopoly on the political process: nobody could run for parliament without belonging to a political party. In a country with a limited tradition of political expression and where civil society was still in its infancy, these measures were useful tools for generating political awareness and guaranteeing the spread of political knowledge among political activists.

The major drawback of this model is the distance it places between the people and their representatives. While formally the constituency of each deputy is the country as a whole, in practical terms they are answerable only to their parties. In addition, the design of the constituencies and the way in which parties fill their lists for the legislative elections effectively prevent the citizens from choosing individuals who will best serve as their representatives. Perhaps the internal democracy of the parties will offer an antidote to this malaise.

One possible threat of this model to the governability of the country lies in the hypothesis of one party securing a parliamentary majority and the other controlling the executive through the powers of the head of state. Such a situation could indeed have arisen after the general elections of 1994 and 1999 if the 'first-past-the-post' system had been adopted in the General Peace Agreement.

The best possible solution might be a move to a semi-presidential system. This would entail the executive being responsible both to parliament and to the head of state, as indeed was the intention of the circulated draft for the revision of the state Constitution shortly before the 1999 elections.

----- REFERENCES -----

- Beetham, D. and K. Boyle. 1995. *Introducing Democracy: 80 Questions and Answers*. Polity Press and UNESCO Publishing.
- Carrilho, N. 1996. 'The electoral legislation in Mozambique and the political and social achievement'. In Brazão Mazula (ed). *Elections, Democracy and Development*. Maputo.
- Lungarzo, C. 1989. *O que são eleições*. São Paulo, Brazil: Editora Brasiliense.
- Monteiro, J. O. 1988. *Poder e Democracia*. Maputo: Assembleia Popular.
- National Elections Commission. 1995. *Final Report*. Maputo, Mozambique, April.
- Przeworski, A. 1991. *Democracy and the market: Political and economic reforms in Eastern Europe and Latin America*. Cambridge: Cambridge University Press.
- Riker, W. H. 1982. *Liberalism Against Populism: A confrontation between the theory of democracy and the theory of social choice*. Prospect Heights, Illinois: Waveland Press Inc.
- Schumpeter, J. A. 1954. *Capitalism, Socialism and Democracy*. London: Ruskin House, George Allen & Unwin Ltd.
- Sitoe, E. 1999. 'Noções e Questões do Parlamentarismo – o Parlamentarismo em Moçambique'. Maputo: Curso para Funcionários da Assembleia da República, (Unpublished document) Novembro de 1999.
- Tollenaere, M De. 2000. 'Sustainable Electoral Democracy in Mozambique – International Support and self-reliance'. Paper presented at the International IDEA Conference on 'Promoting Sustainable Democratic Institutions in Southern Africa', Gaborone, Botswana, 8-10 May.

# HOW THE SOUTH AFRICAN ELECTORAL SYSTEM WAS NEGOTIATED

*By*  
*Tom Lodge*

*Professor Tom Lodge is Head of the Department of Political Studies at the University of the Witwatersrand, P O Wits 2050, Johannesburg, South Africa  
Tel: +27 011 717.4369; Fax: +27 011 403.7482; e-mail: lodget@social.wits.ac.za*

## SOUTH AFRICA'S ELECTORAL SYSTEM

Since 1994 South Africa's National Assembly and its nine regional legislatures have been elected on a list-based system of proportional representation. Proportional representation is a constitutional requirement.

Elections for the Assembly and the legislatures are held simultaneously, though this is not a constitutional stipulation. Voters complete two ballot forms, one for the Assembly, the other for the legislature of the region in which they reside. Ballot forms refer to political parties only. Each party submits lists of candidates for the Assembly and the legislatures before the election. In the case of the Assembly, candidates either appear on a national list or on a list of nominations from the regions. Seats in the 400-member National Assembly and in the regional legislatures are allocated to each party in proportion to its respective share of the vote according to the Droop Quota and Highest Remainder method. In effect the system affords representation to any party that can win 0,25 per cent of the vote – the lowest entry threshold in any proportional representation system. The elections are organised by an Independent Electoral Commission whose five members have, since 1998, been chosen through recommendations to the President by a panel which selects from a group of candidates nominated by an all-party parliamentary committee.

## THE NEGOTIATING PROCESS

The essential features of South Africa's electoral system were decided at the Convention for a Democratic South Africa (Codesa), which opened on 20 December 1991 and was attended by eight parties as well as the administrations of the former 'homelands'. Through the activities of five working groups, the Codesa negotiations continued until mid-May 1992 when the African National Congress and the National Party disagreed over the size of the majority which would be required to determine the final Constitution. Subsequently, constitutional discussions proceeded at the Multi-Party Negotiating Forum to which 26 delegations from political parties were invited on 26 April 1993. The electoral system was further elaborated on, though

its most important principles were not changed, in electoral legislation passed between 1996 and 1998 in conformity with the provisions of the 1996 Constitution. The 1994 election was held under the terms of the 1993 Interim Constitution and accompanying transitional legislation. The 1999 election was organised through the almost identical provisions of the 1996 Constitution and subsequent legislation.

### WHAT KIND OF ELECTORAL SYSTEM?

Settling the arrangements by means of which South Africa's post-apartheid government would be elected was one of the less contentious tasks of those involved in the 1992-1994 constitutional negotiations. This was partly because before the negotiations began three of the main parties favoured the adoption of a system of proportional representation. The Democratic Party (DP) had embraced proportional representation as its official policy for some time. At its Congress in 1991, the DP's Policy Advice Committee recommended a mixed member PR system in which 300 parliamentarians would represent 100 constituencies and 100 would be chosen from national lists.

Very similar proposals were made by the Committee on Constitutional Affairs of the President's Council. The National Party's (NP) constitutional proposals, published during 1991, indicated support for the principle of proportional representation, at least with respect to a first house of parliament, but organised in such a way that candidates would stand for election in specific districts. The vagueness of this qualification was an indication of how little thought most National Party leaders had invested in the details of a new electoral system. The ANC's support for a list-based proportional representation system was evident at least as early as October 1990 when its constitutional specialist, Kader Asmal, presented proposals at a conference attended by experts and party officials. The ANC's policy guidelines, adopted at its National Conference in May 1992, proposed a list-based system of proportional representation, though they also suggested that other systems might prevail at local level.

The ANC's advocacy of PR was based on the recognition that 'the cultural, social and economic diversity of South Africa requires the adoption of an electoral system at all levels which will enable sectoral groups to be adequately represented in decision making' (Asmal, cited in Adam and Moodley 1993, 66). Initially, the ANC was against the use of proportional representation, its experts interpreting its advocacy by the DP and the NP as an expression of 'the ineluctable need of the racial oligarchy to maintain its power'. Uncertainty about its support base may have prompted ANC hostility to PR but by late 1990 polling evidence began to indicate that the ANC enjoyed majority support and hence would win an any election regardless of the representational system (Reynolds 1994, 7).

So, before full negotiations over the electoral system began there was already consensus over a key principle between the most popular party among black South Africans and two of the three white parliamentary parties. The Democrats were

more concerned about retaining constituency representation than was the National Party, whereas the ANC favoured the system that was eventually enacted in which candidates appear on national and regional party lists. This, of course, maximised the authority of the party leadership – an important consideration in an organisation which was an amalgamation of several quite distinct political traditions, and it also facilitated the inclusion in the party's parliamentary caucus of non-Africans.

### HOW WOULD ELECTIONS BE ORGANISED?

The technical committee assigned by the Multi-Party Negotiating Forum to the task of designing the electoral administration included nominees of the ANC, NP, DP and the Inkatha Freedom Party (IFP). At the beginning of its deliberations there was disagreement about the role of an electoral commission. The NP favoured a body which would perform a restricted monitoring function with the election itself being run by the Department of Home Affairs. The ANC argued that the Department would not be perceived as neutral and proposed that the commission should administer, adjudicate and monitor elections – a view shared by other former liberation movements as well as by the Democratic Party – and this was the proposal which would ultimately prevail. As a concession to the view that the international community should be involved in running the election, a position adopted by the Pan Africanist Congress (PAC), it was agreed that the commissioners would include five foreigners, though these would not be able to vote in commission decisions. A special task group drafted an Independent Electoral Commission (IEC) Act, which became law in September 1993, and which established a commission which would supervise two directorates, administration and monitoring, as well as a hierarchy of electoral courts. In fact, the Department of Home Affairs would become involved in the election both directly and indirectly. Several of its officials joined the IEC's administrative directorate and the Department itself was charged with issuing voter identity cards under the IEC's supervision.

### DISAGREEMENTS ABOUT THE ELECTORAL ACT

Agreement was easier to secure on such broad issues as the form of electoral system to be adopted and the question of which body would run the elections than on the finer points of detail. As one commentator noted: 'matters that would affect the election outcome as opposed to matters of principle were the most heatedly debated' (Robertson, in Friedman and Atkinson 1994, 58). Such questions included whether migrant workers could vote outside the provinces in which they normally lived (it was decided, against the ANC's inclinations, that they could if they travelled to their home province). Another divisive issue was the order in which parties should appear on the ballot form: the ANC favoured alphabetical order, but in the end it was decided that the first place would be decided by lottery and all subsequent positions would be filled alphabetically.



The deepest division in the negotiations that accompanied the drafting of the Electoral Act concerned whether voters would use a single ballot paper or two separate papers – one for the National Assembly and one for the provincial legislature. After much postponement of debate on this issue, within the technical committee it was agreed – on 16 November 1993 at a ‘bilateral’ encounter between ANC and NP leaders – that a single ballot paper would be used.

Opposition to this option in the technical committee from the Democratic Party which, like other smaller parties, hoped to benefit from split voting, was deflected by a trade-off between the DP and the ANC, with the Democrats conceding the single ballot in return for the acceptance of its proposals about the method of appointment of Constitutional Court judges. The ANC’s support for a single ballot was based on the need to make the election as simple as possible and on the perception that one ballot paper would reduce chances of disenfranchisement through spoiled ballots. Its negotiators were also prompted by a less disinterested anxiety that voters might interpret the second ballot as an opportunity to express their second preference. Subsequently though, in a concession to the Freedom Alliance (a coalition of the IFP and white right-wing parties), a double ballot was incorporated in the Act.

### WHY WAS AGREEMENT POSSIBLE?

How was it possible for South African parties to arrive at an agreement about an electoral system which, as all participants in the negotiations knew, would on its adoption result in dramatic political changes? The political consensus reached at the Multi-Party Negotiating Forum was all the more remarkable because it was not a consequence of any external compulsion.

The first answer to this question is that the definition of the electoral system was only one element of the constitutional settlement and gains which may have been achieved by one party at the expense of others in the negotiations over elections were often balanced by concessions in other spheres. An indispensable condition of the National Party accepting universal suffrage based on a common voters’ roll – an acceptance which itself represented a sharp movement away from positions it had held as late as 1988 – was the provision of a term of executive power-sharing in which parties which won more than 5 per cent of the vote would enjoy Cabinet representation in proportion to their electoral support. Similarly, the Afrikaner right and the IFP were persuaded to support the settlement because of its regional or federal characteristics which, in Inkatha’s case, held out a realistic prospect of executive power. Smaller parties which could not hope to control even regional governments could nevertheless derive satisfaction over the degree to which a Bill of Rights placed limits on the exercise of executive authority as well as the extent to which the principles they had helped to write into a transitional constitution would guide the deliberations of a Constitutional Assembly between 1994 and 1996. Finally, the status of the initial agreement as a transitional undertaking which could be

altered, at least in detail, when parliament convened itself as a constitutional assembly after the election, probably helped to broaden support within all parties for the arrangements.

The second reason why a settlement could be negotiated was that the most important parties recognised the desirability of making concessions. At the inception of the Codesa negotiations the participants were able to sign a wide-ranging declaration of intent. By 1990, ANC strategists had acknowledged that they were in no position to expand the scope of their military operations. In any case, since 1989 when it issued its Harare Declaration spelling out its preconditions for a negotiated settlement, the organisation's leaders had, in principle, embraced the option of such a settlement. Growing confidence in the extent of its popularity after 1990 assured the ANC's leaders that they would predominate in any power-sharing arrangements they might have to concede in negotiations.

For the National Party and the South African Government, the experience of negotiating a politically liberal and socially conservative dispensation in Namibia in 1989 was an important source of encouragement. While it is conceivable that when President F W de Klerk lifted the ban on the liberation movements in February 1990 he may have hoped that a coalition of conservative parties, white and black, might out-poll the ANC in elections, it is unlikely that NP planners believed this in 1993, when the intricacies of the electoral system began to be designed.

By the end of 1993, with the NP's pollsters telling government leaders that their electoral support was shrinking rapidly, resolving the constitutional debates became an urgent priority. The political violence which both accompanied and interrupted negotiations, though partly a consequence of government-sanctioned efforts to disrupt the ANC's following, began to assume such a scale that they became an important incentive to make concessions. Accurate information about potential electoral support persuaded leaders of both the ANC and the NP to adopt conciliatory positions on key issues in the negotiations. There were also issues on which the interests of the two main parties coincided – for example, the adoption of national list-based proportional representation or a single ballot or, after March 1993, the danger of the negotiations themselves becoming too protracted.

A third factor that facilitated agreement was the negotiation procedures themselves. While all parties were represented equally at Codesa and the Multi-Party Negotiating Forum, in practice not all were treated equally. Ideally, decisions would be reached through general consensus – and if this proved impossible the chairperson of the forum would have to decide whether there was at least 'sufficient' consensus. For most purposes, sufficient consensus was equated with agreement between the ANC and the National Party, a practice which encouraged the resolution of key issues in discreet 'bilateral' encounters between representatives of the two parties. It also, however, created the risk that other parties would be alienated or would withdraw from the talks. Indeed, the IFP and the Conservative Party did withdraw from the MPNF.



Another way in which procedure facilitated agreement was the assignment of the more complicated or politically contentious issues to small groups. The Forum's technical committees were not intended to be politically representative, though parties nominated the committee members. They addressed problems in a technocratic fashion and proposed solutions, which were then presented to the Forum's more representative assemblies as the most plausible options.

A final contribution to the success of the South African negotiations was their broader political setting. They took place in a country in which the existing state retained its legal authority and in which it still held a near monopoly of coercive power. Rebellion against the terms of the settlement was quite evidently not realistic – a factor which made withdrawal from the negotiations an increasingly less attractive option as the extent of ANC/NP agreement grew. Political loyalties were largely concentrated on the party that had dominated South Africa for forty years, or on its most tested adversary. The degree to which political identity in South Africa was institutionalised in a relatively small number of long established and tightly structured political parties obviously simplified negotiations.

This achievement of a negotiated settlement reflected an availability and distribution of resources between parties that is quite unusual in democratising developing countries. It was indicative of a relatively developed and diversified economy as well as of the scale of foreign support to certain political parties. Finally, even the most sectional parties – including “homeland”-based organisations and the white right – did not differ from the main protagonists on broad issues of citizenship and national loyalty. All professed to be South African and recognised each other as compatriots. Even ethnic nationalists did not seriously contest the fact that South Africa should be governed as a unitary state.

#### ----- REFÉRENCES -----

- Adam, H. and K. Moodley. 1993. *The Negotiated Revolution*. Johannesburg: Jonathan Ball.
- Davenport, T. R. H. 1998. *The Birth of a New South Africa*. Toronto: University of Toronto Press.
- De Villiers, B. 1994. *Birth of a Constitution*. Kenwyn: Juta and Co.
- Friedman, S. and D. Atkinson. 1994. 'The Small Miracle'. *South African Review* 7. Johannesburg: Ravan Press.
- Rantete, J. 1998. *The African National Congress and the Negotiated Settlement in South Africa*. Pretoria: J L Van Schaik.
- Reynolds, A. 1994. *Election '94 South Africa*. Cape Town: David Philip.
- Spitz, R. with M Chaskalson. 2000. *The Politics of Transition*. Johannesburg: Witwatersrand University Press.

# THE ELECTORAL PROCESS AND DEMOCRATIC GOVERNANCE IN LESOTHO

## Lessons for the Democratic Republic of the Congo

By  
*Khabele Matlosa*

*Dr Khabele Matlosa is Director of the Research and Policy Studies Programme of the Southern African Political Economy Series (SAPES) Trust, 4 Deary Avenue, Belgravia, Harare, Zimbabwe  
Tel: +263 4252962; Fax: +263 4252964; e-mail: Khabele@sapes.org.zw*

### INTRODUCTION

After long years of authoritarian rule, marked, in the main, by either civilian or military dictatorship, all the member states of the Southern African Development Community (SADC) have embraced multi-party democratic governance. Although much progress has been made in a majority of the regional states towards nurturing and consolidating democratic governance, fairly slow progress is still manifest in the case of three SADC member-states, namely Angola, The Democratic Republic of the Congo (DRC) and Swaziland.

It is not difficult to understand and explain the rather disappointing record of democratisation in these three states. The main problem in both Angola and the DRC is largely the protracted violent conflict that has characterised them, although it appears now that the prospect of successfully settling these intra-state disputes is fairly bright. Swaziland is steeped in a traditionalism that has entrenched a dynastic form of governance in which the King, as an executive monarch, is central to the running of national affairs. This constitutes a critical democratic deficit for the country.

One important ingredient of democratic consolidation in the SADC region is the holding of regular multi-party elections. It should, however, be noted right from the start that an election does not amount to democracy. In other words, the holding of regular multi-party elections is one thing, while institutionalisation and consolidation of democratic governance and ensuring political stability and a peaceful succession of national leadership is quite another. Put somewhat differently, it is quite possible that the SADC region could embrace regular multi-party elections but that democratic practice and culture as well as political stability may lag far behind. This scenario does not augur well for the nurturing and consolidation of the democratic rule and political stability the region needs for socio-economic development.

The above observation, therefore, suggests that an election, in and of itself, is not tantamount to democratic governance, although it may be a key ingredient for it. The challenge facing young democracies in the region, such as Lesotho and the Democratic Republic of the Congo (DRC), is not as much how often elections are held, but rather 'to establish durable systems of governance that will bring about peace and stability to these countries individually and collectively as a region' (SADC *Regional Human Development Report* 1998, 78). In a word, regularity of elections is as important as the substance of the process for democratisation.

Thus the need for regular elections should not overshadow the need for appropriate systems, institutions and procedures to be put in place for such elections to add value to the nurturing and consolidation of democracy. These systems must, of necessity, include the electoral models used in these countries. At the heart of the effectiveness of elections and their value to democratic culture and practice lies the choice and use of preferred electoral systems. The region uses a variety of electoral systems, with different impacts and consequences for democratic governance and stability. Which one could best serve democratic governance in a country such as the DRC, which is emerging from a violent conflict? I attempt to respond to this question by drawing on the experience of the process of democratic governance, elections and political stability in Lesotho. From the outset, it should be emphasised that the DRC must make a deliberate effort to avoid the pitfalls imposed by the electoral models which most SADC countries adopted at independence and instead engage key stakeholders in the dialogue that is essential for popular choice of a preferred electoral model.

Electoral systems are crucial to the process of institutionalising democratic governance (Reynolds and Reilly 1997). The type of system adopted by each of the regional states may either enhance or inhibit democratic governance and stability.

The two main electoral systems used in this region are the proportional representation (PR), especially the party-list variety, and the plurality-majority system, especially the first-past-the-post (FPTP) variety. On balance, if the excellent examples of Mozambique (since 1992), Namibia (since 1990) and South Africa (since 1994) are anything to go by, there is abundant evidence to suggest that the PR model lends itself well to constructive management of conflict. To be sure, a majority of the regional states have inherited the plurality-majority model, which was bequeathed to them by the colonial administration, without any opportunity for serious internal debate about a home grown and popular electoral model. Only South Africa, Namibia, Mozambique and Angola have adopted the party-list model of the PR system.

Mauritius is currently exploring the possibility of adopting multi-member proportionality (MMP) with a view to nurturing and consolidating its world-acclaimed democracy. Lesotho has only recently changed from the FPTP system, which had been in place since independence, to the MMP system because of the need for constructive management of incessant violent intra-state conflicts and on the basis of the perceived deficiencies of FPTP.

The main argument of this paper is that the DRC can learn important lessons from the Lesotho electoral reform process, which may assist in nurturing and consolidating democracy at the end of the war that has engulfed it for half a decade.

It must be accepted from the onset, though, that the correlation between the electoral system on the one hand and democratic governance and stability on the other is somewhat nebulous, controversy-ridden and, thus, certainly not straightforward. Any argument that suggests that democratic governance is all about regular elections is both narrow and shallow for it reduces democracy and democratisation to electioneering per se. However, to the extent that electoral systems serve to distribute power and representation in order to define the legitimacy and political mandate of rulers, they do have a bearing (direct and indirect) on democratic governance and stability (Matlosa 2001). The paper interrogates the effectiveness and efficacy of FPTP in contributing to democratic governance and stability by posing various questions:

- What is the exact nature of the FPTP electoral model?
- How does it work?
- What are its strengths and weaknesses?
- Does it generally enhance or inhibit democratic governance and stability?
- How appropriate is it for young democracies in the SADC region?

The overall assessment is that the FPTP system did not serve Lesotho's political system well in terms of deepening democratic governance and ensuring political stability. It is precisely because of this stark reality that Weisfelder (2001, 75) poignantly observes that 'recurrent political crises in Lesotho are rooted in constitutional and electoral systems and party politics dating back to the 1960s'. For instance, in the elections of 1965 and 1970, the FPTP system delivered an electoral outcome in which opposition parties felt extremely excluded, cheated and marginalised. In the last two elections – 1993 and 1998 – the same electoral system 'virtually excluded from Parliament opposition parties that received 25% of the vote in 1993 and 40% in 1998.

'Lacking a stake within parliament, the disgruntled opposition leadership had no compunction about challenging the legitimacy of the political institutions and attempting to displace the elected government by means of mass protests, military mutinies and royal intervention' (Weisfelder 2001, 75). The political culture of factionalism and incessant conflict, which, essentially, is the hallmark of Lesotho's age-old political crisis, is also confirmed by Elklit (2002, 3), who aptly alludes to the reality that 'Lesotho's political life is notorious for being adversarial and confrontational', obviously with dire consequences for stable democratic governance. The major conclusion to be drawn from this development is that the FPTP electoral system played its own role in the conflict in Lesotho between 1966 and 2002, even if various other factors have contributed to this unsavoury political condition. It is thus to the implications and impact on governance of this system that we now turn.

