

# JOURNAL OF AFRICAN ELECTIONS

*Special Issue: Elections and  
Democracy in Botswana*



Volume 5 Number 2 December 2006



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Vol 5 No 2 Dec 2006





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*Special Issue: Elections and Democracy in Botswana*

Guest Editor  
David Sebudubudu

## ARTICLES BY

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Monageng Mogalakwe  
Mpho G Molomo  
Patrick Molutsi  
Onkemetse B Tshosa  
Mogopodi H Lekorwe  
Adam Mfundisi  
Tidimane Ntsabane and Chris Ntau  
Kaelo Molefhe and Lewis Dzimbiri  
Onalenna Doo Selolwane and Victor Shale  
Zein Kebonang and Wankie Rodrick Wankie  
Zitha Mokomane  
Monageng Mogalakwe and David Sebudubudu

Published by EISA  
14 Park Road, Richmond  
Johannesburg  
South Africa

P O Box 740  
Auckland Park  
2006  
South Africa  
Tel: +27 011 482 5495  
Fax: +27 011 482 6163  
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ISSN: 1609-4700

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Copy editor: Pat Tucker  
Printed by: Global Print, Johannesburg

Cover photograph: Reproduced with the permission of the  
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Editorial correspondence, including manuscripts for submission and books for review, should be sent to:

The Editor, Journal of African Elections  
EISA: P O Box 740  
Auckland Park 2006, South Africa

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# EDITORIAL

On 30 September 2006 Botswana celebrated 40 years of independence. Since its first elections, in 1965, it has maintained a multiparty framework, making it the longest-running democracy in Africa; surviving in a hostile environment, especially in the 1970s and 1980s. The result is that the country is held up as a model for other countries to emulate.

Although one-party dominance has been a central feature of politics in Botswana, opposition parties and civil society organisations are free to mobilise and participate in the political process and the country has shown significant levels of pluralist politics. However, these organisations and structures (such as political parties, civil society, and, more importantly, Parliament), which are expected to work as checks and balances in a democracy, have remained weak thus far in relation to the executive. In this way the emergence of new democracies in the Southern African region and beyond calls for regular assessment of the quality of Botswana's democracy. This is particularly important as the country is yet to experience a turnover of government. Moreover, the country faces 'structural violence', with poverty, unemployment and severe inequalities remaining some of the key challenges.

This special issue of the *Journal of African Elections* is an attempt to reassess the quality of Botswana's democracy, a democracy that is limited by a reluctance to introduce substantial political reforms such as party funding and proportional representation, which have been embraced in countries such as Namibia and South Africa; although one-party dominance is also a key feature in those countries. It is our hope that those who are interested in African politics, particularly those of Botswana, will find the papers contained in this special issue useful.

The paper by Monageng Mogalakwe provides a context within which to understand contemporary Botswanan politics and democracy. The paper notes that although Botswana has been praised as a shining example of liberal democracy, good governance, and a hopeful model for Africa, closer examination reveals a top-down presidential system in which an unelected president wields more power than a popularly elected Parliament and can, in theory if not in practice, marginalise Parliament. This top-down exercise of political power has parallels in both the pre-colonial and colonial eras, when bottom-up decision-making was virtually unknown.

Mpho Molomo assesses the relationship between democracy and the electoral system in a paper that finds that Botswana's political system is wanting in many important indicators of democracy such as popular representation, inclusiveness and consensus building.

Patrick Molutsi analyses the characteristics, performance and quality of Botswana's democracy since 1966. His paper shows that the country has been a reluctant and slow political player in the Southern African Development Community (SADC) and in the world.

Democracy works through a system of checks and balances. In this context, Onkemetse Tshosa discusses the oversight role of Parliament in Botswana's electoral processes. His paper shows that the national legislature plays a significant role in overseeing the electoral system and ensuring that the system adheres to the minimum basic tenets of democracy such as free and fair, competitive elections, and that the vast majority of eligible voters participate in the entire electoral process, facilitated by robust legislative and regulatory activities.

Mogopodi Lekorwe examines the role and status of the Independent Electoral Commission (IEC), pointing out that the structure and funding of the IEC leaves it open to the charge that it is not truly independent of government and that this has led to allegations, particularly by the opposition, that it may be biased.

Participation is also central to democracy. Adam Mfundisi discusses political participation since the 1965 general election. His paper argues that there has been low voter turnout and that civic engagement has also shown a downward trend, which calls into question the much-celebrated democratic credentials of the country.

Tidimane Ntsabane and Chris Ntau analyse youth participation in politics in a paper that demonstrates that their poor participation in politics in general and in elections in particular is rooted in traditional Tswana culture, which limits the participation of young people in public affairs. This culture is reproduced by the main socialising agents in society such as the family, the school system, political parties and the media.

In a paper on the power wrangles that frustrate unity talks among Botswana's opposition parties Kaelo Molefhe and Lewis Dzimbiri argue that the failure of opposition parties to oust the Botswana Democratic Party (BDP) from its firm grip on power has a great deal to do with a weak opposition leadership.

Onalenna Doo Selolwane and Victor Shale analyse Botswana's political parties and their relationships. Specifically, they seek to examine inter-party relations to assess the prospects of opposition party cooperation for effective competition for the governing mandate. The paper contends that it is not always helpful to study political institutions born in one culture and grafted onto another by simple reference to their characteristics in the culture of their birth. Rather, it is more useful to acknowledge the historical specificity of their transfer and examine how this has inter-phased with the new cultural milieu to redefine their characteristics and define future directions for change.

In their paper on enhancing intra-party democracy in Botswana, Zein Kebonang and Wankie Wankie argue that intra-democracy is a requisite of a

democratic state. Their paper traces the development of intra-party democracy within the ruling BDP and argues that a new model of intra-party democracy which is participatory in nature is emerging within the BDP, although it is still being resisted by some within the party, ostensibly on the basis that it destabilises the party.

Zitha Mokomane's paper provides a gender analysis of parliamentary elections in Botswana, with particular focus on the 2004 elections. It shows and argues that although women in Botswana have made steady progress in politics and decision-making positions, socio-economic and cultural processes and structures still place men at the pinnacle of political power. The paper concludes with a discussion of possible strategies that could be adopted, in addition to current measures, to further improve the prevailing situation.

David Sebudubudu, writing on election observation and monitoring in Botswana, examines their role in Botswana's electoral process, arguing that they have promoted transparency and accountability as well as public confidence in the credibility of the Botswana electoral process, especially in recent years. The paper concludes that the emergence of democratic regimes in the region have played a role in attracting observers to Botswana's elections.

Mpho Molomo's paper on building social capital and political trust evaluates why Botswana do not have a participative culture. Moreover, it shows that there is a general lack of trust in political institutions and politicians.

Finally, Monageng Mogalakwe and David Sebudubudu argue that while Botswana has regularly held elections since independence the post-colonial state's relationship with civil society reveals that some civil society institutions, such as labour unions and the independent press/media, have been tightly controlled, in sharp contrast to others, such as human rights or women's organisations. They conclude that the reason for this is that the former institutions are seen as a threat to the status quo, while the latter are seen as compliant and playing only a legitimising role.

The issue concludes with a book review.

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# FROM PRE-COLONY TO POST-COLONY

## *Continuities and Discontinuities in Political Power Relations and Governance in Botswana*

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### ABSTRACT

*Botswana has been praised for its adherence to parliamentary democracy and good governance and as the best hope for Africa. However, a closer examination of its much vaunted democracy reveals a top-down presidential system in which an unelected president has more power and authority than an elected Parliament and the country's parliamentary system does not ensure and facilitate broad-based and inclusive political participation in the decision-making process. This resembles the political power relations and governance systems of both the pre-colonial era under the chiefs and the colonial era of the resident commissioners.*

### INTRODUCTION

It is common cause that human societies comprise a set of social institutions – economic, educational, family, political and religious – each of which encapsulates social practices which are regularly and continuously repeated, reaffirmed and maintained by social norms and values. The texture of such institutions may vary within the same or different epochs while the content remains the same, and it is this variability that gives societies their particular form or character. Any given society is, therefore, a complex refraction of the articulation of its social institutions. Following Max Weber, that doyen of political sociology, modernisation theory has posited that variations within the political institution involve a transition from a ‘traditional power and authority system’ to what is characterised as a ‘legal-rational power and authority system’.

The definition of traditional power and authority systems relates to the exercise of political power and authority legitimated by individuals' acquiescence in a system of governance that has become habitual or customary (Jary & Jary 1991). On the other hand, the definition of a legal rational power and authority system relates to the exercise of political power and authority which rests on a belief in the legality of enacted rules and those, such as elected representatives, who achieve authority under these rules (Jary & Jary 1991). This paper examines the dynamics of the Tswana political institution from the pre-colonial period through the colonial period to the post-colonial period. It is argued that these periods show both a continuity and discontinuity in the exercise of political power and authority, namely a top-down centralised power structure, and that political exclusivity in decision-making characterises all three periods. As in the pre-colonial and colonial periods and even in the post-colonial 'democratic' period, characterised by regular elections, political power and authority are still centralised, concentrated and top-down and the advent of the parliamentary system has not allowed for or facilitated real popular participation in decision-making in Botswana.

#### POLITICAL POWER AND AUTHORITY IN THE PRE-COLONIAL ERA

In the Tswana traditional authority system the highest organ of the state was the *kgotla*, a 'national assembly' which was presided over by the *kgosi*, a king or presidential monarch (Crowder 1988) who was patrilineally descended from the *morafe* (nation)'s purported founder. The *kgosi* had extensive executive, administrative and judicial powers and was also the religious and spiritual leader and an intermediary between the people and their ancestors. It was at the *kgotla* that 'national' issues were debated and decisions were made.

Although in principle every adult had the right to make a contribution to the debates, in practice the *kgotla* excluded those such as commoners, women, settlers, and ethnic minorities who could be characterised as *subaltern social groups* (Gramsci 1973).

The *kgotla* was dominated by a few people, preeminently members of the royal family, the aristocracy, and the *kgosi's* advisers. These men were also substantial cattle owners who, because of their wealth, had considerable political influence in shaping the affairs of the *morafe* (Mogalakwe 1997). The *kgosi* exercised his political power and authority through a hierarchy and network of relatives, close advisers and *di-kgosana* (hereditary headmen). The headmen's political power and authority were exercised at the level of the *kgotlana* or ward assembly. The wards assemblies were really a microcosm of the main *kgotla*: the headman was, of necessity, of royal descent, the first-born son of the first or favourite wife

of the previous ward headman. The *kgotlana* also tended to be dominated by influential people, although to a lesser extent than the main *kgotla*,

Although the *kgosi* had considerable executive powers, and the advice of the *kgotla* was not binding, to ignore it could be unwise and risky and at times led to assassinations or banishment (Gossett 1986). Parsons (1975) has recorded some seven coups and counter coups in Bamagwato territory alone between 1834 and 1875. But these coups would be engineered by other members of the royal family or the aristocracy who were in the line of succession and would challenge the *kgosi* if the opportunity presented itself (Gossett 1986). In other words, the coups were not popular mass revolts from below. However, this ever-present threat was one of the traditional checks and balances on excessive use or even abuse of power.

The Tswana have two, seemingly contradictory, expressions. On the one hand they say *kgosi e a tsalwa* (a ruler is born), on the other hand they say *kgosi ke kgosi ka batho* (the ruler rules with the will of the people) – meaning that, with all due respect, the *kgosi* cannot do as he pleases! What is noteworthy about the Tswana traditional political system was that the transfer of power and authority from one ruler to another was very rigid and inflexible. Succession to higher office followed the rule of primogeniture, and the first son of the first wife would succeed the father. His competence for the higher office was rarely an issue; it was assumed to derive from the political power and authority he would wield. This political practice, which served the Tswana over many centuries, was disrupted by the advent of colonialism in 1885.

## POLITICAL POWER AND AUTHORITY IN THE COLONIAL ERA

The present-day Botswana was colonised by Britain in 1885, after much hesitation. The reason for the hesitation was that the country did not have the usual attractions associated with classical colonialism, such as mineral wealth. Colonisation was, instead, the result of military strategic consideration. It was not until the British saw the threat posed by the possible alliance of the Boers of the Transvaal and the Germans in South West Africa that they decided to occupy what was then known as Bechuanaland (Maylam 1980; Mogalakwe 2006). What the British did was simply to throw a mantle of ‘protection’ over the chain of Tswana states of the Rolong-Ngwaketse-Kwena-Ngwato-Kgatla-Tawana (Parsons 1975) and bring all these states under one central authority, namely, the British high commissioner to the Cape Colony, based in Cape Town. The high commissioner was the substantive governor of Bechuanaland and ruled the colony by ‘proclamations’, that is decrees approved by the secretary of state for the colonies, and proclaimed, or published in the *Government Gazette*. The high commissioner’s decree had only



to be approved by the minister and not by the British Parliament. In effect, the high commissioner's 'proclamations' became the laws of the land.

This rule by proclamation lasted from 1891 to 1959, and throughout this period there was no popular participation in the formulation of the various proclamations. In 1891 the high commissioner issued a General Proclamation establishing a system of courts and personnel modelled on the system of resident magistrates that was operative in the Cape Colony. In 1909 the high commissioner issued a General Law Proclamation that stipulated that the Roman Dutch Law of the Cape Colony was to become the common law of Bechuanaland (Du Toit 1995). But this proclamation should be read with the Foreign Jurisdiction Act of 1890 which, while giving the high commissioner wide-ranging powers, carried a caveat that his powers should be exercised subject to respect for any native law and customs, except in so far as these were not incompatible with the due exercise of Her Majesty's power and jurisdiction (Du Toit 1995). The effect of this proclamation was to create a dual legal system of customary law for the 'natives' and Roman Dutch law for the 'Europeans'. This legal duality still exists in Botswana, although it no longer has any racial significance.

In another proclamation, in 1920, an African Advisory Council (AAC) was established to discuss with the resident commissioner (the high commissioner's representative) matters affecting African interests. While in principle members of the AAC were supposed to be selected at the *kgotla*, in practice they were chosen by the *kgosi*. In 1921 a European Advisory Council was established to discuss matters affecting members of the European community. Unlike that of the AAC, membership of the EAC was by popular vote every three years, using a system of qualified franchise. Although the AAC was made up of chiefs and 'councillors' chosen in *kgotla*, in practice there was no popular participation as these councillors were often nominated by chiefs without adequate popular participation (Mgadla & Campbell 1989). In 1934 the high commissioner issued two proclamations, the Native Administration Proclamation and the Native Tribunal Proclamation. The first brought the chiefs under the direct control of the colonial state and the second formalised the application of the customary law in *kgotla* (Du Toit 1995). In 1938 the high commissioner issued the Native Treasuries Proclamation to establish tribal treasuries (Mogalakwe 2006) and in 1957 he issued a Local Councils Proclamation that established elected tribal councils.

In 1950 a Joint Advisory Council (JAC) comprising equal representation from the AAC and the EAC was established at the instigation of some of the Tswana chiefs, among them Bathoen and Tshekedi Khama. Both the AAC and the EAC were merely advisory bodies and the colonial administration was not obliged to take their advice, even though the EAC could discuss and comment on the colonial budget estimates. The JAC lasted for only ten years and was replaced by the

Legislative Council (Legco) in 1960. Although the Legco was supposed to be an improvement, in practice it was even less representative than the advisory councils before it.

The Legco comprised 10 colonial administration officials, 10 elected European members from around the country, 10 African representatives chosen by an electoral college, four nominated members (two European and two African), and one elected Asian. Stevens (1975) points out that, in effect, 1 per cent of people of European descent had equal representation with 99 per cent of people of African descent. What this means is that, in terms of per capita representation, the vast majority of Africans were, in fact, excluded from the Legco.

It can be argued that the colonial state, which had not emerged organically from the Tswana political institution but was imposed from outside as a conquest state, aggravated and deepened the pre-colonial top-down and exclusionary system of governance that was characteristic of the chiefly era. This system, which was merely handed over to the 'new men' at the time of independence, shaped the post-colonial state. After independence the process of nation building proceeded in pretty much the same top-down manner – initiatives taken at the centre would shape the further evolution of state and society at all other levels (Du Toit 1995). Botswana's 40-year experiment with parliamentary democracy reveals that very little has changed and the same top-down and exclusionary approach to governance that characterised the pre-colonial and colonial eras still prevails, albeit in a new form.

## POLITICAL POWER AND AUTHORITY IN THE POST-COLONIAL ERA

After almost 80 years of colonial rule Bechuanaland became an independent republic in 1966, under the name of Botswana. The advent of independence created a responsibility and a duty on the part of the new government to finish what the British had started, but left without completing, namely to create a unitary state. 'Tribal reserves' were replaced by district councils and the legislative council was replaced by a parliamentary system in which the country was divided into constituencies. The number of constituencies is based on the size of the population. The country adopted a Constitution with a Bill of Rights, that is, fundamental rights and freedoms of the individual. Also adopted was the British or Westminster-type electoral system known as first-past-the-post (FPTP).

In Western parliamentary democracies it is assumed that Parliament reflects and refracts the national-popular and /or the popular-democratic sentiment, and its deliberations will culminate in legislative and policy interventions to be enforced by the executive through a permanent rational-legal administration in accordance with the rule of law (Jessop 1990). This is supposed to be the essence

of a competitive multiparty system: the electorate votes for parties or candidates on the basis of rational calculation that the candidates will enable it (the electorate) to realise its aspirations, whether these relate to economics, gender, or religion, and the party that wins the election is the party that has been able successfully to sell its policies and ideas to the electorate.

According to Mackenzie (1967) elections create a sentiment of popular consent and participation in public affairs, even when the nature of government is so complex as to be beyond the direct understanding of the ordinary citizen. Elections provide for orderly succession in government; for the peaceful transfer of authority to new rulers when the time comes for the old rulers to go, because of mortality or failure. Elections are seen as an important indicator of democracy because it is through them that citizens express their political preferences and their attitudes to rulers. But elections are more than just a change of guard. They presuppose that the new rulers have been chosen directly by the people, on the assumption or belief that they will exercise the political power and authority conferred on them in such a way that they will redress the grievances of the people who have elected them, be they economic, gender, ethnic or even religious grievances.

The expectations are that not only will the elected representatives articulate the aspirations of the electorate during the run-up to the election, once they have been elected they will formulate and implement policies and programmes that are in the best interests of the people who elected them. Between elections the electorate can participate in its governance through various institutions of civil society which enable it to monitor and evaluate the performance of the rulers. In Botswana the advent of an elected parliament and regular elections has not changed the top-down centralised governance and systemic exclusion of the people from popular participation in decision-making. A closer examination of the relationship between the executive and legislative branches of government reveals how this tradition persists.

### THE POWERS OF THE PRESIDENT

The president of Botswana is the chief executive officer (CEO) of the republic. But unlike a CEO of a corporation who is accountable and reports to a board of directors (read Parliament), the president of Botswana enjoys enormous constitutional powers and is not accountable to Parliament (see below). According to s 47(1) of the Constitution of Botswana the executive powers of Botswana vest in the president. Section 47(2) states that in the exercise of his powers 'the President shall act in his own deliberate judgment and shall not be obliged to follow the advice of any other person or authority'.

The powers of the president have been dealt with by Otlhogile (1998) and there is no need to repeat the information here; suffice it to mention that, as Otlhogile states, the president is both head of state and head of government and his or her wide ranging powers include the power to appoint and dismiss ministers; to appoint the commander of the armed forces, the commissioner of police, the permanent secretaries, the attorney general, the director of public prosecutions, ambassadors and high commissioners; to receive credentials from ambassadors; confer national honours; pardon offenders and exercise the prerogative of mercy. At the same time, all the state apparatuses or organs, such as the Botswana Defence Force, the Botswana Police Service, the civil service, and the proposed Directorate of Security and Intelligence, fall under the political control of a minister in the Office of the President.

A few concrete examples will suffice to illustrate the immensity of the president's powers. Section 7 of the Immigration Act gives the president the power to declare an immigrant or visitor to Botswana a 'prohibited immigrant'. The Act further provides that a person declared a 'prohibited immigrant' has no right to demand information about the grounds for such a decision, nor may such a person have recourse to the courts of law. This was brought into sharp relief recently when Professor Kenneth Good was declared a prohibited immigrant. Although Professor Good's lawyers tried to challenge his deportation, the Botswana Court of Appeal dismissed the case with costs.

The president also has the power to restrict the freedom of movement of citizens, as happened in 1978 when the president ordered that the passports of a Botswana National Front delegation to Havana, Cuba, should be withdrawn on grounds of national security (Otlhogile 1998). None of the members of the delegation was charged with any offence or even with contemplating committing an offence. Botswana passports carry a cautionary note that 'This passport remains the property of the Government of Botswana and may be withdrawn at any time'.

Although the president may consult his Cabinet, and probably does so regularly, he or she is not obliged to do so, or even to agree with the Cabinet. Former President Sir Ketumile Masire reveals in his memoirs that in 1998 he disregarded the advice of his Cabinet colleagues and issued an executive order that a group of citizen contractors who had been having problems managing their accounts be given financial assistance, or a bail-out, as it was then called (Masire 2006). President Masire argues that in light of a serious slump in the building industry, he felt the negative effects of seeing so many citizens who had taken a risk fail because of general business condition would not be good for the development of Botswana entrepreneurs. 'And so I decided that small contractors needed to be given government assistance' (p 84).



Normally the president is supposed to get information for decision-making from his officials, in this particular case from his minister of finance and development planning and the permanent secretary. Since both were opposed to the bail-out it is not very clear from where President Masire got the information that enabled him to make the decision. Speculation was rife that he was probably involved with one of the companies, or at least that a very close relative of his was. This incident strongly suggest that perhaps the president was not using his head, but his heart, in ignoring professional advice from the relevant ministry.

According to Good (2004), although the powers of the president of Botswana operate at various levels of society and government on a differentiated, episodic basis and are frequently held in reserve, their totality constitutes what he characterises as 'structured autocracy' that negates the principles of popular participation and openness.

What is interesting is that although the president wields enormous constitutional powers he or she is not directly elected. To become president all that is required is an endorsement by 1 000 registered voters. Thereafter it is assumed that votes for the parliamentary candidates who have endorsed the presidential candidate are votes for that candidate. But once in power the president can dissolve a democratically elected parliament. There is no provision in the Constitution for the removal or impeachment of the president and although s 92 provides for the National Assembly to pass a vote of no confidence in the government, s 91(1) stipulates that the president may at any time prorogue Parliament (that is suspend its deliberations or even send parliamentarians home) and s 91(2) stipulates that the president may at any time dissolve Parliament.

The implications are clear: any motion of no confidence in government or any attempt to start proceedings to impeach the president can easily be pre-empted by the president's invocation of s 91(1) and/or s 91(2). At the same time no criminal or civil proceedings can be instituted against the sitting president. It is a moot point whether the spouse of the incumbent president can institute divorce proceedings against him or her or whether the mother of a president's child born out of wedlock can sue for child maintenance (Othhogile 1998).

#### POLITICAL REPRESENTATION AND PARLIAMENTARY DEMOCRACY

Commentators like Molomo (2005) Sebudubudu (2005) and Sebudubudu & Osei-Hwedie (2006) have posited that Botswana combines presidentialism and parliamentary democracy. The facts, however, strongly suggest that it is more presidentialism than parliamentary democracy. According to s 86 of the Constitution Parliament has the power to make laws for the peace, order and

good government of Botswana, and this is exercised by means of a Bill passed by the National Assembly and assented to by the president. It is expected that when a Bill is presented to the president he either assents or withholds his assent. The president is required to assent to such a Bill within 21 days or to dissolve Parliament if there is a deadlock between the president and Parliament. The president's far-reaching powers, including the power to dissolve or suspend a democratically elected Parliament, have been a source of concern to Botswana parliamentarians and civil society. This concern was given expression on 8 March 1988 (some 22 years after independence) when Parliament passed a motion that:

... this Honorable House strongly urges government to take steps *forthwith* to ensure that Parliament as a *supreme body* in Botswana becomes an independent institution detached from the Office of the President where it has all the time been relegated to the lower status of a *minor department* (emphasis added).

But it was only in February 2002 (14 years after the motion was passed) that the speaker of the National Assembly appointed a task force to draft the terms of reference of a consultancy to assist in the implementation of the motion. On 10 December 2003 the task force, which comprised eight members of Parliament (MPs) and three eminent persons in the form of the speaker of the Canadian House of Commons, a former judge of the High Court of Botswana, a former attorney general of Gibraltar, the secretary general of the Parliament of North Westphalia, Germany, and a local legal consultant, presented its report to the speaker.

Among their main findings were that the Botswana Parliament currently lacks a clear statement of its role and functions and that there is a need to formulate and approve a parliamentary charter which clearly defines the role and functions of Parliament; that there is a need to amend the standing orders to better equip Parliament to carry out its role as 'watchdog' of the executive, and to establish a parliamentary service commission to manage and administer the affairs of Parliament and to de-link Parliament from the civil service. At the time of writing the 'Study on the Independence of the Parliament of Botswana', as the consultancy report has come to be known, has still not been presented to Parliament despite the fact that the 1988 motion asked government to take steps *forthwith* to ensure the supremacy of Parliament.

The motion on the independence of Parliament is just one of several passed by Parliament since its inception in 1966 and ignored by the executive. Others include one on the declaration of assets and liabilities of MPs, adopted in March 1996, which requested the executive to come up with a Bill to request all MPs,

including Cabinet ministers, to disclose all their assets and liabilities in order to ensure transparency and avoid conflicts of interest.

The other motion that seems to have been ignored by the executive was on the tenure of office of MPs and councillors, adopted in August 1998, which requested the executive to introduce a Bill requiring any MP or elected councillor who wishes to cross the floor to vacate his or her seat and seek a fresh mandate from the electorate. Once adopted by Parliament the motion was referred to the Law Reform Committee (LRC) for further information gathering. The LRC addressed 32 *kgotla* meetings on the issue and recommended that on the basis of the overwhelming evidence of national popular support for the motion, the executive should prepare the necessary legislation for its implementation (Botswana Government 1998/99). It is now eight year later and there is no indication that such legislation is being prepared and will come before Parliament any time soon.

Another interesting feature of Botswana's parliamentary system is that there is no correlation between the popular vote for different political parties and representation in Parliament. The skewed political representation in Parliament that emanates from Botswana's current FPTP electoral system is detailed elsewhere in this journal (see Molomo, p 21). As the results of the general elections since 1969 clearly show (see Table 1) opposition to the ruling BDP has risen steadily, from 31,5 per cent in 1969 to about 49 per cent in 2004.

The fact that the popular vote is not reflected in parliamentary seats shows that a large proportion of the *subaltern voices* have been excluded from parliamentary debates. In light of this it is surprising that commentators like Molomo (2005) Sebudubudu (2005) and Sebudubudu & Osei-Hwedie (2006) can still argue that opposition parties remain weak, generally perform below expectations, and have not yet presented themselves as a credible democratic alternative. Other commentators, like Darnolf & Holm (1999), have blamed, if not ridiculed, the opposition parties for being unable to get their act together, that is, to 'unite'. According to Darnolf & Holm, Botswana's opposition parties have never committed themselves wholeheartedly to a strategy of coalition building for purposes of winning elections; that the *de facto* one-party system that prevails in Botswana is due mainly to this inability to form a *pre-election coalition* and they have squandered their chances by fighting among themselves. The formula for this electoral coalition is not suggested, leaving the reader to imagine that a mechanical amalgamation of opposition parties is probably what the authors have in mind.

According to these scholars there is no need to change the electoral system from FPTP to proportional representation (PR), and the opposition's objection to FPTP is little more than a recognition that it is unable to form an electoral coalition

**Table 1**  
**Voting trends in Botswana 1969-2004**

	No of registered voters	No who voted	BDP votes	BNF votes	Others (combined)	% poll	Parliamentary Seats		
							BDP	BNF	Others*
<b>1969</b>	140 428	76 858	52 518 <b>68.3%</b>	10 410 <b>13.5%</b>	13 930 <b>18%</b>	55%	24	3	4
<b>1974</b>	205 050	64 011	49 247 <b>78%</b>	7 358 <b>11.5%</b>	7 606 <b>10.5%</b>	31%	27	2	3
<b>1979</b>	230 321	134 496	101 098 <b>75%</b>	17 480 <b>13%</b>	15 918 <b>12%</b>	58%	29	2	1
<b>1984</b>	293 571	227 756	154 863 <b>68%</b>	46 550 <b>20%</b>	26 343 <b>12%</b>	77%	29	4	1
<b>1989</b>	367 069	250 487	162 277 <b>65%</b>	67 513 <b>27%</b>	20 747 <b>8%</b>	68%	31	3	0
<b>1994</b>	361 915	277 454	151 031 <b>54%</b>	102 862 <b>38%</b>	23 561 <b>8%</b>	77%	23	13	0
<b>1999</b>	459 662	354 466	192 598 <b>54%</b>	87 457 <b>25%</b>	56 925* <b>16%</b>	77%	33	6	1
<b>2004</b>	552 849	421 272	213 308 <b>50.63%</b>	107 308 <b>25.51%</b>	91 620 <b>23.86%</b>	76.2% <b>0%</b>	44 <b>77.2%</b>	12 <b>21%</b>	1 <b>1.8%</b>

Sources: Reports of the Supervisor of Elections; IEC Reports 1969-2004

\*Others include the BAM, BPP, BCP, MELs, and independent candidates



which would make FPTP a politically more attractive solution, especially given that the BDP is unlikely to agree to PR.

Two issues can be inferred from this position: firstly, there is an assumption that FPTP is an agreed model and the opposition does not like it because it is not working for it. The fact is that FPTP is a colonial inheritance, which is why it is also called the Westminster system. Secondly, it appears that the authors unwittingly conflate the ruling party interest and the national interest, that is, what is in the best interests of the ruling BDP is in the best interests of Botswana. But what is even more important about the commentaries of Darnolf & Holm is that they seem to ignore the popular sentiment that democracy is really about *political pluralism*, whereby every shade of political opinion must be accommodated. The amalgamation of opposition parties into one big party capable of ousting the BDP will not result in political pluralism but in a two-party state. This is not necessarily good for democracy either. In the current era of 'parliamentary democracy', the subaltern groups are represented by the various opposition parties. The FPTP electoral system merely ensures that these voices remain unheard, like those of physically handicapped people who, in some societies, are kept hidden to avoid 'embarrassment' to the family. This can lead to an undercurrent of popular discontent, a process of internal combustion, which has sometime resulted in spontaneous explosions, as happened in Lesotho in the mid-1990s. These explosions occur when people lose confidence in parliament as a system of political representation and a forum for national-popular and or popular-democratic expression. FPTP creates a sense of marginalisation. A good example of this is a constituency in which the ruling party wins less than 50 per cent of the popular vote, with the remainder split between the opposition parties. In this case, the other 50 per cent or more is completely excluded.

In the 2004 general election about 12 constituencies went to the ruling party through the fragmentation of the opposition vote. The FPTP (or, as Darnolf & Holm call it, single-member district plurality election) system simply does not work for Botswana, it excludes too many voices. Given that Parliament is supposed to be a vehicle for popular expression of all shades of political opinion, Botswana's Parliament *excludes* rather than *includes* popular opinions, a fact that undermines Parliament as the refraction of popular political participation. With new popular and inclusive forms of political representation taking root in the region, especially with the democratisation of South Africa, it appears that it will be more accurate to focus on the exclusionary aspects of Botswana's democracy, whose effect is to make it monolithic and give the impression that opposition to the ruling party is weak.

Yet another feature of Botswana's Parliament is that although it is enjoined by s 86 of the Constitution to make laws for the peace, order and good government

of the country, what has been happening in practice is that it merely rubber-stamps laws initiated by the executive. National development plans, national budget, Bills and other policy instruments always come from the executive and there has never been a private member's Bill (Sebudubudu & Osei-Hwedie 2006). It is the executive rather than Parliament that ratifies treaties, conventions and protocols and on many occasions the executive, without consulting Parliament, has 'secretly' concluded agreements that bind and obligate the country.

An example is the 'Agreement Between the Government of the United States of America and the Government of the Republic of Botswana Regarding the Surrender of Persons to International Tribunals', signed in 2003. According to this agreement the Botswana government (read the executive) agreed with the USA not to surrender current or former US employees, including military personnel, to the International Criminal Court. More recently the government entered into a 25-year agreement with De Beers Mining Company concerning that company's operations in Botswana. When some parliamentarians asked question about this secret agreement and its implications for the country, they were simply told that the matter was sensitive and that the government would not do anything that might be harmful to the country.

The executive has also unilaterally chosen to ratify or not ratify certain international conventions, without consulting Parliament. The reasons for such ratification, or withholding of ratification, remain confidential. One example is the government's refusal or reluctance to accede to the African Peer Review Mechanism (APRM). In November 2006 when an MP asked the Minister of Presidential Affairs and Public Administration whether the government intended to sign the APRM, and if so, when, and if not, why not, he was simply told that accession to the APRM is voluntary, that the APRM is still evolving and the question of accession to it is still being considered (by the executive) (*Botswana Gazette* 29 November 2006). It is anybody's guess why a country like Botswana, which has received worldwide accolades for its democracy and good governance, should be reluctant to ratify or accede to the APRM, or even have the matter debated by Parliament. Could this mean that the executive has something to hide?

## CONCLUSION

Societies are dynamic, their ever-changing context an outcome of a changing socio-economic and political landscape. Societies also carry 'excess baggage' or vestiges of their past social practices. It can be argued that as a society develops or moves forward there are both continuities and discontinuities in its life and there is no such thing as a 'clean break with the past'. Botswana is no exception.

The above analysis of the dynamics of the Tswana political institution reveals some interesting continuities and discontinuities. The main continuity of the three periods is the top-down authoritarian exercise of political power and the systemic exclusion of the subaltern social forces from political participation; the main discontinuity is the changing context within which this power is exercised. I shall highlight each of these in turn.

### *The Continuity*

There is a common denominator in the immense executive powers vested in the *kgosi* in the pre-colonial area, in the resident commissioner in the colonial era, and in the president in the post-colonial era. In the pre-colonial period, the *kgosi* could consult the *kgotla*, but the advice was not binding. During the colonial period, the resident commissioner ruled by 'proclamation', was not obliged to take the advice of the advisory councils, and the 'proclamations' were not based on the deliberations of the advisory councils. In the current phase of parliamentary democracy the country is ruled by the executive president who, according to the Constitution, may act in his own deliberate judgement and is not obliged to follow the advice of any other person or authority. The other common denominator of these three periods is that all the systems operate under rulers who were not elected but had very extensive executive powers.

Finally, all three periods share the exclusion of the voices of what can only be described as subaltern social groups. To be sure, this exclusion is systemic rather than systematic, that is to say, it derives from Botswana's electoral system. While there is a saying in Setswana that '*mafoko a kgotla a mantle otlhe* [all opinions are welcome]' historical evidence reveals that it was in fact only the closest advisors of the *kgosi*, such as paternal uncles and headmen, who had had any influence during the *kgotla* debates. The subaltern social groups such as commoners, women, settlers and minorities, could, in principle, speak; in practice this was well nigh impossible because of their social status.

### *The Discontinuity*

During the pre-colonial period the *kgosi* ruled over a society in which the economy was still traditional, the population illiterate, society undifferentiated, with a simple division of labour. Social cohesion was the outcome of collective communal conscience rather than political consensus. Under colonial rule colonialists used the system of indirect rule and the top-down exercise of power and authority was mostly implemented through the *kgosi*. A good example was that of tax collection. In order to make tax collection more effective British colonial state

officials enlisted the support of the chiefs by offering them 10 per cent commission on tax collected, and the more tax returns the chief brought the more he received in commission (Mogalakwe 2006). In this way tax collection was legitimated through the acquiescence or co-option of native chiefs. In the current post-colonial era an elected, but emasculated Parliament is the main form of legitimating the exercise of political power and authority. Although it is Parliament that approves legislation and policy, it is always the executive that initiates it and on occasions when ruling party backbenchers have refused to rubber-stamp the initiatives of the executive they have been called to the ruling party parliamentary caucus, where they have been warned against saying things that might embarrass 'their' government, meaning the executive, and have been politely asked to toe the line.

Having said all this, though, it is important to note that what is happening in Botswana's 'parliamentary democracy', especially the legislative/executive relations, is in a way consistent with the observation made by scholars such as Poulantzas (1978), who have argued that even in the advanced bourgeois democracies there has been irresistible centralisation and concentration of power in the executive and at the expense of the Parliament; a general tendency to exclude the masses from elaborating state policy through their parliamentary representation; and that the elected Parliament has been emasculated.

The case study of Botswana provides compelling evidence of how a democratically and popularly elected Parliament can be emasculated and marginalised, even in a democracy, and can become a talkshop, with the real business of the state taking place in the executive and the bureaucracy. The irony is that this is happening against the background of a plethora of praise poems about Botswana being a shining example of functioning governance, multiparty liberal democracy; an exception that confounds generalisations, and a hopeful model for Africa (Stedman 1993).

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# DEMOCRACY AND BOTSWANA'S ELECTORAL SYSTEM

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## ABSTRACT

*This paper underscores the fact that Botswana has the longest-serving democracy in sub-Saharan Africa and yet remains deficient in the application of democratic norms. The electoral system that Botswana uses, the simple majority first-past-the-post (FPTP) system, is one of the elements held accountable for the limited extent of democracy in the country. It is widely recognised that the political stability and accountability the country enjoys is a result of the FPTP system. Nevertheless, the system is considered to be wanting in many important indicators of democracy such as popular representation, inclusiveness, and consensus building. In the light of this the paper recommends electoral reform that would not throw away the positive attributes of the FPTP system but build on them to introduce more inclusive processes. The paper recommends that instead of taking the extreme position of introducing proportional representation, which also has its fair share of problem, leading to government instability and lack of accountability and effective links between politicians and the electorate, it recommends a middle of the road solution – the mixed member proportionality system – which strives to include the best elements of the other two electoral systems.*

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## INTRODUCTION

Liberal democracy is a celebrated ideal worldwide, attaining hegemonic influence with the end of the Cold War. With the advent of the third wave of democratisation illiberal democracy expanded to new areas, especially Eastern Europe, and Africa was not left behind in this crusade.

Since the 1990s, elections have been endorsed as the primary method of regime change and countries have moved away from one-party to multiparty government. Where democracy was already in place, the move deepened and consolidated it beyond the superficial and procedural, institutionalising it to become a way of life. This move entails identifying all the attributes that make democracy work and endure and entrenching them to become part of the political landscape. Botswana, as the longest-serving democracy in Africa, and having successfully run nine democratic elections, is widely acclaimed as the embodiment of democratic ideals, norms and standards. In this regard, the country's democratic practice must be benchmarked against the universally accepted broad principles underpinning liberal democracy.

In the same vein, expectations of democracy tend increasingly to go beyond the liberal ideals of civil and political rights, human rights and human dignity, the rule of law, and equality; there is a growing perception that it must also address issues of socio-economic development. The argument is that for democracy to be sustainable it must be seen to deliver beyond the ballot box and must be experienced as a process that better the lives of its citizens and ensures that they are integrated into national development in a meaningful way. Despite the various accolades the country has received over the years, this paper maintains that democracy can never be a finished product; it is an ever-evolving project that must constantly be nurtured, reinforced and improved. In particular, the paper seeks to examine critically Botswana's electoral system and determine how it has advanced democracy and how its limitations may be overcome.

Although Botswana is the longest-serving democracy in sub-Saharan Africa the significant strides in democratic transition made by other countries makes its sparkle fade somewhat. This paper seeks to assess the country's electoral system against five core values of democratic politics.

First, it seeks to establish whether the system produces a representative government that inspires the confidence and trust of all the stakeholders? Second, does the system produce free and fair elections? For elections to be credible and legitimate, they must be seen as free and fair. Third, does the electoral system produce an inclusive government? A government enjoys support and ownership when its composition represents, more or less, a cross-section of society. Fourth, a government must be accountable to the people who elected it. The electoral

system must provide a framework through which leaders can account to the electorate, and not only that, the electorate must feel it has the power to recall leaders who are not responsive to its needs. Fifth, an electoral system must encourage political participation. Sixth, an electoral system must be simple and straightforward. The electorate must not feel disempowered by the complexity of the electoral process; it should not require specialised skills and knowledge to understand the way it works and how to participate in an election. This paper addresses these concerns, starting by developing a conceptual framework for understanding the relationships between electoral systems and democracy.