## ELECTORAL SYSTEMS AND GOVERNANCE

Although *elections* are not the only ingredient of democracy, it is generally accepted that they play a crucial role in deepening and sustaining democratic governance. This observation aptly applies to the political landscape of the SADC region. An election is surely one of the core variables of democratic rule (Adejumobi 1998; Bujra and Adejumobi 2002; UNPD 2002; Bujra and Buthelezi 2002). An election, simply defined, refers to a *process* whereby a people belonging to a particular country, who are at times referred to variously as either the electorate or voters, periodically choose their national leaders to form a government and manage the affairs of the state *on their behalf*. The internationally accepted mode of choosing managers of state affairs is a voting system, usually based on the principles of universal suffrage and secret ballot. Voting takes place within well-defined rules, regulations and procedures provided for within national constitutions and electoral laws of individual countries.

In Lesotho, the electoral process is governed by the national Constitution – especially articles 56, 57 and 58. The country's 1993 Constitution provides the principal legal foundations for the election of members of the National Assembly (the lower house), whereas the Senate (the upper house) is an appointed arm of the parliament. The general administration and supervision of elections is governed by the National Assembly Order of 1992 (as amended) and an autonomous statutory body known as the Independent Electoral Commission (IEC). Following the contested 1998 election a new IEC was appointed by King Letsie III in April 2000.

Chapter 2 of the Election Act stipulates clearly that the main functions of the IEC include:

- Administering and managing national and local government elections.
- Establishing and maintaining cooperation with political parties and other interested civic groups, and enforcing a code of conduct.
- Reviewing election legislation.
- Promoting voter education.
- Preparing and maintaining voters' rolls.
- Managing election-related disputes.

While initially election administration was the responsibility of a sitting government, through the Electoral Office, this responsibility is now vested in the newly established IEC (Government of Lesotho 1997). This has resulted in a considerable improvement in the administration of the electoral process, for it has tended to enhance participation of all parties in the preparations for elections. It has also helped to build the necessary confidence in the administration of elections as well as levelling the playing field to a considerable degree. The move away from a government department towards an autonomous election management body to oversee the administration and management of elections is a positive political development, from which the DRC can learn important lessons. The DRC would

benefit greatly if, well before the election is held, a manageable and autonomous election management body could be put in place, ideally enjoying the confidence of all stakeholders because of its own integrity and credibility as well as its efficiency and effectiveness.

An *electoral system* refers to a *method* that a particular country adopts for choosing national leaders. There are many electoral systems throughout the world and there is considerable argument about which is the best, for each system is appropriate for particular political and economic conditions of a given country (Matlosa 2001; Matlosa 2003). Each country adopts the system that best suits its own political traditions and culture as well as its level of economic advancement.

This does not apply, however, to Anglophone African states. Of the 52 states in Africa, 18 – most of them former British colonies – use the ‘first-past-the-post’ electoral system (Reynolds and Reilly 1997). The Westminster Constitution and liberal democracy which encompassed the constituency-based electoral model were regarded as suitable for the former colonies for it was assumed that modernisation of their systems and institutions would make it easy for them to adopt the British political traditions and culture. The result is that electoral systems in many Southern African states ‘are generally hardly ever debated and carefully chosen on the basis of consensus among political players and the population at large’ (Molutsi 1999, 9-10).

Lesotho was no exception – it adopted the FPTP system when it attained political independence in 1966. It would be desirable for the DRC to consider a more inclusive and participatory method of choosing an appropriate electoral system. The DRC would benefit immensely from such a process, which should be embraced within the Inter-Congolese dialogue process. Commendable as the recent electoral reform in Lesotho may be, it is worth noting that the debate about the adoption of the new model remained confined to the realm of upstairs politics, involving primarily the political elite. As such, more by default than by design, the process tended to undermine downstairs politics by excluding the voices of the ordinary people in the conception of the reform process and the dialogue that ensued before it was implemented in 2002. The situation meant that the IEC had to embark on a massive campaign of voter education before the election of May 2002 and the voter turnout of more than 70% suggests that the campaign was successful (IEC 2002).

It is important to note that the electoral systems adopted by former colonies were an inheritance from their colonial masters; they were not rooted within the domestic socio-economic and political dynamics of the societies in which they operate. Put somewhat differently, the systems were externally derived in pretty much the same way as the constitutions and political institutions the new states inherited with independence. It is thus imperative that the DRC consider adopting the electoral system best suited to its own peculiar political condition and the experience of the SADC region rather than one that reflects the political culture of Belgium – its former colonial master.



The electoral system is crucial in determining the impact of elections on democratic governance. As Tekle (1998, 167) aptly observes, 'the commitment to, and the holding of, elections have become the litmus test of a sincere commitment to democratic governance'. By democratic governance we simply mean management of national affairs which is transparent, participatory, representative, inclusive, legitimate and accountable to the electorate.

The 1998 SADC Regional Human Development Report proposes that the effectiveness and efficacy of governance in Southern Africa be measured at four main levels: political (i.e., participation); institutional (i.e., institutions rather than individuals, must form the heart of politics); economic (i.e., resource distribution) and women empowerment (i.e., gender equity). A meaningful election must therefore be able to strengthen these key pillars of democratic governance and ensure a stable political system, which condition is also critical for economic development. Indeed, the 2002 global human development report corroborates the important observation that democratic governance has to cover a wide gamut of elements including participation/representation, institutions/systems/procedures, economic welfare and gender equality (UNDP 2002). Essentially, therefore, the post-conflict DRC should be concerned not only with the regularity of elections but also with the form and substance of the democratic project.

While a national constitution and the electoral law determine the procedures and administration of elections, electoral systems determine the manner and pattern by which votes are matched with the allocation of seats in parliament. An electoral system is, therefore, 'a method of converting votes cast by electors into seats in a legislature. Electoral systems thus are practical instruments through which notions such as consent and representation are translated into reality' (Asmal and de Ville 1994, 2). However, an electoral system has a great potential to either make or break democratic governance. If the system is to contribute meaningfully to the deepening and sustenance of democratic governance, the following must be achieved:

- the uncontested legitimacy of rulers and institutions of governance;
- a broadly inclusive and transparent mode of governance;
- fair representation of diverse groups and interests;
- accountability of rulers to the electorate;
- an undisputed mandate of the leaders to rule;
- decentralisation of power;
- political stability and conflict management.

The value of whatever electoral system the DRC ultimately adopts will have to be judged in terms of these criteria, among others. On the basis of the expected outcomes of a given electoral system vis-à-vis democratic governance some writers remind us that 'the proof of the pudding lies in the eating. The value of an election lies in the acceptance by all parties of the outcome. More particularly, the losing party should accept defeat. A rejection of the result will be that much more difficult

if the election is indeed free and fair' (Steytler et al 1994, xxiv). As part of the constructive management of the conflict and achievement of the peace process in the DRC it is crucial that a culture of tolerance of opposing views and the politics of accommodation are institutionalised so winners will be able to assume state power with magnanimity while losers will be ready to accept defeat with dignity. It is instructive that in Lesotho, since political independence, major losing parties have contested election outcomes and challenged results, even in courts of law. This tendency has, in the past four decades, generally deepened a dangerous culture of intolerance that has helped generate political instability which has, in turn, undermined democratic governance.

It is not surprising, therefore, that political instability has been so pervasive in Lesotho. This instability is, in many respects, linked to the defects of the electoral model, although other factors such as economic underdevelopment have been crucial too because it has intensified the elite struggles over scarce resources, most of which are easily accessed through control of state power. Could the dynamics in the DRC be different given the abundant resources that hold out the prospect of economic development, all things being equal? Yes, of course it could, but these dynamics might simply change the nature of the conflict rather than resolve it. It is widely accepted that even in resource rich countries resource conflicts are pervasive and this has been confirmed by scholars in the case of Angola and has been found to be so in the protracted conflict that has beset the DRC itself.

When contestants in an election accept its outcome they pass a vote of confidence in the electoral system while, at the same time, according the verdict of the electorate the necessary respect. Be that as it may, for an electoral system to carry all stakeholders on board, it must have the following properties:

- it should be simple to understand and apply;
- it should be easy to manage and administer;
- it should provide multiple safeguards against manipulation of the election;
- it should ensure a transparent and simple method of vote calculation;
- it should provide a simple formula for translating votes into legislative seats;
- it should be cost-effective and affordable;
- it should be easy to audit, review and adjust over time.

These essential properties must inform the debate and dialogue in the DRC as the country embarks on the path of adopting its preferred electoral model.

As we review Lesotho's electoral system, these are all important signposts to guide us in making an informed judgement about its effectiveness in the consolidation and sustenance of democratic governance and political stability. Uppermost in any such review must be an appreciation of the country's political history, level of institutional and political development, and level of economic development. What follows is a brief review of the current electoral system which unravels some of its salient features and the manner in which they impinge on



democratic governance and political stability in the country. The review takes into account political history/culture, levels of institutional and political development and economic advancement in the country, especially since independence.

### ELECTORAL SYSTEMS AND POLITICAL STABILITY

Upon independence in 1966 Lesotho adopted the Westminster 'first-past-the-post' (FPTP) (or single-member-constituency) electoral system, whose main tenets have been elaborated upon by various writers (Curtice 1992; Steytler et al 1994; Reynolds and Reilly 1997; Gill 1998; Mahao 1997; Mahao 1998; Molomo 2000; Matlosa 1997; Matlosa 2001; Matlosa 2002; Matlosa 2003). In this section I attempt to tease out the political implications of the key elements of this electoral model, particularly in so far as they relate to democratic governance and stability. The system has various attributes, which either strengthen or weaken democratic governance and have varying impacts on and consequences for political stability.

The FPTP is one of the simplest electoral models in the world. The whole country is divided into constituencies (electoral zones) of almost equal size, in terms of the population of eligible voters. Each constituency elects one candidate to represent its interests in parliament. It is this feature that gives FPTP its reputation for accountability, for it links the MP directly with his/her constituency and, in this regard, is indeed stronger than all other electoral systems, particularly the proportional representation (PR) system. Candidates contesting elections do so as individuals who are either endorsed by the party or independent.

This is the case in Lesotho whose electoral system is predicated upon the individual, rather than the political party. The candidate stands for election on behalf of, and is ultimately answerable to the constituency, irrespective of whether he or she has contested the election as an independent or as a party-endorsed candidate. In other words, parties do not contest elections, but simply sponsor or endorse candidates. The fact that this feature is not usually understood leads politicians to confuse FPTP with PR, a misunderstanding that has led to various types of conflicts within political parties in Lesotho, where party leaders have attempted to impose tight control and patronage over candidates during the primary elections and even as they discharge their duties in the legislature.

This also raises important questions about democratic leadership within parties themselves. In other words, although we need to be worried about threats to the democratic process at the macro level of the state, we need to be equally concerned about democracy at the micro level of the political party. The key litmus test of this micro level of democracy is the success or failure of primary elections. Primary elections in Lesotho have been marked by bitter conflicts between party leadership and constituencies over the desired candidates, with the former invariably gaining the upper hand. This suggests that, despite the fact that Lesotho has made recognisable improvements in reforming its electoral model, the challenge of democratising political parties as institutions remains real. There is also a crucial

lesson here for the DRC – since parties are the key actors in the democratic process and the key agents for the running of the state machinery, their internal management structures will need to be adequately democratised and the success or failure of this democratisation process will manifest itself in the way primary elections are conducted.

In Lesotho intra-party conflicts that led to litigation particularly afflicted the Lesotho Congress for Democracy (LCD), the Basutoland Congress Party (BCP) and the Basutho National Party (BNP) during both the 1998 and the 2002 elections. It is significant that during the elections all the major political parties experienced serious hiccups in the primary election phase in relation to the fielding of candidates in certain constituencies. The two main reasons for the problems were that the political leadership confused the FPTP system with proportional representation and the lack of inner-party democracy, which led to top-down administrative and decision-making approaches. The tight party control of the candidates has not only undermined inner-party democracy and primary elections but has tended to undermine the accountability of MPs to their constituencies as MPs tend to be torn between allegiance to the party and allegiance to the constituency.

Even in the National Assembly MPs are subjected to tight control and discipline by political (especially ruling) parties to the extent that they virtually become party operatives and are oblivious of both their watch-dog role and their presumed mandate from their constituencies. The two instruments used effectively to achieve this end are the party caucus and the Chief Whip – mechanisms which are ideally intended to entrench and sustain the inner democracy of the parliament but are, in practice, used by political parties to enforce law and order and to pressure MPs to toe the party line, even if their individual consciences and constituency interests are at variance with party positions.

This contradiction has become more glaring and threatening to the political system during times of massive floor crossing in parliament, as happened in 1997 when the LCD was formed and precipitated a crisis of unprecedented proportions for Lesotho's parliamentary democracy. As the party takes centre stage constituencies tend to be marginalised and are likely to be remembered only when the next round of general elections approaches. It is possible that this situation has been considerably resolved by the electoral reform towards the MMP system as such massive floor crossing now seems impracticable given the complexion of the National Assembly.

Another influence on the democratic system is the way parliament discharges its duties. The National Assembly has three main functions – legislative, financial and critical. While it has historically been fairly active in the first two areas, it has been quite sloppy on the third, mainly because members of parliament (MPs) invariably perceive themselves as party operatives/activists and thus as representing the interests of the ruling party rather than those of their constituencies. No wonder, therefore, that criticism of the executive organ of the state is considered to be heresy.

Under the 'first-past-the-post' system, a candidate 'succeeds in getting more votes than any other candidate in an election even though she may not be supported by an absolute majority of voters in that constituency' (Asmal and de Ville 1994, 3). This is the main pillar of this system: the constituency elects only one candidate (as an individual) and that candidate does not necessarily have to achieve an absolute majority (Mahao 1998). The candidate who has obtained more votes than other individual contestants wins the constituency, even though the total number of votes cast for the other candidates may far exceed those of the winner. Molomo (2000, 112) observes that under this system 'a candidate who gets a mere plurality of the vote stands duly elected as an MP and the other candidates irrespective of the size of their poll are declared losers, and do not make it to parliament'. Four other important elements of FPTP that flow from this are the possibility that a constituency will be represented by a candidate with a minority of votes; a ruling party may have a minority of votes at national level; a one-party legislature may be created by the absence of opposition in the National Assembly and the system may result in the marginalisation of smaller parties (Asmal and de Ville 1994; Mahao 1998). All these are critical deficiencies in the FPTP system, which have in part contributed to incessant and violent conflicts in Lesotho, with dire consequences for democratic governance and stability.

This essentially means that, although in theory the winning candidate is supposed to represent all members of a constituency, those members of the electorate who voted for losing candidates are effectively disenfranchised because they are not represented in parliament. We call this vote wastage. The problem is replicated at the national level in that a political party can form a government, even though it has won fewer votes than the combined total votes of the other parties. At constituency level, this outcome leads to a skewed vote that disproportionately rewards numerically strong parties at the expense of other, smaller parties that command some local support. At the national level it leads to minority governments representing a small percentage of the total number of voters and thus poses serious problems, not only of representivity, but of legitimacy of key institutions of governance. It is this situation that has led to the description of FPTP as 'winner-take-all', which tends to turn politics into a zero-sum rather than a positive-sum game.

How useful is this perception of politics as a zero-sum game, especially when the notion itself is engrained in an electoral system? The answer is contained in Tekle's apt observation that 'Mutual appreciation of opposing views must be accepted and the conviction that losers lose everything while winners take it all can no longer be the norm. It must be recognised that in a democracy winners and losers are partners and not enemies who must destroy each other. Electoral systems must advance this in law and practice' (1998, 175).

A cursory glance at Lesotho's electoral history reveals that in 1965 six of the 31 parliamentary seats for the BNP were won on a minority vote (Mahao 1998). Even in the case of the 1970 election, which was interrupted mid-stream by the ruling

party and declared null and void, eight constituencies were won on a minority vote. The overall election result in 1965 delivered a minority government, for the ruling party had won only 42% of the total valid votes cast. The combination of votes won by the other contestants accounted for 58% of votes cast, but their representation in parliament was tenuous at best and ceremonial at worst.

Little wonder, then, that the election outcome was contested by the main opposition, BCP, on the grounds that the BNP had rigged the results with the covert complicity of the British authorities (Gill 1998). The losers did not accept defeat with dignity, nor did the winner assume power with political comfort. The BNP's victory proved a liability rather than an asset to Lesotho's young democracy and its electoral system. Given its Pyrrhic victory, the ruling party strove to entrench its political hegemony over the other parties and failed to nurture politics of consensus, compromise and inclusiveness in the early years of Lesotho's democracy. This tendency minimises or totally denies the critical role of an opposition in the legislature.

Another problem with FPTP is that it tends to unduly advantage dominant parties and disadvantage weaker parties, thereby strengthening one-party systems, which further whittles away the participatory nature of democratic governance. This trend also weakens and fragments opposition parties and often leads to the type of one-party legislature that was the hallmark of Lesotho's political landscape between 1966 and 2002. Once the opposition in the legislature is either weak or non-existent, the efficacy and effectiveness of the business of the parliament is severely undermined. If parliament fails to see its role as a watchdog of the executive organ of government, but instead acts as a rubber stamp for government decisions and policies, democratic governance is hampered. It is not surprising that members of the Lesotho National Assembly have historically perceived themselves as first and foremost representing the interests of the ruling party, and thus as accountable to the party even more than to the constituency. This irony suggests that the unwritten intricacies of the Lesotho electoral model are not generally well understood even by the politicians, let alone by the ordinary voter in the village.

Linked to the one party or dominant party outcome of FPTP is the fact that the overbearing hegemony of the ruling party over the legislature and the MP is entrenched, to the detriment of the check and balance role parliament is supposed to play vis-à-vis the executive branch of government. The stability and effectiveness of the government is seen to emanate from the single-party outcome of an electoral system that does not allow coalitions, which may yield fragile governments. In effect, in the Lesotho context, the single-party outcome has been responsible in part for the political instability that has beset the country for more than three decades. Lesotho, thanks largely to the FPTP system, has rarely experienced political stability and this condition has also affected the effectiveness of ruling parties (Matlosa 1997). In this connection, it is instructive that had the 1970 election been allowed to run its full course Lesotho would have had yet another minority government.

However, the 1970 election was annulled by the ruling BNP, which, sensing an inevitable defeat by its main opposition, the BCP, attempted to spoil the game. The annulment was, in itself, tantamount to a vote of no confidence by the BNP as the ruling party in the FPTP electoral system – the very system, ironically, that had helped the BNP win the 1965 pre-independence election. Subsequently the BNP sustained its rule, not by the ballot, but by undemocratic means. It was dislodged from power in 1986 by a military coup that, paradoxically, followed decades of BNP reliance on the security apparatus to ensure and anchor its authoritarian, de facto one-party rule (Matlosa and Pule 2001).

An electoral system that produces either a minority government or a single-party government breeds conditions for excluded parties to attempt to rock the boat rather than help redirect it. Even a ruling party, if threatened with electoral defeat by an opposition party, may simply spoil the game and resort to other unsavoury methods of sustaining its rule.

The events that followed the 1970, 1993 and 1998 elections serve as an illustration of such behaviour. In 1970, the ruling BNP won 23 seats and 42% of the vote, while the BCP won 36 seats with 49.8% of votes. The party decided that if it could not hang on to power through the ballot, it would do it through the bullet.

In 1985, recognising that it might not be able either to win the majority of votes or to attain some seats in parliament, the BNP spoiled the election by making it impossible for other candidates to contest it so that, in the end, all the BNP candidates were declared elected unopposed (Southall and Petlane 1995; Matlosa 2002). The political developments that followed the general elections of 1993 and 1998 were of a fairly different order, but still emphasised the exclusionist tendency of the electoral model and its contribution to recurrent and incessant conflicts. In both elections, the system delivered a one-party government with no opposition in parliament. Unlike the 1965 election, which produced a minority government through the 'first-past-the-post' system, the elections of 1993 and 1998 both produced a mono-party government with no significant opposition.

The 1993 election was interesting in that it produced a stunning victory for the BCP, which won all 65 constituencies and 75% of the votes, with the other contestants securing a total of 25% of the votes and not a single parliamentary seat. Even the BNP, which had secured a total of 23 % of votes, was denied representation by the nature of the electoral system. The BNP protested the fairness of the election and lost in the courts (Sekatle 1995; Matlosa 1997; Matlosa 2002). In fact, rather than contest the result, the BNP should have contested the electoral system. Having failed to persuade the court to nullify aspects of the election, feeling excluded from the political system it had shaped and sustained for years and being unable to influence policy from within, the BNP resorted to other methods of venting its grievances. These were, of necessity, extra-parliamentary methods, which directly and/or indirectly added to the instability of the political system.

The BCP government, which was reinstated with external assistance after being temporarily displaced by King Letsie III, experienced major infighting – a common

disease of one-party governments with no opposition in parliament – which culminated in the establishment of the Lesotho Congress for Democracy. Upon securing a majority of support in parliament, the LCD assumed the reins of power and displaced the BCP, which had been catapulted to power by a popular vote. Since the FPTP system recognises MPs as individuals and not as representatives of political parties, it condoned this development, which was also not outlawed by the Constitution. Again, instead of the BCP questioning the democratic form and content of both the Constitution and the electoral system, it accused the LCD of a coup and refused to take its seats as the official opposition in parliament. The LCD remained the ruling party.

During the 1998 election, the principal contest was among the LCD (79 seats and 61% of votes cast), the BNP (one seat, with 25% of votes cast) and BCP (no seats, with 10% of votes cast). ‘Once again, the first-past-the-post constituency system seriously disadvantaged the losing parties and exposed the new government to intervention by its opponents’ (Rule 1998, 11). The result was that once again the electoral outcome contributed to intense conflict among the political elite, rather than acting as a conflict management mechanism. The post-election conflict in Lesotho escalated rapidly and assumed violent proportions. The political elite locked horns in a violent armed confrontation which nearly plunged the country into civil war (Matlosa 1999; Matlosa 2002).

The conflict claimed many lives and caused a considerable amount of damage, not to mention the massive expenditure required for its ultimate settlement. After the failure of local initiatives to manage the conflict, South Africa and Botswana intervened. Following the diplomatic failure of the Langa Commission to spell out clearly the problems that had been encountered during the election and the remedial steps that might be taken by relevant stakeholders, a combination of military and coercive diplomacy was used to resolve the conflict (Matlosa 1999). The negotiation process that ensued, brokered by South Africa’s then Minister of Safety and Security, Sidney Mufamadi, culminated in the establishment of the Interim Political Authority (IPA), representing all political parties that had contested the election.

The primary mandate of the IPA was to prepare, in liaison with government, for a fresh general election, originally scheduled for May 2000 but later postponed to May 2002. Among the powers of the IPA was a review of the Lesotho electoral system with a view to making it more democratic and representative of the people of Lesotho (GOL 1998). Although the relationship between the government, the Independent Electoral Commission and the IPA has been marked by a certain amount of conflict and tension, the electoral reform process was undertaken successfully and the general election of May 2002 went off peacefully. In addition to the conflicts mentioned above, other problems involved in preparations for the 2002 elections were caused by:

- IPA members whose interests are served by the continued existence of a structure that assures them financial gain.



- Constant and persistent internal conflicts within the IPA itself over a number of procedural and policy issues.
- The failure of the IPA to involve the larger populace in its mandate to level the playing fields for the electoral contest, especially the reform of the electoral system.
- Heavy reliance by IPA and government on the external guarantors of Lesotho's democracy – Botswana, South Africa, Mozambique and Zimbabwe – to resolve conflicts, rather than to seeking internal remedies.
- Incessant intra-party conflicts, leading to fragmentation and constant changes of their representatives in the IPA.

Despite all these problems, all keen observers of Lesotho's political development agreed that it was highly unlikely that the 2002 election would trigger a violent conflict of the proportions experienced in 1998. However, they also recognised the stark political reality that some political parties could still cry foul, as the BNP did, and, in the process blame the IEC, even though the election was given a clean bill of health by observers. The fact that the 2002 election was not preceded by violent conflict, the election day was peaceful and the post-election period has witnessed a sense of reconciliation and harmony through a multi-party parliament is a positive sign, from which other SADC member states like the DRC and Angola who are dealing with protracted conflicts are compelled to draw lessons.

#### REVIEW OF THE REFORM OF LESOTHO'S ELECTORAL SYSTEM

Nowhere in the world is there a single electoral system that is considered the most perfect for sustaining and consolidating democratic governance and stability. Conversely, there is also no single electoral system that is considered the most imperfect and conflict inducing. Countries adopt electoral systems in accordance with their political traditions and cultures as well as in keeping with their political and economic needs at a particular historical juncture. It is not surprising, therefore, that former British colonies adopted the Westminster 'first-past-the-post' system. What is surprising, though, is that, apart from Namibia and South Africa, the political players themselves have not seriously considered whether the FPTP model is appropriate for democratic rule in their own countries. It is critical that when countries adopt or reform their electoral models, the general populace/electorate is fully informed and involved. This is a crucial lesson the DRC must learn from the Lesotho context. It is therefore imperative that the on-going Inter-Congolese dialogue grapples seriously with an appropriate political system for the country, as well as with the most appropriate electoral system.

Despite the problems outlined above, the FPTP system does have some advantages. Among these is the ability to:

- deliver stable and effective single-party governments;

- ensure a two-party system and discourage a proliferation of parties;
- discourage fragile coalitions or fragmented governments;
- be relatively easy to understand and administer;
- ensure accountability of MPs to their specific constituencies.

The major disadvantages of the system are:

- the tendency to create minority or single-party governments;
- the marginalisation of smaller parties and enhancement of the political hegemony of dominant parties;
- a tendency to discourage an active loyal opposition in parliament;
- the tendency to destabilise the political system, in that losing parties tend to feel cheated and excluded from the governance process;
- general weakness on some of the key principles of democratic governance such as representation, inclusivity, legitimacy and political participation.

The form, substance and mechanics of any electoral system must be understood by all stakeholders – the government, opposition parties, the election management body, civil society organisations and the electorate. More importantly, voters must have a clear grasp of why they are choosing a particular candidate to represent them in the legislature. They must know what to expect and what not to expect from their MPs. The system must also make it possible for voters to impose sanctions on MPs who fail to discharge their duties.

With sufficient evidence to suggest that much of the pervasive violent conflicts and general instability that have weakened democratic governance in Lesotho were linked to the elections and the nature of the electoral system, the country made a deliberate effort, after the ill-fated 1998 election, to reform its system from FPTP to MMP. Although initially the government and the IPA locked horns on an appropriate format for the reform process, with government pushing for the Multi-Member Majoritarian (MMM) system and the IPA for MMP, the latter option prevailed to the satisfaction of all concerned.

As Elklit observes: 'on 25 May 2002 Lesotho became the first African country to test the MMP electoral model in a parliamentary election. The election went well and the results produced by the new MMP system represent a significant political and democratic achievement. There can be no doubt that the experience from this first national level application of this electoral system to African soil will be studied carefully in many quarters, including outside the mountain kingdom' (2002, 1). Other countries known to have this system in place are Germany, New Zealand and Wales (for regional assemblies only) and Scotland (for regional assemblies). Unlike FPTP, the MMP system adopted by Lesotho was a dual ballot system in which each voter casts two votes – a constituency vote and a party vote. According to the IEC Report 'the constituency vote determines who will represent the constituency in the National Assembly. The party vote is used to elect candidates



from party lists and compensate parties who have won fewer constituency seats than they would be entitled to under pure proportional representation, or who have won no constituency seats even though entitled to under proportionality' (IEC 2002, 3).

The MMP system has many advantages, primarily because it attempts to combine the positive elements of both the FPTP and the PR systems. Its key features are:

- Although the country is divided into constituencies some representatives are elected by means of PR, which feature may change to a 65:65 ratio in the next election, if the arbitration award of October 1999 is to be implemented.
- Either one ballot (New Zealand) or two separate ballots (Lesotho) can be used to elect MPs.
- It makes allowances for independent candidates to contest elections under FPTP and not under the party list PR component.
- An agreed threshold is established for entry into parliament by MPs elected through the PR system (5% of total votes cast or, in the case of New Zealand, one constituency won). In the Lesotho case, there is no formal threshold.
- It combines the accountability of the MP to the constituency and the political stability assured by broad representation in the legislature.
- It allows for MPs to cross the floor – in the case of Lesotho, only those MPs occupying constituency seats.
- Linked to the floor-crossing provision is another advantage of the system which guards against the fragmentation of parties, thus avoiding the unsavoury developments of 1997 when the LCD split from the BCO, and in 2002 when the LPC split from the LCD, in both cases, the main casualty being Lesotho's fledgling parliamentary democracy.
- It encourages rather than throttles a multi-party arrangement by allowing both small and bigger parties to participate in the legislature.
- Although the constituency-based election may still allow for minority winners, this problem is contained by the PR component that ensures a broadly-based national legislature.

These are, therefore, some of the virtues of the MMP system the government of Lesotho and the Interim Political Authority (IPA) agreed to adopt after some protracted disagreements and negotiations. The new system was put into effect during the 2002 election. Whereas the new model will not change the size and composition of the Senate, the upper house of the legislature, it has changed both the composition and size of the lower house, the National Assembly. The National Assembly's political complexion has been changed by the participation of various parties, both big and small. Its size has increased from 80 to 120, with 80 seats occupied by MPs elected through the FPTP and the remaining 40 held by MPs elected through the PR system.

Table 1 depicts the overall result of the 2002 election and the manner in which votes were translated into parliamentary seats on the basis of the MMP System. All in all 16 parties contested the election. The total number of valid votes cast was 554 386 (column 1), about a 70% voter turnout. The same column indicates each party's total vote divided by the quota of votes. Of the 80 constituency seats only 78 were contested (2 were deferred) and the ruling LCD won 77 of these, while its splinter group, the LPC, won one (column 2). Column 3 depicts the allocation of compensatory seats on the basis of PR for the remaining 40 seats and it is worth noting that while the LCD is excluded from this benefit since it won a large majority of constituency seats, the BNP, which did not win even one constituency seat, received 21 compensatory seats. This represents the major strength of this electoral model. The total number of parliamentary seats contested was 118. The two major parties in parliament are the ruling LCD (77 seats) and the main opposition BNP (21 seats) (column 4). Columns 5 and 6 show party votes won through party lists on the one hand and constituency plus compensation in percentage terms on the other.

As Table 1 (see p 94) indicates, although it has many advantages over the FPTP system, the MMP system is relatively more complex. The voting process is complicated as is the process of calculating votes and translating them into legislative seats. As Elklit (2002) points out succinctly, the translation of votes into seats is a two-round process involving some rigorous arithmetic computations which, if not well understood, could cause not only dissatisfaction but also possible conflict that could disrupt what is essentially a positive development. Through both rounds, the sum of party votes divided by a quota of votes establishes a party quote which, in turn, helps establish how many seats each party is entitled to, and this process will also establish the number of compensatory seats.

The calculation of votes for those elected through the FPTP system and their translation into seats remains unchanged, but the PR system demands that the IEC follow various steps:

- Determine the total votes cast for all political parties (total votes).
- Determine the votes cast for each political party (total party votes).

In the case of Lesotho, the IEC must then determine the number of votes required for the allocation of seats in the National Assembly by:

- Dividing the total votes by the total number of seats in the National Assembly.
- Rounding off to the next number, including a whole number, any decimal fraction equal to more than half.
- Establishing, by means of the above steps, the quota of votes required for candidates to qualify for seats in the National Assembly by dividing the total number of valid votes cast by the total number of parliamentary seats.

**Table 1**  
**Summary of Seat Allocation and Percentage Votes and Seats**

Contestants	Total party votes (valid votes)	Constituencies won by party	Party's allocation of compensatory seats	Total number of seats	% party votes (party votes)	% seats won (constituency seats + compensatory seats)
Basotho National Party	124 234	0	21	21	22.4	17.8
Basutoland African Congress	16 095	0	3	3	2.9	2.5
Basutoland Congress Party	14 584	0	3	3	2.6	2.5
Christian Democratic Party	1 919	0	0	0	0.3	0.0
Khoeetsa ea Sechaba						
Popular Front for Democracy	6 330	0	1	1	1.1	0.8
Kopanang Basotho Party	1 155	0	0	0	0.2	0.0
Lesotho Congress for Democracy	304 316	77	0	77	54.9	65.3
Lesotho Peoples' Congress	32 046	1	4	5	5.8	4.2
Lesotho Workers Party	7 788	0	1	1	1.4	0.8
Marematlou Freedom Party	6 890	0	1	1	1.2	0.8
National Independent Party	30 346	0	5	5	5.5	4.2
National Progressive Party	3 985	0	1	1	0.7	0.8
New Lesotho's Freedom Party	1 671	0	0	0	0.3	0.0
Sefate Democratic Union	1 584	0	0	0	0.3	0.0
Social Democratic Union	542	0	0	0	0.1	0.0
United Party	901	0	0	0	0.2	0.0
Independent Candidates	-	0	-	0	-	0.0
<b>Totals</b>	<b>554 386</b>	<b>78</b>	<b>40</b>	<b>118</b>	<b>100</b>	<b>100</b>

The IEC must then establish the provisional total number of seats to which each party is entitled on the basis of its share of the total votes. At this stage, too, there is a number of crucial steps:

- Each party's votes are divided by the quota of votes, to establish its quota.
- Each party is allocated seats equal/proportional to its quota of votes, without any consideration of fractions of votes.
- All seats are added together and deducted from the overall total of legislative seats.
- Parties are entitled to compensatory seats, which are calculated by deducting the number of seats won through FPTP from the total seats allocated, resulting in a provisional allocation of compensatory seats to each party.

Table 2 presents a comparative survey of the results of all the general elections held in Lesotho between 1965 and 2002. The most striking fact revealed by the survey is that, while almost all the other elections (notably those of 1993 and 1998) produced a one-party parliament, the 2002 election produced a clearly multi-party parliament. This trend further emphasises the value of MMP over FPTP in relation to democratic governance. Thus, to a large extent, the introduction of the MMP system has addressed a major democratic deficit in Lesotho's political landscape.

**Table 2**  
**Election Results in Lesotho: 1965 – 2002**

<b>Year</b>	<b>Main Parties</b>	<b>No. of Votes</b>	<b>% of Votes</b>	<b>No. of Seats</b>
<b>1965</b>	BNP	108 162	41.6	31
	BCP	103 050	39.7	25
	MFP	42 837	16.5	4
	Total	259 825	100.0	60
<b>1970</b> (election annulled)	BCP	152 907	49.8	36
	BNP	120 686	42.2	23
	MFP	7 650	7.3	1
	Total	285 257	100.0	60
<b>1993</b>	BCP	398 355	74.7	65
	BNP	120 686	22.6	0
	MFP	7 650	1.4	0
	Total	532 978	100.0	65
<b>1998</b>	LCD	355 049	60.7	79
	BNP	143 073	24.5	1
	BCP	61 793	10.5	0
	MFP	7 460	1.3	0
	Total	584 740	100.0	80
<b>2002</b>	LCD	304 316	54.8	77
	BNP	124 234	22.4	21
	BAC	16 095	2.9	3
	BCP	14 584	2.7	3
	LPC	32 046	5.8	5
	NIP	30 346	5.5	5
	LWP	7 788	1.4	1
	MFP	6 890	1.2	1
	PFD	6 330	1.1	1
	NPP	3 985	0.7	1
	Total	554 386	100.0	118

- The Lesotho electoral reform process is crucial for all parties, and political analysts believe that, by broadening participation and expanding the inclusiveness of the electoral system, it will assist in containing violent political conflicts, as the figures in Table 2 clearly show. It is thus believed to be a very positive political development (Elklit 2002). It is abundantly clear from Table 2 that the MMP has enormous potential to promote inclusive, participatory and consensual politics in Lesotho, and obviously the system will change the nature of parliament in fundamental ways for the good of the country's fledgling democracy. However, the electoral reform process in Lesotho still faces critical challenges if political stability is to be assured.

### CONCLUSION

There are many lessons for the DRC to be drawn from the above. After the decades of authoritarian rule by the Mobutu regime, there is obviously a political quest under the new Kabila government for the entrenchment of a vibrant multi-party democracy. It is therefore imperative that the DRC embark on a deliberate process of political reform towards multi-party democratic governance, following the example of its neighbours in the SADC region, with a view to consolidating the implementation of the 1999 Lusaka Peace Accord as well as the achievements of the Inter-Congolese Dialogue. .

Elections and the choice of an electoral system will have no significant impact on democratic governance if there is no durable peace and reconciliation premised upon an agreed framework such as the Lusaka Accord. In other words, a peace agreement must hold and be respected by all the belligerent parties before elections can even be contemplated. Such an agreement must be followed by political dialogue involving all the stakeholders in the DRC. Fortunately this process is already under way, facilitated by the former Botswana president, Sir Ketumile Masire, and has delivered some positive results by way of a government of national unity under Joseph Kabila. Part of the dialogue must entail deep debate about the form of electoral system the country should adopt as an important ingredient of democratic governance.

The dialogue process should be broadened beyond the political elite to involve civil society and, particularly when it comes to the choice of electoral system, nationwide consultations involving the electorate should be undertaken. Different strategies must be devised to involve the electorate and these could even include public meetings throughout the entire country or, if need be, a referendum. The latter should be resorted to only if there are serious disagreements about the electoral model among the key political actors.

The DRC could benefit a great deal by reforming its electoral system away from FPTP towards MMP. However, the country does not have to adopt a replica of either the Lesotho or the New Zealand model, it must adapt the system to its own socio-economic and political context. The system it chooses must accord with

the prevailing political culture and the institutional context of the governing regime. The inter-Congolese political dialogue must thus grapple with these issues and explore the advantages and disadvantages of various electoral models (especially the FPTP and PR) before a final choice is made. However, given the protracted violent conflict that has marked the DRC's political landscape for decades and the pervasive socio-cultural and ethnic diversity of the country, in sharp contrast to the socially homogenous Lesotho, an electoral system that will sufficiently provide for broadly-based political representation of various segments of the population is desirable. It is thus highly likely that the MMP could serve the DRC extremely well, not only in nurturing and consolidating its young democracy, but also in managing conflict and achieving sustainable peace and security.

The above proposition is corroborated by Denis Kadima (2001, 87), who aptly notes that 'ethnic tensions in places like eastern Congo and Katanga would be exacerbated by a single-member constituency system of political representation given the exclusionary character of this system. It is therefore important to include elements of proportionality in the electoral system, maintain the link between the electorate and its representatives and ensure government stability.' The MMP has a greater potential to achieve these goals of establishing, nurturing and consolidating democratic governance in the DRC and ensuring political stability after years of costly violent conflict.

----- REFERENCES -----

- Adejumobi, S. 1998. 'Elections in Africa: A fading shadow of democracy'. *Africa Development* XXII (1).
- Asmal, K. and J. de Ville. 1994. 'An Electoral system for South Africa'. In Steytler, N., J. Murphy, P. de Vos and M. Rwelamira (eds). *Free and Fair Elections*. Cape Town: Juta & Co, Ltd.
- Bujra, A. and S. Adejumobi (eds). 2002. *Breaking Barriers, Creating New Hopes: Democracy, Civil Society and Good Governance in Africa*. Trenton: Africa World Press.
- and Buthelezi, S (eds). 2002. *Leadership, Civil Society and Democratisation in Africa*. Addis Ababa: Development Policy Management Forum.
- Curtice, J. 1992. 'The British Electoral System: Fixture without foundation'. In Kavanagh, D. (ed). *Electoral Politics*. Oxford: Clarendon Press.
- Elklit, J. 2002. 'Lesotho 2002: Africa's First MMP Election'. *Journal of African Elections* 1 (2).
- Gill, S. 1998. 'Electoral Systems for Lesotho: Lesotho's own political heritage and possible contributions from other systems'. In Sello, C. (ed). 1998 *Lesotho National Election: Lessons for the Future*. Maseru: Lesotho Council of Non-Governmental Organisations.
- Government of Lesotho, National Assembly Election (Amendment Act), 1997. Maseru, Lesotho.
- Government of Lesotho, Interim Political Authority Act, 1998. Maseru, Lesotho.

- IEC. 2002. 'Report on the 2002 General Election in Lesotho'. Maseru (mimeo).
- Kadima, D. 2000. 'The Inter-Congolese Dialogue and Constitution-Making'. In Kadima, D. and C. Kabemba (eds). *Whither Regional Peace and Security: The Democratic Republic of Congo after the War*. Pretoria: Africa Institute of South Africa.
- Mahao, N. 1997. 'The electoral system and the legitimacy of representation in a democracy'. *Lesotho Law Journal* 10 (2).
- , 1998. 'Why Lesotho should change its Electoral Model'. In Sello, C. (ed). 1998 *Lesotho National Election: Lessons for the Future*. Maseru: Lesotho Council of Non-Governmental Organisations.
- Matlosa, K. 1997. 'Lesotho's political turmoil and prospects for the 1998 national election'. *Africa Insight* 27 (4).
- , 1999. 'Conflict and Conflict Management: Lesotho after the 1998 Election'. *Lesotho Social Science Review* 5 (1).
- , 2001. 'Ballots and Bullets: Elections and Conflict Management in Southern Africa'. *Journal of African Elections* 1 (1).
- and N. Pule. 2001. 'The Military in Lesotho'. *African Security Review* 10 (2).
- , 2002. 'Lesotho'. In T. Lodge, D. Kadima and D. Pottie (eds). *Compendium of Elections in Southern Africa*. Johannesburg: Electoral Institute of Southern Africa.
- , 2003 (forthcoming). 'Electoral System, Constitutionalism and Conflict Management in Southern Africa. *African Journal on Conflict Resolution*.
- Molomo, M. 2000. 'In Search of an Alternative Electoral System for Botswana'. *Pula* 14(1).
- Molutsi, P. 1999. 'Southern African Development Community (SADC): Elections Focus 1999'. *SAPEM* 12(5), May.
- Reynolds, A. and B. Reilly. 1997. *The International IDEA Handbook of Electoral Systems Design*. Stockholm, Sweden.
- Rule, S. 1998. 'The Lesotho Election, May 1998'. Johannesburg: The Electoral Institute of South Africa (mimeo).
- SADC Regional Human Development Report*. 1998. Harare: SAPES Books.
- Sekatle, P. 1995. 'Disputing Electoral Legitimacy: The BNP's Challenge to the Results'. In *Democratisation and Demilitarisation in Lesotho: The General Election of 1993 and its Aftermath*. Pretoria: Africa Institute of South Africa.
- Southall, R. and T. Petlane (eds). 1995. *Democratisation and Demilitarisation in Lesotho: The General Election of 1993 and its Aftermath*. Pretoria: Africa Institute of South Africa.
- Steytler, N., J. Murphy, P. de Vos and M. Rwelamira (eds). 1994. *Free and Fair Elections*. Cape Town: Juta & Co, Ltd.
- Tekle, A. 1998. 'Election and Electoral Systems in Africa: Purposes, Problems and Prospects'. *International Commission of Jurists Review*, No. 60.
- UNDP. 2002. *Human Development Report*. Oxford: Oxford University Press.
- Weisfelder, R. 2001. 'What is Delaying Elections in Lesotho'. *South African Journal of International Affairs* 8 (1).



# PROBLEMATIQUE DU DENOMBREMENT ET DE L'IDENTIFICATION DEMOGRAPHIQUE PRE-ELECTORAUX

*Par*  
*Arsène Waka-Sakrini*

*Arsène Waka-Sakrini est Directeur Général  
de L'Institut National de la Statistique en République Démocratique du Congo*

## ETAT ACTUEL DES INFORMATIONS SUR LA POPULATION

Voici bientôt une décennie au cours de laquelle la RDC, s'active sans trop de bonheur, à travers ses forces vives, dans les démarches en vue d'implanter en son sein, une société démocratique véritablement pluraliste, plusieurs problèmes et considérations sous-tendant ces démarches dont ceux touchant les élections démocratiques perçues comme meilleure méthode de conquête de pouvoir.