### CONCEPTUAL FRAMEWORK

Since the independence elections of 1965 elections have been a regular feature of Botswana politics. When theorising about elections and electoral systems we must provide the context within which to understand these processes. In the first instance, we must recognise that electoral systems do not exist in a vacuum; they are processes which came about at a certain historical moment and are applied to a given cultural context. More precisely, the political culture of a polity privileges certain outcomes as opposed to others. The cultural context is significant because identical elements introduced in different cultural contexts will produce different results. It is therefore imperative that as we adopt and reform electoral systems we remain mindful of the cultural setting. The FPTP electoral system that operates in Botswana was not adopted by accident; it was bequeathed to the country by the colonisers as a process of electing leaders to political office. This colonial heritage must be problematised to ensure we have a deep understanding of the subject matter.

The euphoria associated with the triumph of liberal democracy over socialist options has often led to complacency with regard to a full understanding of the import of liberal democracy. Since the advent of the 'third wave' of democratisation that began in the 1990s, a great deal of emphasis has been placed on holding regular elections, and this has often led to the misconception that they are an end in themselves and not a means to an end. The respect democracy is accorded as the best form of government, better than any imagined alternative, has masked the possibility of addressing its salient features. It is generally agreed that elections are a hallmark of democracy and an important instrument through which leaders are elected to public office. Nevertheless, we recognise that the mere existence of political parties and the holding of regular elections, although important ingredients of democracy, do not, in themselves, amount to democracy. They remain, nevertheless, central pillars of its institutionalisation and consolidation; without them democracy cannot exist. In theory, elections are

perceived to enhance democratic governance but in practice some elections, and I emphasise *some* elections, are merely a charade geared to legitimating authoritarian rule.

Perhaps we need from the onset to define liberal democracy. We need to be cautious with the use of the term democracy because it has been abused. It is a catchword that facilitates acceptance to the international community. For instance, after Laurent Kabila overthrew Mobutu Sese Seko he renamed Zaire the Democratic Republic of Congo (DRC). By no stretch of the imagination can the DRC be considered a democratic country; at best it can be said to be in a transition to democracy. To be sure, there are as many viewpoints or definitions of democracy as there are scholars seeking to define it.

Diamond (1995 and 1999) defines democracy as the best form of government; better than any imagined option. He views it as the only game in town. For our purposes we seek, as a minimum, to define democracy as a process of electing leaders into office in an open and transparent manner and holding them accountable to the electorate. More substantively, it entails the establishment of an institutional framework, norms and standards for facilitating free and fair elections and effective oversight of democratic procedures to ensure transparency and accountability. As a process democracy is a never-ending, ever-evolving project. Perceptions and definitions of democracy may differ depending on people's historical experiences. For those who have experienced oppression, corruption, authoritarian rule and racial dictatorship, democracy may be associated with human dignity and a better life. Whereas for people who have never experienced oppression democracy may be taken for granted and only appreciated at face value.

The definition and significance of democracy are highly contested. Sub-Saharan Africa has, since the 1960s, tried to come to terms with the concept and application of liberal democracy. As a normative ideal based on European liberal tradition, its core values are those of civil and political liberties, the rule of law, and human rights. These rights are important because they guarantee peoples' freedom, which is essential for their dignity and quality of life. To this end, Mattes & Bratton (2003, p 15) conclude that 'the proper criterion for judging democracy is not so much the delivery of improved material welfare, but public perceptions of the availability of free speech, free and fair elections, fair treatment, the level of government corruption, government responsiveness, the performance of elected representatives, the performance of the president and one's trust in state institutions'. In this regard, democracy is perceived as an 'intrinsic' good, divorced from economic realities. It is conceived as the best form of government; better than any imaginable alternative. It is said to be consolidating if people embrace it for 'better or worse' as a noble political ideal, even if the economic system it promotes is not able to deliver goods and services.



However, increasingly in Africa perceptions of democracy go beyond its liberal notions, as articulated above; it is expected also to address social issues of unemployment, poverty and inequality. Claude Ake (2000) amid the excitement over multiparty politics, argues that Africa is increasingly witnessing the hollowing of democracy, a process he perceptively refers to as the 'democratization of disempowerment' or, in another formulation, as emerging 'choiceless democracies'. The whole process of governance refers to the manner in which the government deliberates on public policy as well as the management of the economy in a way that inspires confidence in the people. Yet the liberal democracy that has emerged in Africa has concerned itself with political freedoms and abstracted the provision of economic goods to market forces.

The basic question being asked is: can democracy endure under conditions of poverty and deprivation? Put differently, why is it that poverty is a threat to democracy? Do the poor have a voice in the formulation of public policy? As argued by Tlakula et al (2003, p 28) a defining characteristic of a democracy is that Parliament must be 'an accurate map of the whole nation, a portrait of the people, a faithful echo of the voices, a mirror which reflects accurately the various parts of the public'. It is only when Parliament reflects a cross-section of society that society's needs can be addressed adequately. However, the critical question remains: how would the electoral system alleviate poverty, reduce income differentials, and narrow the gap between the rich and poor?

Emerging democracies are choiceless democracies, manifesting situations where people participate in periodic elections that result in disempowerment of the political framework and are characterised by a lack of clear political alternatives between competing political parties. A typical feature in the region is the emergence of predominant party systems in which elections are only a ritual that is unlikely to lead to an alternation of political power. Quite often, political elites are concerned with legitimising their rule through periodic elections while the content and character of the governments they lead are not democratic. Adam Przeworski et al (1996) and Huntington (1991) discuss factors that make democracies endure. The electoral system is one of the institutions that facilitate the transfer of political power. They argue that a democracy is consolidating if there is not only a smooth transfer but a double alternation of political power – the situation in which a sitting government loses an election and bows gracefully out of power to be in opposition. The point is that if this happens twice without being followed by any political disturbance, democracy would be said to be consolidated. The irony is that despite being hailed a front-runner in democratic politics, Botswana has yet to pass this test.

Electoral systems are the bases upon which democratic elections are held and are considered the foundation upon which other democratic processes are

built. But elections must meet certain standards and procedures to enhance the legitimacy and credibility of their outcomes. Furthermore, the electoral process must ensure that there is equality of opportunity and that the political playing field is level. Political parties and contestants must be given free and equal chances to canvass for votes, and the electoral process must be free of fraud and all manner of manipulation. Opposition parties must canvass political support unencumbered by manipulation and must have free access to the official media. Elections must be conducted on the basis of clearly defined rules, transparent structures, and efficient procedures. Moreover, the campaign process must include a high level of civic engagement and participation. Attempts to nurture and deepen democracy have often focused on the design and nature of electoral systems and their attendant processes. These include the capacity and effectiveness of political parties, the independence and effectiveness of election management bodies, effective voter education, and the authentication of the process by independent and international observers. Elections must not be seen merely as a process of voting people into power for their own personal enrichment but as a substantive process that will improve people's lives. This concern brings to the fore the link between democracy and development. A new concept developing in Africa is that of developmental democracy, perceived as a process that goes beyond electioneering but fosters a framework and environment that also ensures sustainable economic growth and improves the well-being of a country's citizens.

Since the independence elections of 1965 Botswana has used the simple plurality single member constituency system. This system is also anchored in the first-past-the-post (FPTP) or winner-takes-all system and has delivered nine successful elections. It is a system that has served the country fairly well and, in part, accounts for its political stability. However, it needs to be analysed critically against key democracy indicators. The basic thrust of this paper is to examine Botswana's electoral system with a view to identifying its strengths and weaknesses and to suggest ways of streamlining it to reflect best norms and practices. Perhaps more concretely, it suggests electoral reforms that would ensure that Botswana's democracy remains vibrant and internationally acclaimed as best practice.

## ELEMENTS OF A DEMOCRATIC ELECTORAL SYSTEM

An electoral system is a framework that enables people to express their political choices and elect those who will hold the reins of power. Such a system must, of necessity, reflect certain core values that constitute a complex web of a people's political culture and application of liberal democratic values. For our purposes such core values are representation, free and fair elections, inclusiveness and

responsiveness, accountability and legitimacy, and political participation. These core values are influenced and informed by internationally acclaimed norms of fundamental human rights, human dignity, equality, liberty, freedom and democracy. These basic tenets of democracy are discussed below, and are used to measure the extent of Botswana's democracy.

### *Representation*

The basic ingredient of liberal democracy that makes it different from Athenian direct democracy is that not every member of the polity can deliberate public policy. As a result, people have to elect representatives to represent them in national parliaments and councils. A system is said to be representative if it accurately translates votes cast into a corresponding number of seats. However, what obtains under the winner-takes-all electoral system is that when you lose an election you also lose your vote. That is to say that the votes of the losing candidate are not taken into account in deciding who goes to Parliament or forms the government. Under this system votes cast in favour of political parties do not always correspond to the seats allocated to that party so inordinate power and influence tends to be accorded to the votes of the winning party as it, alone, forms the government. The losing parties, irrespective of their share of the popular vote, are shut out of government, their participation limited to the few representatives who won seats. It stands to reason that representation is one of the core values of liberal democracy and to enhance its value and quality countries must strive for electoral systems that facilitate greater representation.

### *Free and fair elections*

As a basic requirement of democracy elections must be perceived as free and fair, and most elections in the Southern African region are free. Elections are free when the electoral law provides for the basic freedoms – speech, association, and assembly. These freedoms are coupled with the freedom to vote without intimidation and harassment. In most countries in the region, these freedoms are a given.

What is often difficult to ascertain is the fairness of an election. It is particularly difficult when the political playing field is not level, which can happen for a number of reasons. Top of the agenda is the electoral law that prescribes a particular electoral system. Every system has its own predisposition, which performs differently in relation to various indicators of democracy. The rule of thumb is that plurality majority systems produce stable and accountable governments while proportionality systems produce representative and inclusive

governments. Other important yardsticks for measuring the fairness of an electoral system are political party funding, access to the state media, and the use of incumbency.

Botswana is one of the few countries in the region that does not provide political party funding and also does not have adequate disclosure laws. The funding of elections is a big industry that can advance or undermine democracy. Elections must be preceded by effective voter mobilisation and education to ensure that the electorate is well informed and this requires considerable resources, which often elude smaller parties. However, unrestrained and unregulated funding of parties, especially secret and private funding, has the potential to compromise the integrity of the electoral process and the country. Abuse of incumbency, which is widely practised in Botswana, is difficult to contest. It is usually difficult to separate the ruling party from the government and frequently government positions carry privileges that politicians exploit for partisan political gain. Government leaders also use their positions in government to maintain the political visibility of their party.

The use of the official media and transport are among the elements that give the incumbent unfair advantage over its opponents. The strategic timing and announcement of the election date is the prerogative of the president, who also sets the date. This gives the president's party an unfair advantage over other parties. A more accommodative dispensation would be one in which the election date is set in the constitution. This is not the case in Botswana.

### *Inclusiveness*

Most conflicts in Africa are the result of exclusion from the political system. Taking into account the diversity of African social formations it is imperative that an electoral system find a way to ensure that all shades of political opinion are filtered into the political system. It has been generally observed that the winner-takes-all electoral system tends to exclude marginalised communities such as women, youth, the disabled and other minorities. The term minority in this context is used advisedly; it does not necessarily refer to numbers but to the power relations that are produced by the patriarchal structure of society. Although women comprise the majority of the population in Botswana and are active in the structures of political parties, they are kept out of the decision-making structures of political parties and government.

While Botswana is a signatory to the Southern African Development Community (SADC) 1997 declaration on gender equality and development in decision-making structures, it is far from meeting the 30 per cent quota set for 2005. It must be emphasised that systems that exclude certain groups of people

not only lack inclusivity but are also prone to political instability and civil strife. A cursory survey of the region reflects that only countries that have proportional representation (PR) systems or a variation thereof have reached the target of 30 per cent women in Parliament or local government. South Africa and Mozambique are cases in point, where the percentage of women members of Parliament (MPs) exceeds 30 per cent, and Namibia has attained the quota with respect to local government, where PR is used. Other countries, such as Seychelles and Lesotho, which use mixed systems, have also made decisive strides in this regard. It nevertheless needs to be pointed out that PR in its own right may not guarantee women's representation; it must be accompanied by a quota system such as the Zebra system, in which the electoral law specifies that every second candidate or so should be a woman, youth, or any other determined criterion.

### *Accountability and Responsiveness*

Accountability and responsiveness are basic democratic values that are expected of all democratic systems. A leader who represents people must report back and account to the people who elected him or her into office. In electoral systems where political party candidates are not attached to particular constituencies, political accountability is often lost. What this suggests is that a political party needs to have a human face; there must be a person or structures to which the electorate can channel its grievances. The FPTP system provides an effective link between MPs and the people they represent. In this system people feel they have the power to reward effective representation and punish poor representation. Although this is not always the case, as people tend to vote according to affiliation, non-performing MPs may be returned on the strength of their party and not their performance. The overriding virtue of the FPTP system is that it encourages accountability and, because MPs have direct links with their constituents, they are bound to be responsive to their needs. Politicians who ignore these responsibilities do so at their peril. As a result, politicians often pay attention to serving their constituency at the expense of deliberating public policy.

### *Participation*

Political participation is the hallmark of liberal democratic politics; without it a political system would lose its credibility and legitimacy. The manner in which liberal democracy operates is that every five years or so, depending on the provision in the constitution, the electorate either renews or withdraws its mandate from a candidate or party. As Dahl (1989, p 221) points out citizens are not only expected to vote in an election but also to be voted into political office. There are



diverse theories of political participation: Dahl (1989); Dalton (1996); Bratton (1989) but they come to one point of convergence, which is the novelty of being an engaged citizen. Broadly defined, this includes voting in an election, standing for political office, attending campaign meetings, assisting in the voter education campaign, engaging in mass action over a political or public policy issue and doing volunteer work. There are, of course, other views (Duncan & Lukes 1966) which maintain that even well-established democracies in the West operate with low levels of citizen participation.

Despite the virtues of political participation there are indications that Botswana do not have a participant culture. Two basic explanations could be tendered for this phenomenon. The first is that the traditional institution of *bogosi* (chieftainship) was, and to a large extent still is, hereditary and once a person is installed he or she occupies the position until death or steps down because of age or ill health. The most disadvantaged groups in this regard are the youth, women and ethnic minorities. The second explanation is that civil society is still in a formative stage and is not yet vibrant enough to keep the political system constantly accountable.

Voter apathy is an important element in Botswana and in 2002 the Independent Electoral Commission (IEC) commissioned the Democracy Research Project (DRP) of the University of Botswana to study its causes and recommend how it can best be redressed. While the report reiterated the traditional and cultural impediments to political participation arising from the patriarchal structure of society, it pointed out that civil society organisations such as churches need to be more vocal in their messages to underscore the necessity for political engagement.

This paper, while it recognises the traditional causes of voter apathy, outlines that electoral systems, especially the FPTP system, tend to discourage political participation. The fact that in the FPTP system the losing candidates not only lose an election but also their vote creates a sense of disillusionment with the system. Moreover, party systems where people are able to tell the outcome of the election even before it takes place tend to breed complacency. As such, a review of the electoral system would go a long way to addressing the problem of apathy.

### *Simplicity*

Electoral systems, if they are to be effective, must be simple and straightforward in order to be easily understood by the electorate and to facilitate effective participation. Bearing in mind the illiteracy rates in Africa it is essential that while an electoral system must embody all the necessary attributes to make it democratic, it must be kept simple. All eligible voters must be in a position to comprehend the value of their vote and participate effectively in the electoral process.

To illustrate the point, following the 1997 electoral reforms, Botswana changed from the use of a voting disc to that of a ballot paper. For the fairly literate population the use of the ballot paper is straightforward and desirable but election reports from 1999 and 2004 show that in 1999, of the total of 354 466 votes cast 17 481 were rejected, amounting to 4,93 per cent of the total votes cast, and in the 2004 elections, of a total of 421 272 votes cast, 8 893 were rejected, amounting to 2,11 per cent. While the high proportion of spoilt ballots could be attributed to many factors, the issues of literacy and the simplicity of the ballot paper are important. However, in the new digital age we cannot escape the use of ballot papers; what is needed is a sustained voter education campaign.

### ELECTORAL REFORM

Given that democracy is never an absolute state but an unending process that is always evolving and under construction, it follows that it can never be consolidated. Democracy must be nurtured at all times and deepened to ensure that it satisfies the basic prerequisites of democratic governance. However, the attainment of these democratic ideals depends on a variety of issues, including political culture, the political process and the electoral system, and the predisposition of the political elite. The choice of an electoral system is always a political decision and its formulation and reformulation depend very much on the political will of the ruling elite to institute change.

The broad principles that underpin democratic reforms and, more especially, electoral reform, are that they must be guided by attempts to make systems accountable and responsive to people's needs; effective and efficient; flexible yet firm; open and transparent; and they must inspire trust and integrity. Much as reforms may be counterproductive, they are essentially conceived to enhance the viability of the electoral system. They can either be substantive or procedural. They can be procedural and cosmetic by addressing mundane issues such as the type of ballot box. This can entail changing ballot boxes by making them out of cardboard, which is cheap and easy to transport and store; it may also entail making them from transparent material. Perhaps it is wrong to categorise procedural issues as basic because their sum total may add to building trust in the electoral system. But the point is that there are more systemic issues, which, if they are absent or flawed, would make a great dent in the quality of democracy. These include the legal parameters that define and guide elections as well as the electoral system that defines the quality of the vote, that is, its contribution to creating a government.

Electoral reform must be people driven; it must reflect the interests and wishes of the majority of the people. Perhaps that is why there must be a

referendum before electoral reform can be undertaken. An electoral system must be motivated by the felt needs of the people and the understanding that the status quo constrains the democratic process. Why fix it if it is not broken? The desire to reform an electoral system must be motivated by the real needs that affect the majority of the population. It would be a grievous mistake to change a system that is working well simply because other countries have changed theirs. More profoundly, change or electoral reform should be geared to improvement. However, a preoccupation with these core values must not lead us to romanticise and discuss utopian ideals that cannot be achieved. Nevertheless, it is not wrong to aspire to higher ideals, though such ideals must be anchored in realistic and attainable values.

The choice of an electoral system is perhaps one of the most profound ways of institutionalising and consolidating democracy. Basically, electoral systems define the rules of the game, determine how elections are conducted, structure how political campaigns are waged, determine the role of political parties and civil society in the conduct of voter education, and, more fundamentally, determine who wins elections and how? As propounded by Norris (2004); Reynolds & Reilly (1997); Sartori (1976); Linz (1990) and Lijphart (1991) electoral systems have focused on deepening and consolidating democracy. The debate has centred on two ideal types of system: the plurality and majority system and proportional representation. Only recently was a hybrid system, the mixed member proportionality system (MMP), introduced, drawing on the strength of both these systems. Electoral engineering, to borrow Pippa Norris's (2004) term, is an attempt to deepen and consolidate democracy by crafting an electoral system that will produce a stable and accountable government which also carries the popular will of the people. Electoral systems are key determinants of democracy because they lay down how election results are computed to determine which party wins and forms the government.

### *Electoral Law*

The core values espoused in the electoral law, which must be in harmony with the national constitution, are guided by values of human dignity, the rule of law, equality, liberty, and freedom. The constitution and the electoral law represent the social contract between the state and its people and, more especially, the manner in which they regulate the conduct of elections. The issue is that despite unsubstantiated allegations of electoral fraud, the conduct of Botswana's elections has been peaceful; and where a prima facie case of irregularity was established, as was the case with the Tshiamo ballot box in the Gaborone South Constituency, there was recourse to the law and a fresh election was held. Perhaps the more

compelling reason to reform the electoral law is not so much that it does not work but to align it with international best practice.

### *Election Management Bodies*

Election management bodies often go unnoticed as important stakeholders in the democratisation process. These bodies are given the task of interpreting electoral laws and putting them into operation. To be sure, elections are not only about polling day, they consist of three distinct phases: pre-election, election and post-election.

First let us deal with the pre-election phase. The electoral laws serve as a codified doctrine or the guiding principle governing the conduct of free and fair elections. They spell out the basic rights accorded to citizens in exercising their democratic right to elect the government of their choice. These are wide-ranging and include, among other things, the electoral law, delimitation of constituencies, registration of political parties and candidates, qualifications of franchise, and the basic freedoms – speech, association and assembly. Overall they underscore government's commitment to democratic rule, the creation of an enabling environment and the levelling of the political playing field by ensuring that there is equality of opportunity in terms of canvassing for political support, equal access to state controlled media, the use of public funds for political party activities, and the relationship between government and other stakeholders.

The second phase of elections covers activities on polling day. These include the layout of polling stations, the transparency and security of the process, counting of ballots and the announcement of results. This is usually the critical phase of the election as it happens in the public domain and small errors can easily grow into monumental ones that may compromise the integrity of the entire process.

The third phase, the post-election phase, is equally important, as it includes the management and resolution of election disputes. When people feel that there is recourse to the law to resolve disputes, and the resolution is carried out impartially, trust and confidence are inspired in the electoral process. Monitoring and observation of elections by independent and international observers also serve as an important indicator that elections comply with internationally approved best practice.

The integrity of the electoral process depends a great deal on the independence of election management bodies (EMBs). In Botswana since the independence elections of 1965 the notion of the independence of EMBs has been a contentious issue. Initially elections were run by the Permanent Secretary in the Office of the President (OP). Following concerted objections, especially from

opposition parties, that the OP, as the institutional home of the president who was, himself, a contender, could not conceivably be considered impartial, the Office of the Supervisor of Elections was created, but still within the Office of the President. This also failed to inspire confidence and trust because it was perceived to be controlled from the OP.

In response to these concerns, a national referendum was held in 1997 (Molomo 1998) whose outcome provided for the lowering of the voting age from 21 to 18 years and established an absentee ballot and the IEC. The 1999 elections were the first conducted under the auspices of the IEC.

Of particular interest for this paper is the independence of the IEC, which was established by an Act of Parliament, s 65A, which stipulates that the IEC shall be responsible for the conduct and supervision of parliamentary and council elections. The Constitution provides for seven commissioners, who must be persons of high moral standing and integrity. The chair must be a judge of the High Court and the vice-chair a legal practitioner appointed by the Judicial Service Commission. The remaining five members are appointed from a short list generated by responses to an advertisement for the position agreed upon by the All-Party Conference, which is a statutory body provided for by the Constitution. Section 66 of the Constitution provides that the secretary of the IEC must be appointed by the president.

From all accounts the IEC is more independent than the office of the supervisor of elections. As stated by Othogile (2006) independence does not mean being apolitical but is derived from the integrity of the commissioners and the belief that they will execute their mandate without fear or favour and will uphold the oath of allegiance they swear when assuming office. Its independence derives in part from the fact that it draws its direction only from the IEC Commission. In line with the doctrine of separation of powers, the stature of the High Court judge and the legal practitioner aims to underscore its separation from other arms of government and the involvement of the All-Party Conference suggests that candidates for the commission have been cleared by political parties as impartial and commanding integrity. Moreover, to insulate the secretary of the IEC from political pressure that office enjoys tenure and the incumbent cannot be removed except on the recommendation of a tribunal that has investigated the person's failure to perform his or her duties.

Despite these safeguards there have been calls for further reforms that would ensure the total independence of the IEC. One of the strongest arguments for such reforms is that the IEC lacks operational autonomy because there is no IEC Act from which it derives its authority. Instead it is housed in the Ministry of the State President and does not report directly to Parliament but through that ministry, thus compromising its independence<sup>1</sup>. The IEC is fully funded by



government and does not enjoy the autonomy enjoyed by other parastatal organisations which own and control their assets. The IEC does not have its own staff; it draws staff from the public service, and uses government vehicles controlled by the Central Transport Organisation. These strong and obvious links to government give the perception that it is not independent. Often when perceptions are not addressed they become reality. The appointment by the president of the IEC secretary also raises concerns about the commission's independence and impartiality.

### *Civil Society*

Civil society organisations are said to occupy an important space between the state and the people; they are important intermediaries and try to ensure that there is popular participation in structures responsible for the country's governance. The critical question is: does the electoral system facilitate the popular participation of the people in the political process? Robert Putnam (1993) constructs a comprehensive theory of understanding political participation. The social capital theories suggest that voluntary associations are a good training ground for citizens who wish to become involved in political activity because they develop a link between civil society and political participation.

The key question is how civil society organisations enhance democracy? Broadly, they promote democracy in diverse yet related processes. Participation in voluntary associations in itself has the intrinsic value of bringing people together and making them cooperate for a common purpose. Civic participation is virtuous in its own right; it gives people basic skills they can later apply in political pursuits. Civil society organisations also serve as countervailing forces to governments and make them accountable and responsive to people's needs and rights. More concretely, they provide a platform for public discussion and deliberation of public policy.

Putnam (1993) argues that social capital is produced in informal horizontal social networks. Participation in formal procedures like casting a ballot, doing campaign work as activists or volunteers for political parties and candidates, attending political rallies, embarking on house-to-house campaigns, attending community meetings, coalescing with others to raise social or political issues, and contacting a councillor or MP can, in themselves, have an educative effect. The mere fact of casting a vote increases a person's interest in politics and sense

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<sup>1</sup> There were cases where, it is alleged, the Vice-President, Ian Khama, insisted that the IEC should brief him of its activities and where the Permanent Secretary to the President, Eric Molale, reversed a decision of the IEC Commission.

of political efficacy. And this has the propensity to build the demand for and supply of democracy.

### FIRST-PAST-THE-POST ELECTORAL SYSTEM

The FPTP system is based on the single-member constituency and pays attention to geographical representation. In Botswana the constituency boundaries roughly correspond to the administrative districts and MPs and councillors are held accountable for the delivery of services and development programmes. This system accounts for a strong government in that only one party gets a clear electoral majority and it alone, without having to negotiate with smaller coalition partners, constitutes the government.

The FPTP system makes it difficult for Parliament to reflect the diversity of the social structure. Moreover the system is said to increase voter apathy as it rewards the supporters of the winning party and throws away the votes of those who support the losing party. Voters whose votes are lost feel disempowered because their vote did not count in the making of government. Since smaller parties are permanently shut out of government they tend to lose interest in politics.

### PROPORTIONAL REPRESENTATION

There are three main variations of PR: the closed list, the open list, and the free list systems. The closed list system, which is used in South Africa, gives the party inordinate power over the electoral process and determines the order of the candidates on the party list. The open list allows voters to choose their preferred candidate within the party. The free list, which is rarely used, allows voters to use their vote freely and even to choose or vote for a candidate from a different party list.

By and large the PR system has numerous advantages that must be underscored in making a case for electoral reform. Perhaps it should be pointed out that when benchmarked against democracy indicators it performs very well. In this system there is no need for delimitation of constituencies, the whole country is treated as one big constituency. This is considered an important attribute because in the first-past-the-post system, where the country has to be divided into constituencies, it is argued that gerrymandering often takes place to advantage the incumbent party over others. The PR system also encourages greater proportionality between votes cast and seats won; it is an inclusive system and facilitates minority representation. In the event of a constituency falling vacant for whatever reason there is no need for a by-election, the next candidate on the party list is automatically elected. Perhaps more importantly, this system

encourages high voter turnout as every voter feels that his or her vote counts in the making of government.

However, like any electoral system it is not faultless. It is weak on geographical representation and voters often do not know who to go to when things go wrong. Because of its inclusive nature there is often no outright winner and governments are frequently coalition governments. As a result, governments voted in by this system may be unstable.

### MIXED MEMBER PROPORTIONALITY

The MMP is a fairly new system that is practised in Albania, Bolivia, Germany, Hungary, Italy, Lesotho, Mexico, New Zealand and Venezuela. It enjoys wide appeal in newer democracies. Its significance is that it tries to incorporate the positive attributes of both the FPTP and PR systems. It retains the geographic link between the electorate and the representative of the FPTP system, leading to greater accountability. Invariably, the FPTP aspect appropriates a disproportionate share of the popular vote for the dominant parties, however, the PR component, which is put in place by the second ballot, restores the proportionality of support for the various parties and, through this balancing act, determines the composition of Parliament. Depending on how low the threshold is only a few votes are lost in the system and this inspires confidence and leads to greater participation. However, no electoral system is free of flaws and the MMP is regarded as complicated and not easily understood by the electorate. So it does not do well on the simplicity scorecard but the effects of this variable may be minimised by an intensive voter education campaign. Lesotho used this system during its 2002 elections and it performed very well. The other problem is that it produces two tiers of MPs, with those returned through the FPTP feeling they are the true representatives of the people and those elected through the PR system representing the party.

It would appear that the MMP system enjoys wide appeal across the political divide in Botswana, with people seeing virtue in the single-member constituency system in which only one MP is returned per constituency, thus obviating the problems of faceless political systems characterised by the variations on the PR system; but the PR component, it is argued, would address the problem of voter apathy so prevalent in the country.

### CONCLUSION

In the above analysis we examined Botswana's electoral system and established that while it presents opportunities for the political system it also has inherent

limitations and these limitations need to be addressed if democracy is to be nurtured, deepened and consolidated. However, we must bear in mind that no electoral system is perfect, and no electoral system can address all the problems in a political system. As a result, we must make important tradeoffs and embark on an analysis that will identify the strengths and weaknesses of each system, then make an informed decision.

Although I am of the view that the MMP is the best electoral system for Botswana, I am less persuaded by Matlosa's argument (2003, p 49) that all countries in the region should change their electoral systems to the MMP system because a 'common electoral model for the region would deepen regional integration in the political arena'. The reform agenda must be informed by the specific conditions that exist in a country rather than by a pre-determined desire to be uniform. Other procedural issues need to be taken on board to ensure that the system is more open and transparent. For instance, it would add great value if election day were made a holiday to ensure that everybody has an equal chance of voting. Furthermore, counting ballots at the polling stations and announcing the results on the spot would greatly enhance the trust people would have in the process and would remove unnecessary delays and uncertainty.

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# BEYOND THE STATE

## *Botswana's Democracy and the Global Perspective*

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### ABSTRACT

*The success of democracy is determined both by the extent to which the citizens of a democratic country enjoy rights, freedoms, and a high quality of life and the extent to which the foreign policy of a democratic country articulates its democratic culture and principles abroad. The Western so-called mature democracies have described democracy as their way of life and anyone who is seen to threaten this way of life as their enemy. This particular stand has been clearly brought to the fore by post-September 11 political developments and the USA and UK invasion of Iraq in 2003. The question this paper raises is who has the right to promote democracy? Can democracy success cases such as Botswana be promoters of democracy as well? Does democracy promotion bring any benefits to the promoter? I argue that indeed Botswana has been successful in establishing her democracy at home against all odds. I conclude, however, that Botswana has been a reluctant promoter of democracy abroad. As a result the country's potential democratic leadership mantle has been taken over by new democracies such as post-apartheid South Africa.*

### INTRODUCTION

Democracy is an all-round culture and practice of a state and its citizens. Once developed it should become integral to the behavioural pattern of the state beyond its borders. It is in this context that the United States of America and the countries of Western Europe spend billions of US dollars each year promoting democracy in 'less democratic or non-democratic societies'. The countries concerned see this activity as one of the necessary tools for the promotion of 'peace and stability' around the world.

Although these so-called mature democracies are often at pains to assure the rest of the world that they are not exporting democracy and claim that democracy is the choice of an individual country and cannot be exported from one country to another, research shows that almost all of them are, in fact, doing so (IDEA 2003). Each year millions of dollars are spent on democracy promotion abroad; supporting elections, parliaments, civil society groups, media and political parties (Carothers 1999). The focus is very clear and one-sided. The promoters come from both the USA and the European Union countries (the original 25) and from the recipient countries of Africa, Asia, the former Soviet Union region, Latin America, and the Caribbean.

In justifying the invasion of Iraq in 2003 the Bush Administration and its allies, for instance, have constantly used the concept of 'regime change', maintaining that the people of Iraq desired to be liberated from what was said to be the grip of a cruel dictatorship. However, despite the new constitution and subsequent elections, which ushered in a new regime in Iraq, there has been no peace and no democracy. Nevertheless the Bush Administration claims the people of Iraq are better off now than they were before the invasion.

When can a country export democracy? Which countries are able to claim the authority to promote democracy? This paper examines the extent to which Botswana, as one of Africa's proclaimed democracy success stories, has been able to support and consciously promote democracy beyond its borders. We ask the questions, has Botswana been too conservative? Would promoting democracy beyond the state have helped Botswana to be better known abroad than it is now?

In order to arrive at the answers the paper attempts to analyse Botswana's historical role and its contribution to different regional and international organisations such as the Frontline states, the Southern African Development Community (SADC), the Organisation of African Unity (OAU)/African Union (AU), the Commonwealth, the Non-Aligned Movement (NAM) and the United Nations (UN).

I define democracy promotion broadly to include support for elections, parliaments, civil society, media, participation in regional and global peace-keeping efforts, election monitoring and observation, and other related activities, including signing important regional and global resolutions and conventions such as those concerning the rights of women, minority groups, children, exchange of criminals, and related activities.

## DEMOCRACY AT HOME: BOTSWANA'S SUCCESS STORY

The paper addresses the subject of Botswana's use of democracy as a tool of her international relations. Nevertheless, it is important to establish whether or not

Botswana can indeed be defined as a democracy. On 30 September 2006 the country celebrated 40 years of independence. They are also 40 years of political stability and relative economic success. We isolate some of the key features that seem to guarantee the sustainability of the current liberal democratic system.

### *Constitutional Protection*

At independence in 1966 Botswana adopted a liberal democratic constitutional dispensation with the protection of basic rights and freedoms. Since then the Constitution has remained relatively intact, with a few minor modifications. This is not, however, to say that the Constitution covers every aspect of the social and political rights of all persons and/or groups to their satisfaction. The ethnic minorities have continued to express dissatisfaction with the fact that their chiefs do not seem to have equal status with the chiefs from so-called majority groups. This, they say, is because they are either not represented or their representation is limited to four rotational places in the House of Chiefs, which is an advisory house of Parliament. Similarly, trade unions, women and some hunter-gatherer Basarwa are dissatisfied with certain aspects of the Constitution or other legislation.

### *The Rule of Law*

The Constitution on its own is not adequate if the culture of the rule of law is not entrenched. Botswana's success has, therefore, been the state's ability to recognise and adhere to the principle of the supremacy of the rule of law and the Constitution (Masire 2006). This has been evident in cases such as *BNF vs Government*, which dealt with the 1984 Gaborone South Constituency election dispute, and in *Attorney General of Botswana vs Unity Dow* 1998 and several such cases where the state was defeated in the courts.<sup>1</sup> The private media too have won cases against the state on a number of occasions.

Again this is not to suggest that the state has complied with every judgement and has not used the rule of law to its advantage. Many civil society groups and trade unions have complaints about the non-compliance of the government with international conventions and declarations. Botswana took an inordinately long time to ratify, for example, the International Labour Organisation Conventions and even the Convention on the Equality of Women against Discrimination (CEDAW).

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<sup>1</sup> In this regard it will be interesting to see how the government will respond to the court's decision favouring the application in *Roy Sesana and Others vs the Attorney General*.

### *Multiparty Elections*

Botswana is widely recognised as one of Africa's democracy success stories. By 2004 it had held nine successive elections. Although in every election the ruling Botswana Democratic Party has been returned with a comfortable majority the elections have been multiparty in nature, with some broad representation of the different sections of the population. The other tenets of liberal democracy have evolved over time. For example, while state-controlled media are still predominant, private media enjoy some degree of freedom; civil society organisations, including the trade unions, have been able to organise; and political opposition has grown in strength. However, the opposition parties and private media have expressed constant dissatisfaction with the role of the state media and their domination by the government, sometimes to the latter's political advantage.

### *Watchdog Institutions*

In the past one-and-a-half decades Botswana has introduced a new layer of institutions, known as watchdog institutions, whose main function is to safeguard democracy, promote transparency and guard against corruption. Among these are the Independent Electoral Commission (IEC), the Ombudsman, and the Directorate on Corruption and Economic Crime (DCEC). These have made a difference to the way citizens perceive the protection of their rights and freedoms. The IEC, for instance, has significantly reduced the number of post-election disputes and conflicts and there are fewer post-election court cases than in the past. Parties are involved much earlier in election preparations and the Commission is seen as relatively autonomous compared to the Office of the President, from which the elections were initially administered. Although generally perceived as lacking the power to take firm action against the culprits, both the Ombudsman and the DCEC are considered useful confidence-building institutions.

### *Economic Infrastructure for Development*

Democracy without development is limping and fragile. Botswana inherited a classic case of underdevelopment (Colclough and McCarthy, 1980). However, according to World Bank rankings, the discovery of minerals, especially diamonds, in the second part of the 1960s transformed the country's economic situation from one of the poorest to that of a middle-income country. The government has used its mineral revenue to improve its legitimacy and promote internal



democracy. For example, Botswana has steadily built an impressive physical infrastructure in the form of a roads network, airports/air strips, and communication in the form of telephones, postal services, radio stations, television, internet and newspapers; institutional infrastructure in the form of schools – primary and secondary; colleges, institutes and universities and financial institutions of different types also exist and are generally well kept. These now form the basis of sustained development and democracy.

The issues of the spread of this infrastructure as well as its maintenance remains quite daunting for the future. As a safeguard, however, Botswana keeps some US \$6.2 billion in foreign reserves (Government of Botswana 2006).

### *Poverty Reduction*

Botswana has managed, through employment, self-employment, and state support for weak and disadvantaged groups, to reduce the level of poverty from well over 70 per cent at independence to some 37 per cent of households in the early 2000s.

In March 2005, for instance, about 298 000 people were in formal sector employment and unemployment was estimated at about 24 per cent. In the same year government supplied food rations to more than 60 000 vulnerable individuals across the country. Using diamond revenue Botswana has created a fairly comprehensive social welfare system in which 90 per cent of primary-school age children are at school, 70 per cent have access to basic junior secondary education, 62 per cent have access to senior secondary education and roughly 12 per cent to post-secondary education. More than 70 per cent of households have access to clean drinking water; some 60 per cent have hygienic sanitary disposal of waste and the level of literacy has increased from less than 20 per cent at independence to the current 81 per cent (CSO 2001).

In summary, in the past four decades Botswana has managed to develop a fairly stable and legitimate liberal democratic state which appears to be sustainable both politically and economically. By meeting the intrinsic needs of democracy – protection of rights and freedoms (Sen 1999) and instrumental needs – social welfare, the country appears to have entrenched a democratic culture. There are challenges ahead relating, for example, to growing inequality; persistent unemployment even of the educated youth; persistent poverty and over reliance on the state by large sections of the population; continued dependence on mineral revenue and the hazards of HIV / AIDS. These, however, are problems that face many economies around the world, especially the developing world, and emerging ones such as China and the post-socialist economies of Eastern and Central Europe. In this context we can argue that Botswana has a commodity in

the form of democracy to promote and share with the rest of the world. The question is, has Botswana realised this and acted accordingly? It is to this that we now turn.

#### COMMITMENT TO THE PROMOTION OF DEMOCRACY IN THE REGION

When Botswana gained its independence the external environment was hostile. The white minority regimes in neighbouring South Africa and Namibia; in Mozambique, Zimbabwe, and Angola, were directly opposed to the multiracial democratic experiment the country established at independence. Like Lesotho and Swaziland, Botswana was totally reliant on South Africa for external communication, imports, and even the meagre government revenue from the Common Customs Union with South Africa, Lesotho, Namibia and Swaziland. At this early stage Botswana was actively looking to the international community for support. The envoys were sent in different directions, including to the UN, the OAU, the Commonwealth, and the NAM. Initially, mainly out of a lack of understanding of the circumstances of the country, such representations were rebuffed, for instance, at the OAU (Carter1980). According to Carter, Botswana was seen as a Bantustan, or a satellite state of the apartheid regime in South Africa. It was only after several visits by some leading African statesmen of the time such as the then Zambian President, Kenneth Kaunda, and Vice-President Daniel arap Moi of Kenya in the late 1960s that external appreciation of Botswana's situation began to emerge.

Botswana's democratic identity was shaped by its first post-independence election in 1969, an election that was critical for the country's democracy in more ways than one. First, it confirmed the countrywide support for the Botswana Democratic Party (BDP). The BDP had faced a stiff competition, especially in the southern region where one of the leading chiefs, Chief Bathoen, resigned and sided with the opposition Botswana National Front (BNF). Chief Bathoen was not only a threat to the BDP but, more specifically, to the then vice-president, Ketumile Masire. Masire, who hails from the southern region, was pitted against Chief Bathoen and lost his constituency to the chief. Two other BDP candidates and incumbent members of Parliament in the southern region also lost their seats to the BNF.