On peut vouloir aborder les problèmes et l'organisation des élections démocratiques sans faire allusion au nombre des personnes habitant le territoire congolais en général et de la population concernée par les élections en particulier.

Il se fait qu'aujourd'hui la RDC ne dispose pas d'informations dignes de foi sur la population, tout sur son effectif, sa structure par âge et par sexe et que sur sa répartition sur territoire.

Le dernier état des lieux sur les statistiques socio-démographiques congolaises effectuées par l'Institut National de la Statistique (INS) pour la période 1995-2000<sup>1</sup>, indique que les statistiques et indicateurs répertoriés sur la population sont dans l'ensemble, soit d'une couverture administrative limitée, c'est-à-dire ne couvrant par toutes les entités politico-administratives, soient peu fiables, soient enfin obsolètes(2) à tel enseigne qu'il faut, dans l'état où elles se trouvent, éviter de les utiliser pour préparer, organiser et gérer les prochaines opérations électorales que tous voudraient transparentes et crédibles.

Si l'on tient à prendre en compte les aspects démographiques dans l'organisation des élections, il faudra actualiser les indicateurs démographiques actuellement disponibles, d'autant plus que la RDC connaît depuis bientôt 10 ans, d'importantes mutations socio-démographiques, comme conséquences à la fois de deux guerres successives (déplacés de guerre, massacres à large échelle) de

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<sup>1</sup> Etat des lieux des indicateurs sur la Santé de Reproduction, les Stratégies de Population et Développement, le VIH/SIDA, le Plaidoyer ainsi que sur les Populations Sinistrées, 1995-1999. INS-BIT, avril 2001



l'intolérance ethnique (déplacements et migrations forcés), de la résurgence et de la recrudescence de certaines maladies (VIH/SIDA, Paludisme, Tuberculose).

L'on sait que ces mutations n'ont pas fait l'objet d'une étude statistique systématique et conséquente.

Du fait de ces mutations, la meilleure voie de disposer des indicateurs pertinents et fiables, ne certes pas de recourir des projections démographiques, mais bien d'organiser un dénombrement spécifique de la population qui renseignera sur le niveau véritable et actuel de la démographie congolaise quant à son nombre actuel, sa structure par âge, sa répartition et sa localisation jusqu'au niveau de la dernière hiérarchie politico-administrative. Il est notoire que ce genre d'opération coûte cher, surtout pour un pays aux dimensions de la RDC.

Néanmoins, étant donné les enjeux énormes des élections que la RDC s'apprête à réaliser, et en vue de prévenir ou d'atténuer quelque peu les méfiances et autres suspicions de la grande majorité de l'opinion congolaise, quant à tout ce qui touche à l'organisation (aussi bien les organes que les animateurs) des élections, il faudra tout mettre en œuvre et trouver les moyens pour mener un recensement, même très léger, de la population dont l'objectif principal est de mettre à la disposition de tous en général et des opérations électorales en particulier, des matériaux objectifs et impartiaux qui serviront à attester et à garantir la transparence et la fiabilité à savoir des données chiffrées pertinentes et fiables sur la population congolaise, dans son ensemble, et électoral en particulier.

Eviter cette approche, équivaldrait à chercher à exposer les opérations électorales à des contestations et litiges qui seraient difficiles à gérer objectivement.

Le principe d'organiser un recensement de la population avant les élections proprement dites étant entendu, il est question alors de savoir la nature des informations démographiques minimales qu'il faudra mettre à la disposition de l'organisation des élections ainsi que les approches et stratégies à utiliser en vue de produire les informations requises, approches et stratégies qui devraient minimiser les délais de réalisation de recensement, tenir compte des ressources financières fort limitées de l'aridité du vaste territoire congolais caractérisée par la déféctuosité des infrastructures routières et de communications de base qui vont constituer des obstacles majeurs.

### DES STATISTIQUES DEMOGRAPHIQUES MINIMALES REQUISES

L'histoire des élections en RDC ne renseigne pas suffisamment sur la nature des statistiques à utiliser. Les organisateurs ne s'encombrent pas de ces détails statistiques. On se contente des informations générales sur le volume de la population et l'on procédait sans trop de regroupement quelque semaines avant les élections, à l'enrôlement des électeurs qui constituerait alors le fichier électoral.

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2 Le dernier recensement général de la population digne de foi a été réalisé en 1984.

Pour bien faire, l'organisation des élections devra disposer des données démographiques de base suivantes :

- Le nombre total des Congolais et des Etrangers résidant dans chacune des entités ou subdivisions administratives de base suivantes: Village (milieu rural) et quartier (milieu urbain ou milieu semi-rural).
- Le nombre total des Congolais ayant atteint l'âge requis pour exercer le droit de vote (majorité légale) c'est-à-dire 18 ans ou plus, et résidant dans chacune des entités et subdivisions de base ci-dessus (point 1.1), éventuellement dans les pays étrangers (de façon optionnelle) et répartis par pays de résidence.

Au moment de la collecte, on prendra toutes les dispositions utiles pour recueillir

Auprès de chaque personne recensée vivant en RDC des informations sur:

- sa nationalité,
- son âge,
- son lieu de résidence habituelle ou son adresse.

Auprès des Congolais recensés résidant à l'étranger:

- sa nationalité,
- son âge,
- Son lieu de résidence (pays de résidence).

Les tableaux des résultats issus du traitement de ces données de base ainsi recueillies des villages et des quartiers, pourront faire l'objet de regroupements spécifiques des élections.

Ainsi par exemple, on procédera au regroupement des résultats de tous les quartiers couvrant un cité pour avoir la situation démographique requise pour la Cité. Il en sera de même pour un groupement où il faudra procéder au regroupement des résultats de tous les villages composant le groupement. Les résultats d'une Commune seront obtenus de la même manière à partir des quartiers la composant.

#### SPECIFICITES ET CARACTERISTIQUES METHODOLOGIQUES ET STRATEGIQUES

Il convient de signaler et de rappeler ici que plusieurs réflexions et études de faisabilité sur un recensement de la population pour des besoins des élections en RDC ont été entreprises depuis 1992 à ce jour. Les plus importantes furent celles menées par:

- l'Institut National de la Statistique, INS, (1992, 1994, 1995, 1998);
- la Commission Technique Interministérielle Préparatoire pour les élections (93 et 99);

- la Commission Nationale des Elections, CNE (1996-1997);
- la Commission des Opérations préélectorales et électorales (1998).

De ces différentes réflexions, on retiendra que:

- la RDC dispose d'un fond documentaire important dans lequel on retrouve des projets de plan général de recensement de la population en vue des élections (méthodes, stratégies, durée, organisation, coût);
- une enquête test du plan général de recensement électoral de la population a été réalisée en 1996-1997, dont les données n'ont malheureusement pas fait l'objet d'un traitement conséquent et finalisé.

Ces différentes réflexions se sont distinguées par leur quête de concevoir un plan opérationnel qui dure le moins possible. C'est ainsi que dans l'ensemble, elles ont proposé de mener concomitamment trois opérations très importantes et très significatives, à savoir : le dénombrement, l'identification et l'enrôlement de la population, et dont le temps d'exécution varie entre 3 et 12 mois.

Bref, comme on peut s'en rendre compte, le recensement électoral de la population n'est pas un dossier nouveau. Aux organisateurs des prochaines élections de savoir tirer partie du fond documentaire existant, une façon de réduire davantage la durée du recensement et pourquoi pas son coût.

En tenant compte de toutes ces réflexions, nos recherches personnelles ont abouti à montrer que dans  $\pm 6$  mois, il est possible de planifier et de réaliser le recensement de la population électorale à condition d'exploiter les réflexions et les études déjà menées.

En ce qui concerne la fiabilité des résultats, l'approche et les tests méthodologiques de l'INS ont approfondi le dispositif stratégique de faire participer les partis politiques aux opérations de dénombrement, d'identification et d'enrôlement de la population.

## *LA NECESSITE D'UNE IDENTIFICATION DES PERSONNES*

### *ETAT DE LA QUESTION*

Depuis quelques années, la question de la nationalité congolaise ne cesse de soulever problèmes et passions, principalement dans la partie orientale de la RDC au point de craindre qu'elle ne compromette comme ce fut le cas en 1988 dans le Kivu, les prochaines élections et partant l'avènement de la démocratie en RDC, que tout le monde attend de tous ses vœux. Ces problèmes et passions autour de la Nationalité congolaise ne sont pas dus à une absence de textes réglementant la question. Bien au contraire, il existe une loi sur la nationalité congolaise. Depuis l'époque coloniale jusqu'en 1990, des structures procédures ad hoc ont été mises en place et ont fonctionné en vue de l'identification rigoureuse des congolais. Grâce à ces

procédures on a pu disposer au fil des temps, d'un fichier de la population congolaise. En 1986, ces structures et procédures ont été reformées. Le Service d'Identification des Nationaux (SIN) a vu le jour. Jusqu'à sa dissolution en 1990, le SIN n' a pu opérer que dans quelques communes de Kinshasa. En d'autres mots, à part une partie des kinois qui ont pu être identifiés et ont obtenu la nouvelle carte d'identité congolaise dont l'instauration invalidait toute carte d'identité nationale ayant préexisté, les autres congolais n'avaient pas de carte d'identité et cela jusqu'à ce jour. Il n'existe plus non plus de fichier général de la population actualisé et que l'on puisse consulter en cas de nécessité. On a de la peine aujourd'hui à prouver, en cas de doute, la nationalité congolaise d'un individu qui se prétend être congolais. Mis à part le passeport que délivre le Ministère des Affaires Etrangères, il n'existe plus et on ne délivre plus de carte d'identité nationale qui ait cours légal sur toute l'étendue du Pays. Pour leur identification et des besoins administratifs, les congolais utilisent qui une carte de service ou d'étudiant, qui une attestation de perte de pièces d'identité, qui un permis de conduire etc....

En milieu urbain et dans la partie orientale du Pays (KIVU et KATANGA), il est courant de croiser des individus dont la nationalité congolaise est mise en cause par l'opinion générale au point qu'on s'est imaginé à tort ou à raison, que ces individus dont l'effectif total, il y a quelques 14 années, n'approchait même pas 1% de la population totale de la RDC, allaient perturber et influencer négativement le déroulement des élections et les calculs électoraux, en présentant comme électeur ou en briguant un poste.

### *Stratégies D'identification*

Eu égard aux enjeux électoraux et aux souhaits de réduire au maximum et autres risques d'échec des opérations électorales, il faudrait prendre des dispositions de telle manière que seules les personnes dont la nationalité congolaise est confirmée prennent part aux prochaines élections. Comme pour le dénombrement, plusieurs réflexions et études ont été menées en rapport avec ce problème de l'identification des congolais.

Ainsi, l'INS entre 1992 et 1995, la Commission Nationale des Elections en 1996 et 1997, et la Commission préparatoire aux opérations préélectorales et électorales en 1998, ont mis au point des approches et stratégies en vue d'identifier bien avant les consultations populaires, les personnes habitant la RDC et d'en déterminer la nationalité. Ces approches et stratégies ainsi que les tests dont elles ont fait l'objet renferment des instruments de travail très utiles capables de garantir des élections suffisamment transparentes.

Il s'agit:

#### *Concernant l'organisation et la coordination des opérations*

- D'une identification sommaire de tout individu âgé de 16 ans et plus, d'en

déterminer la nationalité. Cette identification serait menée concomitamment avec le recensement léger de la population et l'enrôlement des personnes en âge de vote. Ce faisant, on réalise des gains importants en argent et en temps.

- Des opérations d'identification, de recensement et d'enrôlement qui se feront dans un bureau opérationnel où se rendront toutes les personnes âgées de 16 ans et plus, en lieu et place d'une opération d'enquête où les agents de terrain iraient de porte à porte.
- De mener les opérations d'identifications, de recensement et d'enrôlement en présence des délégués de toutes les forces vives (partis politiques, églises, ONGD etc) opérant dans l'agglomération (quartier, village, groupement).
- De recourir à des témoins (des notables et des personnes connaissant très bien l'agglomération et ses habitants) personnes qui seront invitées à répondre publiquement de la nationalité de ceux qui se présentent à l'identification.

#### *Concernant les questions à poser*

- De poser la question sur sa nationalité, à toute personne âgée de 16 ans ou plus.
- De poser quelques questions subsidiaires notamment sur son clan (en milieu rural surtout) et sur la date de son arrivée à l'adresse actuelle, à toute personne qui se déclare de nationalité congolaise.

#### *Autres avantages*

- De délivrer une carte d'électeur à toute personne dont la nationalité congolaise ne pose pas problème, cette carte pouvant servir de carte d'identité provisoire.
- De transférer les renseignements réunis à l'occasion de cet exercice au Ministre de l'Intérieur pour servir de base de la confection future d'un véritable fichier de la population congolaise.

*Ces approches et stratégies ont été testées. Voici quelques uns des résultats auxquels elles ont donné lieu:*

- En milieu rural, le recours aux témoins et la question sur le clan et le lien de famille a permis d'identifier l'origine de la personne avec une certaine exactitude, et beaucoup de satisfaction.
- Dans les agglomérations non limitrophes des Etats frontaliers du Congo, les stratégies testées n'ont posé aucun problème.
- C'est dans le Nord- Kivu et le Sud-Kivu ces stratégies ont posé quelques problèmes. Le recours aux témoins n'a pas fonctionné comme ailleurs, du fait que la population avait peur de dénoncer les faux congolais; mais en modulant convenablement les stratégies de sensibilisation et renforçant la sécurité des personnes il sera possible pour réussir cet exercice.

# LA CARTE GEOGRAPHIQUE ET LES ELECTIONS

*Par*  
*Matezo Bakunda*

*Professeur Matezo Bakunda est Directeur Général Adjoint  
de l'Institut Géographique du Congo*

## INTRODUCTION

Le terme election vient du latin electio du verbe eligere: choisir, élire. Election signifie donc essentiellement un choix, une désignation d'une ou de plusieurs personnes par voie de suffrages. Les élections peuvent être libres ou contraignantes, administratives, législatives ou présidentielles. Les élections se présentent sous plusieurs formes; majoritaires, représentations proportionnelles, systèmes mixtes, etc....

Une opération électorale sans référence aux principes élémentaires de la comptabilité des habitants peut engendrer des dysfonctions au sein de l'appareil politico-administratif de l'Etat. C'est ainsi que généralement des données du recensement avec un support cartographie.

Les élections sont des opérations de grande importance pour chaque pays. Elles constituent la forme la plus démocratique pour exprimer et accéder au pouvoir. Elles sont la source d'une série de données de base pour l'administration ainsi que pour l'orientation de la politique économique et sociale d'un pays et fournissent un point de référence aux politiciens, un cadre de décision si elles s'opèrent normalement et une source de paix, de bonheur pour le pays concerné.

L'importance des élections pour le choix des dirigeants a été reconnue depuis longtemps. Dans de nombreux pays, l'organisation des élections est une tradition vieille de plusieurs années. Aucun pays ne nie l'intérêt qu'il y a à choisir ses dirigeants par cette voie. De nombreuses recommandations internationales soulignent jusqu'à ce jour le rôle considérable des élections et proposent des méthodes susceptibles d'étendre leur portée, d'accroître leur validité et d'améliorer en même temps que leur valeur propre, la comparabilité internationale dans ce domaine.

La plupart des pays du monde sont convaincus et pensent que les élections constituent la voie indiquée pour le choix des dirigeants. Si les opérations se déroulent sans beaucoup de heurts dans le pays développés, dans les pays du tiers monde par contre, et particulièrement ceux d'Afrique, beaucoup d'efforts restent à faire. On a toujours dénoncé le truquage, la fraude, la non transparence dans l'organisation de leurs élections. Et pourtant, l'expérience de bonnes élections a montré que c'est là la voie absolument indispensable à la Bonne Gouvernance d'un pays.

## DE L'ORGANISATION DES ELECTIONS

L'organisation des élections requiert le dénombrement au préalable de toute la population, ressortissant du pays dans lequel l'opération a lieu et réparti par entité administrative. Cette connaissance de la population permet de déterminer le corps électoral pour l'ensemble du pays par entité administrative et le nombre des sièges à pourvoir par circonscription électorale. En plus, la réalisation des élections exige au préalable l'enrôlement de la population électorale dont l'âge devra être défini.

En mettant au point l'organisation et l'administration des élections, il importe de bien définir les attributions et les rapports de services chargés de leur tenue et les services qui seront consultés.

L'institution d'un bureau ou d'une Commission Nationale Electorale Indépendante présente des avantages considérables et constitue le cadre à partir duquel seront développés le programme et les travaux préliminaires des futures élections. Il faut donc au départ cette Commission Electorale.

Sa permanence rend possible la formation d'un personnel technique éprouvé, la constitution et la mise à jour des fiches contenant des renseignements statistiques et géographiques essentiels. On peut adjoindre à cette Commission, un bureau ou un Comité National des opérations préélectorales et électorales, et un secrétariat exécutif. Ce sont là deux structures d'aide et de soutien à la Commission Nationale Electorale.

## LES TRAVAUX PREPARATOIRES AUX ELECTIONS

Toute opération électorale quelle que soit le pays dans lequel elle a lieu comporte une série d'opérations préparatoires dont le nombre, l'ampleur, et la complexité varient d'un pays à l'autre en fonction des facteurs tels que:

- la nature du terrain (accidenté ou plate forme);
- le mode de répartition de la population (dispersée ou concentrée);
- sa composition sociale (un ou plusieurs groupes ethniques);
- son degré d'instruction;
- l'unité linguistique;
- l'importance des moyens de communication et de transports disponibles;
- l'exigence des renseignements récents et détaillés d'ordre statistiques, géographiques et cartographiques);
- l'efficacité de divers organes auxquels on pourrait faire appel pour la transparence et une réussite totale des opérations.

Les travaux préparatoires aux élections sont notamment, l'identification, le recensement et l'enrôlement.



## L'IDENTIFICATION

Cette opération consiste à trier la population d'une nationalité donnée en âge de voter d'écarter les opérations électorales pour les personnes plus jeunes et celles n'appartenant pas à la nationalité du pays.

Considérée comme telle, l'identification est une opération couplée avec l'enrôlement et les stratégies à mettre en œuvre seront différentes d'une région à l'autre compte tenu des spécificités de chacune et des contraintes de temps et des moyens dont on dispose.

A l'identification les variables à saisir sont notamment:

- le nom, le post-nom, le prénom;
- le sexe;
- le lieu de naissance;
- la date de naissance;
- l'adresse de la résidence actuelle (d'enrôlement);
- le N° de bureau de recensement.

## LE RECENSEMENT

Un recensement de population peut être défini comme l'ensemble des opérations qui consistent à recueillir, à grouper, et à publier des données démographiques, économiques et sociales se rapportant à un moment déterminé ou à certaines périodes données, à tous les habitants d'un pays ou territoire indiqué.

Le but visé par cette opération est de mettre à la disposition du pays des chiffres de population fiables et à jour en vue de déterminer:

- La population totale de droit c.à.d. celle qui réside habituellement au lieu du recensement permettant de calculer le nombre de sièges à pouvoir par circonscription électorale.
- La population électrice de fait c.à.d. celle qui est présente au lieu de recensement à la date de cette opération. Cette population sera enrôlée et répartie par entité administrative.

## L'ENROLEMENT

C'est la dernière des opérations préélectorales. Elle consiste en l'inscription au rôle électoral de la population en âge de voter et qui aura été préalablement identifiée. L'enrôlement vise l'établissement des listes électorales où seront enregistrées les personnes appelées à voter.

Les informations à saisir à l'enrôlement sont mêmes que celles concernées par l'identification. Les renseignements à collecter seront consignés dans un registre

où des cases sont prévues pour recevoir une empreinte digitale (à exploiter en cas de doute) et une photo passeport de l'enrôlement.

Toutes les trois opérations décrites ci-dessus sont fondamentales. Outre ces tâches et la préparation du texte sur la loi électorale, les opérations suivantes sont nécessaires et doivent être effectuées concomitamment avec les précédentes.

Il s'agit:

- des travaux géographiques et cartologiques;
- de la détermination des circonscriptions électorales;
- de l'établissement et de plébiscité en faveur des élections

## LA CARTE GEOGRAPHIQUE ET L'ORGANISATION DES ELECTIONS

### *Definition de la carte géographique*

Une carte géographique est la représentation plane conventionnelle schématisée de tout ou une partie de la surface terrestre suivant des rapports de similitude qu'on appelle échelle. Elle est un des meilleurs moyens de localisation de phénomènes terrestres, une forme d'expressions dont on sert habituellement dans plusieurs domaines de la vie nationale: plan, santé, éducation, économie, travaux publics, défense nationale, environnement et tourisme, urbanisme, agriculture, énergie et transport, etc.

La carte géographique est un support incontournable dans le programme de développement et de reconstruction d'un pays. Elle peut représenter:

- Des éléments physiques: les montagnes, les plaines, les végétations, le sol, les cours d'eau, les lacs, les marécages, etc.
- Des éléments humains: la densité de la population, les centres urbains, les voies de communication, les circonscriptions administratives; chefferies, secteurs, etc.
- Des éléments économiques: les ressources agricoles, minières et énergétiques, la pêche, les forêts, etc.

La carte géographique est aussi dans l'organisation des éléments dans l'organisation des élections un support indispensable auquel on devra obligatoirement recourir. Elle est dans le domaine électoral un des aspects les plus importants dans la gamme des possibilités de ses applications.

## LA CARTE GEOGRAPHIQUE ELECTORALE

Elle est un support par excellence des opérations électorales et publiées après promulgation de la loi électorale. Ce document permet de visualiser la situation

générale sur le terrain, l'organisation générale, ce qui permet de corriger certains détails, de suivre des opérations dans tout leur déroulement.

La carte géographique électorale présente aux yeux des dirigeants en particulier et de la population en général de nombreux avantages:

Elle représente tout le territoire national soumis aux électeurs ainsi que son découpage en aires ou en districts électoraux. Il s'agit des espaces géographiques délimités dans lesquels vont se dérouler les opérations décrites ci-haut en tenant compte des contraintes comme le temps de collecte, la superficie, et la taille de la population. Chaque circonscription électorale pourra disposer à la rigueur de la carte de son territoire qui indiquerait les limites, les routes et autres moyens de communication, les villages et centres importants se trouvant en son sein. L'opération paraît certes ambitieuse et coûteuse, mais les avantages que l'on en tire valent l'effort et l'argent investit. Ces cartes pourraient après élections servir à d'autres fins et d'autres enquêtes statistiques.

Elle permet une localisation précise de différentes entités électORAles et des phénomènes en cause. La localisation est sans doute l'objet fondamental, le plus ancien historiquement et le plus important encore actuellement dévolu à la carte. La carte a servi depuis la plus haute antiquité aux déplacements sur terre et sur mer des personnes. C'est d'ailleurs grâce à cette performance qu'elle a pu bénéficier des progrès constants au cours des siècles et atteindre son degré de performance actuel. La carte électorale va pouvoir indiquer les itinéraires de déplacement de la population en direction des centres retenus pour les élections. Ce besoin implique deux éléments d'intérêt, d'une part, une précision et une exactitude aussi grande que possible des levés géodésiques. C'est le propre de la carte électorale que d'offrir au citoyen une certitude quasi absolue quant à la localisation de tel ou tel objet par rapport à des repères connus: coordonnées géographiques, éléments physiques, limites administratives, etc. D'autre part la cartographie figure préférentiellement les objets ponctuels qui, par leur nature sont bien visibles et facilement repérables dans le paysage, sommets, montagnes, cloches d'églises, tours, cheminées, etc... Or ces objets ne présentent souvent qu'un intérêt limité pour d'autres usages. La carte électorale aura l'avantage de les figurer d'une manière telle que ces éléments serviront de points de repères dans les chefs-lieux des territoires des secteurs et seront donc bien figurés.

La carte géographique représente la réalité physique du terrain. Il s'agit en particulier de l'oro-hydrographie: relief du sol et cours d'eau. Sans doute parce qu'il est question d'éléments des passages considérés comme stables, plus stables en tout cas que les phénomènes humains; ils ont toujours servi de base pour la représentation des éléments planimétriques. Dans une carte électorale, l'oro-hydrographie a toujours bénéficié d'une attention particulière. Les cours d'eau sont des voies de communications par excellence. Nombreuses limites administratives et même celles de circonscriptions électORAles sont faites des cours d'eau ou de grandes lignes de relief. Il y a donc un grand intérêt à les représenter.

Elle assure une omniprésence de la toponymie et de la nomenclature. La

toponymie ou indication des noms des lieux, complète en fait les informations relatives ou repérables. Sur une carte électorale, on transcrit le maximum possible des noms, eu égard bien entendu à l'échelle: localités, villages, chefs-lieux, secteurs, territoires, districts, provinces, cours d'eau, montagnes, etc... Le but de la nomenclature sur une carte électorale consiste à décoder, à traduire les symboles de la carte au même titre que le texte de la légende. La hiérarchie des écritures en fonction soit de la taille, des localités, soit de l'importance des objets figurés souligne avantageusement la symbolique utilisée dans la carte électorale. Sur total, l'abondance de la toponymie et de nomenclature confère à la carte électorale un avantage décisif.

La carte géographique permet une bonne hiérarchisation des unités électorales. La hiérarchie administrative ou celle des unités électorales se traduit: d'une part grâce à la toponymie citée ci-haut qui transcrit les variations d'importance des chefs-lieux de provinces, des districts, des territoires, des secteurs ou de la commune; d'autre part grâce au report des limites électorales correspondantes. L'existence des limites commerciales jusqu'au 1/100.000, échelle déjà relativement petite se révèle fort précieuse aussi bien pour les études géographiques que pour l'utilisation à des fins électorales.

Elle fait mieux ressortir l'importance des voies de communications et de transport en général. L'importance des élections traduit sans conteste le besoin de se déplacer sur le terrain plus que celui d'étudier la structure et l'importance du réseau. La preuve en est jusqu'à ces dernières années l'accent était davantage porté sur les caractéristiques techniques des voies routières et ferrées, largeur, viabilité, modalités d'insertion dans le paysage, etc... que sur l'importance de leur trafic. D'où cette hiérarchie imposante, en particulier pour les routes. Cette carte indiquera le degré d'accessibilité où l'état des routes dans les sites.

La carte géographique indique l'emplacement des phonies, antennes – relais. Des phonies devront être prévues pour couvrir l'ensemble du territoire national et de le rendre accessible par voie des ondes jusqu'aux petites entités possibles. La carte indiquera l'emplacement de ces phonies et autres équipements nécessaires.

En résumé, les traits généraux de la carte géographique électorale et son rôle absolument indispensable se dessinent déjà à partir des observations faites ci-dessus. Les échéances électorales dans un pays ont extrêmement besoin de ces éléments pour donner à la population la vraie information et pour même la diriger. Bien sûr qu'en Afrique en particulier, les difficultés auxquelles il faut faire face dans une telle entreprise sont nombreuses et plus importantes en matière d'élection sont celles dues au transport.

La plus grande partie de l'Afrique est couverte des forêts denses et des savanes où l'on ne peut se rendre en véhicule motorisé que pendant la saison sèche, ces régions étant inondées pendant la saison de pluies. Il serait donc préférable que les élections aient lieu en saison sèche.

### ELABORATION DE LA CARTE GEOGRAPHIQUE ELECTORALE

En matière électorale, il est souhaitable que les autorités chargées de conduire les élections possèdent les cartes géographiques détaillées du pays mais ceci est impossible pour les grands pays, de sorte qu'on est obligé de recourir à des moyens de rechange. Toutefois les cartes dressées pour les élections peuvent se révéler utiles à beaucoup d'égards.

La délimitation du territoire en vue des élections est une opération fondamentale. Trois aspects sont importants et dont il faut tenir compte:

- La détermination exacte des frontières internationales du territoire où les élections doivent avoir lieu.
- La détermination des limites intérieures qui séparent les diverses divisions territoriales pour lesquelles on peut avoir des renseignements sur le chiffre de la population par exemple et celui des personnes en âge de voter. Il s'agit généralement des divisions administratives (provinces, districts, territoires, secteurs, communes, pour le cas de la RDC) censées être légalement délimitées.
- La subdivision des entités territoriales en des unités électorales c.à.d. les plus petites divisions territoriales établies pour les élections.

Les travaux géographiques et cartographiques se feront suivant certaines étapes absolument distinctes et dont il faudra respecter le déroulement. Il s'agit de procéder à l'Inventaire et au rassemblement des cartes et autres renseignements utiles. Il s'agit d'identifier et de rassembler toutes les cartes qui peuvent aider à l'élaboration de la carte électorale. Pour cela, le mieux serait de solliciter le concours de tous les services de l'Etat, de toutes les institutions publiques et privées et d'autres établissements qui peuvent disposer des cartes utiles. L'inventaire est d'intérêt car il dresse le profil cartographique d'un pays. Nous retenons ainsi, par pays une fiche descriptive comprenant deux sections, une générale et l'autre spécifique à la cartographie. Le portrait d'ordre général présente la superficie du pays, la population, la date d'indépendance. Le volet cartographique comprend l'organisme producteur, l'échelle cartographique, le type de carte (théine), l'année de production (ou la période et le nombre de feuilles réalisées en fonction du projet). Dans le pays où aucun service géographique et cartographique n'existe, le premier travail pourrait être effectué par le service cartographique de l'armée, les services de cadastre et les services géographiques locales. L'inventaire fournira des renseignements détaillés sur les cartes existantes en rapport avec les divisions territoriales du pays, les cartes à grande échelle et les plans de grandes agglomérations, zones urbaines et régions à population dense. Les cartes jugées utiles pour les élections, sans modifications ou avec quelques modifications doivent être ressemblées et indexées eu égard à leur valeur relative. Il faudra également recueillir les croquis et photographies aériennes, les images satellitaires pour

lesquelles il n'existe pas de carte: ainsi que les renseignements sur les distances entre zones habitées. En raison du volume de travail qu'impose le rassemblement et le classement des cartes et autres documents et l'établissement des cartes définitives, il est souhaitable d'entreprendre les travaux géographiques et cartographiques le plus tôt possible.

Etablissement de la carte géographique électorale; si les cartes obtenues par la commission électorale conviennent aux élections sans modifications aucune, on pourra tracer directement sur les cartes les limites des districts et circonscriptions électorales et placer les repères indicatifs. Cependant dans la plupart de cas, les cartes tirées de partout appelleront un travail cartographique. Il faudra alors les modifier soit pour tenir compte des derniers changements des limites territoriales soit ajouter ou retirer des petites zones d'après les résultats des derniers renseignements reçus. Enfin il se peut qu'on soit obligé d'établir des cartes entièrement nouvelles pour les zones qui n'ont pas fait l'objet des levées cartographiques particulières ou celles pour lesquelles les cartes existantes ne conviennent pas aux élections. Cette tâche extrêmement importante sera réalisée par les services cartographiques et géographiques du pays habilité à produire ce genre de documents.

### CIRCONSCRIPTION ELECTORALE

La circonscription électorale est la plus petite division territoriale établie pour les élections. Habituellement il est assez réduit pour les habitants appelés à voter y accèdent facilement sans parcourir de longues distances. Le succès et la réussite d'une opération électorale dépendent en gros de la taille de circonscriptions tant en ville qu'en milieu rural. Les limites de chaque circonscription doivent tenir compte du nombre approximatif des personnes en âge d voter et d'autres facteurs dont a été question ci-haut. Tous les circonscriptions électorales doivent figurer sur la carte. En milieu urbain, le critère principal est vraisemblablement le nombre des électeurs que la circonscription pourra recevoir dans le laps de temps prévu. Ce nombre est généralement élevé comparativement au milieu rural compte tenu des conditions de déplacement assez rapide. En milieu rural par contre, il faudra souvent réduire le nombre d'électeurs compris dans une circonscription électorale en raison du temps que l'électeur devra sans doute consacrer pour atteindre son bureau de vote. L'exactitude avec laquelle les circonscriptions électorales sont délimitées sur une carte peut avoir un effet important sur la valeur des élections. Lorsque les limites des circonscriptions sont tracées avec soin et que la population connaît parfaitement les limites de sa circonscription, les risques d'omission n de fraude, ou de double compte sont semblablement réduits. Chaque circonscription électorale doit être entièrement compris à l'intérieur d'une seule région administrative et non à cheval sur une ligne de démarcation administrative ou politique. Le succès de la limitation des circonscriptions électorales dépend dans une large mesure de la qualité de renseignements géographiques dont on dispose. Dans les centres

urbains en particulier et dans les localités dotées du même statut que les villes, des plans détaillés avec indication des rues et des bâtiments principaux des circonscriptions. Pour les localités non urbaines, on emploie souvent des répertoires des localités et des cartes à l'échelle indiquant l'emplacement de localités, les routes principales et secondaires reliant les localités voisines ainsi que les cours d'eau, les côtes et d'autres éléments topographiques.

### QUELQUES DETAILS TECHNIQUES

Dans un exposé comme celui-ci n'est pas possible d'abord les détails techniques de la cartographie mais peut être utile de passer brièvement en revue quelques suggestions auxquelles les cartes utilisées à des fins électorales devront répondre:

- Toutes les cartes doivent être tracées sur du papier calque sensible, papier calque ou astafol permettant de faire des reproductions photographiques, des tirages ozalides, elles doivent porter l'indicateur de la source des renseignements cartographiques et de la date de leur compilation.
- Chaque carte doit porter une flèche dirigée vers le Nord ainsi que des points de repères indiquant la position du quadrillage géographique et l'échelle horizontale des distances.
- L'échelle de la carte ne doit pas être inférieure à 1/100.000 chaque fois qu'il s'agit de petites divisions administratives. Les renseignements minimum qu'il y a lieu d'indiquer sur les cartes de petites divisions administratives ou des régions rurales utilisées pour les élections sont:
  - ☐ les principales caractéristiques physiques accompagnées de leurs noms (cours d'eau, montagnes, plaines, chaînes, plateaux);
  - ☐ les limites de communication avec les noms de principaux itinéraires (chemin de fer et routes et pistes);
  - ☐ les limites des divisions et subdivision administrative;
  - ☐ l'emplacement et les noms de toutes les agglomérations et localités d'une certaine importance.

L'échelle de cartes des zones urbaines ne doit pas être inférieure à 1/100.000. Ces cartes doivent fournir au moins les renseignements suivants:

- ☐ L'emplacement et les orientations approximatifs;
- ☐ les principales caractéristiques physiques avec leurs noms, rues avec leurs noms;
- ☐ les limites de la zone et ses subdivisions;
- ☐ les moyens de communication (chemins de fer, tramways, routes, ponts);
- ☐ les terrains publics et leur emplacement (parcs, marchés, cimetières);
- ☐ les zones utilisées à des fins industrielles.



Si les originaires des cartes ne peuvent être de dimensions égales, il convient d'éviter de trop grandes différences. La dimension choisie doit permettre d'éviter d'avoir à publier ou à rouler la carte pour la conserver, elle ne doit pas dépasser les dimensions des étuis à cartes du modèle courant du commerce. Toute carte qui risquerait d'excéder ces limites doit être divisée en sections.

### LA CARTE GEOGRAPHIQUE ET LES ELECTIONS A TRAVERS LE MONDE

Les élections ont besoin dans leur phase préparatoire de Cartes même anciennes surtout lorsqu'elles indiquent les principales caractéristiques physiques et écologiques. L'utilisation des cartes anciennes comme documents de travail constitue une économie d'argent et de temps. On y trouve des renseignements sur les conditions résultats du milieu naturel, la répartition de la population, les communications et les ressources.

Les rapports administratifs sur les élections effectuées dans un certain nombre de pays développés montrent que des pays de plus en plus nombreux utilisent davantage de renseignements cartographiques pour la préparation de leurs élections. Un des meilleurs exemples de la façon dont les électeurs peuvent stimuler l'intérêt porté à la cartographie et aux travaux dans ce domaine est fourni par les dernières élections présidentielles organisées en France. Les régions, les départements, les arrondissements, les communes, tout avait été cartographié.

En Iran, à l'occasion des dernières élections, les cartographes avaient été utilisés et envoyés partout sur les lieux pour déterminer l'emplacement de tous les villages du pays et pour dresser les cartes des villes et des villages de plus de 5000 habitants.

De même à l'occasion des récentes élections au Japon, on s'est spécialement attaché à préparer des cartes des districts électoraux qui ont ensuite servi d'unités pour diverses enquêtes par sondage. Pour les élections de 1999 en Afrique du Sud, chaque bureau de vote était porteur d'un plan ou d'un croquis indiquant les limites électorales ou d'une description écrite de ces limites.

Les élections à différents niveaux dans un pays sont généralement organisées après 4, 7 ans suivant le système en place. Dans beaucoup de pays, leur préparation nécessite l'utilisation et la révision des cartes dont on dispose déjà et l'établissement de cartes posées pour les régions qui ne sont pas encore comprises dans la documentation cartographique existante. C'est dire qu'en matière des élections une collaboration très étroite entre cartographes et organisateurs des élections est nécessaire. Une meilleure coordination entre d'une part les divers organismes chargés de l'établissement et de la conservation des cartes administratives, routières, sanitaires, agricoles et d'autre part le service chargé de préparer et d'exécuter les élections permettrait une utilisation plus économique et plus rationnelle. Si les cartographes se familiarisent avec les normes techniques des renseignements cartographiques destinés aux électeurs, les cartes pour les élections ne pourront que devenir meilleures et plus nombreuses.

### LES TRAVAUX CARTOGRAPHIQUES APRÈS LES ÉLECTIONS

Alors que la plus grande partie des travaux cartographiques a lieu au courant de la phase préparatoire, il y a des tâches supplémentaires à exécuter après les élections, période au cours de laquelle on a l'habitude de recueillir un grand nombre des renseignements géographiques et cartographiques nouveaux. Il sera souvent demandé aux agents affectés dans les bureaux de vote d'indiquer à l'issue des élections, toute modification ou addition qu'ils jugent nécessaire d'apporter aux cartes de leur district ou circonscription électorale. Au cas où il n'a pas existé lors des élections de carte appropriée, on pourra demander aux agents de réaliser des croquis, des schémas des circonscriptions des circonscriptions où ils ont été affectés. Tous ces renseignements doivent être reportés sur les cartes officielles au bureau central. L'établissement après élections, des cartes corrigées, des cartes sommaires, des graphiques est dans un pays, le domaine réservé à l'Institut Cartographique Officiel. C'est d'ailleurs la même institution qui est censée élaborer en amont la carte électorale. En RDC, cette prérogative est dévolue à l'Institut Géographique du Congo qui a pour mission fondamentale l'élaboration de la carte de base à 1/50.000. A cette mission s'ajoute:

- L'exécution des travaux géographiques, topographiques, photographiques, cartographiques et de couverture aérienne sur l'ensemble du territoire national.
- L'organisation de la recherche destinée à l'amélioration des méthodes de production des cartes géographiques.
- La constitution d'une banque de données géographiques de l'ensemble de la RDC.
- La conservation des documents cartographiques ainsi que des informations géographiques du pays.

Dans certains cas, on fera appel à ce même service pour dresser d'autres graphiques et diagrammes à figurer dans les publications, ainsi que pour les travaux de dessin à l'occasion des travaux des élections.

Enfin, il est utile que des dispositions soient prises pour conserver les originaux des cartes pendant les intervalles entre les élections. Avant de les classer en vue d'une rentabilisation future, on réparera ou on recopiera les cartes qui auraient été endommagées.

D'ordinaire dans les pays organisés, les services officiels en matière cartographique continuent à corriger les anciennes cartes et à en établir de nouvelles pendant l'intervalle entre deux échéances électorales.

### AUTRES METHODES GEOGRAPHIQUES

L'observation de la situation cartographique à travers le monde montre qu'il existe encore des régions dans lesquelles on ne trouve que des cartes peu détaillées voir

pas de cartes du tout. Dans de nombreux pays africains qui font partie de ce groupe, il est même très difficile de dresser des cartes à cause du manque d'équipement ou en raison de divers obstacles pour atteindre les coins reculés. En outre un certain nombre de pays n'ont pas de cartes simplement par manque de fonds, du personnel ou du matériel nécessaire pour créer un service cartographique national pouvant également s'occuper de la carte électorale.

En pareil cas, il faut s'en remettre à un répertoire systématique général de toutes les localités ou villages, de tous les secteurs administratifs, des territoires, des districts, des provinces, des communes, des quartiers, etc.

L'établissement de répertoire de ce genre est une tâche de longue haleine qui ne se limite pas seulement aux pays où les cartes sont rares. Bien au contraire les répertoires sont utilisés très souvent, en plus de la documentation cartographique, dans les régions agricoles où la population est très clairsemée. De toute manière, il faut dans tous les cas s'assurer s'il y a véritablement cohérence entre les renseignements figurant sur les cartes et sur les répertoires et, le cas échéant, corriger les répertoires et les cartes. Dans de pays qui ont l'habitude d'organiser leurs élections sur base de carte électorale et qui possèdent beaucoup de renseignement cartographiques, l'établissement des répertoires de localités et des circonscriptions électorales se borne à une mise à jour des données existantes.

L'utilisation de la carte à des fins électorales peut être complétée par celle de la photographie aérienne ou des images satellitaires. La photocopie aérienne a ses avantages dans la mesure où elle fournit de détails que les cartes ordinaires mais tel n'est pas notre propos dans le présent exposé. L'utilisation de ces techniques accroît et donne aux élections plus de chance de réussite.

## CONCLUSION

La carte géographique électorale est un document d'une grande valeur dans l'organisation du recensement et des électeurs dans un pays. Elle demeure plus que jamais un remarquable outil de travail dont on ne saurait se passer.

Le développement de nouvelles techniques et méthodes électorales, loin de lui porter ombrage lui fournira au contraire un nouveau champ d'investigation et la chance d'accomplir de nouvelles performances tant sur le plan de la perception technique que sur celui de la visite de récolte d'information.

La carte géographique électorale permet de visualiser les phénomènes de présenter les faits que la population appelait à voter est censée connaître et maîtriser. Elle est un document guide, un cadre de référence qui circonscrit l'espace, le territoire à l'intérieur duquel les opérations électorales ont eu lieu. La carte électorale donne des précisions sur la superficie et l'étendue du territoire, les subdivisions ou circonscriptions au sein desquelles vont pouvoir se dérouler les mouvements des populations. Chaque électeur est censé évoluer dans le périmètre lui défini et dont il peut prendre connaissance. Ce qui lui exige une certaine discipline dans les mouvements et dans l'accomplissement de son devoir civique.

Hormis ces caractéristiques fondamentales, la carte géographique des élections fixe également le pouvoir sur le volume de la population par circonscription électorale, localise le cas échéant les bureaux de vote, les itinéraires surtout en milieu rural, les distances à parcourir. La population doit savoir avec la plus grande exactitude où se situe tel bureau de vote, tel passage à niveau, tel point ou telle intersection de routes importantes, surtout que certes dont pouvoir lui servir dans ses déplacements sur terrain.

Loin de se tenir à l'écart des progrès techniques, la carte géographique électorale est aujourd'hui la base de toute opération en la matière. Les institutions géographiques ou l'Etat ont dans chaque pays le monopole de son élaboration. Il est dès lors recommandé au pouvoir public de doter ces institutions des moyens et un équipement adéquat leur permettant de bien jouer leur rôle électoral.

# THE ELECTORAL SYSTEM AND DEMOCRATISATION IN ZIMBABWE SINCE 1980

*By*  
*Lloyd M. Sachikonye*

Professor Lloyd Michael Sachikonye is a researcher and lecturer  
in the Institute of Development Studies, University of Zimbabwe, P O Box 880, Harare  
Tel: +263 4 333341-3; Fax: +263 4 333345; e-mail: sachi@zol.co.zw

## I NTRODUCTION

In the past few years a body of useful and illuminating studies of electoral systems in the various countries of Southern Africa has emerged. The electoral profiles have been useful in showing the similarities and differences between different national electoral systems as well as their strengths and weaknesses. The Electoral Institute of Southern Africa (EISA) is one of the key institutions which have actively encouraged research and comparative analysis in this field. One system that has attracted considerable interest is that of Zimbabwe. Recent contributions on Zimbabwe's electoral system have concentrated on building a profile of the system, analysing the politics of electoral administration and developing a critique of the limitations of the present electoral structures (Sachikonye 1999; Makumbe and Compagnon 2000; Spicer 2001). This growth in electoral studies is welcome and timely because it appropriately places elections at the centre of the discourse on governance.