The fact that the BDP was able to resist the BNF's encroachment elsewhere in the country and used the window of specially elected member to bring Masire back to Parliament as well as re-appointing him vice-president showed the party's commitment to democracy. Acceptance of Bathoen was also an interesting test case of the government's ability to accommodate serious opposition. On the other hand, Bathoen's move from chieftaincy to politics demonstrated the BDP's success

in silencing the chiefs' opposition to the democratisation process. Chief Bathoen, a senior and experienced chief, had been a thorn in the body politic of the immediate post-independence era and his departure marked his failure to mobilise his fellow chiefs against the government. Thus, the 1969 election, difficult as it was, also left the BDP much more confident and legitimate in its democratisation mandate.

The second important outcome of the 1969 election was the news of the discovery of a significant diamond deposit in the Orapa-Letlhakane area (the region from which the then president, Sir Seretse Khama, originated). The news was timely in the face of the rising expectations of the population. However, the great achievement of the time was the now famous Uppsala Speech by President Khama in 1970. In that speech Botswana marketed its democracy and appealed to the Scandinavian countries for support. The message was simple – we are an island of democracy in a racially troubled region; our success is critical not only for us but for global political change.

Pitched at this global level to a highly receptive audience the President's speech was a great success. The mid-1970s saw the flow of a significant amount of foreign aid from different sources in support of Botswana's democratic development. Clearly this first effort to use democracy as a tool for mobilising resources from the international community was a major success for Botswana. Thereafter, variations on the speech were presented at the OAU, the Commonwealth, NAM and the UN General Assembly.

The third election, in 1974, was not as ground breaking as the second. Although the BDP was once again returned with a large majority, the voter turnout was the lowest in the electoral history of Botswana. The general mood was subdued and events in the region were more politically sensitive as the Portuguese colonies of Angola and Mozambique were in the process of gaining independence as a result of the collapse of the military regime in Lisbon. The white regimes in both South Africa and Rhodesia were feeling threatened by the presence of independent black states in Zambia and Tanzania in the north, who were supporting the liberation movements.

Under these conditions Botswana found itself in a tight corner, having to choose between association with independent African states and the international community against the minority white government on the one hand, or neutrality on the other. It was a difficult choice for a fragile state, but Botswana's leaders opted for democracy. This was not without cost. In 1976 Botswana paramilitary police were ambushed and ten of them killed by the Rhodesian armed forces. South Africa launched several raids on Botswana, killing both political refugees and Botswana citizens. Botswana was determined to be part of the democratic struggle in the region and the world and, in 1977, joined Lesotho, Tanzania, Zambia

and Mozambique to form the 'Frontline states', again using the country's democratic credentials to support the democratisation of Namibia, South Africa, and Zimbabwe.

The position of Botswana among the Frontline states was, however, weakened by both its inability to accommodate freedom fighters and its stand against socialism, with which almost all main liberation movements identified. Within SADC Botswana's direct contribution to restoring democracy was through the joint military intervention, with South Africa and Zimbabwe, in Lesotho in 1998.

#### PROMOTION OF DEMOCRACY IN THE OAU/AU AND NAM

By the late 1970s Botswana had managed to make friends in the OAU and the NAM, among them Zambia and Kenya and, later, Zaire and Tanzania. Bilateral commissions and embassies were established with each of these countries. In the NAM friendship was established with India, Cuba, and the Caribbean islands of Jamaica and Guyana, among others. However, one aspect of the politics of the time, which formed the rhetoric of these inter-governmental organisations, was the need to express a stand on the subjects of capitalism and socialism. As far as possible Botswana avoided the association with socialism that characterised her independent neighbours in the north. The ability to distance herself from socialist leanings allowed Botswana to continue to enjoy British government support and open new relations with the USA. Clearly this anti-racist stand and non-socialist affiliation placed Botswana on a platform of relative neutrality in the context of the Cold War politics of the time. The Non-Aligned Movement was, in many ways, a useful forum in which to air this position.

#### PROMOTION OF DEMOCRACY IN THE COMMONWEALTH

The Commonwealth has, in many respects, been a problematic organisation for Botswana and other post-colonial states, such as Zimbabwe. Its value has been in the provision of material support in the form of education, cultural exchange, and only limited development assistance, mainly flowing from the 'white' membership – the United Kingdom (UK), Australia, Canada and New Zealand – to immediate post-independence countries such as Botswana. Politically, however, the Commonwealth was always going to be a problem as it often pitted the latter against the former as has been illustrated most recently in the case of Zimbabwe. The sour relations that developed between the UK and Zimbabwe in the late 1990s over the land issue dispute between the white farmers and the Government of Zimbabwe put many countries, especially those in Southern Africa, in the

unenviable position of having to differ with the UK in support of Zimbabwe. At the time Botswana was one of the members of an inner committee dealing with the Zimbabwean issue. The UK and its closest allies on the committee felt that Zimbabwe should be expelled from the Commonwealth because of its undemocratic practices. This posed a problem for Botswana, whose stance on Zimbabwe, its neighbour, would be perceived as a test of its own democratic credentials. This, indeed, was the conclusion of the most influential members of the Commonwealth when Botswana, together with other developing countries in the Commonwealth, chose to position herself on the side of Zimbabwe, a stance that disappointed the UK and Australia.

The Zimbabwe case study shows that Botswana's ability to lead by example has been circumscribed by the country's regional political affiliation to bodies such as SADC and the African Union.

#### CONTRIBUTIONS TO GLOBAL DEMOCRACY

Given Botswana's democratic practice in the past three-and-a-half decades, it was well placed to be a regional and international promoter of democracy. A combination of a stable democracy and a successful economy placed it in a strategic position, given the general state of both the economy and politics in the region and Africa as a whole during the 1970s and 1980s.

Indeed, as detailed above, in the early years Botswana worked hard to lead the anti-apartheid and decolonisation movements that culminated in the establishment in 1980 of the Southern African Development Coordination Conference (SADCC), transformed into SADC in 1992. However, apart from the Stockholm-based International Institute of Democracy and Electoral Assistance (IDEA), in which Botswana joined like-minded countries such as Sweden, Denmark, Norway, Finland, Mauritius, Namibia, Costa Rica, Chile, Mexico, and others, the country has been invisible in international fora. IDEA promotes democracy in Africa, Asia, Latin America and the former Soviet Union. Through IDEA Botswana has shown what a democratic country can do in collaboration with others to help democracy to develop in other countries.

However, on the whole, Botswana has remained a reluctant player in global democracy promotion. This reluctance was also evident in the length of time Botswana took to sign many of the international conventions. It has also not hosted any major AU, Commonwealth or UN meetings and has not displayed the type of leadership currently shown by South Africa in initiating peace processes in Burundi, Rwanda or the Democratic Republic of Congo (DRC). When Botswana's Sir Ketumile Masire participated in the Coalition for Africa forum and the DRC peace brokering he did so as a retired leader. Those who appointed him were

recognising him as an individual rather than Botswana as a country with an excellent democratic record. From this perspective it could be argued that Botswana has failed to use its political capital to promote itself internationally. With regard to the UN the country has been an invisible player. Apart from sending the army to participate in the UN Peace Keeping Forces in Somalia and Mozambique in the 1990s, Botswana has not taken part in conflict resolution in countries like Angola.

## CONCLUSION

This paper has analysed the characteristics, performance and quality of Botswana's democracy since it gained its independence in 1966. Overall, the electoral process in the country has been free and fair, attracting the sustained participation of both political parties and the electorate. The election management has improved both organisationally and in terms of autonomy from government control. A democratic culture characterised by a multiparty system and regular elections is established and has evolved. In the past 15 years the political system has shown a capacity to reform, with the independence of the electoral body established, the voting age lowered from 21 to 18 years and the presidential term of office limited to two terms of five years.

However, despite its relative longevity Botswana's democracy does not stand out as more progressive or comprehensively developed than those of the other countries in the region. Several weaknesses found in the region and beyond are also found in Botswana. Indeed, in a number of areas, Botswana performs worse than countries like Namibia, South Africa and Mauritius.

Though over all Botswana has done well in the area which, in the context of this paper, we have described as an intrinsic dimension of democracy, continuous reform at this level will be important to sustain public confidence in the system in the years to come. This need to maintain the achievements of the past decades is high on the agenda of Botswana's democracy as it is on those of other, poorer countries in the region. Poverty remains persistent as unemployment, the impact of HIV/AIDS, slow economic growth and inequality grow. The challenge of sustainability has led in the case of Botswana to some reversal of the mini-welfare system. These measures are bound to generate considerable political debate and a possible backlash for the ruling BDP.

Finally, the paper has indicated that Botswana has been a reluctant and slow player in SADC and in the world. In this regard we have argued that it has failed to take the opportunity to be a democratic leader promoting democracy worldwide. This lost opportunity has now been taken up aggressively by newly democratic South Africa, which is reaping the dividends of its democratic



leadership. We argue in this paper that democracy is a process best demonstrated at home and promoted abroad. Perhaps Botswana can still play a more proactive role in promoting democracy in Southern Africa and in the world. Many countries look up to it for leadership, but do not often get it.

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# ELECTIONS AND PARLIAMENTARY OVERSIGHT IN BOTSWANA

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## ABSTRACT

*Botswana's Legislature plays a significant role in overseeing the electoral system and ensuring that it adheres to the minimum basic tenets of democracy such as free and fair, competitive elections and that the vast majority of eligible voters participate in the whole electoral processes. The main piece of legislation the National Assembly has enacted is the Electoral Act, which provides for the general administration of elections and electoral processes, electoral institutions, requirements for voting, electoral offences and sanctions. The Electoral Act has been supplemented and augmented by constitutional amendments, notably the establishment of the Independent Electoral Commission and the promulgation of regulations. The former, in particular, has, by and large, addressed the issue of free and fair elections. The paper concludes that these legislative initiatives have contributed to the consolidation of liberal democracy in the country and that Parliament has a still greater role to play in ensuring a free and fair electoral system.*

## INTRODUCTION

Free and fair elections engender confidence in a country's political system and there is general recognition and consensus that Botswana has an entrenched democratic culture of competitive electoral process and responsive government (Roberts et al 2000, p 1; Otlhogile 1994, p 222). Thus, by and large, the country's liberal democracy is increasingly consolidating. This is due, in large measure, to

the role of Parliament.<sup>1</sup> Parliament in Botswana has ensured that elections are free and fair through its robust legislative and regulatory activities. It has played a major role in ensuring that the electoral process is democratically conducted. The aim of this paper is to examine and analyse the role and function of the National Assembly in the democratic process. It discusses the functions of the Assembly in relation to the electoral process and particularly the manner in which it provides, and has provided, oversight of this process. The paper concludes by arguing that Parliament has a role to play in enhancing and ensuring a fair, free and democratic election.

### ESTABLISHMENT OF THE NATIONAL ASSEMBLY

The National Assembly is established by the Constitution of Botswana (ss 55, 57-77), which provides that 'there shall be a Parliament of Botswana which shall consist of the President and a National Assembly' (Constitution s 57). The National Assembly consists of 57 elected members (Constitution s 58(2)(a))<sup>2</sup> and four specially elected members (s 58(2)(b)). In addition, the speaker and deputy speaker are also members of Parliament (ss 59(1), 60(1)). Parliament is therefore accorded constitutional status in the legal system.

According to the Constitution a person qualifies to be elected as a member of the National Assembly firstly, if he or she is a citizen of Botswana. The issue of citizenship is regulated by the Citizenship (Amendment) Act of 1995, which amends the 1982 and 1987 Citizenship Acts. The latter effectively denied citizenship to children of Botswana women married to foreigners while Botswana men who married non-citizens could pass on their citizenship to their children. The net effect of this was that children of Botswana women did not qualify for certain rights, including the right to stand for Parliament.

The Citizenship Act was challenged in *Attorney General of Botswana vs Unity Dow* (BLR 1992, p 119 (Court of Appeal)), in which the respondent successfully argued, inter alia, that the Act prevented her from passing on her citizenship to her children simply because she was married to a foreigner. Parliament exercised its legislative role and amended the Citizenship Act in 1995.

A further qualification is that in order to be elected to the National Assembly a person should be 18 years old (Constitution s 61(b)). The original age limit of 21 was changed (s 67(1)(b)) after the 1997 national referendum which recommended that it should be reduced.

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<sup>1</sup> In this paper the term Parliament is used interchangeably with National Assembly and Legislature.

<sup>2</sup> In the last delimitation exercise the number of elected members was increased from 40.

Any person standing for election to the National Assembly should be qualified to register as a voter (s 61(c)). Further, aspiring member of the legislature should be able to speak, and, unless incapacitated by blindness or other physical cause, to read English well enough to take an active part in the proceedings of the Assembly (s 61(d); Nsereko 2001, p 122). English is the official language of the country.

### THE ROLE OF THE NATIONAL ASSEMBLY IN THE ELECTORAL PROCESS

Generally, the Constitution accords the National Assembly the overall responsibility for law making in the country. It is the supreme legislative authority. The Constitution (s 86) provides that 'subject to the provisions of this Constitution, parliament shall have the power to make laws for the peace, order and good government of Botswana'. Thus, the National Assembly is constitutionally empowered to legislate for the country without qualification as to subject matter or locality. However, the exercise of this legislative power is subject to the Constitution so laws passed by the National Assembly should not contravene the Constitution or any of its provisions. In the case of *Dow* the Judge President of the Court of Appeal, Justice Amissah, authoritatively observed that the Constitution is the supreme law of the country.

The supremacy of the Constitution means that any law passed by Parliament that is contrary to the Constitution, including a law relating to elections or regulating the electoral process, is invalid or unconstitutional. This principle has been upheld in a number of court decisions. To date, it should be noted, no legislative instrument on electoral process has been declared unconstitutional.

It is noteworthy that pursuant to the Constitution the Legislature in Botswana has discharged its function of enacting laws for the conduct of elections. In other words, since independence Parliament has exercised the necessary oversight in the conduct of elections and its legislative activity has ensured, at least for now, their smooth running and conduct. Below is an examination of the various laws relating to elections.

### THE ELECTORAL ACT, CAP 02:07

The main legislative initiative of the National Assembly in Botswana for the conduct of elections is the Electoral Act No 38, 1968, now cap 02:07.<sup>3</sup> Its preamble provides that it is to 'consolidate certain laws relating to elections of the National Assembly

<sup>3</sup> The Act has been amended several times. For instance, see Electoral (Amendment) Acts Nos 49/1974 and 6/1999.

and Councils; for the qualifications and registration of voters; for the conduct of such elections and for other purposes in relation to such elections’.

One of the primary features of the Electoral Act relates to the role of the secretary (Constitution s65A) to the Independent Electoral Commission (IEC) (s 66(1)). According to the Act, the secretary shall, subject to the supervision of the commission, ‘exercise general direction and supervision over the registration of voters; exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness, impartiality and compliance with the provision of the Act; issue to election officers and registration officers such instructions as he[ /she] may deem fit to ensure effective execution of the provisions of the Act; and exercise and perform all other power conferred and imposed upon him[ /her] by the Act’ (Electoral Act s 3(a)-(d)). The secretary is the main administrator responsible for the daily running of elections. In discharging these functions, he or she should ensure that elections are conducted fairly and impartially. This means all individuals and organisations or political parties involved or participating in elections should be treated fairly, equally and without bias (Nsereko 2001, pp 122-3).

A fair and impartially conducted election is very important to any electoral process. It engenders confidence in the electoral system and ensures that voters and political parties alike accept the results. An election that is not tainted by unfairness or bias legitimises the entire electoral process. Absence of independence and impartiality may give the losers, even if they really have no support, grounds for questioning the outcome and justify their resorting to extralegal methods of opposing the legitimacy of the government that comes to power as a result of such an election (Nsereko 2001, pp 123-4). Therefore, the secretary to the IEC must manifest fairness and impartiality in the conduct of the elections. He or she must be neutral or not be seen to be supporting, directly or indirectly, any particular political party or organisation.

In order to ensure the independence of the secretary the Constitution gives him or her security of tenure. Section 66(7) provides that ‘a person holding office as Secretary shall vacate that office on attaining the age of 65 years or such other age as may be prescribed by an Act of Parliament’. Further, the secretary can only be removed from office because of inability to perform the functions of his/her office caused by ‘infirmity of body or mind or any other cause’, or for misbehaviour (s 66(8)).

Where the president considers that the secretary should be removed from office he/she must appoint a tribunal to investigate the matter (s 66(9)(a)). The tribunal shall consist of a chairperson and no fewer than two members who hold or have held high judicial office. The tribunal must then report to the president, advising him/her whether or not to remove the secretary from office (s 66(9)(b)).

If the tribunal advises the president that the secretary should be removed the president must remove him/her (s 66(10)). This strict mechanism for removal of the secretary from office is intended to ensure that he/she is independent and impartial in the administration and conduct of elections. It is also meant to ensure that he/she performs his/her functions without fear or favour.

Despite all these mechanisms teething problems still affect perceptions of the independence and impartiality of the secretary of the IEC. The fact that the secretary is now responsible to the IEC not to the Office of the President has not allayed doubts about his autonomy. The main concern relates to the method of appointment of the secretary – which, in terms of the Constitution (s 66(2)), is done by the president. In making the appointment, the president is not subject to any control, even that of the National Assembly. Also, there is no criterion for the appointment of the secretary except the qualifications that he or she is a citizen and has no previous conviction involving dishonesty and insolvency or bankruptcy (s 66(4)(a)-(c)). This means that it is entirely possible for the president to appoint a friend, political associate, or anybody who toes the same political line as he or she does. It is therefore important that the president's role in the appointment of the secretary should be regulated by a representative authority such as the National Assembly.

The other factor is that the Office of the Secretary has no independent budget for conducting elections or for administrative expenses. It is financed through the budget of the Office of the President. This financial or budgetary dependence on the Office of the President also compromises the independence and impartiality of the secretary. It is submitted that a budget approved and regulated by Parliament would go a long way towards remedying the situation and instilling confidence and faith in the electoral process.

Other features of the Electoral Act include provisions relating to entitlement to vote, polling procedures, regulation of election expenses and election agents, outlawing of certain corrupt and illegal practices such as undue influence and bribery of voters, impersonation and treating (entertaining or giving a person payment for purposes of corruptly influencing him/her to vote in a particular manner or not to vote in an election – Electoral Act, s 90(a) and (b)), election petitions, offences, and sanctions for contravening electoral laws and regulations, and other miscellaneous details such as registration of party symbols and colours. All these are meant to ensure a robust legal regime for the conduct of elections.

### COUNCIL ELECTION LEGISLATION

Apart from the Electoral Act, which governs the election of members of the legislature, the National Assembly has also promulgated the Local Councils



Elections Act (Laws of Botswana Chapter 40:03). The Local Councils Elections Act was enacted in 1966 and came into effect in June of that year. Its main aim is to lay down provisions in relation to elections to local councils. According to the Act (s 2), local council election means an election of members to a district council, city or town council. The Act adopts certain provisions of the Electoral Act with respect to the election of council members, particularly Part IX, which deals with corrupt and illegal practices, and Part X, which regulates election petitions. This means that all issues of corruption and illegal practice and all petitions relating to the election of members of the legislature *mutatis mutandis* apply to the election of members of local councils. These offences include, inter alia, impersonation, treating, undue influence and bribery of voters, electoral malpractice, irregularities and election petitions.

It is worth noting that, at council level, there have been court cases involving corrupt and illegal practices and petitions about irregularities (Otlhogile 1994, p 222). In *Sifo v Gabanapelo* (1981 BLR 163)<sup>4</sup> concerning local council elections for Gumare held in 1979, the petitioner unsuccessfully challenged the election of the respondent as a councillor for Gumare. His case was that the respondent had not been properly nominated in accordance with Regulation 6(1) because his proposer, seconder, and supporter were from a different polling district, which fact he had brought to the attention of the police station commander in Shakawe, who, in turn, informed the returning officer. The returning officer had told him that should he win the election this anomaly would be disregarded. He, however, lost. The Court ruled that according to s 138 of the Electoral Act it could not set aside the results of an election because of any mistake or non-compliance with the provisions of Parts VI and VII of the Electoral Act or if such a mistake or non-compliance did not affect the results of the election because elections were free, fair and conducted by secret ballot which reflected the will of the people.

It should be observed that in terms of the Act a general election must be held to elect members of every local council whenever Parliament is dissolved.

Section 31 of the Electoral Act provides that the president shall issue a writ of election for a general election to the National Assembly or for a by-election to fill a vacancy created by the death, resignation, or other cause, of a member of the National Assembly. The writ should be addressed to the returning office of each constituency for which a member is returned fixing the place, date and times when the returning officer should receive nominations and the date of the election. In terms of the Local Councils Elections Act, general elections of local council members should take place at the same time as general elections for the National

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<sup>4</sup> See also *Ditthebe v Mafoko Misca* 165 of 1987.

Assembly, thus obviating unnecessary duplication of the costs involved in the running of the elections. The Local Councils Elections Act has been used to administer council elections since independence and has ensured that these elections are or have been run smoothly and fairly.

## PARLIAMENTARY OVERSIGHT THROUGH CONSTITUTIONAL AMENDMENTS

Another legislative attempt to oversee the electoral process in the country has been through amendments to the Constitution and attendant legislation. These have been amendments of those provisions that have adversely affected the proper administration of the elections in order to bring them in tune with modern times and address the concerns of the electorate.

### *Supervision and Administration of Elections*

The Constitution empowers the Public Service Commission, members of which are appointed by the president, to designate a person who is already a public officer as the Supervisor of Elections. For many years the Public Service Commission designated the permanent secretary to the president as the supervisor. This effectively meant that the supervisor conducted elections from the Office of the President, thereby compromising his much needed independence (Nsereko 2001, p 124). In fact, the supervisor himself acknowledged this anomaly and recommended that the Office of the Supervisor of Elections be removed from the Office of the President and given to a public officer who is not part of that office (Government Printer 1984; Nsereko 2001).

In 1997 Parliament, responding to the recommendation, amended the Constitution by means of the Constitutional (Amendment) Act 18, replacing the supervisor of elections with the secretary to the Independent Electoral Commission.

Parliament also amended the Constitution to establish the IEC. The IEC consists of a chairman who is a judge of the High Court, a legal practitioner, and five other persons who are 'fit, proper and impartial' and are appointed from a list of persons recommended by the All Party Conference, a meeting of all registered parties convened from time to time by the Minister of Presidential Affairs and Public Administration (s 65A(1)(a)-(c)).

The members of the IEC are appointed by the Judicial Service Commission (JSC), an independent body responsible for the appointment of members of the judiciary (Constitution s 103) with the intention of ensuring the IEC's independence.

The problem is that, apart from a representative of the Law Society of Botswana all members of the JSC have a close relationship with the executive branch of government and almost all of them are directly or indirectly appointed to their positions by the president. Such members include the chief justice, who is the chairman; the president of the Court of Appeal; the attorney general, the chairman of the Public Service Commission and a person of 'integrity and experience' who is not a legal practitioner and is appointed to the JSC by the president (s 103; s 103 (1)(a)-(f)). This involvement of the executive potentially compromises the independence of these members of the JSC, at least from the viewpoint of the public and other people interested in elections. Notwithstanding the above concerns, the fact that Parliament established the IEC clearly demonstrates the role it can play in ensuring that the electoral system is free and fair.

### *Voting Age*

At independence, the Constitution (s 67(1)(b)) provided for a voting age of 21 but with the passage of time, there were concerns that this excluded a large number of citizens from exercising their right to vote. There were two divergent arguments. On the one hand, opponents of the 21-year limit argued that the voting age should be reduced to 18 because 18-year-olds are capable of making mature political decisions and that many of them worked and paid taxes. On the other hand, supporters of the status quo argued that 18-year-olds are immature and cannot make proper political decisions.

The matter was the subject of a referendum in 1997 and the consensus was that the voting age should be reduced to 18. Parliament duly amended the Constitution (s 67(1)(b)).

### *Extension of Voting Rights to Citizens Resident Abroad*

Another area in which Parliament exercised its oversight was in extending the right to vote to citizens of Botswana who are resident abroad. Previously only citizens who resided in the country were eligible to vote (s 67(1)). The matter was brought to the High Court in the case of *Botswana National Front and Others v Attorney General* (BLR 1994, p 385).

In this case the applicants sought the nullification of the voters' roll for the 1994 elections and called upon the Court to order the Supervisor of Elections to put in place a method of registration and voting for all citizens outside of Botswana before the general election of 1994; alternatively, to declare an election procedure that did not accommodate two of the applicants (who were Botswana citizens

resident in South Africa) and other citizens entitled to vote in terms of s 67 of the Constitution to be in breach of that section. It also asked the Court to declare the Writ of Elections for 1994 announced by the President to be stayed, alternatively rescinded, pending the putting in place of the procedure for the registration of the two applicants, other mine workers in South Africa and other citizens resident outside the country. The Court dismissed the application and ordered that the elections be held as scheduled since the applicants had not given the respondent notice of the intended application, as required by law. Thus the case was decided on a mere technicality.

Despite this decision the opposition parties and other interested parties continued to press for the extension of voting rights to citizens resident abroad. During the referendum of 1997 voters supported the extension of universal suffrage to non-resident citizens. Accordingly, Parliament amended the Constitution (s 67(3)(b)) to state that '... in the case of a person who is not resident in Botswana and is unable to register in person at such place as may be prescribed by parliament, registration at such place shall be treated as registration in the constituency in which he last resided or in which he was born in Botswana'.

This clause has been reinforced by the Electoral Act to ensure its practical application in the registration of foreigners abroad. The Electoral Act (s 8(A)(2)) states that 'the Secretary shall cause a notice to be published in a foreign newspaper in a foreign county circulating in the area of the country where citizens of Botswana are resident calling upon every citizen entitled to be registered as a voter in terms of the Act to apply for registration.' As a result of the amendment, many citizens who live outside the country exercised their right to vote in the 1999 and 2004 general elections.

## CONCLUSION

The role of Parliament in ensuring that the electoral process in any country is free, fair and participatory cannot be overemphasised. In Botswana, the National Assembly is the only law-making authority. As in many countries, it is specifically given the power to make laws for peace, order, and good government. Pursuant to these powers, the Botswana legislature has used its oversight role to legitimise elections and, indeed, democracy in the country.

The enactment of the Electoral Act with respect to the electoral process and administration was the culmination of its law-making role. The Act has, since the first elections after independence, smoothly regulated the electoral process. It has also been amended from time to time to ensure that it meets emerging circumstances and challenges. Perhaps also important have been various constitutional amendments relating to the establishment of the IEC, the secretary

to the IEC, the reduction of the voting age and the extension of voting rights to Botswana citizens resident residing outside the country.

It is submitted that these and other legislative initiatives have ensured that the vast majority of citizens enjoy and exercise their democratic right to vote and anchor the country's democratic principles in a firm base.

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# THE ROLE AND STATUS OF THE INDEPENDENT ELECTORAL COMMISSION

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## ABSTRACT

*Free, fair and transparent elections are fundamental to democracy. Citizens need to be assured that the politicians truly reflect the will of the people. The bodies charged with overseeing the election process must be impartial and independent, transparent and accountable. Botswana's Independent Electoral Commission (IEC) has overseen two elections since its formation in 1997 and overall has been judged to have carried out its duties competently and fairly. The elections have been free of disputes, contributing to the widely held belief that Botswana is a stable democracy. The IEC is to be applauded for undertaking self-evaluations with stakeholders following each election in order to improve its performance.*

*However, the structure and funding of the IEC leave it open to the charge that it is not truly independent of government and this has led to allegations, particularly by the opposition, that it may be biased. These perceived threats to independence should be addressed in the interests of transparency and to reassure the voters and avoid messy contestation of election results. It is recommended that the IEC should be responsible to Parliament and not to the Office of the President. It should be adequately funded to enable it to perform its tasks and obligations under the Constitution and the Act. The chief executive officer of the IEC should be appointed by the IEC itself in order to guarantee loyalty.*



## INTRODUCTION

Electoral systems are considered to be the primary vehicle for choice and representational governance, which is the foundation of democracy. The system must provide opportunities for citizens, including the disadvantaged, to participate and influence government policy and practice. Effective management of electoral systems requires institutions that are inclusive, sustainable, just and independent and have electoral management bodies (EMBs) with the legitimacy to enforce rules and assure fairness and the cooperation of all stakeholders, including citizens and political parties (Lopez-Pinto, 2000). EMBs are therefore important institutions for building democracy, dealing directly with the organisation of multiparty elections and indirectly with governance and the rule of law.

This paper examines the role and status of Botswana's Independent Electoral Commission (IEC). It is divided into four sections. First, it defines EMBs and their role in democratic society. This is important as it puts the reader in a better position to understand the structure and functioning of the IEC. Second, it examines the different models of election management bodies used internationally. Third, it discusses the evolution of Botswana's IEC with the emphasis on the role and status of the institution. The fourth section draws some conclusions.

## ELECTION MANAGEMENT BODIES

The importance of establishing an independent electoral management body is corroborated by the failure of several African countries to attain democracy in the initial stages of their independence. Experience shows that had a legal independent body managed the elections, the outcome might have been accepted by all those who contested. Consequently, as Barkan (1997) argues, the absence of an independent EMB caused harm.

However, it should be noted that elections cannot be seen as the only test of a democratic society. Experience around the world has shown that the holding of elections does not guarantee that a country will necessarily pass the democracy test. It is the interaction during the interval between elections between the people and those who come to power that can more precisely define the nature and character of democracy in a particular country.

Election management became more complex in the 1980s and 1990s when more and more countries entered the wave of democratisation and held multiparty elections. A well-managed election depends on the quality of the election management body. This view was confirmed by T S Seshan, a former chief election commissioner in India, who argued that a good election requires four elements:

an election law that is fully tuned to provide free and fair elections, an election commission which is truly autonomous and fearless, administrative procedures that ensure that even the least privileged men and women can exercise their franchise freely without fear, and an electorate which is fully aware of its rights and responsibilities.

Although it is true that no two countries can have exactly the same type of EMB, some generalisations can be made. Firstly, EMBs can be classified according to the way in which they are interpreted and practise. Secondly, conducting an election in any country requires certain standard and fixed functions which are applicable to all countries, irrespective of the kind of structure in place. Thirdly, there is a growing trend in democratic countries to establish an independent multiparty electoral commission which is enshrined in the constitution. The complex skills needed to conduct elections require the establishment of an institution that is responsible for activities related to elections. These bodies are known by different names in different countries and the term election management body has been coined to refer to the body or bodies responsible for the management of elections in a particular country. An EMB is therefore a body established for the purpose of, and is legally responsible for, managing some elements which promote direct democracy. These may include, but are not limited to, referendums, citizens' initiatives, and recall votes. In general, EMBs have certain essential functions. They:

- determine who is eligible to vote;
- receive and validate the nomination of participants;
- register political parties and candidates;
- conduct voter registration;
- procure election material;
- promote public awareness of electoral matters by conducting civic education and information programmes particularly among women, youth, the illiterate, and disadvantaged minorities;
- conduct balloting;
- count votes;
- total the votes from polling locations;
- resolve electoral disputes;
- enforce the electoral law;
- train electoral officers.

A body with no direct responsibility for the essential elements of elections, for example, a boundary delimitation commission which exist solely for that purpose, is not regarded as an EMB.

The work of an EMB is guided by certain principles. Klein (1995), Harris (1997), and Dundas (1993; 1998) summarise these as:

- inclusiveness – obtaining support from all parties involved;
- transparency at all stages of the electoral process;
- accountability before the legislature and the public;
- responsiveness to the public need for voter information and civic education;
- a cost effective approach to management.

### MODELS OF ELECTION MANAGEMENT BODIES

Election management is a broad concept involving the administrative infrastructure required to support the democratic process of elections. Elections are costly events and their success requires adequate preparation and planning. Elections also include a variety of tasks involving many people.<sup>1</sup>

Election management involves selecting the right system for the particular circumstances. There are a variety of models of election management systems – the choice of a particular model depends on the history and culture of the country concerned, the political situation and educational standards of the people, financial resources, and the level and sophistication of the country's administration. Some of the factors which influence the nature and character of the EMB include the following: a tradition of constitutionalism, a willingness by leaders to negotiate during the transition period, the scope of the economy, and the extent of mass protest (Diamond, Linz & Lipset 1988; Bratton & Van de Walle 1997).

Election management is a service that normally attracts attention at the time of elections but is usually ignored during the intervals between them, a factor which can be costly. It is imperative that those involved in managing election, that is, political parties, civic groups and the legislature, work together to ensure continuous improvement of the process. This need for continuous improvement justifies the establishment of a permanent organisation as opposed to one that is put together at the time of an election.

A comprehensive study conducted by Professor Rafael Lopez-Pintor and commissioned by the United Nations Development Programme (UNDP) in countries which held elections regularly identified five models of EMBs. The first is an electoral commission that is independent of the executive and has full responsibility for conducting and managing elections. This form of body is common to new democracies and has deep traditions in Latin America.

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<sup>1</sup> The material used here is drawn from <http://www.aceproject.dd>.

The second model is one where the government manages elections with the assistance of an oversight body composed of judges and members of the legal profession, political party representatives, or a mixture of both. This, also known as the French model, has regulatory, supervisory and judicial functions and is largely used in continental Western and European countries and former French African countries.

In the third model elections are managed entirely by the government. This is the case in a sizeable number of countries in Western Europe, South Asia, the Pacific, Caribbean, the Middle East and some parts of Africa.

The fourth model, a variation on the first, consists of two different bodies, each of them independent of the executive and responsible for direction and management functions. One body is responsible for election administration while the other performs regulatory functions. Examples of this model are found in Botswana, Colombia, Chile, Mozambique and Peru.

The fifth model is found in countries which have a highly decentralised system with only limited coordination and supervision by a national authority which is either independent, governmental or from a professional association. Examples of countries using this model include Canada, the United States, Germany, Switzerland and the United Kingdom.

Although the models discussed above are used all over the world, in practice they can be reduced to three, based on structural characteristics which combine recruitment methods with functions performed (Klein 1995). The three broad models are independent, governmental and mixed. The majority of countries use what is commonly known as the independent election management body. The nature and character of these bodies are also influenced by the political and cultural traditions and the democratic evolution of a particular country.

As the democratic process swept across the African continent and the Southern Africa region in particular, there was a call for the reform of electoral institutions. Thus, as early as 1993, a Senior Policy Seminar on Strengthening Electoral Administrative in Africa held in Accra, Ghana, under the auspices of the African Association of Public Administration and Management (AAPAM) and the Canadian International Development Agency (CIDA) advocated a credible election management body with the following attributes:

- There should be a permanent, independent and credible electoral agency responsible for organising and conducting periodic free and fair election.
- The mandate of the electoral agency should be defined in the constitution and should include the method of conducting elections; voter and other education; constituency delimitation; registration of

- voters, parties and candidates; formulation of electoral policies and procedures; and settlement of disputes over electoral matters.
- The electoral agency should include a reasonable number of members who should be non-partisan, enjoy security of tenure, and be appointed by the head of state, subject to approval by Parliament.
  - The agency should be adequately funded and be granted autonomy to establish its own accounting procedures and greater flexibility in procurement procedures than the government.
  - There should be legal provision for the electoral authority to mobilise additional staff and other resources during the conduct of elections

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This statement influenced some of the reforms that took place in the establishment of election management bodies around the globe, including in many countries in the Southern African Development Community (SADC) region. We now turn to the election management body in Botswana.

#### THE ESTABLISHMENT OF THE INDEPENDENT ELECTORAL COMMISSION

The fact that the 2004 election went off without any disruptions reinforced the country's record as one of the most stable, liberal, and effective democracies in Africa. The upholding of this reputation calls for a competent and trusted election management body which is acceptable to all stakeholders and can deliver free and fair elections.

As stated above, the Act gives details of the role of the IEC with respect to the electoral process. However, there are certain broad responsibilities carried out by some election management bodies which are not necessarily performed by the IEC. First, the IEC is not responsible for the delimitation of constituencies. Opinions differ as to whether it should be. One school of thought argues that the conduct of free and fair elections and the delimitation of constituency boundaries are interrelated and it makes sense for the IEC to be responsible for both. It is felt that the expertise gained in one area can be relevant to the other. The counter argument is that even though the two elements are interrelated they must be divorced from each other in order to avoid potential conflicts of interest if an electoral commission is also to be an implementing agency. Both arguments are valid, but each country must decide what is best for it, taking its own circumstances into account.

The second factor is responsibility for party registration. Because political parties are the most important element in the political process there is a very

close relationship between them and the IEC. However, in terms of the Societies Act, the registration of political parties is carried out by the Registrar of Societies. The Act specifies that any person wishing to register a political party must apply in writing to the Registrar of Societies who may refuse to register the party if, in his interpretation, it appears that it may engage in unlawful activities or if he believes the constitution, or rules, are repugnant or inconsistent with any written law. The Act further provides for a grievance procedure which allows parties to appeal to the minister should registration be refused.

Thirdly, there is the question of resolution of electoral disputes. Here, too, there is a divergence of opinion about how much of the judicial responsibility should be given to the election management body. The IEC does not have the power to deal with electoral disputes as these are left to the judicial system of the country.

For a number of years, Botswana's elections were held under a less autonomous system, directed by the Office of the President (Lekorwe & Tshosa 2005). After numerous complaints from opposition parties and following consultations between government and opposition parties, modest changes were introduced (Somolekae 1999; Somolekae & Lekorwe 1999). An Office of the Supervisor of Elections was created and located in a separate building from the Office of the President. But this was simply a cosmetic change as the office continued to report to the Office of the President. Opposition parties continued to complain that there was an absence of independence. The reputation and stability of the country was seriously challenged, to the extent that, in 1989, opposition parties threatened to boycott elections. This threat was repeated prior to the 1994 elections by the opposition Botswana National Front (BNF), which questioned the impartiality of the then supervisor of elections, who was said to be a card carrying member of the Botswana Democratic party (BDP) and to have contested the primary elections for the Lobatse-Barolong constituency in 1984. Taking the boycott threats seriously, in 1995 the then President, Sir Ketumile Masire, announced some major electoral reforms, which included the establishment of the Independent Electoral Commission.

### ROLE AND FUNCTIONS OF THE IEC

The IEC came into being in June 1998 after the 1997 national referendum on electoral reforms. The referendum was held in order to solicit people's views on three envisaged reforms: the lowering of the voting age from 21 to 18; whether to allow Batswana who were resident outside the country to vote; and whether to set up an Independent Electoral Commission to run both local and national elections.



In 1997 Parliament passed the Constitutional (Amendment) Act 18/1997, which repealed s 66 of the Constitution and introduced a new section, 65A, establishing the IEC as an autonomous and non-partisan institution. In terms of s 65A the duties of the IEC include, among others: the conduct and supervision of elections of elected members of the National Assembly and members of a local authority, and conduct of a referendum; giving instructions and directions to the secretary of the commission appointed under s 66, in regard to the exercise of his or her functions under the election law: ensuring that elections are conducted efficiently, properly and freely. On completion of an election the commission must submit a report to the Minister of Presidential Affairs and Public Administration, who, in turn, must submit the report to the National Assembly at its first meeting.

The same section prescribes the composition of the commission: a total of seven members. It is headed by a chairperson and deputy, who are a judge of the High Court and a legal practitioner respectively. The two are appointed directly by the Judicial Service Commission (JSC). The remaining five commissioners are appointed by the JSC on the recommendation of the All Party Conference for a period of two successive terms of Parliaments, that is, ten years.

The criteria for appointment as a commissioner include the following: a commissioner may not have been declared insolvent or bankrupt under any law and may not have been convicted of any offence involving dishonesty in any country (s 65a subs 6). The secretariat of the commission is headed by the secretary, who is appointed by the president in terms of s 66(2) and whose main responsibilities are to exercise general supervision over the registration of voters and over the conduct of elections. The specific detail of the functions of the secretary of the commission are found in s 3 of the Electoral Act (cap 02:07), which stipulates the duties as follows:

- To exercise general direction and supervision over the registration of voters.
- To exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness, impartiality and compliance with provisions of the Act.
- To issue to election officers and registration officers such instruction as he/she may deem necessary to ensure effective execution of the provisions of the Act.
- To exercise and perform all other powers and duties conferred and imposed upon him/her by the Act.

The secretary, like the members of the commission, must be a citizen of Botswana; must not have been declared insolvent or bankrupt; and must not have been convicted of any offence involving dishonesty in any country.

The detailed criteria for both the commissioners and the executive officer recognise the importance of having an election management body conduct free and fair elections. In order to enhance the independence of the IEC secretary, the position has some constitutional protection. The secretary must vacate the office on attaining the age of 65 and can only be removed from office for the inability to perform the functions of the office.

One of the key functions of the IEC, as stipulated in the Constitution, is the registration of voters. Indeed, the concept of free and fair elections implies freedom of movement, speech, assembly and association; freedom from fear in connection with elections; and unimpeded candidate registration. Fairness includes a transparent electoral process, the absence of discrimination against political parties, and no obstacle to voter registration. Because the right to cast a vote depends on whether one is registered, great care and time must be invested in ensuring that the registration process proceeds smoothly.