As the Democratic Republic of Congo (DRC) consolidates its peace process and initiates a programme of democratisation, this is a timely juncture to consider which model of electoral system would be appropriate and sustainable for its purposes, given the country's post-independence history and experiences and the aspirations of its people. The model will be developed by the institutions and peoples of the DRC on the basis of a national dialogue and compromise. The electoral profiles and experiences of other countries will, of course, be useful to the extent to which they show the positive and negative aspects of the systems used in those countries. To that degree, constitutional experts, politicians and civil society organisations in the DRC will seek to identify what has worked in other electoral systems, and what has not.

This paper examines Zimbabwe's electoral system as it has evolved since independence. It begins by outlining its origin in the Lancaster House compromise constitution, and the subsequent changes it underwent. This is followed by an evaluation of the key institutions involved in the administration of the elections

themselves with particular attention paid to their strengths and weaknesses. These institutions include the Electoral Supervisory Commission (ESC), the Delimitation Commission and the Election Directorate. The paper considers the significance of the performance of the electoral system as a whole during the 2000 elections, which became a post-independence landmark. In particular, the relative strengths and shortcomings of the system are weighed.

This paper was originally prepared before the March 2002 presidential election, whose conduct and outcome further exposed the serious weaknesses in Zimbabwe's electoral system. I add a brief postscript highlighting the flaws in the March 2002 election, which generated an international debate and outcry, leading some countries and organisations to declare that the election was not 'free and fair'.

A national electoral profile would be incomplete if it were not related to the wider challenge and process of deepening democracy, more generally understood as democratisation. Democratisation involves the construction of participatory and competitive political institutions and requires that democratic rules become firmly institutionalised and valued by all the political actors (Bratton and van de Walle 1997). Clearly it takes years, if not several generations, to build and consolidate such democratic institutions and values on the basis of a broad national consensus. In that sense, democratisation is a protracted process – often a 'work-in-progress' rather than a single event. Elections are therefore central to the process of democratisation. The electoral system in Zimbabwe needs to be placed in this broader context. To what extent has the system enhanced or slowed or hampered the democratisation process in the country? What changes have therefore been sought to make the electoral system more democratic and legitimate? The paper implicitly reflects on these issues before concluding with a set of recommendations for a fair, transparent and accountable electoral system.

### THE ELECTORAL SYSTEM AT INDEPENDENCE

The main features of the electoral system at independence were spelt out in the Lancaster House Constitution, which was negotiated between the British colonial power, the nationalist/liberation movement and parties to 'internal settlement' set up in 1979. It was of necessity a compromise agreement which was as much intended to end a protracted civil war as to pave the way to an internationally recognised independence. Until 1979 the black majority had been denied the right to participate fully as voters in the electoral system. The concept of 'one person, one vote' was enshrined in the Constitution, and the proportional representation system used in the 1980 election. As a compromise, the Constitution provided for 20 reserved seats for the white minority in a 100-seat House of Assembly. In addition, the Lancaster House Constitution provided for an upper house, the Senate, with 40 members. Fourteen of the seats were reserved for blacks elected by the 80 black members of the Assembly, 10 were reserved for whites elected by the 20 white members of the Assembly, 10 for traditional chiefs, and the remaining six were filled by Presidential

appointment (Moyo 1992). Again, as a compromise measure to safeguard the interests of whites in parliament, the Constitution entrenched the racial composition of the Senate and House of Assembly by prohibiting any constitutional amendments that would have the effect of abolishing white seats in the two houses before 1987.

The significant aspects of the constitutional provisions related to the use of the proportional representation system in the 1980 election and the safeguards on racial representation for seven years. Both provisions were aimed at building confidence in a society that had, until then, been engaged in a fratricidal civil conflict.

In the 1980 elections, the PR system incorporated a 5 per cent threshold in its allocation of seats to the contesting parties. Three black parties – Zanu-PF (under Robert Mugabe), PF-Zapu under Joshua Nkomo and the United African National Congress (UANC – under Abel Muzorewa), and the main white party – the Rhodesian Front (RF – under Ian Smith) contested and won seats. Zanu-PF won 57 seats, PF-Zapu 20 and the UANC 3, while the RF swept all 20 seats reserved for whites. However, this was the last election in which the PR system was used. The Electoral Act was amended in 1987 to introduce the first-past-the-post, or ‘winner-takes-all’ system and in subsequent elections (until 2000) Zanu-PF was the major beneficiary of the new system. Other amendments in 1987 abolished the 20 seats reserved for whites and introduced a powerful executive presidency.

### KEY INSTITUTIONS

The four key institutions involved in the Zimbabwean electoral system and process are the Delimitation Commission, the Electoral Supervisory Commission (ESC), the Election Directorate and the Registrar-General’s Office.

#### *The Delimitation Commission*

The Delimitation Commission is responsible for determining the boundaries of constituencies (currently Zimbabwe is divided into 120 constituencies). The last Delimitation Commission Report was presented in 2000, just prior to the elections of that year. The Commission is convened by the President at five-yearly intervals, or prior to the holding of the next election. It submits to the President a report comprising a list of the constituencies delimited, with the names assigned to each and a description of their boundaries; a map of the country showing the delimited constituencies and any further information the Commission considers necessary (Delimitation Commission 1995).

In dividing Zimbabwe into constituencies the Commission takes into account the physical features of and means of communication within an area, the geographical distribution of voters registered on the common roll, and any community interest between voters registered on that roll. Constituency boundaries should be delimited to incorporate, as closely as possible, equal numbers of registered voters.



### *The Electoral Supervisory Commission*

The ESC is the body tasked with the responsibility of supervising the electoral process. Its functions are:

- To supervise the registration of voters and conduct the election of members of parliament and of the President.
- To supervise the registration of voters and conduct of elections to the governing bodies of local authorities.
- To consider any proposed Bill or statutory instrument which may be referred to it and which relates to presidential, parliamentary or local authority elections.

Like the Delimitation Commission, the ESC is appointed by the President, to whom it reports on matters relating to its functions. Through the Ministry of Justice, Legal and Parliamentary Affairs it can have its reports placed before parliament. The ESC is funded by parliament through the same Ministry of Justice, Legal and Parliamentary Affairs; its budget is determined by the ministry, which has a decisive say in how the allocated funds are used. Effectively, therefore, the ministry controls the use to which funds may be put, and the ESC is treated the same way as any other department of the ministry (ESC 1997).

At the end of each election, the ESC submits a report to the President on the conduct and outcome of that election. The issues covered in these reports are usually wide-ranging, encompassing voter registration, financing of campaigns, election monitoring, instances of intimidation and violence, media coverage and the counting of votes. Significantly, they also pronounce on whether a particular election is 'free and fair'.

### THE ELECTION DIRECTORATE

The Election Directorate, which was created in 1990, consists of civil servants under the chairmanship of the Public Service Commission (PSC). The responsibilities of the Directorate are:

- To co-ordinate the activities of ministries and departments of government in regard to the delimitation of constituencies, the registration of voters, the conduct of polls and all other matters connected with elections.
- To give instructions and make recommendations to the Registrar-General in regard to the exercise of his functions under the Electoral Act, and other persons in the employment of the state for the purpose of ensuring the efficient, proper, free and fair conduct of elections.
- To ensure that elections are conducted efficiently, freely and fairly.

Electoral Act, 1996

Prior to 1990 the forerunner of the Directorate was an informal body of civil servants established in recognition of the fact that the Registrar-General did not have the necessary power to command the resources he needed to execute his duties under the Electoral Act. The establishment of the Election Directorate added to the number of players involved in the electoral process, splitting responsibility between them still further. However, it has been argued that without the present Election Directorate, no one could currently command sufficient authority to secure the resources necessary for the effective and efficient management of elections.

### THE REGISTRAR-GENERAL OF ELECTIONS

The Registrar-General (R-G) of Elections is a public servant whose office falls under the Registrar-General's office in the Ministry of Home Affairs. His functions in the electoral process, however, entail his being answerable to the Ministry of Justice, Legal and Parliamentary Affairs. Since the functions of the Registrar-General are funded by the Ministry of Home Affairs, his office is answerable to both ministries concurrently.

The Registrar-General is responsible for the execution of the electoral process. This specifically involves the following responsibilities:

- registering voters;
- preparing voters' rolls;
- presiding over the nomination court for the nomination of candidates;
- providing ballot papers;
- setting up polling stations;
- providing electoral staff;
- declaring election results;
- taking custody of election materials.

Electoral Act 1996; EEC 1997

These extensive functions make the Registrar-General of Elections central to, and therefore very powerful in, the electoral process. At the same time, any weaknesses or limitations in the discharge of these functions have a ripple effect on the entire electoral process. The centrality of the Registrar-General is enhanced by other provisions in the Electoral Act. For instance, it is clearly stated that the Registrar-General 'shall not be subject to the control of any person or authority other than the Election Directorate' (Electoral Act 1996). By implication, this means that the Registrar-General is not subject to the control of the ESC, although he shall have 'regard to any of its reports or recommendation'. More generally, the Registrar of Elections is expected to provide the ESC with reports relating to the registration of voters and the conduct of elections, as well as to keep it informed on matters relating to the exercise of his functions under the Electoral Act. However, in practice the Registrar tends to act independently from the ESC.

In concluding this section, it is worthwhile highlighting the unique role of the Zimbabwean electoral commission, the ESC. Compared with electoral commissions in several other countries in Southern Africa, the ESC is a weak institution, lacking autonomy. Indeed, its role is deliberately ambiguous. Nowhere are its powers explicitly stated, nor has it been clear which powers it can assume without risking a challenge (ESC 1997). Although the Constitution states that the powers of the ESC may be provided under an Act of Parliament, no such provision has been made. It has been left almost entirely to ESC members to decide for themselves what they perceive their powers to be. A specific concern relates to the lack of authority on the part of the ESC to impose sanctions for breaches of electoral laws during the period of campaigning and voting.

Furthermore, as noted above, the ESC has no independent budget. It depends for its operations on a small allocation from its parent ministry – its 1995-96 budget allocation, for instance, amounted to a meagre Z\$200 000. During the 2000 election this budget was increased to Z\$4 million, a small grant by any standards in view of its responsibilities. Moreover, the ESC has no staff or office of its own – these facilities are provided by the parent ministry of Justice, Legal and Parliamentary Affairs. In view of its ambiguous and limited powers and meagre resources, the ESC is therefore constrained in exercising its ‘supervisory role’ in the electoral process. The powers which would normally devolve on an independent electoral commission have been dispersed to the Election Directorate and the Registrar-General of Elections. It is the view of most opposition parties and civil society organisations that this lack of independence has undermined the ESC’s public image as well as the credibility of the electoral process. Clearly, the Election Directorate and Registrar-General of Elections are more substantial players in this process than the ESC itself for they draw upon government resources and intervene at all crucial stages of the electoral process.

#### MAJOR LANDMARKS AND CONSTRAINTS IN THE ELECTORAL PROCESS

For all its imperfections, the Zimbabwe electoral system has handled regular parliamentary elections since 1980 under a nominally multi-party system. Following the epoch-making independence elections there were other elections conducted in 1985, 1990, 1995 and 2000. There were also presidential elections in 1990 and 1996. The post-1980 elections were held under the ‘first-past-the-post’ system, which tended to favour the incumbent party. For instance, in 1985, Zanu-PF increased its seats to 64 while those of PF-Zapu declined to 15. The smaller Zanu-Ndonga party won only one seat.

The overall context of political competition between 1982 and 1987 was one of conflict between Zanu-PF and PF-Zapu. This conflict flared into a civil war in the Matabeleland provinces and its cessation was resolved through political negotiation, which eventually led to a merger agreement between the two parties. The agreement

formed the basis of what was termed a Unity Accord, one of whose objectives was the establishment of a one-party state system (Banana 1989). The commitment to the concept of a one-party state was an attempt by Zanu-PF – ultimately unsuccessful – to assert complete hegemony over the political system. This was strenuously resisted by opposition parties and civil society organisations, including the labour movement, which view such a concept as outdated and a harbinger of entrenched authoritarianism. However, although the campaign against a formal one-party state was successful, it did not mean that a *de facto* one-party state could not emerge (Mandaza and Sachikonye 1991). That is precisely what happened between 1989 and 2000.

**Parliamentary Election Results  
Elected Seats 1980-2000**

	1980	1985	1990	1995	2000
ZANU-PF	57	63	117	117	62
ZAPU	20	15	–	–	–
ZANU-Ndonga	–	1	1	2	1
MDC	–	–	–	–	57
RF/CAZ	20	15	–	–	–
UANC	3	–	–	–	–
ZUM	–	–	2	–	–
INDEPENDENT	–	5	–	1	–

Source: ESC reports (various)

After the merger of Zanu-PF and PF-Zapu, the new merged party (still known as Zanu-PF) easily dominated the elections of 1990 and 1995. In the 1990 election, Zanu-PF won 117 of 120 directly elected seats. In the 1995 election, it retained those seats. In addition, presidential patronage ensured that 30 non-constituency seats were filled with figures sympathetic to Zanu-PF. Misgivings about an electoral system which effectively provided monopoly to one party inevitably grew in the 1990s. One indicator of the misgivings was the growing alienation amongst voters. It is noteworthy that the number of voters who participated in elections declined steadily after the 1980 election. From an estimated turnout of 94 per cent in 1980, the proportion declined to 57 per cent in 1995 and fell further, to 32 per cent, in the 1996 presidential election. It was also significant that opposition parties boycotted the 1996 poll because of their misgivings about the electoral system.

The unsatisfactory and contentious aspects of the system included the delimitation process, voter registration, the electioneering and monitoring process as well as inequitable access by different parties to resources.

As detailed above, the Delimitation Commission is appointed by the President to determine constituency boundaries. One notable limitation of the Commission has been the absence of a constitutional provision for public participation in the delimitation process, resulting in the absence of involvement of interested stakeholders – especially political parties, women and youth organisations. The Commission reports to the President, who may raise objections if he is not satisfied with it, but the public is denied the same privilege. It has therefore been argued that the public should be entitled to give its opinion and seal of approval to the delimitation exercise and, by so doing, reduce the likelihood of a challenge to the validity of the exercise. In the same way and for the same reasons as voters' rolls are subjected to public inspection, the Delimitation Report should also be inspected and verified by members of the public before it is finalised. In light of this, several recommendations have been made about ways to improve the standing and effectiveness of the Commission (ESC 1997). These are that:

- The consultation process before the President appoints members of the Commission should be more broadly based.
- A preliminary delimitation report, which should be published in the *Government Gazette* and should be open for inspection and comments by the public, should precede the submission of the report to the President.
- The Delimitation Commission should be appointed or convened well in advance of a general election to allow sufficient time for proper performance of its functions with the participation of members of the public.

The credibility and legitimacy of Delimitation Reports will hinge on whether they meet these conditions and expectations.

The issue of voter registration has been bedevilled with problems in the past. As observed above, it is largely the responsibility of the Registrar of Elections to ensure that registration is carried out properly and that the voters' rolls are up to date. There have been persistent problems with ensuring that the voter registration process is properly managed. For example, between the general elections of 1985 and 1990, the voters' roll was not updated by the Registrar of Elections to remove names of deceased voters or those who had renounced their citizenship. The registration exercise is not well publicised and an unsatisfactorily large number of voters often find that their names do not appear on the constituency roll on which they thought they were registered. Equally seriously, the fact that no reliable voters' roll was produced for the 1990 elections meant that the work of the Delimitation Commission was handicapped (ESC 1990).

In view of these experiences some analysts have recommended that voter registration should commence well in advance of elections so that all eligible voters

may have an opportunity to register. This opinion has been reinforced by civic organisations and political parties, which have advocated that voter registration should be a continuous exercise, which would incorporate those who reached the voting age of 18 and eliminate voters who died in the period between elections. Should a system of continuous registration be adopted, there is also an argument for a cut-off date by which registration stops – six months before an election, perhaps. It is also argued that there should be an institutional department which undertakes electoral work on a full-time basis (ESC 1995).

There are several observations to be made with regard to electioneering or the election campaign process. Although the country has enjoyed political stability for most of its post-independence years, its election campaigns have not been free of problems. Every election since independence, particularly those in 1985, 1990 and 2000, has been marked by varying degrees of intimidation and violence. Most of the violent incidents occurred between supporters of the ruling Zanu-PF and state security operatives on the one hand and opposition party supporters on the other.

the irony of the 1985 election ... was the almost unbelievable reaction of many Zanu-P supporters, mainly women and youth in urban areas. A few days after news of the election victory, they went on a rampage, beating up and evicting members of opposition parties from their houses. Whole families and their belongings were thrown out onto the streets ... Several people were killed in this post-election violence.

Sithole 1986

Further violence broke out during the 1990 election campaign when election-related intimidation and violence was reported in most provinces (CCJP 1990). Probably the most notable incident was the shooting of an opposition candidate who was contesting a seat against the Vice-President, Simon Muzenda.

On the whole, there were far fewer incidents of intimidation and violence during the 1995 election campaign. However, this was not a foretaste of better behaviour in the future because the barometer shot up significantly during the 2000 election campaign.

Other aspects of the electoral process that should be considered relate to the monitoring of elections and counting of the votes. It is important to note that election monitoring is a relatively new phenomenon in Zimbabwe, with the first exercise mounted during the 1995 election. About 4 000 election monitors were recruited in 1995, mainly by civic organisations, principally the church and human rights organisations such as the Catholic Commission for Justice and Peace (CCJP), the Zimbabwe Council of Churches (ZCC) and Zimrights. Monitoring has been defined as the process of observing and evaluating and rectifying irregularities (together with responsible officers) during the election process, 'with a view to

ensuring that the elections are carried out in a conducive atmosphere and that they are fair in accordance with the electoral laws and norms' (ZCC 1995).

The ESC has acknowledged the valuable contribution of election monitors. During the 1995 elections, there was a full coverage by monitors of all constituencies. Monitors could enter any voting or counting station. They were required to report all complaints and irregularities to the ESC through provincial co-ordinators. The monitoring programme during the 1995 election appears to have been successful. Since then, the ESC has also drawn upon monitors to observe subsequent by-elections and local government elections. However, problems were experienced in monitoring the highly-charged 2000 election.

According to the Electoral Act, a constituency registrar should establish as many fixed polling stations as he may determine to be necessary for purposes of conveniently taking a poll of his or her constituency. The constituency is required to publish the places at which the polling stations are to be located and the hours during which they will be open. A constituency registrar may also provide for mobile polling stations that can be moved from place to place in his constituency. The main criteria determining the location of polling stations are convenience and accessibility. It is expected that stations will be accessible to all categories of voters, including women and the elderly.

While security and technical arrangements for elections have been reasonably adequate, several other problems have been experienced. One was that some voters were left without access to mobile polling stations because of vehicle breakdowns and under-estimates of the voter population. Another important issue raised by some political parties relates to the number of voting days. Since independence, voting in all general elections (and by-elections) has been extended to two or three days. The reasons advanced for this extension concern the logistical aspects of voting, especially in rural areas, and the long distances travelled by voters to reach polling stations. However, opposition parties have alleged that prolonging voting beyond one day provides opportunities for vote rigging.

Finally, a number of structural issues regarding the Zimbabwean electoral process need to be spelt out. These relate to inequitable access to resources for electioneering, in particular access by parties to public funding and the media. The issue of political party funding has been a contentious one in Zimbabwean politics with most political parties charging that the funding system was inequitable. However, until the early 1990s, there was no state mechanism for funding political parties from public resources. The mechanism introduced was the Political Parties (Finance) Act, which confined funding to parties with a minimum of 15 seats in parliament. It was not until 1998 that Zanu-PF's monopoly of state funding was legally challenged by an opposition party in the Supreme Court. The Court ruled that the threshold for access to funding should be lowered to a minimum of 5 per cent of votes received by a party in an election contest.

Access to funding determines the capacity of a political party to field a certain number of candidates as well as its access to the media, transport and other necessary



facilities for campaigning. Most opposition parties have been seriously handicapped by the absence of these resources. By contrast, Zanu-PF received Z\$65 million annually from the state in 1998 and 1999. In addition, it took advantage of its ruling party status to utilise other state resources at election time. These included government vehicles, personnel and accommodation facilities. From the perspective of opposition parties, this was patently unfair: it was pointed out that 'either all parties should not have access to any state resources or there should be an equitable distribution of these resources' (a party representative quoted in Sachikonye 1999). The ESC itself acknowledged the centrality of funding, observing that the disadvantages faced by opposition candidates in terms of transport and financial resources were quite evident and pronounced (ESC 1995). It went on to recommend that the issue of party funding be addressed before the next election, but this was not to be – it remains an outstanding issue.

Party access to the media, particularly at election time, is also inequitable, largely because of monopoly of control and ownership by government of the key public media. Through the Mass Media Trust, the government owns and controls the major newspaper chain, Zimpapers, which runs two dailies, two Sunday papers and several weeklies. It also virtually controls the main television and radio network, the Zimbabwe Broadcasting Corporation (ZBC). Although there are a few independent weekly and monthly newspapers and magazines, their circulation is small; notably, none of them is owned by any of the opposition parties.

Not surprisingly, perhaps, the state-owned media have tended to be partisan in their coverage of election campaigns. An independent media commission has therefore been proposed by opposition parties to address the problem of partisanship during election campaigns. Such a commission would seek to ensure media neutrality by insisting on equal access to radio and television for contending parties. In addition, a commission would hear complaints and concerns pertaining to election coverage. For its part, the ESC has recommended the preparation of comprehensive guidelines on election coverage, such guidelines to become the code of ethics for election coverage (ESC 1995).

Elections are in the public interest, and are central to democracy. The arguments for equitable access by all parties to the media and for a code of ethics in election coverage are compelling.

No discussion of the limitations of the Zimbabwean electoral system would be complete without reference to a major debate about the relative merits of the 'first-past-the-post' and the proportional representation systems. In constitutional reform proposals drawn up by a government-sponsored Constitutional Commission (CC) and by the civil society-driven National Constitutional Assembly (NCA), the concept of a PR system was accepted in principle. While the NCA draft proposed a full PR system, the CC draft advocated a mixture of PR and 'first-past-the-post'. The constitutional reform process is currently in limbo, but it is hoped that when it is resumed the issue of electoral reform will feature prominently in order to address the imperfections in the current system.

### THE ELECTORAL SYSTEM AND THE 2000 ELECTION

The strengths and weaknesses of any electoral system are clearly highlighted during an election, and Zimbabwe's 2000 parliamentary election was no exception. The 2000 election acquired a special significance in that the two main contending parties were more or less evenly matched. As in past elections, the conduct of the actual polling on election days was satisfactory. Most international and domestic observers attested to the technical capacity of election officials to conduct a credible poll and to count the votes. The report of the Commonwealth Observer mission was typical of the observer reports:

... the polling and counting days were generally calm, orderly and peaceful and the process went smoothly. We were impressed with the spirit of those queuing to vote, which was often determined, sometimes enthusiastic and almost always composed ... We were impressed with the professionalism of the polling station staff. While levels of competence varied, the Presiding Officers and polling officials were generally impartial, efficient and effective and had clearly been well-trained ...

Commonwealth Observer Group 2000

For its part, the European Election Observation Mission concurred that the voting process was calm and well organised, while the Electoral Commissions Forum of SADC countries spoke of the 'professional and competent manner in which the polls and vote counting was conducted' (EU Observation Report 2000; ECF 2000). It is useful that this final stage is conducted mainly by civil servants, most of them teachers and local officials who value professionalism.

However, the earlier stages of the electoral process were not as flawless. Those observer missions that arrive to monitor only the last stage are likely to draw misleading conclusions. The earlier stages of voter registration, delimitation, electioneering and monitoring are as important as the final stage. One critical assessment of how these early stages were handled showed that they were accompanied by considerable flaws (MMPZ 2001). One of these related to voter registration. It was observed, for instance, that the state of the voters' roll was a matter of concern well before the election and that during polling it was evident that, despite attempts to update the roll, major problems still existed (Commonwealth Observer Group 2000). These problems had, regrettably, resulted in the disenfranchisement of large numbers of potential voters, many of whom asserted that they had completed all necessary procedures but still did not appear on either the main or the supplementary rolls. Large discrepancies existed on the voters' rolls and, during the polling days, about 7 per cent of potential voters in some areas were turned away because they did not appear on the roll (Saunders 2001). The process of voter registration therefore remains the Achilles heel of Zimbabwe's

electoral system, which should be addressed as a matter of urgency well before the next election is due.

There were also shortcomings in the timing of the appointment of the Delimitation Commission prior to the 2000 election. The late appointment of the Commission delayed its work; indeed, its report was made available to the public only three weeks before the polling days. This resulted in opposition concerns that, because no proper public scrutiny was possible, changes might have been introduced that would benefit only the ruling party, which the opposition would have insufficient time to challenge (EU Observation Report 2000). The shortage of time in which to inspect the report meant that there was bound to be some confusion amongst voters in constituencies where boundaries had changed about where they should vote. Clearly, the Delimitation Commission should have ample time in which to conduct its work and the work should be undertaken in a transparent fashion.

The 2000 election is likely to be remembered for a long time, though, largely because the election campaign was carried out amid a degree of intimidation and violence unheard of since independence. Clearly, the stakes were much higher than in any other election since that of 1980. Although the months and weeks before polling day were characterised by this unprecedented violence, election day itself was calm. By most accounts, the widespread violence, which resulted in more than 30 deaths, was perpetrated against opposition candidates and supporters. The violence tarnished the image of Zimbabwe and its electoral system considerably (Sachikonye 2000). There was consensus amongst civil society organisations, the independent media and observers that intimidation and violence adversely affected the electoral process. In the final analysis, these factors did not make the achievement of 'free and fair' elections possible. Many regions, particularly but not exclusively in rural areas, effectively became 'no-go' zones for opposition party campaigners (Saunders 2001). There was also plentiful evidence that most of the intimidation and violence was carried out by Zanu-PF and its 'war veteran' supporters, and was aimed principally at the strongest opposition party, the Movement for Democratic Change (MDC). According to one observer group which visited the country much earlier than most:

Pre-election violence created an atmosphere of anxiety and fear. It substantially restricted the exercise of freedoms of opinion, expression, association, assembly and movement, as well as the right to be secure from physical harm due to political affiliation. The abilities of political parties and many candidates, predominantly from the opposition, to campaign openly and freely do not meet international standards for fair electoral competition.

NDI 2000

Similar sentiments were expressed by international observer groups such as the Commonwealth Observer Group (COG) and the EU Election Observation Mission.

Electoral violence was to some extent linked to 'land occupations', which were orchestrated by both Zanu-PF and the 'war veterans'. The net impact nevertheless cast a dark shadow over the campaign period. This was exacerbated by the apparent inability or unwillingness of security agencies, especially the police, to act against those involved.

Yet another impediment to a smooth electoral process in 2000 was the regulations relating to monitoring that were introduced in the middle of the campaign. Less than three weeks before polling, a number of changes were made to the Electoral Act, including one which removed authority over observers and monitors from the ESC and granted it to the Registrar-General. The new regulation further stipulated that only one monitor would be allowed to be present within each polling station at any one time. The monitoring groups, which had previously planned to place four to five monitors within each station, viewed the reduced number as increasing the risk of electoral fraud and intimidation of individual voters.

During the election period itself, in June 2000, there was some prevarication by the Registrar-General's Office before 16 000 domestic monitors could be accredited. One observer mission noted that, in some instances, it 'was too late for many monitors to reach outlying districts to monitor polling stations there' (EU Observer Mission 2000). This prompted the ECF to recommend that the Zimbabwe electoral authorities should 'establish clear procedures for the accreditation of domestic monitors early in the electoral process' (ECF 2000).

As in previous elections, the matter of unequal access to media coverage was a distinguishing feature of the 2000 contest. It often took the form of providing very generous space for the views and campaign activities of the ruling Zanu-PF party and virtually ignoring those of opposition parties. This was very clear in the state-controlled media. The opposition campaign was highlighted mainly in the independent media, coverage that was limited by the absence of independent radio and television. It was not surprising that most domestic and international observers singled out media partisanship as having a major bearing on the electoral process. As the Commonwealth Observer Group pointed out:

The radio and television broadcasts of the ZBC, particularly the news bulletins, were heavily biased in favour of the ruling party. It has been instrumental in getting the party's message to the rural areas and in denouncing the opposition. Numerous bulletins on the ZBC during the election campaign started with lengthy reports of speeches by Zanu-PF ministers and candidates. Sometimes such reports comprised half of the entire bulletin, which also contained no mention of any opposition parties.

COG 2000

Another group concluded that 'the ZBC and government-controlled newspapers were used as publicity vehicles for Zanu-PF' (EU Election Observation Mission 2000).

It was also noted that most editorials in the state-controlled press concentrated on government policy on land while those of the independent press reported on the desire for a change in leadership and economic policy.

The people who did not benefit from the manifestly biased reportage were the voters, who were not provided with sufficient information to help them make up their minds about whom to vote for. With a few exceptions, the media thus failed to provide a balanced and educative coverage for the benefit of the electorate. A domestic media monitoring group added to the chorus, observing that vital lessons should be drawn from the manner in which the media had covered the 2000 election. One such lesson was that it had clearly emerged that electoral support for the two main parties, Zanu-PF and MDC, was roughly equal – a reality which should be reflected in their access to the media, as well as in the amount and quality of coverage given to their candidates.

Finally, another significant aspect of the 2000 election was the tug-of-war, indeed the clash, between the ESC and the Registrar-General's office during the campaign. Two episodes revealed the rupture between the two institutions. After persistently complaining, to little avail, about a serious lack of staff and resources to supervise and monitor elections effectively, and about the lack of information from the Registrar-General, the ESC chairman, Bishop Hatendi, resigned from his post in early 2000. This confirmed the uneasiness of the relationship between a weak ESC and a relatively powerful Registrar-General's Office.

In an unprecedented legal challenge to the R-G, the ESC then charged that it had not been involved in the supervision of voter registration for the 2000 elections as the Electoral Act required. It also challenged the government decision to make changes to the electoral system by decree, without consulting the ESC. These changes affected the accreditation of monitors and observers, as well as rules for the postal ballot system. The court ruled against the ESC's contention that it was 'the sole body' entrusted by the Constitution with supervising elections and accrediting monitors, observers and polling agents. The *de facto* powerful position of the R-G was thus reinforced by the ruling, and the authority of the ESC authority was further substantially eroded. Clearly, there would need to be an urgent review of the relations between the ESC and the R-G, and of the role of the ESC in the broader electoral system.

## CONCLUSION AND RECOMMENDATIONS

### *Democratisation*

The principal objective of this paper was to examine the main features of Zimbabwe's electoral system with a view to highlighting its strengths and weaknesses and those elements that require revamping. However, another objective was to show a link between the broader process of democratisation and the specific aspects of the electoral process. Political developments in the past 21 years show a fragile multi-party system buffeted by many pressures, not least a concerted Zanu-

PF agenda for complete hegemony. The quest for such hegemony underlay the imperative for a Unity Accord, which was sealed in a merger with the only major opposition party, PF-Zapu, in the 1980s. More generally, the adherence by the ruling party to a one-party state ideology showed a strong streak of intolerance and authoritarianism. The fact that there was far less violence during the election campaigns of the 1980s and 1990s can largely be attributed to the fact that the challenge posed by opposition parties was weak. It was an era in which Zanu-PF possessed a 'dominant party' status. But this had a stultifying effect on the democracy, which had remained fragile at best. Among the inhibiting elements were the virtual monopoly of state-owned media and an electoral system that was biased towards the interests of the ruling party – witness, for example, the powers the President wielded in appointing 30 parliamentarians, members of the Delimitation Commission and the Electoral Supervisory Commission. Public participation in the running of electoral institutions was circumscribed, and genuine political pluralism was threatened.

While authoritarianism and intolerance grew, especially in the late 1990s, civil society organisations flowered and strove for greater democratisation. There was a proliferation of human rights organisations, labour unions, student unions, women's groups, media organisations and constitutional reform advocacy groups as well as a noticeable growth in the density of civil society organisations, which became sites of resistance to the growing state authoritarianism and ruling party arrogance and intolerance.

Among the matters contested by the state and the ruling party on the one hand and civil society on the other were deficiencies in the electoral system. Much of the impetus behind the constitutional reform movement centred on the question of overhauling the system. Civil society organisations have been active in providing civic education to voters and monitors, and continue to campaign for fair media coverage during elections. Taken in combination, the activities of these organisations are a major contribution to democratisation. Inevitably, democratisation of society and its institutions is a protracted process.

However, there have been periods during which some of the campaigns have paid off. As observed above, in the 2000 election the opposition movement won 58 directly contested seats, compared to 62 won by the ruling Zanu-PF party. The prospects for genuine political pluralism seemed much brighter than they had at any time since independence. In spite of intimidation, violence and unequal access to resources by parties during elections, there is a growing maturity amongst voters. Reform of the electoral system to make it more transparent and efficient would guarantee its competitiveness and fairness and contribute to consolidating the democratisation process.

But there are other issues which must be attended to in any society (including the DRC) which wishes to ensure a fair, transparent and democratic electoral system.



### *Delimitation*

The need to delimit constituencies well before an election is generally understood. However, what is less clearly understood is that the process of appointing members to the Delimitation Commission should be transparent and the consultation process leading to the appointments should be broadly based and should involve a body such as a Judicial Service Commission. When the Commission issues a report on the delimitation of constituencies, the preliminary draft should be published in a Government Gazette and be open to inspection and comment by members of the public as well as by interested organised groups.

It would be prudent to have the Commission appointed or convened well in advance of a general election to allow sufficient time for proper performance of its functions with the participation of the public. It cannot be over-stressed that the delimitation process is crucial. It is a vital indicator of the electoral norms and procedures in any given country not only because it establishes the territorial basis of elected representation but because the criteria and decision-making in the delimitation process illustrate important characteristics of electoral management.

### *Voter Registration and Education*

There should be a thorough and regular transparent and participatory voter registration process. Registration should be carried out well before the election is due, and information gained from registration should serve as a basis for delimitation. Wide publicity should be given to voter registration, and the media need to play an active part in this process. The voters' rolls or registers should be available for public inspection well before polling day. As has been observed, voter registration is the first step in engagement by citizens in the electoral process and must therefore be conducted in a thorough and non-partisan manner (Pottie 2001). For many citizens in Southern African countries, voter registration is a primary contact with the state and the issue of voter identification documents is a matter of pride and significance.

Voter registration must be accompanied by civic or voter education. Civic education is indispensable in the development of a democratic culture. Responsibility for civic and voter education should not be left in the hands of civil society organisations alone. National electoral commissions have a vital role to play in the dissemination of voter education on a continuous basis. State institutions and the media need to engage in this process as well. Voter education should be aimed at empowering voters to make choices about who to vote for as well as at increasing their awareness about the basic features of the electoral process. Because illiteracy is a major hurdle, innovative methods that draw upon vernacular languages and symbols should be used to provide voters with the tools to enable them to make their political choices through the vote. More generally, this empowerment of voters should lead to increased participation in the governance



process through an increased capacity to insist on the accountability and transparency of those in government.

### *Conflict Resolution During Election Campaigns*

Tension between contesting parties often rises sharply during electioneering periods. Unfortunately, this tension can explode into violence and disorder. It is even more difficult to address violence when the ruling party is implicated in orchestrating it. The ability to campaign without fear of violence is a vital element of free and fair elections and a basic political right that requires vigilance and commitment on the part of contesting parties, their supporters, the security forces and the electoral commission (Pottie 2001). It is therefore necessary to have a code of conduct that prohibits parties from engaging in intimidation or violence against supporters of a different party, from carrying or displaying weapons at election meetings, and from destroying voting or election material. Training party activists and enforcing the provisions of such a code could help reduce the type of violence that erupted during the Zimbabwe elections and promote respect for those holding differing views. Such efforts should continue in the post-election period to ensure peace and stability, no matter what the outcome of the elections may be (NDI 2000). However, codes of conduct should be accompanied by institutional arrangements to ensure that parties comply with them. For example, South Africa has a specially constituted court with final jurisdiction over infringements of the Electoral Act and the Code of Conduct.

It was significant that one of the recommendations of the Electoral Commission Forum (ECF) of SADC Countries who observed the 2000 Zimbabwe election was that conflict management and conflict resolution mechanisms should be developed to deal with election-related conflicts (ECF 2000). This is a valuable proposition, given the limitations of the current mechanisms. Currently, election petitions and grievances are made to the High Court in Zimbabwe. A petition alleging that an elected representative should be disqualified on the grounds of corrupt or illegal practice, irregularity and other related reasons may be presented to the High Court by an election candidate or a registered voter. One successful petition after the 1995 election put under the spotlight issues of the state of the voters' roll and the management of the polling and counting processes. After the 2000 election, more than 30 petitions were filed with the High Court, and more than half of these have still, in 2003, to be ruled on.

In the case of South Africa, political party liaison committees, operating at national, regional and sometimes local levels, are the first level at which parties can bring up complaints about each others' actions. However, if these committees are to function effectively they should not become the main forum for resolving disputes, this should be undertaken by conflict management committees (CMCs) (Pottie 2001). CMCs, whose members included specialist NGO representatives, police and army officers and election commission staff, were established in each

province about a month before polling. Their role was to mediate complaints and disputes brought by contesting parties. Clearly, electoral commissions have an important proactive role to play in initiating and sustaining conflict-resolution mechanisms so as to reduce instances of intimidation, violence and mistrust during and after election campaigns.

### *Balanced Media Coverage*

In Zimbabwe it has been proposed that an independent media commission be created to ensure balanced coverage of party campaigns. Such a commission would spell out comprehensive guidelines for the media and ensure adequate and equal access to radio and television by the contending parties. In addition, it would receive complaints and hear concerns pertaining to media coverage.

The media should carry comprehensive and impartial voter education, initiated primarily by the electoral commission, but also by nongovernmental organisations ... Direct access to election broadcasts should be allocated on the basis of the popular support received by candidates' parties in recent elections. All candidates should receive some allocation of free airtime, even if their popular support is not apparently great. The electoral commission will need to monitor news and other coverage under the direct control of the media themselves ... The election commission should convene a meeting of senior media representatives and politicians of all parties to develop an agreed code of conduct for reporting future elections ...

MMPZ 2001

These suggestions were echoed in earlier reports of observer groups to the 2000 Zimbabwe election. One such group concurred that 'there should be a Code of Conduct regarding media coverage and advertising during the campaign and election period either under the supervision of a specially-created body or under an independent electoral commission' (Commonwealth Observer Group 2000).

### *Funding of Parties and Their Campaigns*

Access to funding determines the capacity of a political party to field a certain number of candidates and its access to the media through advertising, transport and other campaign necessities. As stated above, opposition parties in Zimbabwe were seriously disadvantaged by a lack of these resources, while the ruling party had the advantage in all these respects. For this reason, the ESC recommended that the funding of parties and candidates be reconsidered before the next election, a recommendation that appears to have been spurned by the ruling party and government authorities. Yet the provision of funding to parties is one means of

facilitating stability in the party system. As has been argued, there is a compelling case for party funding in Southern African countries:

Careful management of the rules and regulations governing party funding deserves more attention in SADC. Inadequate party funding, particularly for opposition parties, can adversely affect the sustainability of multi-party electoral competition: most parties complain about inadequate funding, insufficient training for party members and party agents and opposition parties frequently complain that the party in power has unfair access to the use of state resources for partisan purposes.

Pottie 2001

A mutually agreed formula for party funding therefore needs to be worked out between parties and electoral authorities in a particular country. The formula may be based on the proportion of votes a party received in the previous election, and there may also be specific regulations concerning receipt of private and foreign funding. It is imperative that the stakeholders work out a funding formula that is equitable, transparent and workable, bearing in mind that democracy does not come cheap!

### *Need For a Single Electoral Authority*

In this paper I have shown how the overlapping functions and roles of multiple bodies in an electoral system can hamper its effectiveness and legitimacy. One weakness in the Zimbabwean system is the concentration of power and authority in the Registrar-General's Office and in the Election Directorate, and the dilution of the supervisory role of the ESC. There has been wide-ranging debate in Zimbabwe itself concerning a suitable structure for an electoral authority. A single election commission was recommended by a workshop organised in 1997 by the ESC. The commission would be an autonomous body responsible for every stage in the electoral process from voter registration to the declaration of election results. A similar proposal for an independent electoral commission was inserted in a constitutional draft of the Constitutional Commission in 1999. The draft specified the functions of such a commission as:

- organising, conducting and supervising elections;
- registering voters and ensuring the proper maintenance of voters' rolls;
- determining the boundaries of constituencies;
- formulating and implementing civic educational programmes relating to elections.

It is unfortunate that thus far no concrete steps have been taken to establish such a commission with the power, authority and resources lacking in the current, marginalised ESC. A source of encouragement is the existence of independent commissions in other SADC countries, such as South Africa. It is hoped that the trend towards the creation of full-time, permanent and independent electoral bodies to administer elections will continue to gather momentum in Southern Africa. The role of these bodies in the consolidation of the democratic process through the supervision of political competition is a strategic one.

#### POSTSCRIPT: CONDUCT AND OUTCOME OF THE 2002 ELECTION

The 2002 presidential election was bedevilled by serious anomalies. First, there were major flaws relating to the voter registration process. For instance, the transparency of the electoral process was compromised by the Registrar-General's refusal to make public a consolidated voters' roll. This made it impossible for the public and political parties to inspect the roll and register any objections (ZESN, 2002). This rendered the election process open to abuse since it was impossible to identify voters or rectify the register. Indeed, there was a secret registration of voters beyond the official deadline of 27 January 2002 and a subsequent retrospective extension of the deadline to 3 March 2002 (Ibid).

Second, the production of ballot papers was not open to verification by political parties, monitors and independent observers. It was observed that extra ballot papers were printed and that election authorities refused to provide any definitive figure for the number of ballots printed (Ibid). In addition, legislative amendments were made in the run-up to the election to further compromise the limited independence of the ESC by demanding that the institution only recruit its election staff, including monitors, from the civil service.

Third, the Registrar-General and the ESC failed to provide clear and adequate public information on all aspects of the electoral process, particularly the location of polling stations. The public was not given sufficient notice to be able to identify the polling station nearest to their homes, and the opposition MDC was deprived of its right to deploy its election agents in the field in good time (Ibid).

Finally, invitations to domestic and international observer groups were selective and arbitrary. In many instances, local observers were denied access to polling stations on the grounds that they had not been accredited; indeed, most such observers deployed by ZESN, an election support network, were harassed by beatings, arrest and detention (Ibid). Violence and intimidation were widespread during the election campaign and immediately afterwards, with 54 lives lost between January and April 2002.

These were some of the factors that led the MDC to challenge the poll in the High Court – the hearing was still pending in March 2003. The case pits President Robert Mugabe, who claimed to have won by 1,68 million votes, against MDC leader Morgan Tsvangirai, who received approximately 1,25 million votes.