Section 7 of the Electoral Act stipulates that the general registration of voters should commence after polling districts and polling stations have been established under s 5, or whenever the commission considers that it is necessary for new general rolls to be prepared. The commission must, by order published in the *Government Gazette*, declare a general registration period in respect of the constituency or constituencies specified in the order. In an effort to conduct free and fair elections, and also following the IEC commissioned study on voter apathy, the Act provides for continuous registration, or the updating of existing rolls every time there is a general election. Registration of voters other than during the general registration period is conducted at the office of the principal registration officer for each constituency.<sup>2</sup>

The IEC in Botswana performs somewhat similar functions to other election management bodies within the SADC region. However, one of the outstanding differences is that it is not responsible for the delimitation of constituencies. This role is performed by a delimitation commission. Section 64 of the Constitution empowers the Judicial Service Commission, which is headed by the chief justice of the High Court of Botswana, who is appointed by the president, to appoint a delimitation commission consisting of a chairman and not more than four other members, at intervals of not less than five years or more than 10 years. Section 64 (ss 2) gives clear guidelines as to when a delimitation commission can be appointed. These include: when Parliament has made provision for or passed a law altering the number of seats of elected members of the National Assembly and when a comprehensive national population census has been held.

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<sup>2</sup> For a detailed account, see Electoral Act cap 02:07 s 8.

In carrying out its duties the delimitation commission must ensure that the boundaries of each constituency are such that the number of inhabitants is as nearly equal to the population quota as is reasonably practicable.<sup>3</sup>

Provided that the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of natural community of interest, means of communication, geographical features, diversity of population, and the boundaries of Tribal Territories and administrative district.

Section 65(12)

The delimitation commission is chaired by a person who holds or has held high judicial office. Its membership excludes certain people, including members of the National Assembly and persons who are or have been within the preceding five years actively engaged in politics or are public officers. The last delimitation commission, which was appointed in 2002, was chaired by Justice Dibotelo. To ensure the impartiality and independence of the commission, the Constitution further states that

In their exercise of its functions under this section the Delimitation Commission shall not be subject to the direction or control of any other person or authority.

The spirit of this is confirmed by the fact that once the commission has submitted its report to the president it cannot be altered and the commission is dissolved on the date the report is delivered.

Thus, although the demarcation of constituencies can affect the outcome of an election, in Botswana this is not the responsibility of the election management body, which is the IEC. Clearly there can be no fair elections without a clear and balanced delimitation of boundaries. It is therefore in the interests of all that the boundaries are accepted by all stakeholders (Kabemba 2005). In the past, opposition parties have complained that the criteria tend to favour the ruling party in some constituencies, especially in its stronghold areas (Sechele 2004).<sup>4</sup>

<sup>3</sup> A population quota means the number obtained by dividing the number of inhabitants of Botswana by the number of constituencies into which Botswana is divided under s 63 of the Constitution.

<sup>4</sup> Evidence suggests that ruling party strongholds such as the Central District, Northeast and Kgalagadi gained most from subdivision into small constituencies.

### PERFORMANCE OF THE IEC

Since its establishment the IEC has conducted two elections – in 1999 and in 2004. Initially, concerns were raised about its effectiveness. One of the main concerns related to the accuracy of the voters' roll. The IEC's lack of preparation in this regard led to then President Festus Mogae declaring a state of emergency in order to restore the franchise of some 67 000 voters who had registered during the supplementary registration process in 1999.

After the election the IEC organised a number of workshops in order to evaluate its performance – a process that is important for the growth and development of the commission as an institution as it continues to look at other matters within the electoral process with a view to suggesting improvements. Two such workshops were held in November and December of 1999, with two objectives:

- To assess critically the organisation and conduct of the election.
- To provide a forum for political parties, civil society, the media and other stake holders to make suggestion about possible improvements in future elections.

Somolekae & Lekorwe 1999

The workshops were attended by political parties, civil society groups, the media and academics. The main purpose was to evaluate all aspects of the electoral process, including the registration process, logistical issues, the actual voting process, civic and voter education, the independence of the IEC and its relationship with the media and political parties; issues covering the core functions of the IEC.

I will not undertake in this paper a comprehensive evaluation of the IEC's performance but will highlight some of the key issues identified by the evaluators.

Voter registration is one of the critical aspects of any democratic election. Thus the performance of the IEC can be measured against its preparedness for the registration process. Voter registration is a complex process which includes, among other things, the recruitment, training and deployment of registration officers

One of the features of the 1999 elections was the low turnout of voters. This came as an eye opener to the IEC and showed there was a need to focus attention on voter education, which would, in turn, improve voter registration. As Somolekae & Lekorwe (1999) point out, there was lack of planning with regard to the youth, who were voting for the first time.

Surprisingly, despite all the complaints, misgivings and mistrust about the IEC, the evaluations undertaken by organisations including the Democracy

Research Project of the University of Botswana (DRP) overall rated its performance favourably, with more than 90 per cent finding the registration process easy. Thus, the conclusion reached was that the 1999 election went smoothly, considering it was the first to be conducted by the IEC. One of the recommendations of the 1999 evaluation was that the IEC should undertake research in order better to understand the root causes of voter apathy.

An evaluation of the 2004 election was also undertaken with the intention of helping the IEC identify its strengths and weaknesses in order to prepare for the 2009 election. The objectives of the 2004 evaluation workshops were not fundamentally different from those of the previous ones, though there was interest in determining the progress made in relation to recommendations made in 1999.

There was no doubt that the IEC had taken solid steps to ensure that there was a marked improvement in the management of the election. Acting on the recommendations emanating from the 1999 evaluation the IEC commissioned the DRP to conduct a voter apathy study. One of the recommendations emerging from the study was that voter education should be intensified before the 2004 election. Indeed, the evaluation of the 2004 election acknowledged that the IEC had embarked on a very aggressive civic and voter education programme (Sebudubudu & Lekorwe 2005). As in 1999 the IEC was favourably rated as having conducted a free and fair election.

### THE STATUS OF THE IEC

Although to date the IEC has not posed any serious threat to the stability of the country's democracy, a number of issues have been raised, which, if not attended to, may pose a threat in the future. One of the contentious issues that have been vehemently challenged by the opposition parties is the composition of the commission. Section 65a deals with this aspect, but does not go further to detail clearly the procedure to be followed by the All Party Conference when short-listing candidates.

The All Party Conference is a meeting of all registered political parties in Botswana which is convened from time to time at the pleasure of the Minister of Presidential Affairs and Public Administration in the Office of the President. Thus the lack of clarity as to who can become a commissioner has the effect of eroding the public's confidence in the system. The selection of the current commissioners was riddled with controversy. Opposition parties were dissatisfied with the process to the extent that they boycotted the meeting. Only two opposition parties, with insignificant membership, joined the BDP to nominate members of the IEC. The result is that the major opposition parties question the legitimacy of the present members of the IEC. With reference to the nomination of the commissioners, a

member of the public commented that 'such an act is a drawback in democratic dispensation. Botswana Labour Party and MELS are minnows that cannot claim to represent the interests of opposition parties' (*Mmegi*, 2 August 2004).

In the same vein, dismissing the significance of the commission, a senior member of an opposition party argued that the party is not bothered by the IEC as the institution does not take major decisions of concern to opposition parties, such as party funding.

In a democracy all parties must have an equal chance of being heard and participating in the electoral process. The IEC is crucial to successful election administration and to building and maintaining public confidence in the process. In view of the fact that the decisions and policies implemented by the commission may have an impact on women's participation in elections the election management body should include women as full participants. This not only guarantees gender balance but may help to ensure that women's perspectives are taken into account. Currently, neither the Constitution nor the IEC Act addresses the issue of gender balance, an omission which can seriously undermine the credibility of the institution. The IEC should, if necessary, consider special training for women to ensure that they are qualified to assume positions on the commission as a way of addressing the imbalance that exists at present.

Another serious point of contention raised by opposition parties is the appointment of the secretary to the commission. According to s 66(1) the secretary is appointed by the president without reference to any other person or independent authority. The result is that there are no checks and balances. In the absence of these checks and balances, there is a high possibility that the officer may owe allegiance to the appointing authority, and this goes against the principle of independence.

Related to this is the independence of the IEC as an institution. This is not guaranteed either by the Constitution or by the Act. The relationship of the IEC to the government, especially the Office of the President, has led many to doubt its independence. For example, the IEC relies on government for its resources, including transport, finance and staff. The staff of the IEC is governed by the same conditions that apply to the public service. Although one cannot suggest that the executive directs the IEC to carry out its functions in a particular way, its independence is compromised even by perceptions which may not necessarily be true.

The IEC has, on several occasions, declared that it is independent and enjoys some legitimacy. Indeed, one of the commissioners has argued that 'there is no interference whatsoever by the government in the operations of the IEC, even though the state finances the commission' (Tsie 2003, p 147). However, it is believed that this independence would be enhanced if it had the power to set the election



date – at present the date is set by the president who, as an interested party, may make a decision based on the preparedness of his or her party.

The president is expected to consult with the IEC about its preparedness for the election date, but does not have to divulge the date. As Dundas et al (2004) contend the IEC and other stakeholders were left in the dark about the election date in 2004. Taking into account previous elections, as well as careful reading of the Constitution, it was expected that the election would be held in mid-October. In the event, it was set for 30 October.

Based on the timing of previous elections, the SADC Parliamentary Forum also organised its activities with the mid-October date in mind. The later date, therefore, meant it was not able to reschedule. The secrecy surrounding the date affected many stakeholders, including international and regional networks. It adversely affected the budgets of political parties, mainly the opposition parties, which were experiencing financial difficulties and hence had to look for extra resources to sustain their campaigns.

Furthermore, the organisation of an election is a major undertaking which requires considerable financial resources. Under the current practice the IEC has no financial independence as it, like any other department, receives funding from government through the Ministry of Presidential Affairs and Public Administration. It submits its funding proposal through the Ministry of Finance and Development Planning which has the power to cut the budget proposal, especially if it does not support some of the commission's projects, for example, voter education, which may be considered a threat to government (Dundas et al 2004).

The resolution of election related conflicts is an important element in ensuring free and fair elections and stability in a democracy. The IEC in Botswana, unlike its counterparts in some countries, has no jurisdiction to deal with such conflicts. According to s 114 of the Electoral Act, all election related conflicts are dealt with by the High Court.<sup>5</sup> Botswana has not had an election dispute which has threatened the security and stability of the country, such as was the case in Lesotho, for example, in 1998 (Sebudubudu 2005). The country has a well-established judicial system which can handle such disputes without delay – an essential element because an election dispute that is not handled expeditiously defeats the whole purpose.

In previous years, the High Court has handled a number of cases, mainly instituted by opposition parties, in which cheating has been alleged. A number of these were dismissed on technicalities but in the case of two parliamentary elections – Gaborone South in 1984 and Mochudi in 1989 – the results were

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<sup>5</sup> For a detailed account of the petition procedures, see Electoral Act Part X.

declared null and void. In 2004 the ruling party threatened to challenge the outcome of the Gaborone Central constituency election but did not proceed with the case. Among the reasons advanced for the withdrawal were that the challenger had already been nominated to Parliament and appointed to the Cabinet.

It is important to note that no system is perfect and, as successful as the IEC may have been, it must constantly strive to improve its performance. Electoral reforms are therefore inevitable in this information age. The credibility of the election management body is essential to the holding of free and fair elections and transparency is essential to credibility.

Transparency can be facilitated by all stakeholders playing an active part and appreciating the role and functions of the commission. The confidence that is bestowed by members of the public on the IEC may be measured by the number of people who participate in the election, the level of accountability of politicians to voters, and the manner in which the commission renders its service to the public.

## CHALLENGES

Elections are necessary to sustain democracy. It is particularly important that the electorate perceives them as free and fair. It is therefore important that the institution performing this role is trusted. Although there is general acceptance of the IEC in Botswana as an election management body, there are still challenges that need to be addressed. As discussed above, these include, among others, the status of the IEC, the appointment of the secretary of the IEC, the independence of the IEC. These are discussed briefly in turn.

### *Status*

The status and mandate of the IEC continue to be a hotly contested issue in Botswana. As mentioned above, an effective IEC should be responsible for all matters related to elections and not just the staging of a poll on election day. Currently the IEC is not responsible for delimitation and it is believed that it should be given that responsibility.

### *Appointment of the secretary*

An EMB should not only be impartial but must be seen by the public to be so. Members of the body must be appointed in such a way as to ensure the confidence of the public and the political parties alike (Dundas 1997). The present arrangement, by which the secretary of the IEC is appointed by the president, goes against the spirit and intent of a transparent and neutral body. Political

parties, as the main stakeholders, continue to question this method and argue that the secretary should be appointed by the commission in order to ensure that he or she is accountable to it.

### *Independence*

Opposition parties in Botswana continue to complain about the lack of independence of the commission. Questions about the autonomy of the IEC have to do with the fact that it falls under the Ministry of Presidential Affairs and Public Administration instead of reporting directly to Parliament. The IEC does not have the power to recruit, deploy, and discipline its staff. This is done through the normal public service channels.

It does not have complete independence over the administration of its funds. It is important that the IEC should be adequately funded and be given the opportunity to manage the funds cost-effectively. This view is supported by Dundas (1997, p 210) when he argues that in budgetary matters the EMB should not 'become subservient, or under the control of the executive which is providing it with its funds and which could make pliability a prerequisite for adequate funding'.

### CONCLUSION

Democracies throughout the world have established institutional structures, models and processes to ensure free, fair and transparent elections. However, even in the most advanced countries problems may arise. An example is the first US presidential election won by George Bush in relation to which there were and remain strong suspicions that the Florida election process was flawed.

So, the processes and institutions are not fool proof. In Botswana the IEC, which was established in 1998, has overseen two elections. In general the consensus is that it has performed relatively well. A positive move is the IEC's consultation with stakeholders after an election and its continuous self-evaluation and improvement of its performance.

There is, however, a perception, particularly among the opposition parties, that the IEC is not truly independent because of its links with government. Whether these links bias the IEC and introduce irregularities into the electoral process is a moot point. However, what is clear is that there is a perceived problem of bias and absence of transparency. It is important that these perceptions be corrected to assure the electorate of a free and fair election.

Accordingly, the IEC should have independent funding and not, as it is at present, be treated like a normal government department. The secretary of the

commission should be appointed directly by the commission. The commission should report directly to Parliament, not to the Office of the President. The responsibility for setting the election date should be thoroughly discussed, as some feel this should be the task of the commission. Perhaps, instead, there should be a constitutional provision indicating more specifically when, in an election year, the election should be held and the time when the announcement should be made. The mandate of the IEC should be extended to include the delimitation of constituencies, because this is very much related to the election process.

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# CIVIC PARTICIPATION AND VOTING PATTERNS IN BOTSWANA

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## ABSTRACT

*Civic participation is a broad and far-reaching concept that means different things to different people and in different contexts. Botswana is highly regarded in Africa and the world as a model of democracy and good governance, a regard that is associated with the liberal democratic credentials of the country and with regular elections, which have been declared by commentators and observers to be 'free and fair'. However, despite the accolades bestowed on Botswana, civic participation in the political affairs of the country has been poor. There has been low voter turnout in most general elections since independence in 1965 and there has been a downward trend in civic engagement. This calls into question the much-celebrated democratic credentials of the country.*

## INTRODUCTION

Botswana is internationally acclaimed as a country that promotes democratic values and was perceived during the 1960s, 1970s and 1980s as a haven of peace, tranquillity and good governance at a time when Southern Africa was in turmoil because of the repressive minority regimes in Namibia, South Africa and Zimbabwe. But since the independence of these countries, particularly Namibia and Zimbabwe, some writers and commentators have called into question the much-celebrated democracy in Botswana. Cracks began to emerge as Namibia and South Africa introduced far-reaching socio-economic and political reforms that advanced democracy to greater heights.

Although the Constitution of Botswana provides for universal suffrage and direct elections by secret ballot every five years, the numbers of people who register and cast valid votes has declined over the years. In 1965, 75 per cent of registered voters went to the polls to elect the government of their choice, but in the next election, in 1969, only about 55 per cent did so.

This paper analyses developments in Botswana in terms of both civic participation and voting patterns since the 1965 election. It draws a distinction between voter participation and civic participation, the latter being broader and more comprehensive. In addition it discusses the reasons for and causes of the lack of civic participation. It also undertakes an in-depth assessment of the efforts by government, election management authorities, and civil society to educate citizens and voters about the importance in a democratic society of participating in all levels of governance. Finally, the paper examines the attempts by different organisations to motivate people to register and vote and the challenges they face in doing so.

The relatively poor voter turnout in Botswana's first democratic election was understandable given many centuries of chieftainship and colonial administration, none of which promoted democracy in the country. But this poor level of participation has continued unabated since then. There are different explanations for citizens' disengagement from the political landscape. Firstly, the outcome was a foregone conclusion and people felt their votes would not matter so there was no need to participate.

Secondly, voters were content with the ruling Botswana Democratic Party (BDP) and its charismatic leader, Sir Seretse Khama. Thirdly, the ruling party intimated that any challenge to it amounted to subversion and a threat to democratic values, thus alienating many citizens, who felt that politics was a dirty game.

## CIVIC PARTICIPATION THROUGH VOTING

While the election process is a necessary instrument, it should be supplemented by other forms of civic participation. Direct democratic avenues have to be exploited to enrich a democratic system of government.

All eligible voters, irrespective of gender, race, socio-economic status, and political affiliation are constitutionally empowered to participate, but since the onus is on voters to register in order to do so the Independent Electoral Commission (IEC) and the government have a responsibility to encourage voter participation and spearhead voter education. The future health of Botswana's democratic governance lies in a large number of eligible voters actively participating in the election process.

In order to make informed decisions, however, voters must be aware of the purpose of elections, of their voting rights and obligations, and of the range of electoral procedures and options. If the electorate is ignorant of the election process voter apathy is pronounced, large numbers of spoilt ballots become the norm, a lack of confidence creeps in, and the integrity of the electoral process becomes questionable. In the end, the results of the elections are placed in doubt and the stability of a country may be endangered.

With a general election set for 2009 there is concern in Botswana about both voter apathy and the alienation of the electorate from the political process, but political disenchantment is not a new phenomenon. The first time Botswana citizens aged between 18 and 20 were allowed to vote was in the 1999 election and people in that age group were expected to register in large numbers. In fact few did – the decades of disenfranchisement had alienated young people from both the political and the social life of the country. Young people are victims of social and economic problems such as unemployment and neglect by parents and society at large and the lack of active civic participation cuts across all socio-economic groups.

Political participation in elections is a hallmark of a vibrant democracy and good governance. A strong democratic government is dependent on the active participation of citizens in structures, institutions and operations of communities and government. A 2002 report of the Democracy Research Project of the University of Botswana concluded that there was a high level of voter apathy in Botswana's political life. Declining participation in civil society activities and government is a worrying phenomenon. There is a growing need to engage apathetic and disempowered groups of voters to encourage greater participation in the electoral process. Voter turnout at election times is an indication of the ability of government, electoral management body, and civil society to motivate eligible voters to register and cast valid votes.

It is evident from Table 1 that voting patterns have fluctuated over the years, with the lowest turnout (31%) in 1974. One possible reason for this dismal figure is that during this period the government of Botswana introduced an aggressive land policy, the Tribal Grazing Land Policy (TGLP), in which it demarcated large chunks of land for distribution to farmers. As a result, cattle barons acquired large farms to the detriment of the small landowners and used both their commercial and freehold farms for grazing, thereby competing with the small farmers. Government failed to take any action to normalise the situation and the low voter turnout was a sign of discontent and cynicism about government institutions.

The declining numbers of people exercising their democratic right to vote is a worry for the government, the IEC and the democratic fraternity at large.

**Table 1**  
**Voter Turnout in the Botswana General Elections**  
**1965-2004**

Year	Voting population	Registered voters	Votes cast	Percentage vote
1965	243 365	188 950	140 789	75
1969	267 647	156 428	85 879	55
1974	309 810	236 483	73 897	31
1979	362 515	243 483	142 245	58
1984	416 996	293 571	227 756	78
1989	507 569	367 069	250 487	68
1994	609 000	370 356	281 931	77
1999	800 000	459 251	330 779	77
2004	900 000	552 849	421 272	76

Source: Modified from *Report to the Vice-President and Minister of Presidential Affairs & Public Administration on the General Elections 1999*. Appendix L

Elections are an important barometer of popular participation in a representative democracy. By exercising their right to vote citizens give legitimacy and credibility to the electoral process and when they disengage from it representative democracy might be under threat.

The 1999 general election showed that young voters exhibit the same apathy as their elders with fewer than 5 per cent of 18-to 20-year-olds casting their votes in that election.

If the voting-age population is taken into consideration rather than merely the number of registered voters, Table 1 in fact overstates the percentage who voted in the 1999 election – on that basis the poll attracted only 41 per cent of potential voters. Subsequent by-elections attracted even fewer registered voters and only 2, 6 per cent of registered voters participated in a referendum in 2001 on the extension of the retirement age of judges.

#### REASONS FOR POOR CIVIC PARTICIPATION

There is little consensus about the reasons for voter apathy in Botswana. Apathy should be analysed against the background of illiteracy, socio-economic factors,

and the absence of democracy during the colonial era, the lack of voter and civic education, and politicians who cannot be held to account.

The Democracy Research Project (DRP) of the University of Botswana has attributed the steadily declining voter turnout to several factors. Firstly, historical circumstances militate against a massive turnout. The public forums, '*Dikgotla*', dominated as they are by tribal chiefs, who are not elected but inherit their positions, are not effective places in which to engender participation by all age groups. Another group that aligns with the chiefs to stifle participation is the chiefs' advisors – the elderly and conservative elements of society. The youth, women and marginalised tribal groups are prevented from participating actively in decision-making.

Secondly, political activism is largely a post-colonial activity. During the colonial period there was no culture of competitive elections for leaders.

A third reason for low voter turnout is a system that excludes the highest office of governance from direct elections. This appears to de-motivate a large section of the population. The 2002 DRP research showed that the majority of Botswana's population proposed direct elections for the office of the presidency. It is further argued that, because the Constitution gives the president wide and extensive executive powers, it is imperative, in the interests of enhancing democracy and good governance, that the position is contested.

Fourthly, voters disengage from the political process because, for the past 40 years, one party has held power in the country. The Botswana Democratic Party has been in power since the first democratic elections in 1965 and the lack of competition is a disincentive to voters. The BDP has massive resources, stemming from big business within the country. In 1999 it received a donation amounting to P5-million from a covert source outside the country, alleged by some commentators to be the De Beers Mining Company, which dominates diamond mining in Botswana. The political playing field is very uneven and this is exacerbated by the BDP government's reluctance to adopt the idea of sponsoring political parties.

The poor state of Botswana's opposition parties adds to the woes of the electorate. Fragmentation of the opposition has led to the continued domination of the BDP and to cynicism and disappointment among a substantial section of the country's citizens.

The weaknesses of political parties in Botswana must be taken into account in any analysis of voter disengagement from the political process. Botswana's political parties tend to have authoritarian leadership, structures, and procedures (Neocosmos, 2002). The behaviour, attitudes, and activities of party leaders have led to them being perceived as untrustworthy, making promises they do not keep. Hence potential voters shun the elections. Another accusation levelled against

politicians and government institutions is that they serve their own interests at the expense of those of the public.

The ascendance to political office in Botswana is perceived as a route to enrichment and self-aggrandisement. In addition, political parties field uninspiring candidates, who fail ultimately to stimulate voters' interest or excitement. Weak candidates who are unable to attract more supporters are another impediment to the participation of large numbers of voters. Political party campaigns are often abusive and negative and rarely based on substantive issues. In addition, poverty and deprivation are major issues in the country, with national resources concentrated in a few hands, so there is affluence in the midst of poverty and deprivation.

Another reason for poor participation in Botswana's political process is the registration process, which demands that eligible voters initiate registration. For a citizen to qualify for registration, she or he must fulfil certain requirements, relating, among other things, to age, citizenship, mental status, and criminal record. A number of eligible citizens are disenfranchised by the rigid electoral process; some because at the time of registration they do not have identity documents and some, who are migrant workers, because they are not at their place of abode. In addition, the electoral law limits the length of time the polls are open to 6.30am to 7pm on election day. In urban centres, some eligible voters work long hours far from their places of residence and may not have adequate time to cast their ballot. Others are mobile officers who, at the time of the election, may be away from their registration point and are therefore disenfranchised.

It is clear from the above that there is a need to reform the electoral system and parliamentary institutions in order to restore confidence and integrity to the political system and to motivate more citizens to participate in elections. Under Botswana's first-past-the-post (FPTP) electoral system, election outcomes do not accurately reflect voter preferences except in a two-person race.

An example is the 1999 general election where the ruling BDP received 54 per cent of the vote but that was translated into 83 per cent of the parliamentary seats while the Botswana National Party (BNP) won 25 per cent but only 15 per cent of the seats and the Botswana Congress Party (BCP) won 11 per cent of the total votes but received only 2 per cent of the seats. To all intents and purposes, this type of system distorts the interests and aspirations of voters, leading to disengagement from the political process. Distortions caused by the FPTP system reduce voter choices, making many feel their vote will be wasted because they are casting it for a losing candidate.

Low levels of civic participation cannot be ignored any longer in a country that prides itself on upholding liberal democratic values. The Botswana



government has an obligation to improve voter turnout in elections because the legitimacy of the government is derived from substantial citizen participation in political activities. The government has entrusted the Independent Electoral Commission with voter education with the aim of arresting apathy and the alienation of voters from the electoral process.

This, in turn, because of the mammoth amount of work entailed in the process of voter education, has led the IEC to turn to civil society organisations to assist it in voter and political education. Voter education is a new phenomenon in Botswana. Before the 1999 election, there was little emphasis on it. More attention was devoted to public information about registration and the voting process.

Low voter turnout must be addressed as a matter of urgency before the 2009 general election if Botswana is to maintain its reputation as a shining example of democracy, good governance, and prudent financial management. The importance of voter education in particular and civic education in general cannot be overemphasised. The outcome of any election has an impact on all citizens of a country, not only in terms of taxation but also in terms of policies and programmes in key areas such as education, health, security, social welfare, environment, and transport. It should be emphasised that increasing voter participation will neither be easy nor attained over night. The solution will require a broad-based approach and innovative strategies. The reasons for voter apathy are many and varied and there is a need for deeper understanding of the contributing factors and an analysis of possible solutions.

It has been said that: 'A free society must rely on the knowledge, skills, and virtue of its citizens and those they elect to public office' (Centre for Civic Education, p 1). In Botswana there is an apparent lack of investment in preparing eligible voters to register and cast their ballots. Government should be committed to financing programmes that educate citizens about their rights and responsibilities. Voter awareness is important in order to motivate as many eligible voters as possible to be ready, willing and able to participate in the political processes governing the country. The legitimacy of the government in power, as well as the integrity of the electoral process, is at stake if many people shun elections. In addition, representative democracy and the accountability of government officials could be compromised if fewer people participate in the election process. This will inevitably lead to declining engagement of citizens with government and its agencies, leading to people becoming spectators in policy-making in the country.

#### OTHER FORMS OF CIVIC PARTICIPATION

There are other forms of direct involvement in public policy, such as joining political parties, pressure and interest groups, and civic activism of various sorts. There

are structures at institutional and local levels which can be used as conduits for active civic participation. One of the oldest and most understood is the *kgotla* system, which is a traditional forum for participation of all citizens in decision-making (Binsbergen 1992; Lekorwe 1998).

The *kgotla* is a forum for decision-making as well as consultation on matters of public interest. Theoretically, party political issues are barred from this august forum but, over the years, ruling party functionaries (president and ministers) have used it to discuss party policies under the guise of national policies. On the eve of every election the president of Botswana, who is also the leader of the BDP, tours constituencies, mostly those where the BDP has little support (*Daily News* 10 October 1969). In his address he concentrates on government policies, past, present and future, and urges people to vote wisely. Moreover, he lectures them on the value of democracy and the importance of citizens voting in responsible leaders to run the country prudently. In some instances, the president will use the *kgotla* to attack the opposition for making promises which cannot be fulfilled (*Daily News* 3 October 1969).

Genuine participation by citizens is subverted by the elite and conservative members of society, who are mostly male. Disadvantaged groups, such as women, youth, the handicapped, and minorities, are marginalised in relation to decision-making. People are not genuinely consulted but are told about policies already decided by government. Their main role is to legitimise such public policy. The *kgotla* system enables the president and his party to manipulate the poor and rural population in order to win votes. Over the years, attendance at *kgotla* meetings has dwindled, except when there are controversial issues to be discussed.

Another forum for political information is the Freedom Square, which can be traced to the early 1960s, when political activity began in Botswana. This forum is used by politicians of different political stripes to woo people to their side. It is supposed to be a two-way process between politicians and the electorate, with politicians communicating their information on policies, programmes, successes and failures, and members of the public expected to ask questions and to comment on the speeches made by the politicians. The Freedom Square platform allows for interaction between political parties and voters, enabling them to exchange ideas and views. One weakness of the Freedom Square as a form of civic participation is that the agenda is set by the parties and they decide who is to participate in the discussions. There is generally a poor turnout at these rallies, frequently with only the converted attending.

Civil society organisations are also important in promoting civic participation in decisions that affect the lives of citizens. Though the IEC has the legal responsibility for and authority over voter education, civil society

organisations can play a significant role. There is an increasing need for government, the IEC, and civil society to discuss voter education. The mobilisation of civil society organisations in an election year is crucial to voter education activities. These organisations have the capacity, skills, resources, and voluntary ethos to be able to reach diverse groups. The IEC should ensure the engagement and participation of civil society in the formulation, implementation and monitoring of strategies for educational development.

Civil society organisations include, among others, campaign networks, teacher organisations, student representative bodies, religious organisations, political parties, youth organisations, women's organisations, trade unions, professional bodies, and social movements. All these bodies are closer to the grassroots, hence are able to transmit effective information to the population scattered across the length and breadth of the country.

A strong or vibrant civil society engaged in a diverse range of public activities is essential for a healthy democracy, allowing Botswana society to articulate its concerns to all levels of government. Civil society organisations can ensure the public accountability of government and its agencies. In addition, they can increase voter awareness of elections and keep political parties focused on the socio-economic and political concerns of citizens.

Civil society in Botswana is weak, with most Batswana participating less in political activities than they once did. There is a particularly notable drop in the membership of political parties and civic organisations. If many people start to leave political life, the basis of representative democracy will be under serious threat.

The political indifference of the youth is a particularly worrying phenomenon. Botswana has a youngish population and there is a need to engage as many young people as possible in the political process. These men and women are the future leaders of the country and should be encouraged to participate actively in the election process. The IEC might strive to reach the youth, who constitute a substantial number of the country's eligible voters and who will be affected most by the socio-economic and political decisions made by the government.

The IEC should collaborate with the Botswana National Youth Council (BNYC) to motivate young voters to participate actively in the election process to lend legitimacy to elections. The BNYC (*The Botswana Reporter Mmegi-Wa-Dikgang* 2003) has conducted series of leadership development workshops throughout the country aimed at empowering young people who are interested in standing for political office in the 2009 general election. This is one way of encouraging the youth to participate in the electoral process as voters as well as candidates.

## GENDER AND CIVIC PARTICIPATION

Another group that must be included in the political development of Botswana is women. There are more women than men in Botswana but that has not been translated into massive women's participation in the leadership of political parties. A traditionally male-dominated culture permeates every facet of life in Botswana and Parliament remains a men's club with the representation of women in the National Assembly standing below 20 per cent. While women in Botswana enjoy the legal right to vote, in reality a web of obstacles – cultural, social, economic, legal and educational – obstructs their participation at all levels of political decision-making. An attempt has to be made remove or reduce these barriers in order to motivate women to participate in all decisions that affect the country in the short, medium, and long term. In essence, women should have access to decision-making and different styles of governance if they are to have an impact on the political development of the country.

The IEC, in partnership with women's organisations such as Emang Basadi, the Women's Coalition, and the Women's Caucus, has undertaken a series of political leadership training programmes for women aspiring to elected office as well as for those already in leadership positions. Currently, Emang Basadi is carrying out voter education by means of debates among candidates of all political parties in various constituencies. This electoral advocacy, in providing a non-partisan forum for candidates to debate issues, helps some candidates who might not have access to media coverage.

These training efforts should increase the number of women who join political parties as well as the number of elected women who assume leadership positions in the legislative and executive branches of government. In addition, we should start to see the proliferation of viable organisations championing women's rights and participation in the election process. Networking among politically active women should be another programme to raise their awareness and active participation in the political process. Knowledge and awareness may lead to increased registration and voter engagement, thereby enhancing democracy. Women political leaders across the party political divides may share their valuable experiences to enhance their decision-making capacity. Through the Botswana Caucus for Women in Politics women of different political stripes have held seminars and workshops aimed at sensitising women politicians on various issues.

## THE MASS MEDIA AND CIVIC PARTICIPATION

The media have an effect upon both the presentation and the outcome of political campaigns and can provide an effective channel for imparting information and

educational messages to a large audience. News reporting can be an asset and, at the same time, a liability, to the electoral process.

As part of its public information programme, the IEC must involve the press, media and wire services and the media must play an active role in informing and motivating people to participate actively in the political process. The mass media must make voters aware of relevant issues and problems, consequences and the costs of present and past policies and options for the future. Educating voters about their inalienable rights and obligations in a representative democracy is an essential component of building a viable and vibrant civil society.

However, in a society that is rural, illiterate, and suffering from acute poverty, deprivation and unemployment, the media may not be able to be effective as disseminators of election materials to the voters. Voter education programmes rely strongly on printed materials – badges, posters, stickers, booklets, banners, comic and picture stories, and clothing items, as well as information centres and innovative advertisements on billboards, at sports facilities and on the sides of buses, taxis and trains. Concerts, plays, dance, street theatre and other forms of artistic and cultural activities should be employed to promote democracy, civic responsibility, and voter education.

Kessel (2000, pp 61-62) has rightly pointed out that ‘media play a role as informers, educators and entertainers of the public. Mass media provide information on public policy issues and provide a platform for discussion. Media help empower their audience by making them aware of their civil and political rights and by explaining how and why these rights should be exercised.’ The media, whether public or private, have a role to play in disseminating information about political parties, candidates, policies, and the electoral processes of a country. This enables voters to make choices when they go to the polls.

Until the 1990s the public broadcasting media were a state monopoly. Radio Botswana has long been the mouthpiece of government and, by extension, the ruling party machinery. The station has the capacity to reach people who cannot be reached physically by the electoral body and its officials and thus plays a critical role in disseminating information to a large audience in most parts of the country. The problem is that, given the fact that it is controlled by the government of the day, Radio Botswana is used as a propaganda tool by the BDP.

However, in the 1990s there was a proliferation of private radio stations in Botswana, mostly concentrated in Gaborone with their coverage limited to Gaborone and the surrounding villages and some of them broadcasting programmes covering civil and political issues. In the countryside Radio Botswana still dominates the political landscape.

As far as the print media are concerned, the government newspaper, *The Daily News*, which is distributed free of charge and thus has an extensive

circulation, was, until the 1980s, the sole paper available to disseminate information to the public until the 1980s. In the 1980s, private newspapers mushroomed, among them *The Botswana Reporter Mmegi- Wa-Dikgang* and *The Botswana Guardian*.

The mass media have their own weaknesses, for example, an inability to reach all parts of the country, an emphasis on negative reporting which discourages readers, and biased reporting. In Botswana the media have done a disservice to large sections of society through various commissions and omissions and news reporting has concentrated on the negative and ignored pertinent issues underlying elections. The government-owned media must be required by law to give fair coverage and equitable access to all competing political parties.

### RELIGIOUS ORGANISATIONS AND CIVIC PARTICIPATION

Other important civil society organisations that can have a profound impact on voter education are religious institutions, which have a large following in Botswana. While religious groups in many parts of the world have played an important role in voter education, in Botswana they have been slow to participate. It is critical that these bodies become involved in order to make a positive impact on the future of communities and the nation at large.

It is debatable whether political party organisations should be viewed as part of civil society. Some perceive them as outside the realm of civil society because their aim is to seize political power, but some define civil society in broader terms to include them. Political parties are indispensable in bringing voter education to the people as they have the greatest interest in the political contest. They must explain why people should vote, the voting procedures, the secrecy of the ballot, and the general security of elections, and it is in their interests to urge their followers to cast valid ballots. But the ability of political parties to conduct voter education depends on the availability of resources, human as well as financial. In a country like Botswana, political parties do not have adequate resources to carry out the mammoth and daunting task expected of them. Moreover, they are not financed by the state, but have to fend for themselves. In fact, voter education should be carried out by non-partisan organisations. Political parties are more concerned with carrying out programmes that attract more votes for them. They may even be selective, concentrating on the constituencies that are deemed most likely to be supportive.

### VOTING PATTERNS

Voting patterns in Botswana are hard to establish because there are limited data from which to make an informed evaluation. As indicated above the turnout in



the historic first general election in 1965 was 75 per cent, which was acceptable taking into consideration the lack of political participation prior to independence. However, if this assertion is correct, the level of voter participation in subsequent elections should have increased but it did not – it fell dramatically in 1969, possibly because many prospective voters considered the result a forgone conclusion.

The 1984 general election attracted a turnout of 78 per cent, the highest recorded in the country's political history. This was considered to be one of the most competitive elections in the country, with the opposition Botswana National Front (BNF) posing a serious challenge to the ruling BDP. The BNF won the highest number of parliamentary seats (13) of any opposition party in Botswana's history, most of them in urban centres – Francistown, Gaborone, Lobatse and Selibe Phikwe. The BNF strongholds in the Southern District were maintained.

The few young people who choose to vote tend to vote for the opposition but this trend might change as the ruling party campaigns vigorously to attract younger voters to its fold. Older voters and those in rural areas appear to vote for the ruling BDP. Women also seem to lean towards the ruling party. Historically, women have always voted for conservative parties which are uninterested in their socio-economic and political development. One possible reason is that women cherish peace and tranquillity, which the BDP is perceived to promote, while the opposition is branded as violent and anti-liberty, which, discourages women from associating with it. Women are also generally illiterate and poor and hence susceptible to manipulation by those in power.

The business community and the cattle barons, who, over the years, have benefited from the economic growth of the country, are the driving force behind the financial and organisational superiority of the BDP and have been since the first general election, while traditionally the workers have always been the cornerstone of opposition politics.

The rural-urban divide seems to be blurred, as evinced by the voting patterns in the 2004 general election when the BDP and the opposition parties made inroads into each other's traditional domain. The BDP managed to win one constituency in Gaborone, the heartland of opposition politics, as well as to cling to all its constituencies in Francistown and Selibe Phikwe. Opposition parties prevented themselves from winning most urban constituencies by splitting the vote – the combined number of votes for the opposition in most urban constituencies far outstripped that for the BDP.

Ethnicity is another major factor in the politics of Botswana that is ignored by many observers of the country's political scene. Tribal inclinations have played a vital role in the political dynamics of the country since the 1996 election (Holm & Molutsi 1988). The BDP is supported by the eight so-called principal tribes, excluding the Bakgatla in Mochudi and environs, who vacillate between the ruling

party and opposition parties, influenced by their outspoken chief, Linchwe, who initially considered the BDP an anti-traditional party. To date the BDP has had absolute support from the Central (Bangwato) and Kweneng (Bakwena) districts. The Bangwaketse parted with the ruling party in 1969 when their chief resigned from his chieftainship and joined the BNF (Holm & Molutsi 1988). Chief Bathoen Gaseitsiwe beat the then vice-president, Ketumile Masire, by a wide margin in spite of a BDP-inspired campaign spearheaded by President Khama. Since then, the BNF has had the Ngwaketse area as its traditional political base. The Botswana People's Party (BPP) had support in the northern part of the country around Francistown and in the north east. These areas were dominated by Bakalanga, who aligned himself with Phillip Matante and won seats there until the 1980s when the BDP used multifaceted strategies to dislodge the weakened BPP. The Botswana Independence Party (BIP), led by Motsamai Mpho, had a large following in the Okavango area, where the Bayei are concentrated.

BDP victories are assured by Botswana's stable economic and social development (Binsbergen 1992). Proceeds from diamonds and other revenue sources have been used to build schools, health facilities, roads and offices, which are used as campaigning projects or programmes. Foreign reserves have been accrued for use in difficult years and this policy has earned Botswana a good name in the international arena.

Historically, the BDP has used the resources of the country to perpetuate its dominance and superiority, as evidenced by pre-election manoeuvres like salary hikes and development projects. In 1974 the BDP increased the salaries of public servants and introduced an Accelerated Rural Development Programme to woo rural voters to cast ballots in its favour (Parsons 1977; Colclough & McCarthy 1980; Danevad 1995). It also purchased land from the Tati Company in Francistown for distribution to residents; a ploy that worked – the party eventually captured Francistown.

## CHALLENGES TO CIVIC PARTICIPATION IN BOTSWANA

From the above it is clear that there are manifold opportunities and challenges facing government, political parties, the Independent Electoral Commission, and civil society in relation to combating voter apathy, which is inimical to democracy and good governance. Poverty and deprivation in the midst of plenty must be addressed by both the government and civil society if voter alienation is to be tackled. A state of helplessness and dependency on handouts from government and NGOs must be address as a matter of urgency. Moreover, the gap between the haves and the have-nots that has been widening for decades must be acknowledged and addressed.

The government, the IEC, and civil society organisations should endeavour to inculcate in the general population a civic education culture in order to foster democratic values and ethics in the country. Voter education should be supplemented and complemented by other interventions in the body politic. All these strategies should ensure large-scale participation by citizens in the electoral process. Civic education programmes should be demographically specific, taking into consideration the unique characteristics of the local population – language, custom, tradition, beliefs, literacy and economic and social status. The media should be used extensively to encourage voter participation. In addition there is a need to advertise the election and make available voting materials for demonstration at civic gatherings, local churches, mosques, and synagogues, post offices, libraries, and government offices.

Potential voters can be targeted through specially designed information and education campaigns that include advertisements, pamphlets, radio and television programmes, public rallies, and information displays in public places. Registration facilities should be provided in places frequented by members of the public, for example, clinics, schools, public fora (*kgotla*), and post offices. Registration reforms must be undertaken to make it easier for potential voters to enlist to qualify to vote in elections. All barriers to registration must be eliminated or reduced to ensure widespread participation by eligible voters. Currently there are a number of obstacles in the registration process, for example, registration requirements, residence, and non-permanent voters' roll, and citizenship.

There is a need for continuous voter and civic education between general elections in order to cultivate awareness among the general population of the essence of democratic participation in every facet of their lives. Voter education targets eligible voters by giving them information on electoral laws, electioneering, registration requirements, rights and obligations, the voting process, counting, and announcement of results. Civic education, on the other hand, deals with broader issues of loyalty, patriotism and the rights and obligations of citizens.

## CONCLUSION

Although elections in Botswana have been declared to be 'free and fair', some commentators have questioned the disproportionate media coverage for the ruling BDP and the uneven political playing fields. The BDP has ample resources, which it uses effectively to win voters to its side. The resources of all the opposition parties combined do not match those of the BDP as the latter has the support of the business community both within and outside Botswana.

A healthy democracy should pride itself on active civic engagement in all facets of public life. Citizens should play an active role in all the socio-economic

and political structures and institutions available in the country. Since the dawn of Botswana's independence in 1966, civic participation has declined steadily in both the political and social spheres. Political participation started at an acceptable level, bearing in mind the many centuries of authoritarian socio-political regimes, but it has declined since then. On the social front, an initial zeal for community involvement has evaporated and fewer Botswana are members of interest/pressure groups through which they can collectively influence public policy.

A great deal must be done by both government and civil society to resuscitate the spirit of voluntarism and membership of community associations in order to promote an active citizenry. The Botswana government should entrust the IEC with the conduct of voter education and should finance civic education programmes to educate citizens about the efficacy of participation in elections. Furthermore, government should reform the electoral laws to make them more progressive and facilitative of civic participation in public life.

Civil society should take its rightful place in engineering the active participation of citizens in all spheres of life. The introduction of civic education into the national curriculum of primary and secondary schools is long overdue in Botswana. The country must instil a concept of civic responsibility at a tender age in order to enhance popular participation in the political process in the long run. In addition to civic education, voter education programmes would contribute to specific issues pertaining to the electoral process. There should be thorough implementation and evaluation of voter education programmes. Moreover, adequate planning for and funding of voter education activities are important to the achievement of voter awareness and participation in the electoral process.

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# YOUTH AND POLITICS IN BOTSWANA

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## ABSTRACT

*This paper examines the extent and nature of electoral participation in general and that of youth in particular and attempts an explanation. It draws on reports from the Independent Electoral Commission (IEC) and its predecessor, the Elections Office, and on opinion surveys carried out by the Democracy Research Project of the University of Botswana (DRP). It argues that the poor participation of youth in politics in Botswana in general and in elections in particular is rooted in traditional Tswana culture which limits the participation of youth in public affairs. This culture is reproduced by the main socialising agents in society such as the family, the school system, political parties, and the media.*

## INTRODUCTION

The last century witnessed three major democratic processes. First, there were the decolonisation winds that blew across the globe and brought independence and nationhood to much of the world. Second, there was the democratisation process whereby 140 of the world's 189 countries had multiparty electoral systems and two-thirds of humanity lived under such systems. Third, there was the disengagement/disillusionment with the political processes, with falling rates of participation, especially among the young. Africa has been no exception to these trends.

Botswana gained its independence and nationhood in 1966. Independence was marked by the advent of a new Constitution enshrining a competitive, multiparty electoral system guaranteeing open, free and fair elections. During four decades of uninterrupted electoral democracy the country has held nine elections, with no fewer than four political parties participating in each. Although competitive elections, though an important indicator of the relative openness of the political system, are, on their own, not a sufficient condition for the development of a democratic culture they do provide an important opportunity for the people to express their views on the policies and programmes of both the government of the day and of the other contenders for political office.

As we have just passed the half-century of Botswana's democracy it is appropriate to assess the extent and nature of youth participation in politics in general and elections in particular – the youth, after all, are not only the present but are also the future. They are potential voters and participants in the electoral process in the present and will be so in the future. They will also become the parents who provide political socialisation to a future generation of political participants.

The youth currently represent a significant part of the population of Botswana and will do so in the foreseeable future. This paper focuses on the changing trends and patterns in their participation in politics in general and the electoral process in particular and examines the nature of their involvement.

### THE SIGNIFICANCE OF THE YOUTH

Young people currently represent a significant part of the world's population. At the time of the 1995 International Conference on Population and Development about 20 per cent of the entire population of the world was in the age group 15 to 24 years. Demographic trends in Africa show that about 50 per cent of the continent's population is below the age of 18 and an extraordinarily high percentage is between the ages of 15 and 25. Although globally there has been a decline in fertility and consequently in population growth rates Africa will continue to experience population growth driven by both natural increase and the 'momentum effect' (Nair 2006). Momentum brings larger and larger cohorts into parental age groups, so that even as fertility declines considerably, the number of births is still high.

There is concern in many Third World countries, especially in Africa, about the growing youth bulge in the population, or what population economists have referred to as the demographic bonus (Nair 2006). The United Nations estimates that in 2000 some 40 per cent of the adult population in more than 100 countries was in the age group 15 to 29 years and many of these countries are in Africa.

This bulge is a consequence of previous decades of high fertility rates and falling infant and child mortality rates.

Botswana has been no exception to these demographic trends; it has one of the fastest-growing populations. As population statistics from the three post-independence censuses show the de facto population in 1971 was 596 944, increasing to 941 027 in 1981, 1 326 796 in 1991, and 1 678 891 in 2001. These figures show a natural rate of increase (percentage per annum) of 3,1 per cent between 1971 and 1981, 3,4 per cent between 1981 and 1991, and 1,7 per cent between 1991 and 2001.

The proportion of the population aged under 15 has consistently remained high: 44 per cent in 1971, 48,8 per cent in 1981, 42 per cent in 1991 and 36,6 per cent in 2001. The 1991 census further shows that 60 per cent of the population is under 30. Botswana's population is thus a youthful one, with implications for demands on education, training, health, housing and jobs. As a result of these demographic characteristics there has been a renewed interest in and focus on the youth.

Different societies have different definitions of youth, with age the most common and primary criterion. In Botswana, as is true of much of Southern Africa, it is the 12 to 29 cohort. The literature, however, recognises other common markers such as a period of physical development or a socio-cultural phenomenon (Rogers 1985). This paper adopts the age group 12 to 29 as the marker. Traditional Tswana society, however, did not use age but an elaborate series of rites known as *bogwera* (for men) and *bojale* (for women). A person who had not passed through one of these rites was always regarded as a boy or girl, no matter how old he or she might actually be. He or she could not take part in tribal discussions or marry.

## YOUTH AND POLITICS

The period between the 1960s and the 1990s witnessed colonial struggles, democratisation and, latterly, periods of disengagement from and disillusionment with democratic processes. Southern Africa was, in much of its colonial past, dominated by apartheid and inherently undemocratic colonial rule. These were followed by protracted struggles by African nationalist movements for political independence; struggles that were to culminate in the indigenisation of political control and multi-party electoral systems. Some would later become one-party states and, still later, multiparty democracies again (Legum 1999).

Young people have been at the centre of these trends. Organs of civil society such as student organisations, trades unions, churches and women's organisations have played leading roles in the various waves of the struggle for decolonisation and democracy. With the success of the democratisation process these bodies are

now faced with the challenges of participation in the new political dispensation. The strength, depth and sustainability of the democratisation gains are dependent on the extent of citizen participation, especially among the youth. Botswana's youth have not been as involved as their counterparts in other parts of the region, such as South Africa or Zimbabwe. They do, to a limited extent, involve themselves in house-to-house campaigns on behalf of political parties, hold fund-raising events for their parties, and organise political rallies (meetings), and their youth wings have been vocal on some issues of regional, national and party interest.

The ultimate contribution, however, is the extent to which they are able to influence who is elected since elections provide an important opportunity for the electorate to express its preferences on the policies and programmes of both the government of the day and those of the other contenders for political office. What the youth think about elections and the electoral system is important to the way they view their leaders and their motivation to go to the polls when so required. There have been limitations on the extent and nature of this participation.

The most vocal segment of the youth movement has been students at the University of Botswana. In the 1980s and 1990s they made their voices heard on many international issues such as state relations, disarmament, and the aggressive behaviour of rogue states such as the racist regime of South Africa. At the local level they staged demonstrations and marches against the government in response to the corruption scandals that rocked the country in the 1990s and also to the disappearance of school children and ritual murders. However, in recent years they have been more vocal about a narrow set of localised welfarist issues such as food, living allowances, and sponsorships.

The youth wings of the major political parties such as the Botswana Democratic Party (BDP) and the Botswana National Front (BNF) have operated with little influence and do not have agendas that set them apart from the main party. They have thus emerged more as mirrors of the larger party. Anecdotal evidence even suggests that the parties' youth wings, as well as their women's wings, are weak and dysfunctional (Modise 2005).

This relatively conservative tradition is rooted in a traditional Tswana political culture that does not consider public affairs a domain for youth. Traditionally, political power is based on age and centres on a person's social standing. Groups such as minorities, women, and young people were not expected to be leaders or to contest for leadership positions. The youth, as Somolekae (1989) notes, are traditionally believed not to be mature enough and were, and still are, excluded from the political process, a culture that is still strong and influences who is elected to political and civic office. This lack of a democratic ethic tends to permeate all major social institutions of society and is a survivor from pre-colonial through colonial into post-colonial society. Youth, like women, are considered

minors, whether in the family, the polity, the economy, religion, or education. Whenever the youth attempt to make an impact on policy-making there is mistrust, due primarily to differences in political values and behaviour.

## YOUTH AND ELECTIONS

Elections have, for a long time, been a feature of many African political systems. They have varied in form and meaning but all tended to represent institutionalised procedures for the choosing of officeholders. Much of pre-colonial Africa, Botswana being no exception, was characterised by the predominance of chiefdom politics. The most significant political office was that of chief and chiefdoms had elaborate traditional procedures for filling the office. This system may not have been open enough, as the final decision was often taken by a small council of elders, but it did allow for lively interest and strong opinions. Political institutions allowed very limited access to traditionally excluded groups such as women, minorities and children or youth, which were marginalised, with only the elders, males, and dominant tribal groups involved.

The advent of colonialism brought with it a new system of rule. In some parts of the continent, however, it left chiefly rule to a large extent untouched for as long as it was applied to the African population and not the European, calling it 'indirect rule'. Botswana was one of the countries in which this was the case.

Legislatively the European Advisory Council (EAC) and the Native Advisory Council (NAC) were advisory bodies to the colonial administration. The NAC was made up of chiefs and 'councillors' chosen in a *kgotla*. As Mgadla & Campbell (1989) note, there was, in practice, no effective participation as chiefs nominated these councillors without adequate popular participation in the *kgotla*. The council reflected some element of continuity with the pre-colonial order in two ways. Firstly, it brought chiefs into a new system of rule. Secondly, it continued the exclusion and political marginalisation of youth, women, and tribal minorities.

Independence was marked by the advent of a new Constitution which ushered in a competitive, multiparty electoral system that guarantees open, free and fair elections every five years for citizens meeting the minimum voting age. What, then, is the extent of youth electoral participation, and what is the meaning of this participation, or the lack of it?

## ELECTORAL PARTICIPATION IN THE PAST THREE DECADES

Botswana has, in general, recorded fairly high levels of electoral participation (See Mfundisi in this issue, p 84 Table 1. The country, however, does not fare very well when compared to other democracies which hold elections. A survey by the

International Institute for Democracy and Electoral Assistance (International IDEA 1997) of electoral participation in 177 countries across the world shows increasing overall participation between 1945 and 1990. Some 140 countries out of 189 hold multiparty elections and two-thirds of the world's population lives in these countries.

Botswana's turnout was lower than those of 14 other African countries featured in the IDEA survey which have held two or more elections between 1945 and 1997. The countries were Mauritius (six elections – 82,5%), Namibia (two – 80,4%), Comoros (two – 75,7%), Cape Verde (two – 75,6%), Madagascar (four – 72,5%), Togo (four – 69,3%), Lesotho (three – 65,2%), Benin (two – 60,1%), Zimbabwe (five – 58,8%), Cameroon (three – 56,3%), The Gambia (six – 55,6%), Uganda (three – 50,6%), Nigeria (three – 47,6%), and Sierra Leone (three – 46,8%). Clearly Botswana might be said to suffer from having held more elections than these countries but even if one takes into consideration only elections conducted after 1990, the 44,5 per cent voter turnout still falls below that of 15 others.

While the overall voter turnout in most of Botswana's recent elections shows participation rates above 65 per cent, recent DRP surveys show lower levels of participation among the youth (see Tables 3 and 4). This trend is also true among men, compared to women. The low rate of participation is especially astonishing as the youth are a relatively better educated generation of voters; have lived all their lives under the present multiparty system and are thus free of the excesses of the past; and seem to prefer the current electoral system over chieftaincy (see Table 1).

Many adult voters are said to be reluctant to vote in every election because, in their opinion, they determined at the very first election in 1965 who should lead them. In their view, the tradition is that you elect or select the leader once and he or she remains leader until he or she dies. This tradition of selecting the chief is said to be an important factor limiting political participation in Botswana. As Table 1 illustrates, this explanation cannot hold true for the youth.

In the 1999 DRP opinion poll participants were asked whether they had registered to vote in the October 1999 election. A significant majority (74,1%) of those aged 18 to 20 indicated that they had not registered (see Table 2). The percentage of those who registered increased with an increase in age. For example, almost 47 per cent of the sampled population aged 21 to 30 indicated that they had done so. A higher percentage (71%) of those older than 31 reported that they had registered.

The March 1999 opinion poll conducted by the DRP also sounded out participants on whether they would vote in the 1999 elections. Only 42 per cent of people in the age group 18 to 20 said they would, compared to 80 per cent of respondents aged 31 and older (see Table 3). Generally, the youth were not



enthusiastic about going to the polls in October 1999 to cast their vote. Even in the latest general election (2004) their participation was not satisfactory. Thus, voter apathy among the young requires thorough investigation.

Low participation by the youth has, for some time, been recognised as a problem area for the country's political system by, among others, the Independent Electoral Commission (IEC), political parties, the Botswana National Youth Council, the media, and various political commentators. It is also not unique to Botswana or Southern Africa. Japan, the United States of America, and other mature democracies are faced with the same problem. One magazine survey in the US reports that 69 per cent of young Americans see government as irrelevant

**Table 1**  
**Age and Preferred Form of Government**

Age	Electoral System	Chieftaincy
21-29	83,2	16,9
30-39	74,0	26,0
40-52	70,1	29,0
53-64	60,9	39,1
65+	46,4	53,6

Source: DRP 1989

**Table 2**  
**Registration by Age Group**  
**1999 Poll**

Age	Registered			
	Yes – number (%)		No – number (%)	Total
18-20	146	(25,9)	417 (74,1)	563
21-30	685	(46,7)	783 (53,3)	1 468
31-99	1 614	(70,6)	671 (29,4)	2 285
Total	2 445	(56,6)	1 871 (43,4)	4 316

Source: DRP 1999

to their lives. Massey (1967) raises the same problems in relation to Japanese youth. These trends are not surprising since whatever the minimum legal age for holding office government is always in the hands of middle-aged and older people. The youth are a category normally not associated with political decision-making, this being so because most cultures view youth as belonging to 'the future'. The assumption is that as today's rulers retire young politicians will become rising stars and spokespersons for a new generation.

**Table 3**  
**Intention to Vote, by Age Group**

Age	Intending to vote				
	Yes – number	(%)	No – number	(%)	Total
18-20	239	(42,4)	252	(44,7)	564
21-30	913	(62,1)	402	(27,3)	1 470
31-99	1 836	(80,4)	274	(12,0)	2 284
Total	2 988	(69,2)	928	(21,5)	4 318

Source: DRP 1989

## PARTY SUPPORT AMONG THE YOUTH

In terms of party support among the youth (12-30 age group), the DRP 1989 opinion poll showed the BNF commanding some 36 per cent of the support compared to the BDP (23%). The BPP trailed with 19 per cent (see Table 4). This positive showing by the opposition was not sustained a decade later when, according to the 1999 DRP poll results, the BNF's popularity amongst the youth appeared to have declined.

Table 5 shows party support based on the 1999 DRP opinion poll results. The popularity of the BNF seems to have diminished, with young people aged between 21 and 30 showing their preference for the BDP. The BDP led other parties by 40,4 per cent with the BNF, which fared better among the youth in the 1989 polls, lagging behind it with 21,5 per cent. The Botswana Congress Party (BCP) and Botswana People's Party obtained 7,2 per cent and 1,2 per cent respectively. A similar pattern is repeated for 18 to 20 year olds. Prior to the 1999 general election the Botswana government acceded to opposition party demands for, among other things, lowering the voting age from 21 to 18, establishing the IEC, and extending the franchise to Botswana abroad. These reforms would, it was

**Table 4**  
**Party Support, by Age Group**  
**1989**

Age	None		BDP		BNF		BPP	
	number	(%)	number	(%)	number	(%)	number	(%)
21-30	51	(37,2)	334	(22,9)	270	(36,8)	39	(19,0)
31-40	36	(26,3)	399	(27,4)	214	(29,2)	47	(22,9)
41-50	23	(16,8)	354	(24,3)	12	(17,3)	51	(24,9)
51-60	11	(8,0)	160	(11,0)	54	(7,4)	32	(15,6)
61-70	5	(3,6)	109	(7,5)	32	(4,4)	21	(10,2)
71+	4	(2,9)	65	(4,5)	20	(2,7)	10	(4,9)
<b>Total</b>	<b>130</b>	<b>(94,8)</b>	<b>421</b>	<b>(97,6)</b>	<b>717</b>	<b>(97,8)</b>	<b>200</b>	<b>( 97,5)</b>

Source: DRP 1989

believed, benefit the opposition parties. The lowering of the voting age, however, seems not to have benefited the BNF, which, over the years, had been attracting young people to its rallies.

Despite these shifts in party support among the youth most political parties have ignored them and youth issues in their manifestos (Raditlhokwa 1999). The BDP and BNF, for instance, mentioned the plight of women, children and other vulnerable groups, but made no direct reference to the youth. The BNF went further, pledging to reserve 30 per cent of all eligible positions for women, but said nothing about the youth.

In the 1999 and 2004 general election, however, the BDP did attempt to appeal to the youth vote through some innovative youth-targeted advertising. Other campaign strategies (largely entertainment focused) that were in tune with the youth included the use of music groups (especially groups that play music loved by most youth, such as *kwaito*) at their political rallies. The organisation of music competitions by BDP youth choirs at both regional and national levels has also been used to attract young people, who have few places of entertainment to go to. Another strategy has been the holding of regional beauty pageants, choosing a 'Miss BDP Youth' and, in the process, raising money for the party as well attracting young people. Arguably, the popularity of the BDP among the youth in recent years, as reflected in the DRP 1999 opinion poll and the IEC Voter Apathy Study (IEC 2002), owes much to these innovative skills and strategies.

Table 5  
Party Support, by Age  
1999

Age	BCP	BDP	BLP	BNF	BPP	BPU	BWF	IFP	MELS	UAP	UDF	PUSO	No response
18-20	43 7,7%	252 44,9%		98 17,5%	14 2,5%			4 ,7%					150 26,7%
21-30	106 7,2%	592 40,4%	3 ,2%	315 21,5%	17 1,2%	1 ,1%	1 ,1%	6 ,4%	2	2 ,1%	1 ,1%	1	418 28,5%
31-99	120 5,3%	1 152 50,7%	451 19,8%	51 2,2%	5 ,2%	7 ,3%	1 ,0%			1 (,0%	486 21,4%		
Total	269 6,3%	1 996 46,4%	3 ,1%	864 20,1%	82 1,9%	6 ,1%	1 ,0%	17 ,4%	3 ,1%	2 ,0%	1 ,0%	2 ,0%	1 054 24,5%

Source: DRP 1999

## CONCLUSION

The reason for voter apathy and limited political involvement among young people may be a traditional political culture in Africa that limits political involvement to elderly males, to the exclusion of women and young people. The pre- and post-independence periods of transition did not provide sufficient socialisation to break this lack of a democratic ethic amongst these marginalised groups. A political culture in general, and a democratic culture in particular is the product of a complex process of socialisation. The human infant is born a political *tabula rasa* and acquires the necessary political values, beliefs and attitudes through socialisation. Somewhere between the years of early childhood and late adolescence the youth are expected to learn the skills and values which prepare them for adulthood. Key to this process are social institutions such as the family, school system, media and political parties.

The family, in its varied forms across and within cultures, is widely regarded as the most fundamental of all the agencies of socialisation and is often referred to as the 'nursery of our humanness'. If we owe so much of our humanness to the family surely it must play an important role in the process of political socialisation? Does it preach and practise democracy and electoral politics that might broadly be referred to as a democratic ethic? Does it provide opportunities for learning and living values and attitudes that are democratic?

In traditional Tswana society the family is not a democratic institution. As in other institutions, youth and women are regarded as incapable of making major decisions and thus never learn to live democratically or to develop values and attitudes that can be referred to as a democratic ethic. This marginalisation seems to have been carried on into the new post-independence political culture.

The modern Tswana family is also hampered in two other ways from breaking with this past. Firstly, it competes with other agencies of socialisation such as the school, which, as Prewitt (1971, p 14) notes, 'monopolises the time and instruction of youth during the impressionable years of late childhood and early adolescence'. Because young people spend most of their early years in formal institutions such as schools, they have increasingly become products of such agencies rather than of the family. Secondly, parents, key agents of socialisation, are also new to the post-colonial political culture – they have been educated in the past but have to teach the youth in the present. Also, within families issues relating to politics are never discussed (IEC 2002).

The education system is another important agency of political socialisation – schools are places where the young could learn and live democratically. In practice, however, students are commonly regarded as too young and immature and therefore incapable of exercising their discretion properly. They are supposed

to learn about democratic institutions and how they work on the one hand and gain a knowledge and understanding of Setswana culture and traditions on the other. These may contradict one another. The predominant view; one that seems to be in line with Tswana culture and tradition, is summed up by Ramatsui (1989, p 90), when he observes that 'Pupils because of their relative immaturity can be given only a limited voice in any important decisions affecting the school community.'

Phorano (1989), among others, decries the present education system in Botswana, seeing it as authoritarian and incapable of developing a democratic culture. This authoritarianism is enforced through a rigid command system that puts the headmaster and teacher at the top of the hierarchy which enforces discipline, and puts the student at the receiving end of the system. This is not only limited to governance. The classroom culture is also one of teacher dominance, with the teacher seen as custodian of the truth and the fount of unquestionable knowledge. Critical thinking is discouraged and seen as disrespectful; an attitude that pervades all levels of the educational system. It is only at the level of tertiary education that there is an element of representative governance in student affairs, though the head of the institution still reigns supreme on all matters pertaining to it. Students in these tertiary institutions are still viewed by authorities with suspicion and mistrust when they challenge decisions.

Political parties are another important agency of socialisation. As the central institutions of electoral politics they are expected to register voters as party members and encourage them to participate in political events, including elections. In practice, though, they tend to attract very few registered members, especially among the youth. The main strategies for attracting supporters have been through 'Freedom Square', study groups, leaflets, and house-to-house campaigns. There are obvious limitations to each of these strategies. Freedom Square political rallies – open-air meetings addressed by political parties – have proved to be of limited appeal to the youth. The timing of meetings and frequent use of insulting language may have had the effect of discouraging young voters, appealing more to those already affiliated. Study groups as a mobilisation strategy are also of very limited appeal as they are used sparingly and are often targeted at party membership.

House-to-house campaigns are a recent phenomenon, their use limited to periods immediately before general elections. While it may be too early to judge their effectiveness, it is evident that they are not appealing to young voters as authority patterns in the home centre on parents or the oldest person at home. The use of youth-friendly campaign strategies, as the BDP has shown, could bear some fruit. Campaign strategies with an element of entertainment blended



with a political message may prove acceptable to entertainment-starved young people.

The media are another important institution in political socialisation and potentially very influential in spreading values and beliefs. The youth are relatively more educated than their parents and better placed materially to access newspapers, radio, television and magazines. The critical question is how much political content should be included, and with what audience in mind.

Although the youth are relatively better educated than their parents they lack a democratic culture. This is a very worrying trend, especially in a society where some 60 per cent of the population is under the age of 30 and the future agents of socialisation. One important way to ensure the survival of any electoral system is not only to apply the law to the letter but also to develop a democratic culture. What the average citizen, and the youth in particular, thinks about politics, political processes and elections, and the electoral system is of importance to how they view their leaders and what may motivate them to go to the polls when so required. Should a significant part of the population lose confidence in the electoral system the rulers lose their legitimacy. It is a crisis of confidence that does not happen overnight. The family, the school system, the media, and political parties play an important role in the existence or absence of certain attitudes to the system. They are important agents of political socialisation and voter educators must take them into account.

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# A FAILURE TO UNITE MEANS A FAILURE TO WIN

*The Leadership Challenge for Botswana's Opposition*

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## ABSTRACT

*The paper argues that the failure of opposition parties to oust the ruling Botswana Democratic Party (BDP) from its firm grip on power has a great deal to do with a weak opposition leadership. Following the famous opposition victory in the Gaborone West North parliamentary by-election of 2005, where, for the first time, a united opposition won against the ruling BDP in parliamentary elections, electoral unity talks among opposition parties started in earnest, with a heightened sense that unity was the only possible way of ousting the BDP in the 2009 general election. This renewed sense of hope, however, seems to be nothing but a mirage, with signs of discontent and mistrust already showing among the parties engaged in these talks.*

## INTRODUCTION

The issue of opposition party unity has gained prominence in Botswana's political landscape in preparation for the 2009 general election. In most general elections since independence the opposition showing against a well-organised and resourced ruling Botswana Democratic Party (BDP) has not been encouraging – the party has at its disposal all the advantages of dominant-power politics (Carothers 2002). The talks adopted as a strategic move by opposition parties often induce a new sense of belief in the cooperating parties and a heightened optimism among the general public that the sustained rule of the BDP might be coming to an end. This result, however, seems to be unattainable, with signs of

discontent and mistrust emerging among the opposition parties engaged in unity talks. The talks have been characterised by the lack of a shared belief and sense of purpose and an apparent absence of leadership to drive and direct the project. The obstacle standing between the opposition parties and their goal is the failure of the cooperating parties in the last round of the current talks to agree on a model of opposition unity.

In assessing some of the attempts by the opposition parties to forge opposition cooperation as a strategic option to unseat the BDP in the general election, the paper underlines the importance to a multi-party democracy of a functioning opposition. It demonstrates the nature of opposition unity, with specific reference to the significance of leadership. The main thrust of the paper is that leadership of opposition parties is crucial to the realisation of collaboration or unity among the opposition. Furthermore, it is observed that the sustained dominance of the BDP is a result of positive and optimistic leadership that has managed to establish and maintain a particular coalition; something the opposition leadership has failed to attain.

### THE TRAJECTORY OF OPPOSITION PARTY UNITY

Collaboration or unity among Botswana's opposition political parties is not new. It should be understood in the context of the wider regional developments that took place, particularly in South Africa, Zimbabwe and Malawi. The cause, pace and shape of these regional developments varied considerably, but they shared a need to defeat a common enemy – the white minority apartheid regime in South Africa and Zimbabwe and dictatorial rule in Malawi – in order to establish a multiparty democratic framework of governance. In the Botswana context, the desire is to oppose the dominant rule of the BDP.

The formation of the Botswana National Front (BNF) in 1965, shortly after the BDP's electoral victory over the Botswana People's Party (BPP) and the Botswana Independence Party (BIP) in the country's first general election on the eve of independence, represents the first partially successful experiment with party unity in Botswana. The party was formed to reconcile warring elements within the BPP to create a progressive block intended to bring down BDP rule.

While there was little success in reconciling elements within the BPP, the creation of a 'front' could be considered an achievement. The use of a 'front' as a strategic move was intended to bring all anti-BDP elements and organisations together, irrespective of their differing ideologies and personalities, to attain power (Molomo 2000). The front attracted influential people, including traditional leaders like Kgosi Bathoen of Bangwaketse, who would act as the founding president of the BNF.

The creation of the BNF did not succeed in reconciling the warring factions within the BPP and the failure culminated with the registration of the BNF as a political party, adding to the divisions within the opposition camp (Molomo & Molefe 2005). This seed of division was to blossom into splinter parties that have continued to undermine opposition prospects of attaining state power. More telling was that some members of the party resigned in 1989 after learning that the BNF was not a party but a front which encompassed a wide spectrum of people and groupings following different ideologies. In the process the BNF, as noted by Mokopakgosi & Molomo (2000), was able to consolidate itself as the main opposition party, only to become entangled in its own contradictions. Among the splinter parties from the BNF have been the Freedom Party (FP), United Socialist Party (USP), Botswana Workers Front (BWF), Botswana Congress Party (BCP), and the National Democratic Front (NDF).

Another notable attempt at opposition unity came with the formation of the Botswana Alliance Movement (BAM) shortly before the 1999 general election. A product of four cooperating parties, namely the BNF, the BPP, the United Action Party (UAP), and the Independence Freedom Party (IFP), the purpose was, once again, to oust the BDP. The arrangement allowed each party to preserve its individual identity but to enter election contests under a common symbol. The BAM framework encountered a setback on the eve of the 1999 elections when the main opposition BNF withdrew, effectively undermining the prospect of opposition unity in the election and, as a result, losing ground from a high of 33 per cent of parliamentary seats gained in the 1994 general election to a mere 17 per cent (Molomo & Molefe 2005). Other parties performed dismally in the election and consequently failed to gain representation in Parliament. The BAM constitutes an alternative to more established opposition parties and plays a significant role in any movement towards opposition unity.

The current collaboration effort emerged soon after yet another opposition loss, in the 2004 general election. Importantly, the results of the 2004 election confirmed the declining dominance of the BDP, with the combined opposition vote standing at almost 48 per cent against almost 52 per cent of the vote for the BDP, although, as a consequence of Botswana's first-past-the-post (FPTP) electoral system, the BDP won 44 of the 57 contested parliamentary seats. The fact that the popular vote for the BDP has declined in recent general elections (Molomo & Molefe 2005) has given opposition parties a strong belief that under the current electoral system a united opposition is the only hope of unseating it.

After BNF president Otsweletse Moupo won a parliamentary by-election in the Gaborone West North constituency against a BDP candidate, Robert Masitara, in 2005, opposition parties agreed to start working on a possible cooperation model in preparation for the 2009 general election. A Memorandum of



Understanding (MoU) was signed between the BNF, BCP, BPP and BAM, binding the signatories to unite against the BDP. In the MoU the opposition parties agreed not to contest by-elections in constituencies or wards contested by other parties to the agreement. In the wake of that arrangement the opposition won a number of by-elections at local level, culminating in a belief that the current collaboration would be more successful than previous ones.

Unlike the previous collaborations the current unity talks have been brokered by independent facilitators troubled by the weak and fragmented nature of opposition parties and hoping to assist opposition parties to reach a workable framework for cooperation, thereby enhancing the democratic process in the country. The reality has been far from encouraging.

Among the problems have been differences over how to handle the issue of defectors from the cooperating parties. The defector issue was badly managed, especially when receptions staged for defectors were high profile events. While some collaborating partners raised concerns about possible damage to the unity arrangement the receiving party found nothing wrong with the defections. Regrettably, the defector issue undermined the confidence and trust needed for collaboration initiatives.

Another serious and contentious issue has been that of a model of cooperation. The BNF failed to agree with other collaborating partners, preferring an alliance model similar to that of South Africa's tripartite alliance where there is a lead party around which cooperation arrangements are built (BNF position paper 2006). On the basis of its status as the most popular opposition party in the country the lead party would be the BNF. This did not go down well with other parties, who felt the BNF was acting as 'Big Brother', undermining the individual contributions of the others. The euphoria and optimism that marked the beginning of the current collaborative efforts have disappeared, replaced by a sense of anger and mistrust among the collaborative parties. In the eyes of the general public the saga has unfolded as another lost opportunity.

### LEADING WITH A SENSE OF PURPOSE

Leadership theory has evolved from the 'Great Man' period (when personality traits and characteristics were viewed as the key to political greatness) to thinking dominated by, among others, transformational and strategic leadership theories (Van Seters & Field 1990; Yukl 1989), both of which address an organisation-wide need for change. The relevance of the latter two theories cannot be overemphasised in the face of the current increased demands on and the complexities facing organisations in the changing socio-economic and political environment. The failure of the opposition to oust the BDP relates, to some extent, to levels of

responsiveness of opposition parties to changes in the wider environment. The public demand for opposition unity has been high, but it seems the leadership has failed to apply itself to addressing this demand effectively and thus perpetuating BDP rule. Importantly, leaders act as agents of change and are primarily concerned with promoting collective adaptation to social transformation (Kotter 1990) by transforming followers and organisations by creating visions of potential opportunities and instilling in constituents a commitment to change (Tichy et al 1984).

Leadership plays an important role in any organisation. In the political context leaders influence and shape the nature of the political structure (Klenke 1999) and in organisations they provide clarity, insight and vision. The current attempts at opposition collaboration have been marked by a failure by the leadership to create an inspiring vision or to provide clarity. Conflicting models of unity presented by cooperating partners and the subsequent failure to compromise on the best possible model to adopt seem to indicate a lack of insight on the part of the leadership. Without a basis for cooperation it has not been possible for the parties to find a way to work together. There is a need for the leaders to establish a sense of purpose and to be visible to support their project. The failure to manage effectively the issues of defectors undermined the project, which, in its totality, would have been more beneficial than the benefits derived from individual parties attracting defectors.

Importantly, leadership is recognised primarily by outcomes such as major changes in the culture and strategies of the organisation or social system (Bass 1985; Van Seters & Field 1990) – it is critical to mobilise an organisation to adapt its behaviour in order to remain relevant in a changing environment. In the absence of such a change, the organisation is putting its relevance, and therefore its existence, at risk. Accordingly Heifetz & Laurie (1997) observe that motivating people in organisations to adapt is a sign of effective leadership in a competitive environment.

The collaborative efforts in Botswana have shown how inflexible opposition parties can be. The failure to agree on a possible model undermined the whole process and stalled the talks. A lack of urgency on the part of the negotiating parties undermines the prospects of opposition in the 2009 election and leaders will have to instil such a sense of urgency if the opposition is to remain relevant or they will put its very existence at risk.

The type of leadership discussed above is known as ‘transformational leadership’, where a leader is a visionary, appealing to followers to move towards ‘higher and more universal needs and purposes’ to the extent where the leader is seen as an agent of change. This kind of visionary leadership is needed within the opposition if it is to provide any meaningful challenge to the dominant BDP.

By contrast, the BDP's leadership has maintained its focus on staying in power. The BDP has a depth of leadership because it has the necessary resources at its disposal to attract and recruit individuals with managerial and leadership skills. The leadership has addressed the problem of internal factionalism by acknowledging its existence, speaking openly about it, and, where necessary, imposing sanctions on the perpetrators. This is in contrast to the opposition, where internal strife has been permitted to a point where parties have split – a mark of ineffectual leadership.

### ELUSIVE OPPOSITION UNITY IN BOTSWANA

Electoral unity between opposition parties has been an important concept in the quest for new development or social progress. In Botswana the FPTP system has been identified as the culprit responsible for the bad performance of opposition parties. Sebudubudu & Osei-Hwedie (2005) observe that the FPTP system rewards winners and excludes losers, thereby entrenching the dominance of the ruling BDP party. Unity seems to be driven by strength in numbers and the thinking appears to be that if the opposition parties pool their resources they will be able to oust the BDP using the principle of FPTP – that is, that the majority wins. This opinion is affirmed by Holm & Darnolf (2000) when they argue that in the FPTP system political parties must create broad-based alliances if they are to win power from the incumbent.

As indicated above, attempts to achieve opposition party unity are not a new feature of Botswana's political landscape although the numerous moves by the BNF to attain such unity (Somolekae 2005) have met with little success and there has never been a change of governance in the country. Holm & Darnolf (2000) point out that the desire to collaborate has been particularly strong immediately after an election loss. The reactive nature of collaboration efforts is evidence of the absence of a proactive and strategic outlook on the part of the parties involved.

The current talks have become a self-defeating exercise, with the BNF and BCP castigating each other openly in the press and in the process losing sight of the fact that they stand to gain more by cooperating in their efforts to oust the BDP. They have become their own worst enemy and have lost sight of their initial intention. In the absence of strategic leadership the collaboration efforts will continue to be futile.

Why is opposition unity proving to be a hard nut to crack? Do the leaders of the opposition have a common sense of direction? Do they see unity as a common strategy for success in the political arena? Is the problem the self-centred desire of individuals to become 'the leader'?

## CONCLUSION

The paper has considered the importance of opposition parties to the consolidation of democratic governance in a one-party dominant system. The domination of the BDP in Botswana and the sustained absence of alternation of power have raised doubts about the quality of the country's democracy (Molutsi 1998; Osei-Hwedie 2001). A functioning democracy is achieved when the opposition parties participate actively and present themselves as a government-in-waiting.

In the case of Botswana, the leaders of the opposition parties have failed to effect a collaborative relationship, without which the opposition is unlikely to achieve such an aim.

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# OPPOSITION POLITICS AND THE CHALLENGES OF FRAGMENTATION IN BOTSWANA

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## ABSTRACT

*It has become an article of faith that in modern political life political parties are the legitimate and logical instruments through which the diverse interests of groups within any societal polity should be mobilised to negotiate peaceful coexistence and democratic governance. The failure of these instruments to perform this role in that manner in societies outside the Anglo-Saxon cultures in which they were born is too often glossed over as a reflection of certain persisting innate inabilities on the part of the non-Anglo-Saxon people on which they were imposed. However, it is the contention of this paper that it is not always very helpful to study political institutions born in one culture and grafted onto another by simple reference to their characteristics in the culture of their birth. Rather, it is more useful to acknowledge the historical specificity of their transfer and examine how this has inter-phased with the new cultural milieu to redefine their characteristics and define future directions for change. This paper is a study of Botswana's political parties and their relations. Specifically it seeks to examine inter-party relations to assess prospects for opposition party cooperation for effective competition for the governing mandate.*



## INTRODUCTION

Botswana's post-independence history has been characterised by rapid economic growth and matching social change where a critical urban population has emerged to mobilise sectional interests and compete to influence government policy. This has led to major shifts away from traditional structures of relations between the governing authorities and the governed towards more liberal dispensations where the governed have increasingly come to make demands on the state.

In this changing political atmosphere some citizens have begun to put pressure on political institutions as well as the state to create more effective representation and more equitable processes of distribution of power.