## ----- REFÉRENCES -----

- Banana, C. (ed). 1989. *Turmoil and Tenacity*. Gweru: Mambo.
- Bratton, M. and N. van de Walle. 1997. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press.
- Constitutional Commission. 1999. *Draft Constitution*. Harare.
- Catholic Commission for Justice and Peace (CCJP). 1990. *Documentation on the 1990 General Election*. Harare.
- Commonwealth Observer Group. 2000. *Report on the Parliamentary Elections in Zimbabwe, June 2000*. London.
- Delimitation Commission. 1995. *Delimitation Report*. Harare.
- Electoral Commissions Forum of SADC Countries (ECF). 2000. *Interim Statement on the Zimbabwe June 2000 Elections*. (Mimeo).
- Electoral Act, 1996. Harare
- Electoral Act (Amendment) Regulations No. 7. 2000. Harare.
- Electoral Supervision Commission (ESC). 1990. *Report of the ESC on the General Elections 1990*. Harare, Zimbabwe.
- , 1995. *Report of the ESC on the General Elections 1995*. Harare.
- , 1996. *Report of the ESC on the Presidential Election*. Harare.
- , 1997. *Report on a Workshop on Electoral Reform held in Harare, November 1997*.
- European Union Election Observation Mission. 2000. *Report on the Parliamentary Elections in Zimbabwe, June 2000*. Brussels.
- Makumbe, J. and D. Compagnon. 2000. *Behind the Smokescreen: The Politics of Zimbabwe's 1995 General Elections*. Harare: University of Zimbabwe (UZ) Publications.
- Mandaza, I. and L. M. Sachikonye (eds.). 1991. *The One-Party State and Democracy: The Zimbabwe Debate*. Harare: Sapes.
- Media Monitoring Project Zimbabwe (MMPZ). 2001. *Election 2000: The Media War*. Harare: MMPZ.
- Moyo, J. 1992. *Voting for Democracy: Electoral Politics in Zimbabwe*. Harare: UZ Publications.
- National Constitutional Assembly (NCA). 2000. *Working Constitutional Draft*. Harare.
- National Democratic Institute (NDI). 2000. *Report of an International Pre-Election Observation Delegation, Zimbabwe Parliamentary Elections 2000*.
- Pottie, D. 2001. 'Electoral Management in Southern Africa'. In H.Kotze and B. Rasch (eds). *Elections and Democracy in Southern Africa*. Oslo: Norwegian Institute of Human Rights.
- Sachikonye, L. M. 1999. *An Audit of the Zimbabwe Electoral System*. Study conducted for the Electoral Institute of Southern Africa (EISA), April.
- , 2000. 'A Review of the Zimbabwe 2000 Election'. *Southern Africa Political Monthly (SAPEM)*.

- Saunders, R. 2001. *Never the Same Again: Zimbabwe's Growth towards Democracy*. Harare: E. Spicer Publications.
- Sithole, M. 1986. 'The General Elections 1979-1985'. In I. Mandaza (ed). *Zimbabwe: The Political Economy of Transition*. Dakar: Codesria.
- Spicer, E. 2001. *Election 2000: The Media War*. Harare: MMPZ.
- Zimbabwe Council of Churches (ZCC). 1995. *Report of the Zimbabwe Council of Churches: Church Monitoring for Peace Project*. Harare.
- Zimbabwe Election Support Network (ZESN). 2002. *2002 Presidential Election Report*. Harare: ZESN.

# ELECTORAL REFORM IN NAMIBIA

## Challenges and Constraints

By  
*Joram Kumaaipurua Rukambe*

*Joram Kumaaipurua Rukambe is Director of Elections and CEO  
of the Electoral Commission of Namibia, Private Bag 13352, Windhoek  
Tel: +264 61 220337; Fax: +264 61 237618; e-mail: jrukambe@opm.gov.na*

### INTRODUCTION

This paper gives an account of electoral reform in Namibia and analyses briefly the background, challenges and constraints to the country's electoral reform process since the first democratic elections were held in 1989.

### BACKGROUND

Although there were regular elections in Namibia prior to the country gaining independence in 1990, they were run on an exclusionist basis for separate administrative authorities of whites, coloureds, and blacks at various level of government – there was no common roll. Consequently, the independence elections in December 1989 were run without a national voter register. The legal and operational framework of the elections was agreed upon among the stakeholders: the South African government, the United Nations (UN) and the political parties. This framework provided, among other things, that the South African government would administer and conduct the elections while the United Nations Transition Assistance Group (UNTAG) would monitor the process and eventually pronounce on whether it was 'free and fair'.

All citizens older than 18 and all people of that age or older who had lived in Namibia for more than five consecutive years before 1989 were eligible to vote if they had registered during the voter registration which preceded the polls. The second category of voters was the South Africans and Angolans who were based in Namibia as civil servants and soldiers. The 1989 polls, based on the proportional representation (PR) system, aimed to produce a 72-member constituent assembly, which would draft Namibia's first constitution. In record time – less than three months – the constituent assembly produced a constitution that was hailed internationally as one of the most liberal in the world. It provides, *inter alia*, for:

- A bill of fundamental human and individual rights.
- The independence of the judiciary.



- Transparent and democratic procedures for the appointment of an executive president and the executive branch of government, the legislature, and other constitutional bodies, such as a delimitation commission and the ombudsperson.

Constitutional provisions for the appointment of the presidency and parliament include the following features:

- Presidency: a five-year term of office, renewable only once.<sup>1</sup>
- Parliament: a five-year term of office, running concurrently with the presidency.
- An Act of Parliament to lay down procedures for the conduct of elections. This act is called the Electoral Act (24 of 1992).

### ELECTORAL REFORM

The Electoral Act provides for the appointment by the presidency of a five-member part-time electoral commission that formulates policies and supervises all Namibian electoral activities: voter registration, party registration, candidate nomination, conduct of polls, counting of votes and announcement of results. Voter education was added to this mandate, although the law did not explicitly give responsibility for it to the Electoral Commission of Namibia (ECN). The Commission is assisted clerically and administratively by the directorate of elections housed under a ministry which, prior to the 1998 amendments, was housed under the Office of the Prime Minister.

After 1998 the ECN was restructured to provide for increased autonomy: it became a semi-autonomous statutory agency, although it was subject to the public service and treasury rules and regulations. In other words, it operates like any other government ministry, but without a political head such as a minister. It also reports to Parliament.

The 1998 amendments also provided that vacancies for membership of the ECN and for the Director of Elections (the chief electoral officer) should be advertised. Previously, such appointments were made by the President without any external input. New members of the ECN were recruited during 2001 in accordance with the provisions of the new law. This law provides for the National Assembly to set qualifications for members of the Electoral Commission. A selection committee, comprising representatives of the Supreme Court, the Law Society of Namibia, and the Office of the Ombudsperson, with the Chief Executive Officer of the ECN as secretary, screens all applications and interviews short-listed candidates publicly. The names of at least eight candidates are submitted to the President,

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<sup>1</sup> An amendment to the Constitution in 1998 provided for Namibia's first president to be exempt from this provision and to be given a third term.

who selects five as members of the Electoral Commission. Members of the public, or more specifically, registered voters, are at liberty to launch objections with the selection committee against any candidate who they believe is not fit to be appointed as a Commissioner.

The ECN would prefer to have more autonomy and independence in its day-to-day operation and functioning. However, any transition to greater independence must be carried out with meticulous consideration of the cost implications and impact of such a move on the effectiveness of the ECN. This issue will be a key preoccupation of the ECN in the immediate future.

Another area requiring electoral reform is voter registration. Namibia's electoral laws provide for a general voter registration every 10 years and for supplementary registration before every election and by-election. In 1994 the ECN introduced continuous voter registration as a way of enabling citizens who had turned 18, or who had changed their address, to register whenever it was necessary. In each constituency registration was conducted by at least one private individual, and the services of the national postal services company were recruited on an agency basis. Officers were paid for each correctly completed form. This process, however, proved problematic because of the high turnover of registration officers and their lack of commitment to the work. Among the problems were the fact that some officials would register the same voters again and again in order to earn more money, and that NamPost officials would register voters for the wrong constituencies, and by the time the errors were detected they were difficult to rectify.

After consulting with political parties, the ECN recommended to Parliament in 2000 that continuous registration should be abolished and that the voters' roll should only be updated before every election.

Namibia's next general registration is in 2003 and the ECN hopes to establish a new registration system to replace the current system with its flaws that include double registrations caused by voter ignorance and ghost voters resulting from poor death registration in rural area. The ECN's ideas, which have been discussed with its stakeholders, include the introduction of new voter registration cards incorporating photographs of voters. These would mean that, although voters will have to identify themselves when they register to vote, they will not be required to carry separate voter identity on polling day. This system will obviate the high rate of loss of voter cards and the problem of many Namibian voters who are not in possession of a means of identification such as passports, national identity cards, and so on.

Another area that was reformed was the administration of the tendered votes, a system that enables voters to vote anywhere in the country, or even abroad, instead of only in their constituencies of registration (and domicile).

In the past, all tendered votes were counted in the capital after polls closed throughout the country, now the law has been amended to provide for a decentralised, constituency-based counting system. Although the new system has boosted efficacy in the administration of such votes, it has proved to be cumbersome

and tedious for some regional officials and party agents, whose level of election literacy is still low.

Among the new administrative measures introduced to enhance effective electoral management was the establishment, during Elections '99, of an election results and verification centre. Here the ECN worked closely with the South African Independent Electoral Commission (IEC) to set up a technology-driven facility to verify all results before they were announced. Facilities included transmission via the Internet and broadcasting by public broadcasters, both local and international.

Other reforms included the establishment of a national party liaison committee, regional election coordination offices in all regions, and regional election advisory committees. It was also agreed to embark upon a vigorous staff development programme, particularly during the non-election period. This will entail attachment to other electoral management bodies when they have elections and related activities.

Several other amendments that are being discussed with stakeholders include:

- A merger of the delimitation commission with the electoral commission.
- Increased autonomy of the EMB.
- Streamlining procedures for:
  - voter registration;
  - providing sufficient time for nomination of candidates;
  - polling (off-shore voting);
  - one or two days of voting;
  - counting votes (centralised or decentralised system);
  - the announcement of results (maintenance of an election result verification centre).

## CONCLUSION

The regular evaluation of electoral practices is a *sine qua non* for the effective functioning of every electoral system. It is thus imperative for Namibia, if it is to foster sustainable, vibrant electoral reform and improvements, to constantly compare its electoral system and practices with those of its neighbours and beyond.

# THE ROLE, FUNCTIONS AND PERFORMANCE OF BOTSWANA'S INDEPENDENT ELECTORAL COMMISSION

*By*  
*Balefi Tsie*

*Professor Balefi Tsie is a member of the Botswana Independent Electoral Commission  
and teaches in the Department of Political and Administrative Studies,  
University of Botswana, Private Bag 0022 Gaborone Botswana  
Tel: +267 3552730; Fax: +267 585 5099; e-mail: TSIEB@mopipi.ub.bw*

## INTRODUCTION

From the first pre-independence general election of March 1965 elections in Botswana were run by the Supervisor of Elections, who fell under the Office of the President. As time went on the public, particularly members of the opposition parties, perceived the Supervisor of Elections as being a government employee controlled by the ruling party, or at least under its influence.

Government heeded the call of opposition parties for the formation of an Independent Electoral Commission (IEC) to run the elections and, in 1997, the Constitution was amended to accommodate the establishment of such a body to replace the office of the Supervisor of Elections. Section 65A of the Constitution of Botswana sets out the composition of the Commission.

## THE COMMISSION

The IEC consists of a chairperson and a deputy chairperson appointed directly by the Judicial Service Commission and five other members appointed from a list of persons recommended by the All Party Conference. Section 65A stipulates that the chairperson shall be a judge of the high court, while the deputy chairperson shall be a legal practitioner.

The Commission is an autonomous, non-partisan body whose primary purpose is to conduct free, fair and correct elections efficiently and effectively in accordance with universally accepted electoral principles and practices.

Its goals are:

- To establish an effective voting mechanism.
- To ensure that voters are motivated to vote, informed about how to vote and officially registered to vote.

- To facilitate the creation of a climate in which political parties can freely communicate messages to the electorate to enable the electorate to make informed choices.

Section 65A defines the functions of the Commission as follows:

- To conduct and supervise elections of members of the National Assembly and of a Local Authority.
- To conduct a referendum.
- To ensure that elections are conducted efficiently, properly, freely and fairly.
- To give instructions and directions to the Secretary of the Commission (who is appointed under Section 66) with regard to the exercise of his functions under the Electoral Law prescribed by an Act of Parliament.
- To ensure that elections are conducted efficiently, properly, freely and fairly.
- To perform such other functions as may be prescribed by an Act of Parliament.

The Secretary, who is the Chief Executive Officer of the Commission, is appointed by the President under Section 66 of the Constitution and his/her responsibilities include:

- Management and administration of the Commission.
- Implementation of decisions of the Commission.
- Supervision of registration of voters.
- Conduct of National Assembly elections.
- Conduct of local authority elections.

The Secretary is assisted by such staff as the Commission may appoint. The staff complement includes twenty principal elections officers based in the electoral regions. Each officer is assisted by an administrative assistant.

The twenty District Offices (Regional Elections Offices) were created with a view to linking the districts with headquarters and making the IEC's presence felt at grassroots level. Seventeen of the offices are fully operational and form a critical component of the continuous voter education outreach programme.

The main functions of the Regional Officers are to co-ordinate registration and elections and to promote voter education initiatives. In this regard they:

- Make preparations for the registration of voters.
- Recruit and supervise registration officers.
- Arrange for and mount training sessions for the registration officers in conjunction with the Headquarters.
- Prepare estimates for the registration of voters, including estimates for polling days.
- Maintain accurate voters' rolls.
- Arrange all elections, including by-elections and referenda.

- Organise within their regions, in conjunction with Head Office and district authorities, the requisition of the materials and financial resources needed for election processes.

There is no interference whatsoever by the government in the operations of the IEC, even though the state finances the Commission. There is a clear understanding that the IEC is a public institution and, therefore, that it must be financed by public funds, whose management and use has been conferred on the government of the day by popular vote. It is also understood that the money financing the IEC comes not from the ruling party but from the public purse.

The Commission is required by law to account for the funds it uses through the Public Accounts Committee of Parliament. It is the Minister responsible for Presidential Affairs and Public Administration who appears before the Committee to explain in detail the use of the funds.

### PROMOTING DEMOCRACY

The purpose of elections is to entrench popular control over decision-making processes at national and local levels of government and to ensure equality of political rights and effective representation for all eligible voters. It is therefore critical that the electoral process is managed in a manner that promotes maximum participation by all stakeholders in voter education programme planning and implementation. To this end, the IEC in Botswana has conceived a comprehensive voter education programme, some of which is in the planning stages and some of which is already operational.

The voter education programme is expected to set up national organisations, institutions or foundations, and establish operational guidelines for collaboration to take democratisation and the electoral process forward. Links will be forged with non-governmental organisations (NGOs), community-based organisations (CBOs), educational institutions, government departments, political parties, community leaders, churches, the private sector and the international donor community. Training workshops, seminars and conferences will form the basis of interactive involvement of people in democracy development and nation building. In this way the democratic reform agenda will be home grown and nationally driven.

The involvement of selected civil society organisations in the training and dissemination of voter education, the utilisation of school children in dramatising democratic situations, and interaction using pictorial representations and other teaching-learning situations will enable people to distinguish and appreciate the difference between democratic and non-democratic practices.

In the long term, democracy development initiatives will be introduced in schools, even at lower elementary levels, for democracy begins when a child is born. Democracy is about tolerance and co-existence; about creating a climate where opinions and viewpoints of others are respected and differences in perceptions

accepted by all. With education and training our people can judge fairly, and consciously make informed decisions and choices.

The IEC hopes to initiate and promote interaction among the electorate, political parties, the media and civil society to institutionalise democratic practices and values. The research component of the Commission's information, education and communication programmes will conduct rapid democracy assessment surveys to feed into the democratic reform agenda.

The regional officers will serve as a link between IEC headquarters and the regions, to facilitate information flow to the intended audience. The tasks of the IEC national and district structures, in general, are to:

- Initiate and oversee the implementation of the democratic reform agenda.
- Disseminate the assessment reports (rapid assessment survey results) nationally, especially at the grassroots level.
- Encourage national and local debate about problem areas that are identified in assessment reports and recommendations arising from evaluation research.
- Engage in the promotion and regular assessment of the democratisation process.
- Ensure that there is a continuous flow of information from field experiences to IEC headquarters and that, through networking and sharing experiences with its counterparts in the region and abroad, the IEC Secretariat contributes to the advancement of democracy in the country.

## VOTER EDUCATION

Voter education is a form of education in support of elections and a means of ensuring that voters are prepared and enabled to participate in electoral politics. It essentially revolves around the mechanics of how to vote – though, of course, it also covers elements of why it is necessary to vote. Voter education programmes aim to provide a basic understanding of election practices and procedures and knowledge of party symbols. Their other major goal is to cultivate trust and confidence in electoral processes so that the processes are seen and believed to be the most appropriate and effective means of choosing a government and a way of approving policies and socio-economic programmes that are relevant to the needs of the voter. Thus, the education of voters is not just about political issues – important as these are – it is also aimed at giving them the kind of understanding that puts them in a position to compare parties and programmes when they ultimately vote.

Voter education programmes are usually planned, developed and implemented by an electoral authority/elections administration officials in collaboration with political parties and civil society organisations. The private sector and the media may be sub-contracted to produce or publish voter education materials and can also voluntarily engage in voter education activities on their own. Various government departments responsible for informing and educating citizens are also



involved in voter education. Youths and children, especially, can be encouraged to participate in elections by engaging in mock election games where they run for election or campaign for others, to promote a spirit of healthy competition.

The IEC's voter education programme is a very ambitious one indeed – not surprisingly, since it seeks to combat voter apathy, which the IEC views as a serious threat to vibrant democracy. It is therefore fitting that the IEC should relentlessly pursue voter education throughout the country – vast and sparsely populated as it is.

The Commission launched a massive study on voter apathy. The study – funded to the tune of close to US\$300 000 – was conducted by the Democracy Research Project of the University of Botswana and its findings have been integrated into the IEC's voter education programme which is now under way.

### SOCIAL RESEARCH

One way of ensuring that the opinions and views of voters about matters of electoral policy and procedures are known and appropriately integrated into recommendations for policy changes is to undertake social research. Social research allows for a greater appreciation of the level of understanding (or the lack thereof) among electorates of electoral procedures such as voter registration, vote casting, nominations, democracy as a way of governing and the role of elected officials. Social research also allows concerned bodies to identify reasons for voter apathy, especially among the youth.

In Botswana, young people did not vote in large numbers in the 1999 general election, the first in which the voting age was lowered to eighteen years from twenty-one.

### THE GENERAL ELECTION OF OCTOBER 1999

Despite limited time and human resources, the IEC of Botswana was able to arrange for and deliver the October 1999 general election without any major problems and in a manner described by international and local observers as 'free and fair'. Although a few results were challenged in the High Court, this was mostly the result of a lack of appreciation of procedures or of flawed interpretation of the Electoral Act and other legislation governing elections. Given that this was the first election to have been run by the IEC, the administration and results should go down in history as a notable achievement. Since 1999 the IEC has run several by-elections at ward level. These, too, have been run properly and efficiently.

### ELECTORAL SYSTEM

Botswana's electoral system is a constituency-based 'first-past-the-post' system. The country is divided into forty constituencies, which are likely to increase to at least forty-five after the next population census. A census is conducted every ten

years, after which a Presidential Delimitation Commission is appointed to determine whether or not the number of constituencies should be increased. Each constituency is divided into wards or council seats, which are contested in each general election. The advantage of this system is that parliamentarians and councillors are accountable to their constituents – including those who did not vote for them. The major disadvantage is that there is a skewed representation of opposition parties in Parliament. For instance, the main opposition party – the Botswana National Front – polled 37% of the national vote in the 1994 general election but only had 11% representation in Parliament. The same skewed representation was replicated in local political authorities, which, in Botswana, are known as councils. This defect apart, the system has worked very well thus far.

### BACKGROUND TO DEMOCRATIC SUCCESS

Four principal factors have influenced Botswana's relative democratic success. These are:

- Historically, Tswana society has been run on the basis of consensual democracy. In each of the former autonomous Tswana chiefdoms (these, as well as non-Tswana-speaking ethnic groups were amalgamated into a single nation at independence) there was – and still is – a tribal assembly point where male adults debate and resolve major political and administrative issues in a meeting presided over by the chief.
- Botswana's political elite is very small by international standards. The members of this elite are, by and large, related either by marriage or by tribal totem. It is also drawn from people who went to school together at primary, secondary and tertiary education levels.
- Botswana has a long history of capable state administration. As is now well established, successful democracies rest on a capable state. Both the modern and pre-colonial Tswana states are and have been very strong. Indeed, there is consensus among scholars both within and outside Botswana that the Botswana state is an exception in sub-Saharan Africa in that it is a developmental state – a factor that sets it apart from the soft, weak, predatory and vampire states in most of the sub-continent.
- The fourth, and perhaps critical, factor is economic success. Since the discovery of minerals, especially diamonds, in the late 1960s, Botswana has enjoyed tremendous economic growth and development. This observation is validated by its human development index. Until the onset of the AIDS/HIV pandemic, Botswana's human development ranking was higher than those of most African countries.

The essential point is that democracies are founded upon socio-economic development. Without that, there is little prospect of democratic consolidation.

Comparative examples here are Mauritius and the Gambia, which, with Botswana, are arguably the oldest democracies in sub-Saharan Africa.

Botswana and Mauritius are successful liberal democracies because they have been successful on the economic-developmental front. This is not the case with the Gambia, which consequently suffered a democratic reversal through a military coup in the early 1990s.

Two other factors have influenced Botswana's political stability. One is that, historically, the state has not been the only avenue of accumulation of wealth. Cattle-raising and other private sector pursuits have long paralleled the state. This has had the effect of mitigating political competition. Political competition has not been a life and death matter, as is, perhaps, the case in poorer societies such as Lesotho.

The second is the country's relative ethnic homogeneity. Close to 80% of the population is drawn from the Tswana ethnic group. And, let it be said, the norm in Tswana society is to resolve political disputes by negotiation and compromise and not by physical confrontation. In sum, Botswana is a successful liberal democratic society because of sound management and a strong developmental state.

## CONCLUSION

This paper is by no means exhaustive in terms of the role, functions and performance to date of the IEC. What it has done is to outline the salient points that account for the sterling performance of the Commission.

Botswana's electoral system has served the country very well to date and Botswana understands it. It is therefore very unlikely that it will be changed. If anything, stakeholders want to improve it and make it more inclusive. Hence the reduction of the voting age from 21 to 18. Other improvements, such as the 30% quota for women in all political parties, are in process and will hopefully bear results in the fullness of time. Here the major issue is gender balance, preferably of the Nordic type.

We believe Botswana offers invaluable lessons to its sister African countries, especially on how to blend successfully modern democratic governance with traditional political institutions such as chieftainship.