The media have provided a voice for the public demand that these institutions reconstitute themselves into meaningful organs for competitive politics. The opposition parties have borne the brunt of public criticism for their penchant for fragmenting the growing opposition vote through persistent splits. Pressure is also mounting on the ruling party for electoral reforms that would better reflect increasing disenchantment among certain sections of the populace with its governance performance. The source of this public concern is that elections in Botswana since 1965 have been dominated by the Botswana Democratic Party (BDP).

This fact has attracted considerable criticism even though Botswana has also been inundated with accolades for being the most stable in the Southern African Development Community (SADC) region and on the continent at large (Molomo 2004; Somolekae 2005). Many observers (Matlosa 2003; Somolekae 2005; Molomo 2004) blame the lack of meaningful competition for political power on the country's constituency based first-past-the-post (FPTP) electoral model. But in fact, while FPTP has enabled the ruling party to control a greater share of the governing mandate than is reflected by the share of actual votes, the party has still had an overall electoral majority which has helped sustain its power in the context of a weak, fragmented and disjointed opposition.

Fragmentation and party splits have been a major feature of political party formations in Africa. But in Botswana those characteristics have historically been confined exclusively to opposition parties. As a result, it is the opposition body politic that has had to deal with the challenges of party unity while the ruling party has enjoyed the monopoly of broad-based national appeal.

This paper examines how the opposition parties have dealt with the challenge of fragmentation and their response to mounting public pressure for better political representation.

### A HISTORY OF OPPOSITION UNITY TALKS: FOUR DECADES OF FAILURE

As already noted, in Botswana fragmentation has been the exclusive preserve of oppositional politics for four decades. That fragmentation has historically been accompanied by reconciliation efforts in an attempt to build a viable multiparty political system. The Bechuanaland People's Party (later Botswana People's Party – BPP) took the trail-blazing lead as both the country's first national party and the first party to break up into splinter groups before the first general election in 1965. It was formed in 1960 under the leadership of Kgalemang Motsete (president), Philip Matante (vice-president) and Motsamai Mpho (secretary general) with the agenda of agitating for self rule by 1963 and full independence thereafter. This desire for independence was publicly expressed at the party's first conference in December 1961 as well as by Phillip Matante on behalf of the party at the United Nations in 1962. However, before the end of 1962 the party had splintered. Some observers have put this down to personality differences between the party's leaders but party insiders suggest it also had roots in ideologically motivated rifts in South Africa's African National Congress (of which some key members of the BPP also had longer standing membership) and in differences over the management of funds donated to the party for institution building.

Whatever the reasons, the split, and the ensuing public confrontations and fights not only diminished the organisational strength of the party and its capacity to mobilise support, they also undermined its credibility as a new institution for processing public interest and political power. For while the BPP was undergoing this self-destruction a new rival, the Botswana Democratic Party (BDP), was emerging to mobilise an alternative nationalist voice for independence. With such a rival, fragmentation was appreciated as a problem by the BPP factions from the earliest stages. According to one former member of the BPP executive committee, Klass Motshidisi, the first person to motivate reconciliation of the splinter groups was Kenneth Koma on his return from studying abroad.<sup>1</sup> In these earliest attempts at party reconciliation discussions about possible unity centred on two possibilities which are instructive because of the frequency with which they would feature in future attempts at reconciliation.

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<sup>1</sup> Interview, 11 February 2006, at the Motshidisi residence, Palapye. Kumbulani Williams, national treasurer of the Botswana People's Party, in an interview on 7 February 2006 at the Gaborone Sun Hotel, Gaborone, also acknowledged Koma's initiative.

These options were a) a merger of the splinters or b) an electoral pact not to compete against one another. The electoral pact would work under the auspices of an umbrella body (the Botswana United Front) to which all the splinter parties would be affiliated. After the talks had failed and the splinter groups had gone to the 1965 elections divided, Koma reconvened fresh talks to negotiate between pact and merger options. When this round of talks also failed some decided to abandon their factions and regroup to form the Botswana National Front (BNF) in 1966: thus ironically concretising a party splinter into a fully fledged new party.

This pattern of party split, followed by unity talks, followed by new party formations out of factions has been a recurring theme in opposition politics ever since (for instance, in 1969, 1974, 1991, 1999, and 2002). The BNF alone has spawned some six splinter parties since its own formation. Until the mid-1990s, however, the BNF, judging by both the increasing number of electoral constituencies in which it was able to field candidates and the share of votes it garnered, was the only opposition party to make net gains out of the splits and regroupings. With such obvious increases in popularity, it has also been the most reluctant of the unity negotiation partners to consider the option of single-party formation as a practical solution to the problem of split votes. The smaller partners, on the other hand, have been much more prepared to consider dissolution and regrouping into a single party.

Thus, throughout recurring unity talks over four decades, the themes and terms of negotiation have not varied significantly from the 1964 precursor. The most significant of the subsequent talks were those in 1991 when, again at the initiative of the BNF, four opposition parties (later reduced to three) began negotiations over how they could collaborate and reduce competition among themselves. In an echo of the 1960s, the stated objectives of this new round of negotiations were:

- to mobilise and unite all the people of Botswana against the ruling BDP;
- to embark on a common programme of action and coordinate activities through various joint structures;
- to form one national organisation to which all the participating parties would affiliate and contest jointly during elections to ensure there was no division, and to form a government of national unity if they won the election.

The negotiating partners (BNF, BPP and Botswana Progressive Union) considered two main options which were also reminiscent of the 1960s. These were the dissolution of the existing parties and their replacement by a new party or the

retention of existing party identities and the creation instead of an umbrella body (the People's Progressive Front) to which the partners would affiliate. The second option, favoured mainly by the BNF, was adopted and the agreement was named the Unity Charter. The partners committed themselves to developing a common manifesto to harmonise the common policies of the parties and to drafting a constitution that would give the umbrella body a legal identity and framework. As with previous attempts the talks eventually faltered and failed before the defining principle could be tested in the 1994 election. This was also, ironically, the election which saw the BNF make history in terms of the level of electoral support (almost 45%) and the number of parliamentary seats it secured (33% of contested seats).

However, the BNF suffered major reversals when it underwent one of its historic splits in 1998, which saw it incurring major losses in legislative seats in the 1999 election when its splinter, the Botswana Congress Party, hived off 11 per cent of the votes and left it with just 25 per cent. In a desperate effort to reduce the damaging impact of the 1998 split, the BNF once again participated in another round of opposition unity talks initiated by a new party, the United Action Party (Bosele). With an unerringly monotonous repetition of the strategies since the 1960s which had led to spectacular failure, in this round of talks the BNF still favoured the loose alliance under an umbrella body, the Botswana Alliance Movement (BAM), while the partners seemed to push for much more solid integration.

The partners (Bosele, BNF, Independence Freedom Party, and BPP) met formally in January 1999 and by March 1999 had signed an agreement in which they committed themselves to contesting the 1999 elections with one symbol and one disc. However, in time honoured tradition, this agreement was not fully honoured and only the smaller parties went to the polls under the Alliance banner, with the leader of the main party, the BNF, claiming he had signed the agreement without fully appreciating the implications of who he was dealing with.<sup>2</sup>

Unflustered by the failure of this umpteenth round of negotiations the BNF and other smaller parties began yet another round of unity talks in preparation for the 2004 elections. The BNF went into this round of negotiations having just had yet another split, giving birth to the New Democratic Front (NDF). While

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<sup>2</sup> In an interview conducted with Matlhomola Modise (BAM Executive Secretary) and Dennis Alexander on 18 February 2006 at the Alexander homestead in Gaborone, the BAM members suggested that the BNF pulled back after signing, apparently because the BNF leader had not fully consulted his party on the details of the agreement. This was corroborated by Akanyang Magama (BNF Secretary General) in an interview on 8 February 2006 at the Gaborone Sun Hotel. In an interview with the former BNF leader himself, Kenneth Koma only acknowledged that he had signed before studying the personalities of the people he was dealing with, and that he pulled out once he understood their characters.

this, and the circumstances of the split, put considerable pressure on the BNF's credibility as the main challenger to the ruling party, there was even more serious pressure from the threat of its erstwhile splinter, the BCP, which had decimated its support and could also attract the partnership of the smaller parties. So the period leading to the 2004 elections arguably presented the greatest challenge to opposition unity (with two significant opposition parties poles apart) at a time when, historically, the opposition had the greatest support from the electorate.

Still smarting from the injurious and rather violent split of 1998 the BCP and BNF did not contemplate each other as potential partners even though they in fact held the key to the most meaningful opportunity for opposition unity. The results of the 2004 election, like that of 1999, would prove just how wasteful inter-opposition rivalry was when the two parties succeeded in splitting the vote once again and gaining no seats: thus giving all the advantage to the ruling BDP which, despite its overall decline in actual votes, still won the largest share of parliamentary seats.

In spite of this dismal picture there was a small but very significant victory for opposition unity when the negotiations between the BNF and other smaller partners succeeded. The former umbrella Botswana Alliance Movement had transformed itself into a fully-fledged political party (somewhat reminiscent of the formation of the Botswana National Front), and was among the key players in the fresh unity talks which started informally in 2003. This round of negotiations was notable for the fact that it was the first in a history spanning four decades of failed negotiations which actually led to a signed contract that the partners (the BPP, BNF and BAM) were able to honour right through to the polls.

#### THE PROTOCOL OF ELECTION PACT AND THE 2004 ELECTION

The Protocol of Election Pact was signed in Francistown on 13 September 2003 by the leaders of the BNF, the BPP and the BAM. The agreement bound the signatories to a partnership in which they would work together to avoid the opposition vote-splitting that had, in the past, enabled the ruling BDP to win elections. In determining which of the partners would contest which constituency in the coming elections, the protocol parties used performance in 1999 as a guide to their respective strengths. However, they also agreed that where the partner with the strongest previous constituency support no longer had a strong and credible candidate for that constituency they could request other pact members to select a candidate to run on the eligible partner's ticket. The partners further agreed that they might refrain from fielding a candidate against a non-pact opposition candidate if they all so agreed.

Although it started with a rather ambitious preambular statement of intent to remove the BDP from power and offer the electorate an alternative government, the whole tenor of the Protocol of Election Pact is actually cautious and reflects much more modest goals. In fact, it is more a set of tentative first steps towards building mutual trust among the signatories than one of bold steps towards developing a government in waiting. Given the long history of failed attempts involving, particularly, the two oldest parties in the partnership, the BNF and the BPP, and the obvious fact of a missing key player in opposition negotiations (the BCP), there was merit in modesty and pragmatism. The protocol was clearly aimed at demonstrating to partners and observers alike that the opposition had matured to the point where the parties could carry negotiations to a successful conclusion without reneging on commitments to the process and the final agreements.

Because the agreement was carried through to the election it has offered, for the first time in opposition history, an opportunity to assess the merits and practicalities of opposition cooperation in terms of the stated objective of reducing split votes. It is also an indicator of the credibility of the parties as possible candidates to be entrusted with the mandate to govern. Overall, the gains in terms of minimising split votes were very modest. In at least two constituencies (Francistown and Maun), the partners failed the test of non-competition against one another and avoidance of split votes, to the detriment of the protocol. And virtually none of the smaller partners delivered a constituency seat for the partners. This was perhaps to be expected, given that the negotiations started too late to afford consistent cross-party support for candidates and a major player in the game (the BCP) was not part of the agreement and therefore succeeded in splitting a fair proportion of the votes.

But the merit of opposition cooperation can also be measured in terms of other, perhaps less tangible dividends. A critical one is that of credibility, which is essential for developing voter confidence in the political parties as potential candidates for state power. This is particularly true of Botswana's opposition parties as they have never been tested in the practical challenges of governing a country. On the contrary, the opposition has built a reputation for injurious conflicts and fragmentation and an apparent readiness to walk away from problems instead of solving them. Such behaviour does not accord with candidature for running the affairs of the state where the option to walk away is not on the cards. The successful management of the protocol commitments provided the first step towards undoing the self-inflicted damage that was carried out over an extended period.

As a test of credibility, the successful conclusion of the protocol was particularly significant because the partners were up against a rival party with a



track record of performance that was better than those of many of its peers in Africa in terms of the management both of state affairs and of its own internal affairs. The credibility of the opposition thus had to be earned rather than accidentally acquired as a windfall from the bad governance practices of the ruling party. By upholding the commitments of the protocol up to the elections and beyond, the pact members demonstrated to a sceptical voting public that they had made a break with the legacy of reneging on processes and agreements. This was a small beginning, requiring continuous reinforcement for electoral pay-off. But its significance cannot be overstated.

At a more practical level the protocol tested the viability and efficiency of the strategy adopted for formulating how to distribute electoral constituencies among the partners. Given the limited time in which the parties had to negotiate, and the exploratory nature of the cooperation, the idea of using the 1999 election as a gauge of electoral performance was probably the most pragmatic option. Nonetheless, it was a strategy that assumed that four years after the most recent elections the structure of party support would not have altered significantly. The weakness of this assumption was probably demonstrated by the failure to wrest any seats from the BDP, and the loss of some that had been in opposition hands. Basically the smaller partners lost all the seats entrusted to them.

The 2004 election saw the BDP obtaining the majority of 11 out of the 14 districts and town councils. It has the overwhelming majority in the Central District Council, where it has 127 seats against 11 for the opposition parties (BAM, BCP and BNF) combined. In the few councils where the opposition holds the majority, such as the BNF in the Gaborone City Council, there is little difference in numbers between the BNF and the BDP (see Table 1). While the BDP was once mainly dominant in the rural areas its support has now transcended rural boundaries, as is evident in the case of the allocation of seats in the Gaborone City Council. The figures suggest that opposition parties still have a great deal of work to do to make an impression at local government level before they can hope to pose a serious challenge to the BDP at constituency level.

As shown in Table 1 the BNF is the only protocol signatory to have won 12 constituency seats, despite having lost the very important Selebi Phikwe West seat contested by its leader. The other signatories performed poorly despite the fact that they had placed their candidates in constituencies where they believed they had strong support. They were defeated by the BCP, whose votes exceeded those of all the protocol partners (BPP and BAM) combined. A further example of the weakness of the 2004 election strategy was that instead of allowing the membership of the partners to indicate their preferred candidate through, for instance, joint primary elections, the candidates were often imposed on the voting

**Table 1**  
**Distribution of Votes and Parliamentary Seats Since the 1965 Elections**

Distribution of seats %									
Party	1965	1969	1974	1979	1984	1989	1994	1999	2004
BDP	90	77	84	91	82	91	68	83	77
BNF		10	6	6	15	9	33	15	21
BCP	—	—	—	—	—	—	—	2	2
BPP	10	10	6	3	3	0	0	0	0
BAM	—	—	—	—	—	—	0	0	0
Other	0	3	4	0	0	0	0	0	0
<b>TOTAL %</b>	100	100	100	100	100	100	100	100	100
<b>Total No of Seats</b>	<b>31</b>	<b>31</b>	<b>32</b>	<b>32</b>	<b>34</b>	<b>34</b>	<b>40</b>	<b>40</b>	<b>57</b>
Distribution of votes %									
Party	1965	1969	1974	1979	1984	1989	1994	1999	2004
BDP	80	68	77	75	68	65	55	54	52
BNF	—	14	12	13	20	27	37	25	26
BCP	—	—	—	—	—	—	—	11	17
BPP	14	12	6	8	7	4	4	—	2
BAM	—	—	—	—	—	—	—	5	3
Other	6	6	5	4	5	4	4	5	0
%	100	100	100	100	100	100	100	100	100
<b>Total Votes</b>	<b>140 793</b>	<b>76 858</b>	<b>64 011</b>	<b>134 496</b>	<b>227 756</b>	<b>250 487</b>	<b>283 375</b>	<b>354 466</b>	<b>412 379</b>

Source: Botswana Independent Electoral Commission Election Reports

members, who displayed their displeasure by withholding their support.<sup>3</sup> This issue has therefore raised the fundamental question of who should be the final arbiter of the candidates representing the partners: the party leadership or the supporters? It is a question that is not lost on the partners and will demand the attention of negotiators and challenge both their negotiations skills and the parameters of opposition cooperation. As a lesson in pragmatism it has certainly afforded the protocol members an opportunity for deeper reflection on the complexities of cooperation.

Unlike any of the previous negotiation processes the protocol had a provision for a review of the agreement and related practices immediately after the 2004 election, and with a view to using the post-mortem results to inform amendments to the contract. This is also a significant breakthrough because, generally, the opposition had never systematically reviewed its past attempts so it could learn from its mistakes. And even in the process of gathering data for this report it was obvious that members were giving personal opinions about why their previous negotiations had failed rather than reflecting on the outcome of a collective review.

The lessons of the protocol are not restricted to the activities of participating partners or the contents of their agreement. Rather they can also be read from the non-participation, particularly of the BCP. Firstly, the absence of the BCP probably ensured a reduction in tensions that might have derailed the negotiations given both the relative negotiating strength of the party and the outstanding grievances that had not been discussed since the break up with the BNF. Secondly, the absence demonstrated the capacity of the party to split the opposition votes and thus help maintain the ruling party's advantage. Thirdly, it put the BCP under the public spotlight and pressure because it focused on building its own organisational capacity while ignoring the public demand to consolidate the opposition votes.

The protocol experience also opened up opportunity for non-party members of the public to intervene in intra-party reflections to highlight the dual position of political parties and remind the leaders of the responsibilities of parties both as public institutions and membership organisations. Here the importance of listening to the voices of vested interests operating outside party structures was emphasised.<sup>4</sup> Another point to be learnt from the reluctance of the BCP to join the negotiations because of their proximity to the elections has been the critical need for these processes to be initiated with adequate time for reflection and broad-based consultation to enhance membership support and ownership.

<sup>3</sup> Interviews with Matlhomola Modise (BAM), Dennis Alexander (BAM), Akanyang Magama (BNF), and Kumbulani Williams (BPP).

<sup>4</sup> Minutes of meetings between the Committee on the Enhancement of Democracy in Botswana and representatives of opposition parties.

With all these intangible but significant dividends, the protocol has underscored the merits of opposition party cooperation for the consolidation of votes.

#### THE INTER-ELECTIONS MEMORANDUM OF UNDERSTANDING

Drawing strength from the relative success of the Protocol of Election Pact as an example of cooperation, the opposition parties entered into an inter-election pact officially signed as a Memorandum of Understanding (MoU) on 15 August 2005. The initial signatories were the BAM, the BCP and the BNF. The BPP added its signature in 2006. In many ways the memorandum consisted of the same basic principles and terms of engagement as the earlier protocol, but was specifically limited to by-elections occurring between 2005 and 2009. For instance, it used the formula of the previous election results to determine which partner is eligible to contest the by-election in a specific constituency or ward. But where the protocol was less cautious about its lifespan, the memorandum spelt out very clearly that it was an interim measure and the contents of the agreement should not be construed as a model for future negotiations.

A major achievement of the MoU was that it brought together the two key opposition parties (the BNF and the BCP) which had the most significant electoral support and therefore the greatest capacity to inflict serious electoral injury on one another and on the collective (see Table 1). The immediate benefit of this cooperation was that with the assistance of its allies the BNF not only managed to retain the constituency seat of Gaborone West North in the October 2005 by-election but was also able to bring its leader, Otsweletse Moupo, into Parliament, where he assumed the position of Leader of the Opposition.

This victory also cleared potential conflict between the BNF leadership and the MPs in terms of the latter's subordination to the leader of the party. In most cases where the leader of the party is not in Parliament this invariably leads to serious intra-party tensions. It follows, therefore, that the absence of Moupo from Parliament and the likely tension that this would have caused in the long run could have jeopardised the critical role of the BNF in the opposition unity talks.

Like the protocol before it, the MoU was primarily a tentative step to test modest terms of engagement. It also enabled the parties to reflect without the pressure of looming general elections. The by-elections conducted under the auspices of the MoU in the first 12 months of its existence have generally been perceived by the signatories to be a success in terms of limiting split votes and enabling the parties to build rapport and trust prior to negotiations for the 2009 election. Each successful execution of this contract added considerably to the credibility of opposition cooperation and of the parties themselves.

However, its potential to deliver on confidence-building was curtailed at the start of its second year of existence when a breakdown in the negotiation talks for the 2009 general election led to the partners abruptly reneging on the MoU as well. In the context of increased pressure from the electorate for political maturity it is important that the process and factors leading to the breakdown in opposition party negotiations and contracts be examined more carefully for clues to the future of democratic governance and plural politics in Botswana

## THE 2006 UNITY TALKS AND DILEMMAS

### *The Constitution, Presidential Elections and Opposition Unity Options*

To appreciate fully the dilemmas opposition parties face when they have to negotiate terms of cooperative engagement in their bid to wrest the governing mandate from the BDP we must begin by examining the legal environment that determines their range of choices. To that end, it is important to note firstly that the Constitution of Botswana does not provide for a president who is directly elected by the popular mandate. Instead, the voters elect parliamentary candidates whose popular support is automatically also a vote for the president each of these candidates would have indicated as their choice when they registered their own candidature. Secondly, at this stage in the procedures for presidential elections, unless the parliamentary candidate is standing in a constituency which is unopposed, that candidate may only choose a presidential candidate with whom he/she shares a voting colour and symbol. The specific constitutional provision is in paragraph 32 (3) (c), which states that:

Where the Parliamentary election is contested in any constituency a poll shall be taken in that constituency at which the votes shall be given by ballot, and for the purposes of that poll any parliamentary candidate who declared support in accordance with paragraph (a) for the particular Presidential candidate shall use the same voting colour and symbol, if any, as may have been allocated under any law for the time being in force in Botswana to that Presidential candidate for the purpose of the Presidential election.

The import of this constitutional provision for opposition party negotiations for vote consolidation is that in relation to selecting a president they can, in the first instance, only practically pool their support if both their preferred presidential candidate and all their parliamentary candidates share the same voting colour and symbol because the presidential choice is tied to parliamentary elections.

Only legally registered political parties can have voting colours and symbols, so to comply with this constitutional provision the opposition parties must decide whether they will form a brand new party, to which they will all affiliate, or affiliate to one of their partners and use that party's colour and symbol.

Because the qualification for president is that more than half of the elected members of Parliament must have nominated the presidential candidate of their choice in the run up to the general elections, in the event that the general election does not, in fact, produce a qualifying presidential candidate, the next procedure is to follow the provisions of s 35(5) of the Constitution. This section provides for the elected members of the National Assembly to elect a president by secret ballot not more than 14 days after it has been determined that no one qualified for president under the provisions of s 32 of the Constitution. The import to opposition party cooperation of this constitutional provision is that the partners could aim collectively to win 51 per cent of the parliamentary seats so that there is no qualifying president immediately after the general election. Unlike s 32, s 35(5) does not require that members of Parliament who are eligible to vote have the same voting colour and symbol<sup>5</sup> as their preferred presidential candidate.

### *The 2006 Unity Negotiations in Context*

In February 2006 negotiating teams representing the BNF, the BCP, the BAM, and the BPP officially commenced negotiations over how their parties could cooperate in order to avoid split opposition votes and thereby enhance their chances of unseating the BDP in the 2009 general election. The choice of cooperative models that they brought to the negotiation table could be summed up succinctly as between a union that would give them a presidential candidate in terms of s 32(3) of the Constitution and an agreement that could give them a coalition government under the provisions of s 35(5) if they succeeded in winning enough votes collectively to invoke this provision. Each negotiating team brought to the table two alternative models ranked in terms of first and second preference. But, in all, there were just three models of cooperation to consider: an umbrella body (BCP and BAM first preferences), The alliance model (BNF first preference) and an election pact (first preference for the BPP and second for the other three).

The nomenclature of an umbrella body means, in practical terms, in the context of Botswana the formation of a new political party<sup>6</sup> to which all cooperating

<sup>5</sup> That is, since voting colours and symbols can only be shared by those belonging to one party, this section does not require the members to elect the president only from their party.

<sup>6</sup> In terms of Botswana law the only grouping that can contest an election is a registered political party. Individuals may also contest elections as independent candidates.



political parties affiliate without disbanding. It is similar to the Kenyan National Rainbow Coalition, which consists of the National Alliance of Kenya and the Liberal Democratic Party; and to South Africa's Democratic Alliance, which, when it was formed in 2000, consisted of the Democratic Party, the New National Party, and the Federal Alliance. This cooperative model would certainly meet the requirements of s 32(3) if the affiliated members won the popular mandate.

An alternative with the same capacity in terms of the requirements of s 32(3) would be a model where the cooperating parties affiliate to one of the partners. In terms of the local nomenclature, this is the model currently referred to as the affiliation model. The nearest resemblance in Africa is the model used by the African National Congress (ANC) with its alliance partners, the South African Communist Party and the Congress of South African Trade Unions (Cosatu), although Cosatu is not a political party. Despite being in the alliance under the ANC brand, the three pursue their individual interests, often differing on certain issues (Habib & Taylor 2001; Kadima 2006).

The two models cited above, despite fancy nomenclature, are actually affiliation models which differ only in terms of whether the parties affiliate to a brand new party or to an existing one. The third option the negotiating partners considered was the election pact. This is the model used, for instance, in both the 2004 general election under the auspices of the Protocol of Election Pact and in the by-elections held since August 2005 under the dispensation of the Memorandum of Understanding. But in terms of selecting a president, this model is not in the same league as the two above (given the fragmentation of their voter support) as it can only be brought into play in the event of the general election not producing a qualifying president where the cooperating partners agree to form a coalition government if their elected members of Parliament make up 51 per cent of the eligible voters in the National Assembly.

Thus, the real choice among the negotiation teams was between an affiliation option and a loose pact. The two larger parties, the BNF and BCP, favoured an affiliation model, but differed fundamentally over whether that affiliation should be based on a new party (the BCP's umbrella body) or an old one (the BNF's affiliation version). With a track record of nine general elections that had seen it increase its share of the popular vote from a modest 14 per cent in 1969 to a peak of 37 per cent in 1994, when it suffered a set back because of a split, it was highly unlikely that the BNF would be ready to give up its brand name for a completely new identity under an umbrella body: particularly with the 2004 election indicating it had made some modest recovery after the split.

On the other hand, the BCP had narrowed the gap between it and the BNF since its maiden 1999 electoral contest and would not readily acquiesce to being swallowed back into the BNF as a mere affiliate. With the stakes so high it was

obvious that the time for a fully united opposition challenging the BDP as one party had not yet arrived since the two key players had far more to lose by choosing one form of affiliation over the other.

The fall back was therefore the pact model, which only the BPP had identified as first choice. And since all the other parties had identified it as a second choice it offered room for a consensus and had the potential to act as a bridge while the parties worked on their differences. However, the BNF withdrew its initial support for this option and, in the same stroke, removed any possibility for consensus building. This withdrawal raises the question of just what it was that the opposition parties were negotiating about. Since the unity talks were specifically targeting the 2009 general election the issue is what were the parties aiming to achieve in 2009 through negotiated cooperation? If the target was to consolidate their electoral support for purposes of taking government office in 2009 their choice, in the context of both the legal framework and the political climate, was, practically, to form a strong alliance through affiliation to either a brand new party (ie, the BCP's umbrella option) or an existing one (ie, the BNF's affiliation option).

If, on the other hand, the aim of consolidating electoral support was primarily to strengthen their parliamentary opposition and then possibly negotiate a coalition government after the election if the opportunity later arose, the election pact was the most practical option and had the added advantage of having been the first model to be honoured into the elections by the signatories. It is not clearly evident from either the intra-party consultative processes of 2005 or the actual inter-party negotiation process of 2006 that the opposition parties had, in fact, thoroughly interrogated their aims and come to the negotiating table prepared with a defined goal on which they could deliberate.

On the contrary, it would appear that the goal was not stated in these specific terms and therefore allowed room for various interpretations by the negotiating teams. The lack of specification of a goal can be read from, for instance, the BNF's first tabling of the pact model as an alternative option and subsequent withdrawal of it as a negotiable option. This suggests that the initial tabling was made without serious reflection on its implications for strategic negotiation. Similarly, those parties that tabled the pact model as their first choice could not have had the same strategic goal for 2009 as those that tabled the affiliation models of umbrella body (ie, a new party) and affiliation (ie, to an existing party) because they implied different goals and therefore required fundamentally different strategies to attain those goals.

### *The Future After the Collapse of the 2006 Unity Talks*

When the 2006 Unity Talks ended in September the situation of opposition unity was practically where it had been in 2004 with regard to the composition of the

partners and the working model of cooperation. In terms of composition the structure is, as it was then, one major opposition party and two smaller partners. The only change was that the BNF had switched places with the BCP and was now the outsider. Both the MoU and the new talks were supposed to have carried the success of the old Protocol of Election Pact to higher ground in terms of consolidating and enhancing opposition electoral support. Clearly, the collapse of the new talks is not an ideal response to increasing voter demand for vote consolidation.

With regard to the model, for the remaining partners the election pact is also the option still sitting on the table after the exit of the BNF. Ironically, if the three remaining partners take the principle behind the BPP's latest proposal of merger, the merger or its less radical alternative of affiliation would have to be based on the strongest of these partners (the BCP) to win the endorsement of the BCP supporters. This would potentially boost the total support for the BCP from the 2004 level of 17 per cent of the vote to 22 per cent, thus considerably narrowing the gap between the BCP and the BNF.

The main advantage of the collapse of the unity talks so far in advance of the general election is that, unlike in the case of all previous attempts, Botswana's voting public and the parties themselves have time to reflect on the weaknesses of recent negotiations as well as generally on the feasibility of future cooperation. So far many of the citations of public concern for opposition cooperation are based more on anecdotal evidence popularly reflected in newspapers than on a systematic survey soliciting public opinion. It is therefore not clear the extent to which the ideal of opposition unity or cooperation is shared by most of the electorate.

Since the large majority of voters are not, in fact, officially registered members of any political party, it would be useful to assess their opinions to gauge how they would translate their desired outcomes into electoral support. This might greatly influence the context within which future inter-party negotiations, if any, are conducted. The same applies to the actual members of the political parties. There is no scientifically reliable information on how the majority of these party members perceive the importance of opposition party cooperation, or the implications of the various models for the future structure of their parties.

The situation is not particularly helped by the fact that the leaders of the opposition parties have not demonstrated any outstanding leadership qualities in guiding debate and reflecting on the strategic choices available or the goals achievable. Long before the talks officially collapsed, for instance, the leader of the BNF, Otswelotse Moupo, and other members of the executive committee of the party were already making public statements that effectively rendered the negotiating teams superfluous. For instance, when the other parties raised

concerns about the affiliation model proposed by the BNF, the BNF leader did not interpret this as a legitimate source of concern but rather sought to appeal to the logic of numbers: arguing that it was logical that the larger party should be the one to which the smaller parties affiliated. The opportunity to put forward the suggestion that perhaps the time for affiliation was not ripe, and that negotiating partners might consider an election pact as the most practical option for now, was lost.

Another member of the executive committee of the BNF, Elmon Tafa, also chose the commencement of the inter-party negotiations to make public observations about the impotence of inter-party cooperation in enhancing opposition support. Exactly why this rather lopsided analysis had to be made in newspapers rather than discussed in intra-party consultations and inter-party negotiations was not clear. But it could be, and was, construed by some observers as an attempt by a senior member of the BNF to dissuade the general members from accepting the principle of negotiation when they had already sanctioned negotiations and, in fact, sent a negotiating team to engage with other parties.

The BCP also demonstrated a desire for media attention by making premature public pronouncements about points of disagreement with the BNF from very early in the negotiation process. Instead of the leadership giving a balanced report on what the various models represented in terms of viable strategy alternatives, or even enlightening the public on the restrictions imposed by the constitution on choice of affiliation model, the publicity secretary of the BCP, Dumelang Saleshando, was all too ready to suggest that if the talks collapsed the person responsible should be sought in the BNF ranks.

## CONCLUSION

In 2009 Botswana will go to the polls for the tenth time since the 1965 general election. Despite an uninterrupted record of multiparty electoral competition, while the voters may be uncertain about which members of Parliament their votes will return to Parliament, and hence to the executive, they already know that the highest office in the land – an office which carries executive powers to determine the composition of the Cabinet and therefore the daily management of state affairs – already has an occupant just marking time. It is therefore a fundamental contradiction of the principle of elections that the most important office in the whole process of popular elections is already settled before voters even cast the first vote!

While this state of affairs can be blamed on the system of presidential elections provided for in the Constitution a part of it is facilitated on the one hand by a combination of ineffective opposition politics, despite increasing shares of the

popular vote, and, on the other, the constituency-based winner-takes-all election system which creates a wide margin between the share of votes and the share of parliamentary seats that determines the presidential candidate. In this context, opposition unity is crucially important to the question of narrowing the gap between votes and seats and therefore enhancing greater representation of the increasing number of voters showing disenchantment with the ruling party.

The form of opposition unity, however, has consequences for political stability that also need debate and reflection. As observed above, a model of cooperation which ushers into Parliament a number of opposition parties that can use their collective strength to force presidential elections based on s 35(5) of the Constitution can only lead to a coalition government. The result of that, based on world wide experience, is political instability deriving from the disproportionate power of smaller partners to bargain for concessions from the bigger parties, thus potentially switching their allegiance. This is the likely result of an effective election pact if it is successful in enhancing the electoral support of all its partners.

A cooperative model which brings one decisive winner into Parliament offers far more political stability. For Botswana there are two viable alternatives within this model. One is cooperation based on the affiliation of cooperating parties to one brand-new party through which they enter Parliament (the BCP's umbrella option). The other is cooperation based on the affiliation of cooperating parties to one of their partners (the BNF's affiliation optional). While they both offer equal stability the challenge will be to win one of them endorsement as a viable model. The one gives the BNF a greater advantage as the party on which cooperation is based. The other means the creation of a new party, which will require hard selling.

So, when the opposition parties return to the negotiation table, as they will inevitably be forced to do by public pressure and the challenging political situation in Botswana, many of these issues will have to be revisited with honesty and maturity to allow for informed debate and meaningful negotiation.

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# ENHANCING INTRA-PARTY DEMOCRACY

## *The Case of the Botswana Democratic Party*

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### ABSTRACT

*There can be no real democracy without political parties – the lubricant that oils the engine of democracy. However, the dichotomy between political parties and democracy remains uncertain. The same is true of the relationship between democratic theory and party organisations. The concept of intra-party democracy centres on the idea of including party members in intra-party deliberations and decision-making processes. It is true that parties that are not open and transparent are unlikely to become democratic in their policy commitment because democratic institutions produce democratic attitudes and authoritarian institutions produce authoritarian attitudes. Our thesis is that intra-party democracy is a prerequisite for a democratic state. This paper traces the development of intra-party democracy within the ruling Botswana Democratic Party (BDP) and argues that a new model of intra-party democracy, which is participatory in nature, is emerging within the party, although it is still resisted by some, ostensibly on the grounds that it destabilises the party.*

## INTRODUCTION

Political parties are, by their very nature, not monolithic entities. They are constituted by a membership drawn from a diverse pool of individuals who are bound together by some common outlook or persuasion. Whether a party is able to maintain cohesion and support therefore depends ultimately on its ability to empower and accommodate its diverse membership in its decision-making processes. This empowerment may relate, among other things, to how party members are selected to represent the party at council and parliamentary level, and also how differences within the party are managed. In short, the internal democratic processes of the party in terms of candidate selection and dispute management are either enhanced or constricted by its internal governance and organisational structure. A party that is internally democratic is likely to be more appealing and responsive. It is also likely to minimise factional conflict by promoting a culture of tolerance and open debate and a sense of inclusion and ownership. Against this background, this paper looks at how the Botswana Democratic Party (BDP) has sought to promote internal democratic processes within its ranks in terms of candidate selection and promoting divergent views. The paper also considers the challenges that have confronted the process of promoting this internal democracy in the BDP.

## CANDIDATE SELECTION

The recruitment and selection of party candidates is a vital part of the political process with far-reaching consequences. The quality of the candidates selected determines not only the party's profile during elections but also influence either the direction of the party or government in terms of policy choices (Scarrow 2006, p 7; Lundell 2004, p 26). A party can hardly be classified as democratic if its organisational structure lacks mechanisms for civic participation and influence (Bille 2001, p 364). Enlisting the participation of supporters in selecting party leaders is therefore crucial to giving greater impulse to a party's internal democratic processes. Candidate selection is an important activity in the life of any political party. It is the primary screening device in the process through which the party in public office is reproduced (Katz 2001, p 277). But where does the power to select candidates reside?

Generally the power may either be centralised or dispersed among the different organs of the party. According to Gallagher (1998, p 4, cited in Lundell 2004, p 29), candidates may be selected in primaries open to all eligible voters, or they can be hand picked by the party leader alone. Other possibilities include selection by all party members in the constituency, by delegates at local

conventions, by a constituency committee, by regional organisations, by national organs or by a few factional leaders (Scarrow 2006, p 7; Lundell 2004, p 29; Norris 1996, p 202). But whatever device is used, the party must decide who is eligible to participate. Thus, it may limit participation by prescribing requirements that must be met by candidates for them to be eligible.

The BDP is no different in this regard. In 2001 the party came up with a new system of internal party elections for the purpose of deciding who would be nominated as its candidates for election to Parliament. Previously the BDP had appointed candidates by means of an electoral college.

Pursuant to enabling powers in its constitution the BDP established certain regulations governing the new system. These are contained in a document titled 'Primary Elections Rules and Regulations' and were approved at the party's national congress in 2001. According to the regulations, in particular regulations 1(a)-(d); 3; 4; 8 and 12, the system of primary elections works as follows:

- When a general election is imminent an announcement is made that the central committee is inviting all aspirant candidates to submit applications.
- All prospective candidates who have submitted applications are vetted by the central committee for approval.
- Vetting is done on a consideration of the prospective candidate's integrity, personality, commitment to the BDP, ability to represent the party and the public, and all other qualifications and disqualifications under the electoral laws of Botswana.
- The central committee's decision is final.
- After vetting has taken place 'all and only approved candidates shall stand for the relevant primary election'.
- Voting is by secret ballot and takes place (save in exceptional cases) at ward level.
- Eligible voters are those who are registered members of the BDP in good standing in the particular ward and whose names appear on the ward register at the date of the announcement of the primary elections.
- All candidates are to abide by the code of conduct established for campaign purposes.
- There is to be no campaigning within a radius of 100 metres of the premises of a primary election and campaigning includes any act calculated to influence voters.
- Any person who believes he or she has been prejudiced by alleged irregularities or improper conduct has a right of appeal first to the regional committee, and from there to the central committee.

- Any decision on an appeal by the central committee is final and binding.
- Notwithstanding anything contained in the regulations, the central committee may, where necessary, nominate a candidate in any constituency where an election of any type is imminent and the *modus operandi* as laid down is unworkable for any reason whatsoever (regulation).

As is evident from the foregoing, even though nomination for party positions is open to all members in good standing who meet certain prescribed requirements, the central committee remains the final authority in matters of candidate selection.

While one may take issue with such wide powers being reposed in the central committee, the vetting process and power to screen candidates may be justifiable on a number of grounds. First, while an open policy is more inclusive, it poses certain risks. The party may be destabilised when the selection process is infiltrated by people who are either opposed to the party or who do not share its vision (Scarrow 2006, p 8). Second, candidates do not only represent a party. They represent a constituency as well, so their popularity outside the party matters too. Unless they are of good standing within and outside the party, they may not be able to attract or recruit members into the party. Thus, the choice of candidate may have a bearing on the election results. Third, as noted above, the selected candidates become the face of the party, shaping its makeup and character in public office (Carty 2004, p 19). Their commissions or omissions are often mistakenly attributed to the party they represent. Self-interest, therefore, demands that candidates must not become a source of embarrassment or a liability to the party.

### MOVING WITH THE TIMES

Although the BDP's current selection process is characterised by detailed, explicit and standardised rules, this was not always the case. In its formative years, particularly in the 1960s and early 1970s, the selection process was more informal. Prospective candidates were identified and appointed by the party's central committee without being subjected to an internal competitive process. A number of candidates, some still serving in Parliament, were selected in this *ad hoc* manner. They include among others, Daniel Kwelagobe, Chapson Butale and Lesedi Mothibamele. As one informant told us, although the input of members was ignored, the party was able to get its members to support its choice of candidates because

There were very few people willing to stand as candidates and a majority buckled at the thought of being members of parliament. In any case, with 90 percent of the population being illiterate at independence, the party had to shop for the best candidates if it was to succeed in driving its policies in government.

Interview, 31 August 2006

### DEVOLUTION OF POWER

Although the imposition of candidates by the party leadership was initially convenient because the party could identify and recruit candidates quickly, the process contrasted with the BDP's liberal democratic vows. However, as the party began to draw a more enlightened and educated membership, it had to become more inclusive. This required it, among other things, to allow its members the autonomy to select their own representatives through electoral colleges. These electoral colleges were a form of guided democracy in that their decisions or actions were subject to confirmation by the central committee.

Because only a few members (normally fewer than 18) or delegates were responsible for electing party candidates under the electoral college system these were prone to bias and were susceptible to manipulation by the candidates through gifts and other promises. This nurtured discontent among the less wealthy and influential party members, who felt that party elections were tradeable and manipulable. Election outcomes, therefore, did not always represent the wishes of the community. In 1994, for instance, Ester Mosinyi, who was then the sitting member of Parliament for Shoshong, lost the party's constituency elections to Modibedi Robi. The party's central committee, as the final arbiter, rejected Robi's selection. It was not until litigation was threatened that the party relented and endorsed Robi's nomination. Similarly, following the nomination of Kabo Morwaeng to replace the late Peter Mmusi in the Thamaga constituency, the central committee stepped in to impose Gladys Kokorwe, who had lost the primary election to Morwaeng, as the party's preferred candidate.

The above incidents, which largely resulted from the over centralisation of power in the central committee, led to discontent among party members. Some, such as Kabo Morwaeng, left to join the opposition in protest against what they perceived as undemocratic tendencies in their own party.

In 2001, in an attempt to address anti-party sentiment and also to help in the mobilisation process, the party, through a system known as *Bulela Ditswe* (the term means an open party election process as opposed to a closed one), opened up the selection process to all party members. *Bulela Ditswe* has given previously disenfranchised members power by allowing them to vote directly for their chosen

candidates. It has also capped the powers of the central committee. Except in exceptional circumstance the central committee can no longer impose its preferred candidates on its members.

One informant had this to say about the new system:

For the first time in a long time there is now value in being a member of the party. No longer can we be held to the dictates of the Central Committee. Not only do we now preach democracy. We now also observe it in substance.

Interview, 1 September 2006

### NOT ALL AS IT SEEMS

Although the *Bulela Ditswe* primary election system was introduced to promote transparency and participation and to open up competition for candidates wishing to stand for Parliament or in council elections, it has also brought into the party tensions and disagreements that have hitherto been absent.

The reason is mainly that it is essentially a two-pronged process involving, firstly, lobbying and canvassing for votes. This process, particularly when campaign rallies are attended by a large number of people, may create an impression or perception that one candidate has more support in a given area than the other. When this impression is not confirmed by the second phase of the process, which is an election by secret ballot, more often than not, losing candidates refuse to accept the result. This has led to a perception by some that the BDP's new primary elections regulations have caused more trouble for the party than previous party election procedures (*The Botswana Gazette* 31 March 2004). For instance, just before the 2004 general election supporters loyal to the loser in the BDP primary elections in the Francistown South Constituency, Wynter Mmolotsi, vowed that they would rather support an opposition candidate than the winner, Khumongwana Maoto. Undoubtedly, this could only increase rivalry between the two candidates and in the process threaten the stability of the party in this particular constituency. Mmolotsi believed he had a large following in the area and wondered how he had lost the primary elections (*Mmegi* 8 October 2004).

The other factor which has the potential to undermine the effectiveness of *Bulela Ditswe* is the existence of the party caucus with the power to determine who in the various BDP-controlled constituencies can stand for which position. As recently as 2005 three BDP councillors in the South East District Council were expelled for allegedly defying the party caucus decision to elect a nominated councillor, Matshidiso Fologang, as chair and Molefe Seitshiro as deputy chair. We submit that the existence in the party's organisational structure of a caucus



with such far-reaching powers negates the spirit of participatory democracy envisioned by *Bulela Ditswe* primary elections regulations.

### MANAGING CONFLICT AND DISSENT

Although party supporters and members have generally endorsed *Bulela Ditswe* as enhancing their freedom to choose the leaders they want, it has also bred resentment and factionalism in the party. As an informant told us:

Elections are just one aspect of intra-party democracy. Tolerance, freedom of expression, and accommodation of different views are other aspects. We in the BDP have not been benevolent and magnanimous in managing the process. Because we are intolerant and unaccommodative, we now transact on the basis of our differences rather than our core values.

Interview, 1 September 2006

Another informant said:

Where party members are muzzled and threatened with expulsion or disciplinary action for presenting different viewpoints that invariably decreases the index of participation and directly bears on the quality of outcomes. Intra-party democracy for me is also about being accommodative and managing differences so that they do not snowball into uncontrollable factions and factional fighting.

Interview, 3 September 2006

What can be discerned from the above statements is that no matter how democratic a process is dissent must be tolerated. Those who lose party elections must not be shed or ignored, they, too, have a role to play. Unless they are accommodated, they may derail the party from its course through factional fighting. Although factions can be viewed as integrative and democratising in that they bring together individuals across 'separate and distinct element of the organization' (Carty 2004, p 15), who are able to engage with the other group on pertinent party issues, their destructive tendency outweighs their integrative function.

They are, in reality, a source of division and conflict and so possess the capacity to split parties (Carty 2004, p 16). In fact, politicians who seek to establish some dominance or control within their party often find that factional activity provides them with an important means of achieving their ends (Carty 2004, p15).

However, with respect to the BDP an emerging question is probably whether there is empirical evidence linking factionalism and deepening internal democracy in the party. Conclusions about this question are murky. But the following can be said: Despite its potential to democratise, factionalism in the BDP seems to conflict with two central values the party seems to cherish. These observable values, which are not publicly stated, are, compromise and party unity (Maundeni, Sebudubudu, Kebonang & Makhawa 2006, p 17).

There is a shared understanding between factions in the party that both these values are central. However, there are also second order values that are still contested. For instance, automatic succession of the vice-president to the presidency is a new constitutional requirement which may be regarded as a second order value. While it is cherished by the dominant faction, it is opposed by the rival faction. On the other hand, internal elections and primary elections may be regarded as second order values as both factions are willing to set them aside to actualise the first order values (Maundeni et al 2006, p 17).

In support of the thesis that the party has first order values, it has, over the years, entered into numerous compromise deals, and cancelled internal elections in order to promote party unity. However, in avoiding internal elections democratisation was constrained as the party failed to establish which faction was electorally weak or strong for the purpose of distributing political influence.

One of the major deals that led to the cancellation of internal elections occurred during Sir Ketumile Masire's presidency in 1997. At the time, the party was polarised between the so-called Kwelagobe and Merafhe factions. It was alleged that the Merafhe camp threatened to boycott the elections, ostensibly in protest because the Kwelagobe camp had reneged on an earlier deal not to challenge Festus Mogae for the chairmanship of the party (Molomo 2003, p 306). This was clear evidence that Mogae had close attachments to the Merafhe/Nkate faction. When Kedikilwe refused to compromise in 1997 and stood against Vice-President Mogae for party chairmanship, the latter withdrew his candidacy and internal party elections were cancelled. It was during that time that President Masire initiated a compromise in which the election was set aside and the leaders of the two factions agreed to share the executive positions in the party. This allowed Kedikilwe to be chairman of the party until 2003, when he finally lost to Vice-President Lt Gen Ian Khama (Maundeni et al 2006, p 18).

This deal had also allowed Kwelagobe to be secretary general until 2005, when he was unsuccessfully challenged by Margaret Nasha of the Merafhe/Nkate faction, who had refused to compromise. Between 1997 and 2003 the party virtually suspended internal elections, a move that had a negative impact on democratisation as it prevented the possibility of alternation between the factions.

In 2001 the factions entered into another big deal when Vice-President Khama

was successfully persuaded by party elders not to challenge Kedikilwe for the party chairmanship. Khama reluctantly agreed to withdraw his candidature at the last minute. The terms of the covert deal were that Kedikilwe would retire from the chairmanship by 2003 so that Khama could become chairman. But when the 2003 Gantsi congress approached Kedikilwe betrayed the terms of the deal and announced his readiness to defend his position. Khama also announced his intention to stand, and received support from President Mogae, who publicly expressed his preferences, sparking strong criticism from the rival faction who wished the president to stay neutral or pretend to do so (Maundeni et al 2006, p 18).

Thus, compromise politics was put aside in 2003 and central committee elections were held in Gantsi. It appeared at first to those who hoped for democracy within the party that the entry of Khama into BDP factional politics would lead to a revival of such internal democracy, which had been compromised on many occasions. The disappointing performance of Kedikilwe against Khama for the BDP chairmanship at the Gantsi Congress in 2003 destroyed his presidential ambitions. Kedikilwe embarrassingly lost the chairmanship to Khama. He also lost the additional membership elections and was overlooked by President Mogae in his appointment of five more members. Thus, after 2003, Kedikilwe had no important position in the party or in government, except leadership of his faction (Maundeni et al 2006, p 19).

## CONCLUSION

Opening up party processes to members not only fosters a sense of inclusion and belonging but also establishes the necessary links between the party leadership and its members. But inclusion and a sense of belonging do not only end with the right to select party candidates they extend to the other spheres of party management. To be truly democratic, internal differences and conflict must be tolerated and given a platform lest they erupt into full-scale dispute. Although the BDP has sought to move with the times the existence of factions within it has seriously undermined the effectiveness of *Bulela Ditswe*.

Factions which have emerged have become polarised, especially because those who have lost party elections have not been accommodated in key party and government positions. However, compromises by the party based on a consensus list of candidates can only serve to undermine and stifle the growth of intra-party democracy in the BDP. Ultimately though, for *Bulela Ditswe* to take root and promote the practice of internal democracy it must permeate all the party's organisational structures. But this will require the political will and commitment from the party leadership not only to promote the party ethos but also to be magnanimous.

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# GENDER AND ELECTIONS IN BOTSWANA

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## ABSTRACT

*This paper provides a gender analysis of parliamentary elections in Botswana, with particular focus on the 2004 election. The main thrust of the argument is that although women in Botswana have made steady progress in politics and decision-making positions, socio-economic and cultural processes and structures still place men at the pinnacle of political power. The paper also discusses possible strategies that could be adopted, in addition to current measures, to further improve the prevailing situation in respect of gender power relations in the country, especially with regard to electoral politics.*

## INTRODUCTION

A major challenge facing governments worldwide is to develop and implement tactical and strategic mechanisms to make electoral processes acceptable to all parties and groups with respect to gender, race, class and age (Gaidzanwa 2004, p 1). Gender is particularly important because it is generally accepted that 'a government by men for men can't claim to be a government for people by the people' and that 'the concept of democracy will only assume true and dynamic significance when political parties and national legislation are decided upon jointly by men and women with equitable regard for the interest and aptitudes of both halves of the population' (Lowe Morna 1993 cf Somolekae 2000, p 76). It is therefore expected that to give effect to free and fair elections a democratic political system should give all citizens – men and women – an equal opportunity to participate in elections and the electoral process as voters, candidates and electoral administrators (Kiondo 1999, p 2; Gaidzanwa 2004, p 1).

There are several reasons why an electoral environment that promotes gender equality is ideal. One argument is that the election of more women to public

office is desirable because women are more likely than men to fight for women's rights, (Darcy et al 1987, p 15). As Gaidzanwa (2004, p 39) succinctly states:

While one cannot guarantee that women have the concerns of other women at heart, experiences in Scandinavia show that higher numbers of women representatives tend to be linked to the foregrounding of women's concerns and issues in parliament...

Another argument is based on the idea that elections are the engine of democratic governance and the primary means of political representation (Fox 1997). Therefore, Fox argues, if election dynamics change with the involvement of a new political group (such as men or women) it is of central importance to grapple with the ramifications of how this change affects the selection of top leaders. For example, Darcy et al (1987, p 17) argue that if the female segment of a population enters political competition with the same intensity as the male segment the quality of political leadership will necessarily improve because of the larger number of individuals involved. It is also often argued that it is only through participation in elections that the electorate influences public policy-making and implementation (Gaidzanwa 2004, p 3) and, to the extent that women have knowledge of and insights into some matters and issues that men do not, the participation of women in policy formulation is imperative if these policies are to be intelligent and effective (Darcy 1987; Fox 1997).

Against the above background, and given the centrality of elections to Botswana's political system, this paper examines elections in Botswana from a gender perspective. Particular focus is placed on the 2004 parliamentary elections (the most recent) and on three broad areas: the pre-election period, the election period and the post-election period. A brief discussion of gender equality in Botswana and the country's constitutional, legal and institutional frameworks set the stage for the rest of the paper.

## GENDER EQUALITY IN BOTSWANA

Women in Botswana, like many of their African counterparts, do not enjoy equitable treatment vis-à-vis men in many substantive areas of life (United Nations [UN] 2004, p 38). However, since independence in 1966 the country has achieved much in terms of promoting gender equality. The rights of women to vote and to be elected were recognised in Botswana in the pre-independence elections in 1965 (Ntseane & Sentsho 2005, p 190). In the political arena, progress towards gender equality has been reflected in increasing appointments of women to Cabinet and to senior positions in the civil service and in the establishment of



a fully-fledged department (Department of Women's Affairs) within the Ministry of Labour and Home Affairs responsible for coordinating the implementation of government policy on gender. The country has also seen, in recent years, an increase in women's representation in traditional male domains such as chieftainship and the priesthood (UN 2004). Furthermore, legislation has, over the years, been reviewed and discriminatory clauses removed. It is also asserted that Botswana is one of the few countries in Africa where girls' enrolment in primary and secondary education is on a par with that of boys (Mokomane 2004).

Notwithstanding this progress, women in Botswana are still being marginalised in many aspects of life, with some of the most fundamental inequalities being their subordinate status both under the law and according to custom and their lower socio-economic status relative to that of men (Unicef 1993). For example, although the rate of unemployment is equal for males and females, there are fewer women participating in the labour force than men. Women are also largely concentrated in the low-paying sectors such as domestic service, clerical positions and other elementary occupations. Consequently, Botswana has a notable gender gap in disposable income, asset ownership and poverty (Ministry of Health 1997, p 7). The country also has a high proportion of female-headed households (46% at the time of the 2001 census). By their nature, these households tend to be poorer than their male counterparts due, inter alia, to low resources bases (which result from women's low wage-labour participation), high dependency ratios and the relative shortage of wage earners (Lesetedi, 2003).

### CONSTITUTIONAL, LEGAL AND INSTITUTIONAL FRAMEWORK

With particular focus on the electoral process, this section sets out the constitutional, legal and institutional frameworks that prevail in Botswana and briefly evaluates their ability to facilitate women's participation in elections.

#### *Constitutional and Legal Framework*

Section 3 of the Botswana Constitution states, in part:

... every person in Botswana is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex ...

Therefore, to the extent that it guarantees equality and individual freedoms and human rights, the Constitution does not discriminate against women and it places

no restriction on their participation in politics. Nonetheless, women's presence in the political structure at both local and national levels remains insignificant because of cultural and structural barriers. These include women's socialisation right from childhood when they are directed away from activities of power, thus rendering them less ambitious than men (Somolekae 2000, p 77). Other barriers include a lack of financial and other resources, lack of political skills, will and ambition, sexual division of labour and male domination of political parties and patriarchy (Somolekae 2000; Ntseane & Sentsho 2005).

The Constitution of Botswana provides for a Westminster-type unicameral legislature whose members are elected through a constituency-based first-past-the post (FPTP) or simple majority electoral system every five years (Molomo 2005; Osei-Hwedie & Sebudubudu 2006). This system, which allows the candidate who attains a simple majority in a ward or constituency to win the seat, has been criticised as benefiting men over women. For example, Gaidzanwa (2004) has noted that in Zimbabwe, where political party membership is a prerequisite for election to Parliament, the system tends to rule out the participation of a large number of women, especially those of child-bearing and rearing ages. This, according to Gaidzanwa, is largely because active party membership requires time, energy, resources and skills that many African women, including those in Botswana, cannot adequately meet because of their relatively lower economic status and often limiting social and reproductive roles.

### *National, International and Regional Instruments*

Elections in Botswana take place against a backdrop of several national documents the government has developed over the years to promote equal rights for men and women at all socio-economic and political levels. These documents include the National Policy on Women and Development, the adoption of which marked a major milestone in recognising the important role of men and women in decision-making; the National Gender Programme, which prioritised power-sharing between women and men as one of the six critical areas of concern for Botswana; and Vision 2016, which commits government and other stakeholders to ensuring that positive measures are taken to enable women to participate fully in positions of power, leadership and decision-making at all levels of the society by the year 2016 (Ntseane & Sentsho 2005, p 194).

The Botswana government has also ratified a number of international and regional treaties to, inter alia, promote and protect women's participation in decision-making processes. Key among these are the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the African Charter on Human and People's Rights of Women in Africa (ACHPR), The Nairobi

Forward Looking Strategy, the Beijing Platform of Action, the Commonwealth Plan of Action on Gender and Development, and the Southern African Development Community (SADC) Declaration on Gender and Development. The specific components of these treaties are beyond the scope of this paper save to state that they unequivocally commit governments to integrating gender perspectives in legislation, public policies, programmes and projects, particularly ensuring equal access for women to, and full participation in, power structures and decision-making (Ntseane & Sentsho 2005, p 193). The SADC Declaration went a step further, asking SADC heads of state explicitly to commit themselves to the achievement of at least 30 per cent of women in the political and decision-making structures by the year 2005 (SADC 1999, p 21).

While more still needs to be done to further improve gender equality in Botswana it can be concluded that these documents have played, and continue to play, a key role in creating an enabling environment for the promotion of gender equality in the country's politics and electoral processes.

### *Administrative Framework*

The Independent Electoral Commission (IEC) is responsible for arranging and conducting the election of members of Parliament and local government as well as for conducting referenda. The commission was established by s 65A of the Constitution of Botswana in 1997 (Constitution Amendment Act No18 of 1997) and consists of seven members – a chairperson, deputy chairperson, and five other members – appointed by the Judicial Service Commission on the recommendation of the All Party Conference. Currently, none of the members is a woman. While such a gender bias might not affect the management of elections per se, it may play a major role in perpetuating the sidelining of women's concerns. As stated above evidence from Scandinavian countries has shown that higher numbers of women representatives tend to be linked to the foregrounding of women's concerns and issues, whereas the continued marginalisation of women in decision-making bodies usually perpetuates the sidelining of such concerns (Gaidzanwa 2004, p 39).

### A GENDERED ANALYSIS OF ELECTIONS IN BOTSWANA

Although the rights of women to vote and to be elected has been recognised in Botswana for four decades and the country continues to create an environment that promotes gender equality in participation in the electoral process, a review of some of the different ways of analysing the gender dimensions of issues in an election (Gouws 1999) reveals the existence of a gender gap. The following sub-

sections illustrate this by analysing various components of the 2004 parliamentary elections.

### *The Pre-Election Phase*

After the 1999 general election a number of developments took place which had a direct effect on the 2004 elections. These included the 2001 national Population and Housing Census, which showed an increase in population, and the decision by Parliament to increase the number of popularly elected members of the National Assembly from 40 to 57 and the total number of popularly elected councillors from 406 to 490. Consequently, as required by the Constitution, the Judicial Service Commission appointed a Delimitation Commission in 2002 to draw boundaries for the newly enlarged constituencies. This exercise, conducted by demarcation committees delegated by the IEC Secretary, took place between March and July 2003. The committees demarcated the 490 polling districts and established 2 178 polling stations, facilitating the declaration of the voter registration period (Independent Electoral Commission 2005, p 1).

### *Voter registration*

A general voter registration for the 2004 election was carried out in all 57 constituencies in November 2003. At the end of the registration period 63,1 per cent of the target figure of 675 000 voters had registered. Although the IEC viewed this figure as 'satisfactory', three more continuous registration exercises were carried out in the period between December 2003 and July 2004.

Analysis of various registration data in the country suggests that women tend to be more enthusiastic about the process than men. For example, in May 2004 (five months before the election) an opinion poll conducted by the University of Botswana Democracy Research Project (DRP) showed that 73,8 per cent of women had registered compared with 69,2 per cent of men. Of those who had not registered, more men (53%) than women (48,1%) reported that they intended to register before the election. However, post-election figures from the IEC indicate that of the 552 849 eligible voters who eventually registered 311 508 (56,3%) were women and 47,3 per cent men.

### *Nominations*

Leaders of four political parties: the Botswana Congress Party (BCP), the Botswana Democratic Party (BDP), the Botswana National Front (BNF) and the New Democratic Front (NDF) – all of them men – were nominated as candidates for election to the office of President in 2004 (IEC 2005, p 8).

Parliamentary and local government nominations were held in terms of the Electoral Act in all 57 constituencies and 490 polling districts. Table 1 shows the number of nominated parliamentary candidates by gender and political party.

The table shows that only three of the seven parties that contested the election fielded women parliamentary candidates; the two independent candidates were also men. Of those parties which fielded women, the ruling BDP, which had the largest number of candidates and which covered all 57 constituencies, had the highest number of women parliamentary aspirants. It was followed by the BNF and the BCP, in that order.

Overall, however, women constituted a small proportion (7,3%) of the total number of parliamentary candidates. As Meena (1997) observed about Tanzania, this scenario affects, to some extent, women's participation in decision-making in the public spheres. For example, when making ministerial appointments the President, who, by law, has to make his choice from members of the National Assembly, has a limited pool of women to choose from.

**Table 1**  
**Gender Representation of Parliamentary Candidates in Botswana's 2004 General Election**

Party	No of seats contested	Males	Females	% Female
Botswana Alliance Movement	7	7	0	0.0
Botswana Congress Party	50	48	2	4.2
Botswana Democratic Party	57	50	7	14.0
Botswana National Front	42	38	4	10.5
Botswana People's Party	5	5	0	0.0
MELS Movement of Botswana	4	4	0	0.0
New Democratic Front	11	11	0	0.0
Independents	2	2	0	0.0
<b>Total</b>	<b>178</b>	<b>165</b>	<b>13</b>	<b>7.3*</b>

\* This figure is derived by dividing the total number of females who contested seats (13) by the total number of parliamentary seats (178)  
Source: IEC 2005.

## Campaigns

Election campaigns give candidates an opportunity to present themselves to the electorate and to sell their party policies and ideologies to their constituencies (Meena 1997; Kiondo 1999). In multiparty democracies these campaigns can be very expensive as they require resources such as offices, staff, reliable vehicles and funds for advertising (Meena 1997; Molomo & Sebudubudu 2005, p 148). In Botswana the situation is aggravated by the absence of any substantial state political funding, which has resulted in the majority of political parties being under-resourced and dependent, to a large extent, on volunteers and candidates' personal resources to run campaigns. As Ntseane & Sentsho (2005, p 201) have stated, 'the road of council and parliament is determined largely by availability of adequate personal income'. While both men and women in Botswana experience difficulties in raising sufficient funds for their campaigns, the problem is greater for women, given their relatively lower socio-economic status.

Largely because of their social and reproductive roles, women candidates running campaigns and shouldering domestic responsibilities are also overworked and likely to burn out. Women's participation in the electoral process is further limited by late-night meetings and by frequent (and often long-distance) travelling to meetings, rallies and other related activities that typically characterise election campaigns (Gaidzanwa 2004, p 19). Women also face more challenges than men during campaigns because of their limited experience and political networks as well as their socialisation. For example, in addition to official campaigns, candidates often carry out informal campaigns. Although the impact of these campaigns on election results is still limited, there is evidence in different countries that they do influence the electoral process (Meena 1997, p 238). Men tend to use entertainment and public places such as bars to carry out informal campaigns and to strategise, while women's traditional and socially constricted moral conduct limits their active participation in informal campaigns that take place at 'socially unacceptable' times and in places such as bars (Meena 1997; Kiondo 1999).

As a result, women in Botswana, as in many other African countries, enter the campaign ground from a disadvantaged position, and this may partly explain why they constituted only a small proportion of parliamentary candidates in the 2004 general election (Table 1) and an even smaller proportion of those who won, as will be shown below.

## Party manifestos

Closely related to election campaigns are party manifestos, a review of which is one of the most common ways of analysing the gender dimension of issues in an election (Gouws 1999, p 163; Letuka et al 2004). For the purpose of this paper,

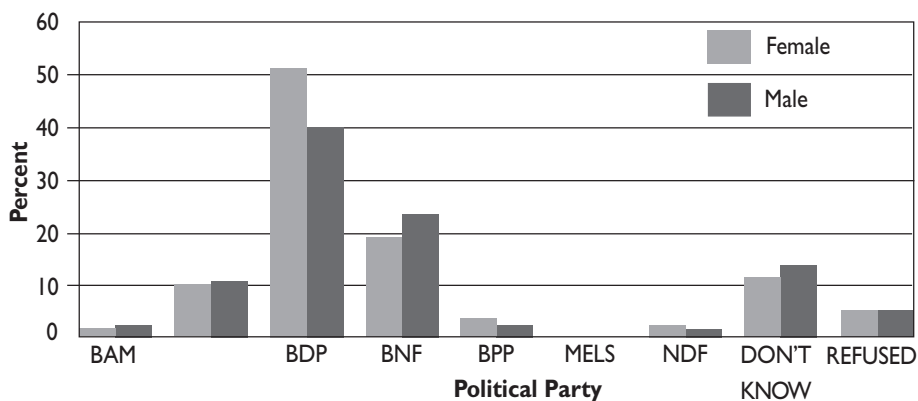


party manifestos used in the 2004 general election by four parties – the BCP, the BDP, the BNF and the NDF – were reviewed. The review revealed that all the parties made commitments to empower women in the event of their being voted into power. While the BDP succinctly summarised this commitment in a short paragraph, the other parties had explicit chapters/sections devoted to women's empowerment/gender equality. While this is impressive, it can also be said that the commitments were generally full of rhetoric in that they tended to treat gender equality as a separate socio-economic issue and they lacked any evidence of a plan to mainstream it into other spheres. For example, although there is ample evidence that the HIV/AIDS pandemic affects more women than men, the manifestos' plan to address HIV/AIDS did not include any explicit statements about concrete actions to be taken by the parties to deal with the situation.

### Voting intentions

Voting intentions are usually a good indicator of the way people will vote on election day (Gouws 1999, p 161). The DRP May 2004 Opinion Poll therefore asked a number of questions about voting intentions. The results show that 91,2 per cent of women, compared with 88,9 per cent of men, intended to vote. In response to the question 'if elections were held today, which political party would you vote for?' the majority of women (51,9%) named the BDP, followed by 17,7 per cent who chose the BNF, and 11,6 per cent who refused to say which party they would vote for. The results for men followed the same pattern: BDP (40,9%), BNF (24,2%) and 14,2 per cent who refused to say. The gender gap in the intention to vote for all the other parties was negligible and more or less equal (see Figure 1).

**Figure 1**  
**Voting Intentions by Political Party and Gender, Botswana 2004**



Source: Democracy Research Project 2004 Opinion Poll Data

Overall, the results indicated that men are more likely than women to state that they intend to vote for the opposition. These results are consistent with those found by Mokomane (2000). Drawing from the literature Mokomane argues that this might be a reflection of the fact that women are usually more conservative than men and more likely to support the major party of the right. The results may also indicate that mobilised voting, where women follow the political behaviour of their male relatives, is decreasing and is being replaced by a new breed of women whose political actions are independent of those of their male relatives (Mokomane 2000).

### **Attitudinal data**

Attitudinal data on various issues may also be used to determine whether a gender gap really exists in an election (Gouws 1999, p 165). Results of the DRP Opinion Poll show that there was no clear difference of opinion between men and women with regard to the most pressing problems facing the country: the majority of both (41,4% and 44,2% respectively) saw unemployment as the most pressing issue; HIV / AIDS was mentioned by 13,4 per cent of women and 10,7 per cent of men and education by 6,4 per cent of women and 5,3 per cent of men. All other issues were mentioned by less than 5 per cent of both men and women, implying that they were not seen as major problems.

However, when it came to issues specifically concerning women, there was a definite difference of opinion between women and men. For example, while 85,2 per cent of women shared the view that women are capable of holding any office in the country, only 69,1 per cent of men held that view. In the same vein, 70 per cent of women and 52 per cent of men believed that a woman would be able to hold the office of president.

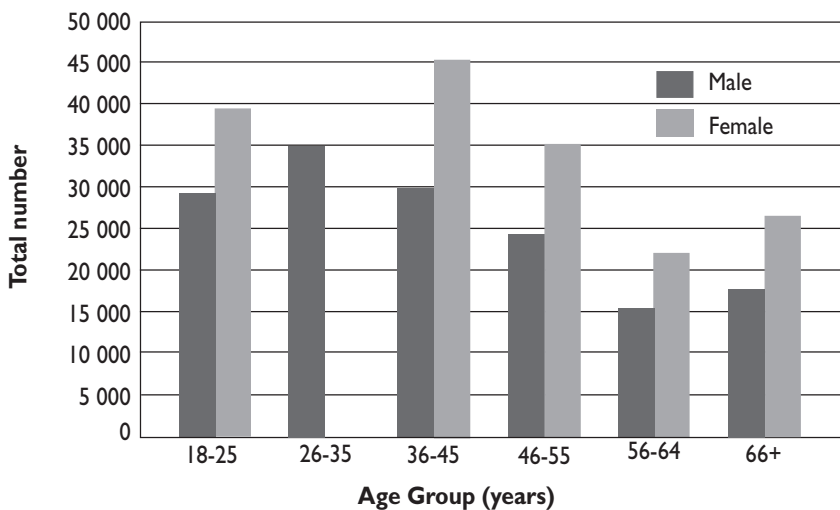
The results also revealed that while more than three-quarters of both women and men said they would vote for a woman candidate in their constituency, the proportion was higher for women (88,3%) than for men (76,6%). By the same token, when asked if political parties should develop a quota system to ensure more women's representation in Parliament, more women (65,7%) than men (52,5%) agreed.

Implicit in these results is a general lack of appreciation of the capacity of women to run for political office and, in particular, men's lack of confidence in women as public office bearers. This is despite the efforts by civil society organisations such as Emang Basadi and the Botswana Caucus for Women in Politics to educate and sensitise the general public about the role of women in politics (Ntseane & Sentsho 2005, p 201). The factors underlying this situation are worthy of study.

### THE ELECTION PHASE

Voting is the ultimate activity in the election process as it is the physical expression of the electorate's exercise of its right to determine its leaders for the following five years (Lekuta 2004, p 57). Polling for the 2004 general election took place on 16 October for Botswana citizens residing in selected countries outside Botswana and on Saturday 30 October for those residing in Botswana. Overall, 76,2 per cent of the 552 849 registered voters cast their ballots. Figure 2 shows the number of people who voted by gender and age group. The IEC is still in the process of compiling data for women aged 26-35, hence it is missing from the graph. Nonetheless, it can reasonably be concluded from results of the other age groups that in general more women than men voted. This finding is consistent with those of past elections in Botswana (DRP 2002).

**Figure 2**  
**Number of People Who Voted in the 2004 Botswana General Elections**  
**by Gender and Age Group**



### THE POST-ELECTION PHASE

#### *Results*

The first issue in analysing election results is the distribution of seats by gender (Gaidzanwa 2004, p 44). In the 2004 election the BDP won 44 of the 57 parliamentary seats (77%) while the opposition won the remaining 13 (23%). Four women, all from the BDP, won parliamentary seats. While this figure represents

31 per cent of the total number of women who stood, it is only 7 per cent of the overall number of seats contested. This not only shows a reversal of the encouraging trend that started with the 1984 elections where, albeit still low, the number of women elected to Parliament was steadily increasing, it also indicates Botswana's dismal failure to reach the minimum SADC requirement of 30 per cent women's representation in Parliament in 2005. The results also place Botswana below relatively new democracies in the SADC region such as Mozambique, Namibia and South Africa (Ntseane & Sentsho 2005). Given that more women than men voted the results also indicate that men are voted into power by women, while women are excluded by other women.

### *Formation of Parliament*

The National Assembly is the lower chamber of Botswana's bicameral Parliament. The current National Assembly, formed after the 2004 general election, has a total of 63 members. Fifty-seven of them were directly elected in the parliamentary elections for a term of five years, four were specially elected (co-opted) and the remaining two (the president and the attorney general) are ex-officio. Three of the four specially elected members were women. While the co-option of members increased the de facto number of women members to seven (11,5%), this proportion still falls short of the SADC requirement.

It is also noteworthy that one of the women members elected was subsequently elected deputy speaker of the National Assembly, a position she still holds.

### *The Cabinet*

The president selects the Cabinet from the members of the National Assembly. It consists of a vice-president and a flexible number of ministers and assistant ministers, currently 15 and 6, respectively. The current five female ministers constitute 18,2 per cent of the 22-member Cabinet.

## CONCLUSION AND RECOMMENDATIONS

Results of the 2001 population and housing census showed that women constitute more than half of the overall citizen population and of the population eligible to vote (that is, citizens aged 18 years and above). Given these proportions, Botswana women's voting behaviour will have an important impact on election results. This paper shows that while the government of Botswana can generally be applauded for providing an enabling environment for democratic elections, a

complex web of socio-economic, cultural and structural processes embedded in the general society continues to hamper women's full participation in the electoral system. Consequently, men still largely control political power in Botswana.

Therefore, to further enhance women's participation in politics and in decision-making positions in the public domain there is a need to define mechanisms to support women who aspire to political office during all stages of elections. To achieve this, studies of women in politics (eg, Meena 1997 and Shayo 2005) have shown that specific attention should be paid to the following issues:

- Gender mainstreaming in political party processes and procedures used for nominating candidates for both parliamentary and presidential positions.
- Defining and promoting mechanisms to address problems faced by women during election campaigns.
- Conducting in-depth research to identify, understand and address structural gender inequalities in society and within the electoral system.
- Analysis of election results from a gender perspective.
- Establishment of gender-sensitive monitoring and evaluation tools for advocacy purposes.

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# ELECTION OBSERVATION AND MONITORING IN BOTSWANA

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## ABSTRACT

*In an attempt to address the concerns of opposition parties, election observation and monitoring have in recent years become part of the electoral process in Botswana. This paper examines their role in Botswana's electoral process. It argues that election observation and monitoring have promoted transparency and accountability as well as public confidence in the credibility of the Botswana electoral process, especially in recent years. Moreover, they are a source of legitimacy and stability. The paper concludes that it is the emergence of democratic regimes in the region that in part has attracted observers to Botswana's elections despite the fact that its elections have generally been free and peaceful and have involved no major disputes.*

## INTRODUCTION

Botswana is one of the few countries in Africa to have maintained multiparty democracy, with elections held every five years – the most recent in 2004. With the exception of a few controversies, all nine multiparty elections held since independence have been generally peaceful. Opposition parties are free to contest every election (parliamentary and local) but they remain largely weak organisationally. They are also divided because they do not contest elections as a united force and thus split the opposition vote. As a result, Botswana's regular elections have not led to a change of government. The ruling Botswana Democratic Party (BDP) has won all the elections without facing any serious challenge from

the opposition parties. This has made Botswana's elections generally uninteresting. Mauritius, which is almost as old as Botswana, has a more functional liberal system and changes in government have taken place smoothly. Senegal went the same route, with the election of the Abdoulaye Wade Government in 2001. Nevertheless, non-violent as well as successive multiparty elections have earned Botswana an international reputation as a stable and peaceful democracy free of the electoral disputes characteristic of so many African countries.

Disputes are a common feature of African elections and frequently threaten the stability of the political system. Examples are those of Lesotho, where, in 1998 the opposition rejected the electoral outcome and resorted to civil disobedience. Zimbabwe, too, is faced with political and economic instability following a disputed presidential election in 2002 that was marred by fraud and irregularities. The incumbent, President Robert Mugabe, won the 2002 election, a result which was rejected by the opposition Movement for Democratic Change (MDC) and its leader, Morgan Tsvangirai. The dispute has plunged the country into a political crisis which has led to an economic crisis with spill over effects on neighbouring countries, especially Botswana and South Africa. Botswana has not yet experienced electoral conflicts of this nature, which endanger the political establishment. Yet allegations by the opposition of electoral cheating are common. It is in this context that the paper analyses the role played in Botswana's electoral system by election observation and monitoring. The object of the paper is to demonstrate the impact of election observation and monitoring on transparency and accountability and thus the credibility and integrity of the electoral process.

## ELECTION OBSERVATION AND MONITORING

EISA and the Electoral Commissions Forum (ECF), two of the organisations that have been actively involved in election observation in recent years, have declared that 'election monitoring and observation have become an integral part of the electoral process in SADC countries, with most accepting monitors/observers from international, regional and national organizations. Such monitors/observers have come to play an important role in enhancing the transparency and credibility of elections and the acceptance of results' (EISA / ECF 2004, p 30). Those countries that have not yet accepted observers/monitors are under pressure to do so.

Election observation and monitoring have become highly contentious issues in recent years, especially with the linking of political reform to economic aid. Most donor organisations and governments have become interested in the reports of election observers and monitors because they are considered the most important ways of judging whether elections were free and fair. A free electoral process 'is one where fundamental human rights and freedoms are respected'

and a fair one is 'where the playing field is reasonably level and accessible to all electors, parties and candidates' (CommonBorders 2004). Free and fair elections are seen internationally as the basis of good governance and may bestow legitimacy upon the victor. They are also of central importance to sustaining democracy.

Despite the above definition and the existence of widely accepted credible standards of judging an electoral process, what constitutes a free and fair election remains an issue of controversy. This is especially the case when observer groups issue conflicting reports, as they did in Zimbabwe in 2002. Zimbabwe's presidential election was unfair and fraudulent, and the fact that President Robert Mugabe and his party claim differently does not change the judgement.

Bruce George, President of the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe (OSCE), which had 400 observers in Russia during that country's election in 2003, noted that 'our main impression of the overall process was ... one of regression in the democratisation of that country' as it was 'overwhelmingly distorted' (BBC News, 8 December 2003). Similarly, in October 2004 the OSCE observer team condemned the elections and referendum vote in Belarus as having fallen 'significantly short of international standards', thus failing 'to ensure the fundamental conditions necessary for the will of the people to serve as a basis for authority of government' (BBC News, 18 October 2004).

Similarly, in Botswana the advantages of being in office and having access to state resources not only distort election results they give the BDP an edge over other parties. There is also reluctance or inability on the part of the Independent Electoral Commission (IEC) to control campaign spending.

Although election observation and monitoring are intertwined, they also quite distinct. Otlhogile (1994, p 294) defines election observation as 'an attempt by the international community at closely overseeing [a decision-making process such as an election], in order to ensure that every eligible member of that particular nation is afforded an opportunity ... to participate in the decision making in their country, and that the wishes of the majority determine the outcome'. As Otlhogile rightly observed, the purpose of such an exercise is to authenticate elections and re-establish confidence among political contenders.

According to Harris (1997, p 27), an election observer 'is not involved directly in the operation of the election process, has no right to demand changes but does have a role in drawing attention to irregularities and publicising their requests for appropriate action to be taken'. An election monitor, on the other hand, 'is not directly involved in the election process and therefore only has the right to demand changes and to publicise the fact that these demands have been made'. As the United Nations (UN) Code of Practice puts it, observation entails:

the purposeful gathering of information regarding an electoral process, and the making of informed judgements on the conduct of such a process on the basis of the information collected, by persons who are not inherently authorised to intervene in the process, whose involvement in mediation or technical assistance activities [is unofficial and] should not be such as to jeopardise their main observation responsibilities.

Quoted in Harris 1997, p 27

Thus, election observers and monitors are not only central to but have become part and parcel of the electoral process worldwide, especially in emerging or young democracies, as a way of promoting transparency in the electoral process and encouraging free and fair elections. Dugard (1998) noted that openness is an essential element of ensuring confidence in the election process. Election observation and monitoring are important activities that help to strengthen the democratic process and institutions and the value of elections and to instil confidence in an election. Observers and monitors are believed to carry out their tasks on a non-partisan basis and therefore all interested parties generally accept their judgement.

For an election observation to thrive it must be credible in the eyes of all the contesting parties and that credibility stems from a refusal to take sides and from the impartial and fair-minded nature of the observation endeavour. Thus, transparency in the electoral process is of critical importance in ensuring public confidence in the electoral system and recognition of the election outcome (Dundas 1994). For Totemeyer and Kadima (2000, p 4) 'election observation builds citizen confidence in the integrity of the election process, which encourages them to exercise their voting rights'. Similarly, Ramadhani (1999) points out that election observers might persuade *cagey* citizens as well as *suspicious* opposition politicians to take part in the electoral process rather than to resort to violence, as was the case in Angola and Mozambique.

In Zambia in 1991 observers calmed down what might have been intense disagreements over electoral rules and regulations by asking for concessions from government and electoral officials on areas of disagreement (National Democratic Institute for International Affairs – NDI 1992). Thus, election observers can perform a constructive function in generating an enabling environment for all parties participating in a general election (Totemeyer and Kadima 2000), adding value to the electoral process and thereby giving it more legitimacy. Moreover, the involvement of observers may also encourage the government to recognise the outcome and therefore step down if it is defeated. Nicaragua in 1990 under President Daniel Ortega and Zambia in 1991 under President Kenneth Kaunda

are cases in point. In this way, election observers and monitors help to promote stability. As the NDI (1992) noted, international observers may be asked to arbitrate disagreements among contesting political organisations in an attempt to lessen hostilities prior to, throughout, and subsequent to elections. For an election outcome to be acceptable to all interested parties it should not only be seen to be free and fair but should also not be marred by allegations of fraud. Thus, although free and fair elections are not a sufficient condition for democratic consolidation they are central because of 'their ability to jump-start the process of democratisation and boost the morale of prodemocracy forces' (Nevitte & Canton 1997, p 51). Election observation and monitoring is one way of trying to attain this end.

Previously, journalists, academics and embassy staff observed elections in foreign countries. However, after World War I, political participation in government came to be accepted as a fundamental right and since then election observation has been institutionalised internationally. The United Nations initially took part in election observation in South Korea in 1948 because it was considered essential to monitor elections in countries emerging from dictatorial military regimes or authoritarian communist rule. Since then, election observation has become common and is also used in developed countries (Ramadhani 1999). A number of organisations have become involved in election observation and monitoring because there has been an increasing acceptance of the contribution of international observers to election processes.

Otlhogile (1994) traces the origins of the Commonwealth observation of elections to the 1971 Singapore Declaration, the essence of which was to advance individual freedom in countries that are members of the Commonwealth. In 1989, the Commonwealth adopted another declaration – the Kuala Lumpur Declaration – in which it pledged to promote democratic values in member countries. The Commonwealth proposed in the Kuala Lumpur Declaration 'that one of [its] contributions to strengthening democracy might be the provision of Commonwealth assistance in helping member countries to reinforce their election and other constitutional processes through a facility for mounting observer missions at the request of member governments, and in responding to such requests in other relevant ways' (Otlhogile 1994, p 295). The promise to promote democratic values within the Commonwealth was repeated two years later in Harare (Otlhogile 1994), demonstrating a desire to support and encourage free and fair elections within the Commonwealth.

However, the implementation of this proposition has always been a thorny issue because it relies heavily on the government of the country conducting the election, thus rendering the Commonwealth a weak organisation in the process of election monitoring.

Similarly, in June 1990, the Conference on Security and Cooperation in Europe, which comprises all European countries, Canada and the United States, embraced a declaration calling on member states to recognise the need to involve international observers in national elections. This was followed by the endorsement of the practice by the UN General Assembly and the Secretary General of the UN in an attempt to boost efficient, regular and indisputable elections (NDI 1992). As Ramadhani (1999, p 104) has observed, the aim of election observation in emerging democracies

is to enhance internal and international credibility of the electoral process. A basic function of international election observation is detecting and, if possible deterring electoral fraud. Election observation has helped to expose fraud in the Philippines in 1986 and in Panama in 1989 [as well as in Zimbabwe in 2002]. At times, apart from publishing electoral fraud, election observation has also contributed to prevent it. Political authorities may abandon election rigging out of fear of being caught by observers. Moreover, election observation may help to hold together shaky electoral processes in new democracies.

Similarly, Kupe (2000) noted that the participation of observers could help to decrease a propensity towards improper practices by over-zealous political parties or government administrators in charge of elections. Dundas (1994) observed that the involvement of observers during voting and at the count can help calm the election environment and is thought to encourage the openness of both the polling and counting of the ballot papers. The NDI (1992) stated that the presence of international observers is intended to create confidence in the process, to discourage electoral irregularities, and to give an account of the impartiality of the elections to the international community. In the view of the former executive secretary (now Specially Elected Member of Parliament) of the BDP, 'observers [international] are so important because they are a stamp of approval in a democratic process, that is whether the electoral outcome is acceptable or not' (Interview, 19 June 2003). Thus, election observation and monitoring are of special importance because 'the presence of observers has a primary focus on promoting an atmosphere of openness and transparency, thus enhancing public confidence in the election processes and their outcomes. [In this way] observer access to voting processes acts as a deterrent to improper practices and attempts at fraud' (Aceproject 2003). This explains why election observation and monitoring have become so important in recent years, especially in countries undergoing political change. Moreover, election observation ensures that the electoral outcome is



credible internationally in the light of conditions imposed by donors: economic aid has come to be linked to democracy and good governance. Furthermore, taxpayers in donor countries which contribute to the expenses of conducting elections want to know whether their money has been used effectively.

Election observation in established democracies seeks to act as an example to emerging democracies (Ramadhani 1999). Observation is not merely about verifying the fairness of an election but instead, and more crucially, it extends the concept of democratic norms and procedures to thousands of people, thus helping to build and strengthen a culture of democracy (Green-Thompson 2001). It is in this context that election observation and monitoring have come to be accepted as a key part of the democratic process because they seek to promote transparency and accountability – the central tenets of democracy.

Election observer and monitor missions take different forms, depending on the type and size of the organisation involved, the length of time it stays in the country holding the election and the kind of report produced (Ramadhani 1999). Nevertheless, there are certain experienced and credible election observers – the Commonwealth, the European Union, the Jimmy Carter Group – which have greater capacity than others. Generally, election observers observe the administrative arrangements, the preparedness of the electoral authority, the behaviour of election officials, the police, party agents and voters, the sealing of ballot boxes before and after voting, the escorting of boxes to the counting centre, the count and the balancing of votes (The Catholic Justice and Peace Commission 1994; 1999; 2004). Observers are expected to produce a report highlighting any problems noted as well as their recommendations. They are also expected to pronounce on whether the elections were free and fair. Kupe (2000, p 102) has observed that election observers are ‘watchdogs working for the electorate and the political parties involved in the elections. It is their business to make sure that elections are conducted properly during the prescribed times and at the designated venues. It is the observer who reports directly or indirectly to the outside world about the fairness, or otherwise, of the election process.’

There are two main types of observer and monitoring groups or organisations – local and international. Local observers, who are normally citizens of the country whose elections are being monitored, have the edge over international observers because they are familiar with the country concerned. However, although local observers promote transparency in the electoral process, they are often treated with suspicion as having a particular agenda and are thus not seen as impartial. On the other hand, international observers ‘have added a new dimension to election transparency’ (Dundas 1994, p 45). Nevitte & Canton (1997, p 50) observed that ‘public confidence in internationally driven [observation] efforts characteristically hinges on the reputation and legitimacy of the international or

regional organization involved, and derives in large part from the multinational membership of the observation team in place'. For Camay and Gordon (1999, p 259) 'international observers bring an added credibility to the monitoring and assessment of elections, in that they are able to refer to their experience elsewhere and apply international standards of good practice wherever they go'. This demonstrates beyond doubt that international observers act as a stamp of approval.

The methods of observer groups range from regular short visits through permanent groups to mobile or stationary teams (Ramadhani 1999), but observers face a number of limitations. As Dundas (1994, p 45) notes, 'there are limitations to the extent to which observers generally can impact on the transparency of the system, since they are not in charge of the machinery which runs the election'. The other limitation they face is that 'they have a limited time to see only the final days of the campaign leading up to the polls, and sometimes many leave before the final results are known'. This, in a way, compromises the role of observers in promoting transparency and accountability in the electoral process.

As Botswana is the oldest and most stable democracy in Africa, its democratic system has not yet caught the attention of most international observer organisations and the international media. The country has enjoyed 'peace and tranquillity' for many years and its 'elections have always been successful' (Molomo & Somolekae nd, p 111). As Elago (1999, p 115) has noted, 'where the political environment in a given country proves stable and peaceful for the local institutions to organise elections, the presence of international observers and monitors has not been a conditional requirement'. Harris (1997, p 28) observes that election observers were initially meant to provide legitimacy where 'a state was emerging from a long period of autocratic rule'. Botswana does not fit into this category. As one senior official of the IEC of Botswana puts it: 'international observers are not yet interested in Botswana elections because there were no incidents of concern' (telephonic interview, 19 June 2003). In the view of the former Executive Secretary of the BDP Botswana's elections have not yet caught the attention of international observers because 'international observers are attracted to elections where there is potential for conflict or where conflict preceded elections' (interview, 19 June 2003). One member of the Botswana National Front (BNF) Central Committee believes that Botswana has not yet attracted the interest of international observers for a combination of reasons. He observes that 'Botswana is unique because it has not yet experienced violence since independence and has not had serious [electoral] disputes and the opposition has always accepted defeat even where they felt cheated. Moreover, Botswana is regarded as a strong adherent of the rule of law' (interview, 25 June 2003). These factors are rarely present in most African countries. The most recent example of a

country that has slid into political violence is Zimbabwe, following the 2002 presidential election, whose outcome was rejected by the main opposition. As a result there is pressure on the government of Zimbabwe to hold a fresh election because it is internationally perceived as illegitimate. This may contribute to Robert Mugabe's eventual downfall.

These features make Botswana a unique country envied by many on a continent characterised by political turmoil. Making a similar point Molomo & Somolokae (nd) quote Otlhogile (1994), who notes: 'not all elections are observed. The international community is committed to circumstances; for instance, where there has been an absence of power sharing, or where there have been autocratic or despotic rulers, or the country has gone through turbulent periods in its history, or perhaps accompanied by human rights violations', which is not the case in Botswana.

Election monitoring and observation are common in countries undergoing political transformation from autocratic regimes to multiparty systems because in such countries elections 'often take place in an atmosphere of uncertainty, confusion and concern about the ability of election administrators to deliver an accurate and impartial electoral result'. As the NDI has stated (1992, p 61) 'previously, international observation of elections in Africa had taken place in the context of a transition from colonial rule, as in Zimbabwe in 1980 and in Namibia in 1989, or in the absence of a centrally controlled authority, as in Uganda in 1980'. Zambia, during its 1991 elections, was the first independent African country to ask for the involvement of international observers. Therefore, in such conditions, both local and external election observers 'play an increasingly important role in promoting free and fair elections that can lead to the establishment of accountable, effective governance'.

For Nevitte & Canton (1997, p 47) transitional democracies interest international observers because 'they not only constitute a litmus test of a regime's devotion to a variety of democratic values and procedural norms, but also provide critical opportunities for voters to weaken or break the grip of authoritarian governments'. In this sense, it can be argued that 'monitors and observers are mostly interested in overseeing an election in suspect areas' (Elago 1999, p 116). Thus, countries undergoing political transition attract international observers because there is a great deal of uncertainty surrounding transitional elections. International observers and monitors in such countries are expected to re-establish the confidence not only among those contesting such an election but also among foreign investors. As Otlhogile (1994, p 294) puts it, 'the country concerned is in the process of reconstructing itself politically and seeks the assistance of the international community. [It] wants to regain its position in the community of nations by allowing international observers to pass judgement that the elections

were properly conducted.' Thus, for Otlhogile (1994, p 294, quoting Reisman, 1992), 'the purpose of the international observation is to assure the world community that the election meets the minimum requirements of an international standard', that is, the elections were 'free and fair'. This might partly explain why Botswana's democratic system has not yet attracted many foreign observers and monitors – its elections have generally met the internationally acceptable minimum standards. One reason for this may be that the party in power is committed to multiparty democracy, another may be that the ruling party has never faced any serious threat from the opposition, which is in disarray.

Notwithstanding the importance of election monitoring and observation to the promotion of transparency and accountability in the electoral process, a few observations can be made about election observers and monitors. Although their role is widely appreciated and, at times, over emphasised, their judgements have never resulted in new elections being held in any country. The April and December 2003 elections in Nigeria and Russia respectively are cases in point. However, their reports might indirectly prompt people to revolt, resulting in new elections being held. In Georgia recently, for instance, fraudulent elections led to the storming of Parliament and new elections in which the corrupt sitting president was ousted.

### ELECTION OBSERVATION AND MONITORING IN BOTSWANA

Botswana's electoral process is not flawless; its electoral practices have demonstrated certain qualities that are inconsistent with the notion of a free and fair election. Elections have been surrounded by controversy, with opposition parties accusing the ruling BDP of cheating and demanding that the Office of the Supervisor of Elections be removed from that of the president. These demands led to the establishment of the IEC in 1997, following a national referendum. Until that date the president had appointed the supervisor of elections. The IEC is made up of commissioners who are appointed on a part-time basis by the Judicial Service Commission (JSC). The 1999 elections were the first to be conducted by the IEC.

As a result of the controversies surrounding past elections, especially those in 1984 and 1989, a number of organisations, including the Catholic Justice and Peace Commission (CJPC) and the Democracy Research Project (DRP) of the University of Botswana, decided to observe Botswana's elections. According to the CJPC (1994, p 3), its decision to observe the 1994 general elections

came in the background of a controversy that surrounded the past elections. The 1984 and 1989 elections particularly, could rightly be

rated the most controversial in Botswana's political history. In each of these two elections several petitions seeking to nullify the results were brought before the High court. Although most of the petitions were rejected, often on a technicality, two crucial ones, one in 1984 and another in 1989 relating to the parliamentary elections were upheld by the court and re-elections held in Gaborone South (1984) and Mochudi (1989).

A lack of resources has meant that the activities of the observer organisations are limited to certain selected constituencies. For instance, the CJPC observed elections in 16 constituencies in 1994 and eight in 1999. Similarly, the DRP, a non-partisan multidisciplinary organisation that was established in 1987 and aims to study and monitor democratic processes and institutions in Botswana, observed elections in selected constituencies in 1989, 1994 and 1999. For instance, in 1994 it observed elections in 10 constituencies, but 'even within these constituencies not all polling stations were visited' (DRP 1994, p 3). In 1999 it selected ten of the country's 40 constituencies for observation, sampling a number of polling stations within each (DRP 1999) and concluding that 'the 1999 elections were free and fair. The elections were peaceful and proceeded smoothly throughout the constituencies where observation was done' (1999, p 16).

The Electoral Commissions Forum (ECF) of the Southern African Development Community (SADC), through its SADC missions, observed the Botswana elections for the first time in 1999 at the invitation of the Botswana IEC. Its observation was limited to Gaborone, Francistown and Lobatse. The ECF, which is comprised of 14 SADC electoral commissions, was initiated in Cape Town, South Africa, in 1998 (Kadima 1999). In its observation and monitoring missions the ECF is guided by the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO) developed jointly with EISA. Another SADC structure that observes elections is the SADC Parliamentary Forum (SADC PF), which is an inter-parliamentary organisation of SADC parliaments. It has no powers, is largely supported by donor funds and uses the SADC PF norms and standards for elections in the SADC region in its observation missions. There is also a SADC observer team which observes elections in SADC at the invitation of the member state, in line with the provisions of the Protocol on Politics, Defence and Security Cooperation, which is binding on member states. In addition to this protocol, SADC has its own principles and guidelines governing democratic elections. These are used by SADC observer teams as a reference point but they are not part of the Protocol on Politics, Defence and Security Cooperation and are thus not binding on member states, a factor which makes SADC a weak organisation in terms of election observation and monitoring.

Unlike those of conventional observer groups, SADC mission's main objective 'is to act as a capacity building resource to the Electoral Authority [of the country concerned]. This means that its role will not, in the first instance, be to assess the correctness of the electoral process in relation to international norms and standards, but rather the development of a constructive and formative relationship which will enable the improvement of electoral processes within the region' (SADC Electoral Observation Missions 2001, p 3). Nevertheless, '...the overall goal of [SADC] missions is to contribute to the establishment and consolidation of democratic ideals and practices within the region' (Nupen 1999, p 109). Observer groups use certain universal indicators to assess an election. These include, among others, fairness, equality, freedom, universality, secrecy, transparency, and accountability. When assessing or observing an election, SADC observer missions are governed by a code of conduct as well as by a code of practice (SADC Electoral Observation Missions 2001). The ECF concluded that 'the 1999 Botswana election was very peaceful. The ECF observers did not receive any reports of violence or intimidation during the electoral campaign period' (Kadima 1999, p 16).

In 1999 the Botswana IEC also requested an external assessment of its conduct of the 1999 parliamentary and local government elections. Following this invitation, a team of electoral experts from three Commonwealth countries, led by David Zamchiya of Zimbabwe, visited Botswana. The other members of the team were Dinanath Gajadhar of Trinidad & Tobago and Victor Butler of the United Kingdom. The team, which was funded by the British Department for International Development (DFID), was mandated to examine the electoral laws and regulations, election operations, and public and institutional involvement. The team worked closely with the DRP, which conducted an exit poll in selected constituencies on polling day (Zamchiya 2000). The Zamchiya Report (2000, p 2) noted that 'the IEC felt that an external view would assist the people of Botswana to improve on the electoral delivery system with the benefit of comparative experience from other countries'. In its report, the Commonwealth team not only made some recommendations on how the conduct of elections in Botswana could be improved but observed that 'the 1999 elections [in Botswana] were not marked by high levels of conflict between the parties, and were generally conducted in a manner consistent with a peaceful and democratic society' (Zamchiya 2000, p 3). The reiteration by an international team that Botswana's elections were free and peaceful not only ensures credibility and enhances the country's democratic processes, it also legitimises the whole election process, thus making the electoral outcome internationally acceptable. In this sense, it can be argued that observer reports and missions add value to Botswana's democracy, legitimises its government and deepens its democracy.



The foregoing evidence shows that although efforts were made by both local and regional observer groups to observe Botswana's elections in recent years, a shortage of resources has made it impossible to do so in all constituencies and at all polling stations. Thus, the elections have largely remained the preserve of the election authority and party agents. Moreover, the evidence documented above shows that election observation and monitoring is a new element of Botswana's democracy. As a result, the literature in this field is scanty. A workshop held in 2000 to evaluate the performance of the IEC in the 1999 elections underscored the role of election observation and monitoring. The workshop noted that

although election monitoring and observation have not historically been an important aspect in Botswana elections, it was a good practice which needed to be maintained. It was agreed [at the workshop] that election observation, particularly by external observers enhances the credibility and transparency of the electoral process, and hence it was an important aspect in delivering free and fair elections. [The workshop] also noted that observers can be helpful to the electoral process and the success of an election

Somolekae & Lekorwe 2000, p 36

In line with this observation, the 2004 elections – unlike the previous ones – attracted a number of observer teams (59 organisations), both domestic and international (Republic of Botswana 2004) and no adverse reports were received, although 'some observers attracted criticism that they came on the eve of election day and as such ... missed out on a lot of things' (Republic of Botswana 2004, p 11). The involvement of election observers underscores the country's dedication to transparency in its electoral process (Republic of Botswana 2004).

One of the organisations that observed the 2004 elections was EISA. Using PEMMO as a tool of assessment, the EISA observation mission concluded that the elections 'were conducted in a peaceful, professional and transparent manner. There were no major legal or political hindrances that could have adversely affected the constitutional right of the citizens of Botswana to freely choose their leaders' (EISA 2005, p 25). Professor Jacqueline Solway of Kent University in Canada, who observed the voting process in the Dutlwe/Tshwaane area, noted that voting was 'free and fair'. However, Solway (2004) observed that 'the fairness of the democratic election process could be enhanced if opposition parties could access more public support and media coverage'. The CJPC (2004, p 7) also concluded that in the constituencies it observed in 2004 it 'did not come across any sign of organised effort to cheat or change the results of the elections so that they favour one party and disadvantage others. The process was well organised

and the voters fully and fairly assisted.’ Such declarations are a stamp of approval and, by extension, a source of legitimacy and stability. They not only validate Botswana’s electoral process but are also important as it is no longer the only democracy in the region. With the emergence of other democracies Botswana should, from time to time, assess the quality of its democracy. Observer reports are one way of helping the country to do so. In this context election monitoring and observation are crucial as they lend credibility and integrity to the electoral process.

### CONCLUSION

Although Botswana has held several multiparty elections since independence, until recently election observers and monitors were not part of the electoral process. One explanation for this is that Botswana’s elections have been held in a peaceful atmosphere which international observers have not regarded as suspect. However, Botswana’s elections have, in the recent past, attracted the attention of international observers. In part the reason for this is the emergence of democratic regimes in Southern Africa, which have put Botswana’s democracy under the spotlight. Before this Botswana was seen as the model of democracy. By inviting international observers Botswana seeks to strengthen its democratic culture even further. Notwithstanding the importance of election monitoring and observation in promoting transparency and accountability in the electoral process, a few observations can be made: their judgement of elections has never resulted in a re-election in any country; although they are expected to be impartial, an element of bias cannot be ruled out; and finally, at best, their opinions only have moral significance.

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# BUILDING SOCIAL CAPITAL AND POLITICAL TRUST

## *Consolidating Democracy in Botswana*

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### ABSTRACT

*This paper seeks to address the extent of democratic consolidation in Botswana. It departs from the basic premise that democracy is a contested enterprise that is always under construction and is socially embedded in a given cultural setting. In measuring the extent of democratic consolidation it applies the social capital theory to establish how horizontal social networks build norms of reciprocity, which give rise to social capital and political trust. It draws heavily on Putnam's thesis that networks of interpersonal trust lead to civic participation and engagement, and consequently to political trust.*

*However, what emerges from Botswana's democratic politics is that Batswana do not have a participative culture, they do not engage in voluntary civic associations and there is a general lack of trust in political institutions and politicians. The paper endeavours to explain this non-participative culture. The traditional system of government – bogosi (chieftainship) – was hereditary, so people were not socialised into electing a leader every five years or so. Yet the paper also shows that the consultative structure of the kgotla (the village assembly) system, although it discriminated against women and youth, has consensual elements built into it. The paper concludes by challenging the thesis that traditionalism must give way to modernity if democracy is to be consolidated. Instead it suggests that the strength of Botswana's democracy lies in a judicious and careful blending of the Westminster parliamentary system with the traditional rule of bogosi. If democracy is facing a threat it is not from traditional institutions but from globalisation, which has disempowered nation-states and given inordinate powers to markets.*

## INTRODUCTION

Democracy as a political ideal, a symbol of righteousness and moral values, has been adopted universally as the best form of government. Yet the application of these ideals constitutes the greatest challenge for our times because there is no blueprint that can be handed down to emerging democracies, and even the so-called mature democracies are still vacillating. Democracy remains a contested and growing terrain whose new contours unfold as we experience life. As a social and political construct it is always in a state of flux; it can never be totally achieved and at all times needs to be mediated and given local grounding. With the advent of the new millennium it was evident that the 'third wave' (Huntington 1991) was coming to a close, and democracies in transition were facing the challenge of reversal. Diamond (1999, p 261) was already speculating that with the end the 'third wave' would come the emergence of a 'fourth wave'<sup>1</sup> of democratisation.

As the oldest serving democracy in sub-Saharan Africa Botswana is widely acclaimed as a front-runner in democratic politics. While endurance and the test of time could be some of the basic measures for democratic consolidation, this paper suggests that other, more substantive, measurements could be used to evaluate the depth and consolidation of democracy.

Firstly, the paper discusses the traditional basis of democracy to dispel the myth that traditionalism necessarily has to give way to modern liberal democratic institutions if democracy is to be consolidated. It maintains that the political stability Botswana has enjoyed over the years is, in part, a careful and judicious blend of traditional and liberal democratic institutions of governance.

Secondly, the paper seeks to apply the theory of social capital to establish how it informs political participation and thereby facilitates democratic consolidation in the country. Since the path-breaking work by Robert Putnam (1993) *Making Democracy Work*, the theory of social capital has gained considerable currency. Social capital (Putnam 1995; Fukuyama 2001; Axford 1997, p 134) is widely perceived as the 'networks and norms of reciprocity and trust that are built up through interpersonal connections. That is to say that when people interact through a wide array of voluntary associations they develop social and political skills that give them political efficacy and civic competence and lead them to develop social and political trust. Although the concept has since been the subject of considerable public and scholarly attention and debate, its application to Botswana's social formation has been limited, if not totally absent. This paper seeks to break new ground and apply the concept of social capital to Botswana.

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<sup>1</sup> The fourth wave would bring the democratisation of remaining authoritarian states like Iraq, Syria, North Korea, Libya, Cuba, and others.



Thirdly, building on the theory of social capital the paper seeks to evaluate how political trust as a value could deepen and consolidate democracy. Since the 'third wave' of democratisation the concept of political trust has assumed predominance arising out of the need to move beyond discussing interpersonal trust – relationships between individuals – to discussing political institutions such as the military, the police, the judiciary, parliaments, political parties and markets. The standard measure of democratic consolidation is political trust, which is measured by questions like: How much trust do you have in political institutions? How much trust do you have in the presidency? How much trust do you have in opposition parties to form an alternative government? How much trust do you have in leaders to do what is right? This paper addresses these questions, first by setting out the contextual framework for understanding Botswana's political system and how its traditional institutions facilitate democratic consolidation.

### CONTEXTUAL FRAMEWORK

A brief survey of Botswana's political history perhaps explains its unique position as a stable and successful democracy. Bechuanaland, as Botswana was called during the colonial period, fell under British protection in 1885<sup>2</sup>, as an attempt to ward off Boer encroachment from South Africa. Its relative unimportance to the colonisers, given its barren and semi-arid nature and lack of economic potential at the time, was characteristic of the benign neglect of colonialism. More specifically, a system of indirect rule was put in place in which the British used *dikgosi* to maintain political control and allowed tradition rule to co-exist with colonial rule. Bechuanaland did not experience colonialism *par excellence*, as was the case in situations where there was a significant white settler population. A dual political and legal structure during the protectorate period was intended to handle European and 'native' affairs separately. Although British protectorship in Botswana undermined to some extent the essence of traditional cultures and the authority of traditional leaders, it did not supplant traditional institutions, as was the case in parts of Africa where there were significant white settler populations. Traditional institutions, such as *bogosi* (chieftainship), although in some instances, as in the case of the lineage of Bakwena, were distorted<sup>3</sup>, were by and large left intact.

As Wilmsen (1989, p 273) points out, 'the policy of indirect rule never contemplated taking administrative control of minorities out of the hands of Tswana'. This practice went a long way towards institutionalising inherent

<sup>2</sup> At the request of the three Tswana chiefs, Khama, Sebele and Bathoen, for British protection.

<sup>3</sup> The banishment of Bakwena Kgosi Sechele to Ghanzi created serious succession disputes.

inequalities in Tswana society, disparities that found their way into the Constitution. Moreover, traditional systems, such as *mafias* (loaning of cattle to less privileged members of society) continued, and this helped to reinforce patron-client relationships and a sense of paternalism in society.

Botswana's history is widely documented (Tlou & Campbell 1984; Mgadla & Campbell 1989; Ngcongo 1989; Molutsi & Holm 1989; Morton & Ramsay, 1987) and this paper seeks to comprehend it with a view to contextualising *bogosi* and democracy in the quest for democratic consolidation. Historical accounts suggest that Botswana has a long tradition of democracy. Although there are strong debates (Mgadla & Campbell 1989; Ngcongo 1989) about the substance and nature of democracy in the country, it is believed to be firmly rooted in traditional Tswana culture. It is anchored on the *kgotla* (village assembly) system of consultation, which is based on the concept of *mafoko a kgotla a mantle otlhe* (free speech). As discussed in Mgadla & Campbell (1989, p 49), *dikgosi* ruled their people, at least during the pre-colonial period, as absolute sovereigns who enjoyed hegemonic influence, and their decisions were almost always based on consensus. The assertion that *kgosi ke kgosi ka batho* (a chief is a chief by the grace of people) goes to the heart of the basis of rule by *dikgosi*. *Dikgosi* preside over *dikgotla*, which were, and still are, forums for deliberating public policy. *Kgosi* can only exercise his or her authority based on the respect of the people, and those who rule against the wishes of their people do so at their peril. The above notwithstanding, historical evidence suggests that during the pre-colonial period there were despotic *dikgosi*, just as there were benevolent ones (Potholm 1979). Similarly, in the liberal democratic setting, democracies and autocracies call themselves by the same name but these names need not cloud political analysis.

Because of the historical processes through which *merafe* (tribes) have gone it is perhaps no longer accurate to refer to them as such because they have lost the social structure that defined them; *dikgosi* who preside over them have lost their power, wealth and sovereignty. During the pre-colonial period tribalism was perhaps the highest of nationalisms because it implied complete loyalty to the *kgosi*, and recognition that he or she was the absolute sovereign, controlled the political and economic well-being of the polity, and also had divine powers for rain-making. However, in the post-colonial period tribe denotes entities that were infiltrated and undermined by colonialism, and their powers usurped by the post-colonial state. Economically, they are no longer self-sustaining entities, and depend on the central government for financial support. To this end, scholars (Sklar 1979; Diamond 1987, p 119; Mafeje 1971, pp 258-259) have asserted that it is a misnomer to talk of tribalism in the post-colonial period because tribes have been transformed and have lost their traditional essence. This is not to deny that 'tribal' sentiments still exist among people; they manifest themselves not to restore

the autonomy of the *kgosi* and *morafe* but often as a ploy to advantage the petty bourgeoisie. In this sense tribalism is seen as a 'false consciousness' that tends to 'mask class privilege'. The ruling elite often invokes tribal sentiments as a stepping-stone to a position of political power.

Schraeder has suggested that perhaps the use of 'ethnicity' would be a more value-free way to refer to manifestations of 'tribal' feelings during the post-colonial period. Goldsworthy (1982, p 107) defines ethnicity, as 'a form of consciousness, a sense of identity, that is usually associated with' language and kinship. Other scholars, such as Horowitz (1985) and Diamond (1987, p 117) concur, and conceptualise ethnicity as 'based on a myth of collective ancestry, which usually carries with it traits believed to be innate', and which gives rise to a sense of group identity, affinity and solidarity.

Schraeder (2000, p 138) defines ethnicity as a sense of 'collective identity in which a people (the ethnic group) perceives itself as sharing a common historical past and a variety of social norms and customs'. These social norms and customs also define 'relationships between males and females, rites and practices of marriage and divorce, legitimate forms of governance and the proper means of resolving conflict'. The struggles of ethnic minorities to have their languages recognised as national and official, according to Horowitz (1985) referred to in Diamond (1987, p 122), 'encompasses much more than access to education and jobs in the modern sector' but also notions of people's dignity and recognition.

Although cultural attributes are not tangible, they form an essential part of people's identity, self-esteem and dignity. Horowitz (1985) further delves into the realm of 'social psychology', arguing that there is nothing more degrading than to deny a person his or her self-esteem and dignity. In what he calls the 'politics of ethnic entitlement' Horowitz (1985) states that the fear of 'domination' and exclusion by far outweigh the drive for material gain (Diamond 1987, p122). This explains why people rally behind an ethnic cause that offers no apparent economic advantages.

Arising from the modernisation theory of social change (Apter 1965; Lerner 1958; Rostow 1971) there was a strong perception that in order for Africa to develop it needed to transcend the parochial traditional institutions and embark on the road to modernisation. Lerner (1958), in particular, talked about *The Passing of the Traditional Society* and argued that, with the application of modern political institutions, ethnic identities and traditional values would disappear. The cultural values theories (Almond & Verba 1963) assert that attitudes to democracy proceed from values that are socially constructed and culturally embedded. Perhaps in a more profound way, people who retain traditional identities (based on language, ethnicity, and place of origin) rather than modern ones (such as class or occupation) are said to develop a low sense of political efficacy, low levels of interpersonal

trust, and hence low levels of what Putnam (1993) would refer to as social capital. As a result, attachment to primordial loyalties is said to undermine political development and democratic consolidation. Within this framework, tribalism was viewed as negative and backward, and progress meant shedding the ethnic loyalties.

It is also in order to point out that sociological approaches emphasise the demographic features of society wherein age, gender, location and ethnicity influence the manner in which people form political attitudes. Young people, who invariably have higher levels of education and are often located in urban centres, are less inclined to espouse traditional values and are receptive to new ideas. Rural people are often more inclined to adhere to primordial loyalties, and hence support traditional institutions, whereas urbanites are exposed to divergent views, are stimulated by a variety of social engagements, and are usually receptive to change. The patriarchal structures that are embedded in traditional societies tend to constrain women's engagement and participation in politics and leadership roles.

While *dikgotla* are said to form the basis of democratic rule in Botswana they cannot be said to encourage popular participation. In the past, women and children were not allowed to take part in *kgotla* proceedings, let alone assume office. Moreover, according to Peters (1994), the *kgotla* as a forum for public discourse excluded ethnic minorities, such as *Bakgalagadi* and *Basarwa*. Nevertheless, the installation of Kgosi Mosadi Seboko in September 2003, as a woman *kgosi kgolo* (paramount chief) of Balete, was a clear indication that *bogosi* is adapting to a 'new wave' of democratisation, and starting to be more inclusive. The patriarchal structure of the royal lineage demanded that the heir to the throne should be the oldest male sibling of the *kgosi*. In this regard, traditionalism, applied strictly, would have ruled out Kgosi Mosadi's candidature.

The institutional approaches to political development negate the relevance of traditional institutions (*bogosi* and *dikgotla*) in advancing democracy; and of necessity these institutions need to be replaced by modern ones (parliaments, courts, political parties, voting). Moreover, the hierarchical structure of Tswana society tended to undermine the non-Tswana ethnic groups who settled in their areas and this is, in part, reflected in sections of the Constitution and the Chieftaincy Act. However, with the application of modern institutions traditional norms and practices still endure. The challenge for social science research is to develop a paradigm that will unpack this relationship and a comprehensive theory that will explain the endurance of democratic transitions in traditional societies.

Political and theoretical discourses that try to understand the relationship between *bogosi* and ethnicity, on the one hand, and democratic consolidation, on the other, are limited because they depart from the basic premise that *bogosi* and

ethnicity are institutions from the authoritarian past, hence an anathema to democracy. As stated by Proctor (1968, p 59), one of the major problems faced by the architects of the new states of Africa was to carve out a 'satisfactory position for tribal authorities in a more integrated and democratic political system'. As Sklar (1999-2000, p 9) succinctly points out, the nation-states in Africa appear to be polarised by a 'dual identity'; that is identity, at one level, accorded to the 'ethnic group', and at another to the 'nation-state' manifesting a 'common citizenship'. These identities are not imaginary, they are real, and understanding them would go a long way to helping in an understanding of the dynamics of African social formations. In Botswana, these identities are not only fostered by linguistic differences but are also institutionalised by the territorial division of tribal and administrative districts. Furthermore, the arbitrary manner in which colonial boundaries were drawn, which eroded a sense of 'national identity', resulted in emerging nation-states having low levels of cohesion.

Drawing on cultural and modernisation theories Mamdani (1996) concludes that *bogosi* is a hindrance to the development of democracy. He asserts that *bogosi* leads to 'decentralized despotism' as well as the 'bifurcation' of society into 'citizens and subjects'. While his formulation clearly captures important trends during the colonial period, and has validity in some African social formations, it does not enjoy universal validity. The argument that *bogosi* is anathema to democratisation is a simplistic and perhaps Eurocentric way of looking at African social formations. Democracy must be seen as a socially constructed and embedded process that is mediated by prevailing cultural institutions. In Botswana, as clearly articulated by Nyamnjoh (2003, p 111) *bogosi* is a 'dynamic institution, constantly reinventing itself to accommodate and be accommodated by new exigencies' of democratisation. The interface between *bogosi* and democracy constitutes an 'unending project, an aspiration that is subject to renegotiation with changing circumstances and growing claims by individuals and communities for recognition and representation' (Nyamnjoh 2003, p 111).

Botswana has a Westminster-type unicameral parliamentary democracy with a National Assembly comprising two houses, Parliament and *Ntlo ya Dikgosi* (House of Chiefs). Members of Parliament are elected in a general election, except for four, who are appointed by the President for a term of five years, and Parliament is the supreme legislative organ in the land. *Ntlo ya Dikgosi*, the second chamber of Parliament, has no legislative powers and serves only in an advisory capacity. It is this crafting of the National Assembly which, while privileging Parliament, recognises the importance of *bogosi* (chieftaincy) as the basis of Tswana cultural heritage. The significance of this is that while liberal democracy is considered to be the wave of the future, there is sensitivity to traditional institutions that are highly revered, especially by the rural people. Although there

are tensions over the status of *dikgosi kgolo* and *dikgosana* (sub-chiefs) in relation to the implied social hierarchy of *dikgosi*, Botswana's political stability owes a great deal to this institution.

### DEMOCRATIC CONSOLIDATION

It is more than four decades since Botswana began what has turned out to be Africa's most enduring experience with liberal democracy. While most of Africa opted for one-party and military governments, which were the norm during the 1960s and 70s, Botswana remained resolute in its adherence to multiparty democracy. Having met the minimum conditions set out by various scholars (Dahl 1989; Przeworski 1991; Huntington 1991, Linz & Stepan 1996; Diamond 1999; Bratton et al 2005), Botswana qualifies to be counted as a democracy. Perhaps in what Huntington (1991) refers to as a 'third wave' of democratisation it is instructive to go beyond identifying the formal appearance of democracy to determining the extent of democratic consolidation. Democracy, perceived by Przeworski (1991), Linz & Stepan (1996) and Diamond (1996) as the 'the only game in town', has become a universal ideology.

Linz & Stepan (1996, p 15) define a consolidated democracy as 'a complex set of institutions, rules, and patterned incentives and disincentives that has become, in a phrase, the only game in town'. Democracy is consolidating if the processes of electing leaders into office and holding them accountable are widely accepted by the populace, and are taken as the norm for regime change. More substantively, it entails the establishment of an institutional framework for facilitating free and fair elections, the separation of powers, and effective oversight of democratic procedures, to ensure transparency and accountability.

More comprehensively, Diamond (1999) and Bratton et al (2005) refer to both 'institutionalisation' and 'legitimation' as key variables that underpin democratic consolidation. Institutionalisation is the existence of and adherence to codified rules and procedures in dispensing democratic practice. With respect to legitimation, the existence of institutional structures that supply democracy is not enough; democracy is said to be consolidating if citizens are demanding consolidation. Yet Botswana demonstrates that institutions which are defined as being outside the structure of democracy or are said to be inherently authoritarian operate within the structures of democratic institutions. The unity or convergence of opposites (parliamentary institutions and *bogosi*) in what in other traditions would manifest the reification or bifurcation of the state perhaps explain Botswana's uniqueness.

Democracy is understood to mean regular free and fair elections, enjoyment of civil liberties and political freedoms and a military that is subordinate to civil



authorities. Such a system exists in Botswana but co-exists with the traditional institution of *bogosi*. Democracy should be understood as a contested process that is evolving and ever changing. Like society, it is a dynamic process that is forever seeking to widen and deepen its frontiers. To comprehend democracy at the local level 'we need to ask ourselves not only how people understand and interpret basic democratic institutions, such as elections, but also the value people attach to [*bogosi*]' (Nyamnjoh, 2003). The fundamental conceptual issue to grapple with is that elections are one of the basic tenets of democracy, without which we cannot say we are democratising, let alone consolidating democracy. Yet *dikgosi* assume office through heredity, which is not always based on merit. A way out of this apparent paradox is that *bogosi* no longer contend for political power, the institution helps to legitimate the Westminster parliamentary system. Through their respect and influence in the rural areas *bogosi* are able to deepen democracy. For many rural people *bogosi* are not an 'obstacle to democracy, but a necessary intermediary which will ensure that change occurs in an orderly and familiar way' (William 2004, p 121). *Dikgosi* are an embodiment of identity and belonging; in the rural areas they live with their people, and their identification with government helps to legitimise government in the eyes of the people.

The basic thesis of this paper is that instead of conceiving *bogosi* and democracy, as inevitable opposites we need to reconfigure our conceptual tools and see the co-existence of the two institutions more positively. *Dikgosi* have accepted their position in the political structures of the polity. The Constitution defines them as a second chamber of the legislature without any legislative authority. *Dikgosi* are no longer contesting this position, although they would be happy with enhanced powers, but are resigned to being civil servants operating under the Minister of Local Government. In addition to accepting their advisory role on matters of tradition and culture, they have made the *kgotla* (village assembly) a way for government to communicate with the people, thereby legitimating the new governing structures. It is widely accepted that the *kgotla* is a highly respected forum and government has effectively used it to entrench itself and popularise its political and development programmes.

To say that 'democracy is the only game in town', according to the cultural values theory, is to suggest that modern values have replaced traditional ones, but in Botswana people still have multiple affiliations such as ethnic identity, which are presided over by *dikgosi*. According to the Afrobarometer data (2003), 27 per cent of Botswana identify with their ethnic group, while 42 per cent maintained a national identity. In any society 'innumerable collective entities exist to which citizens may be attached' (Dahl 1992, p 46), but such attachments do not weaken their democratic probity. To argue that *bogosi* is inconsistent with democratisation is to fall into the trap of believing that 'the development of

democratic institutions, and consequently democratisation', at least in as far as Botswana is concerned, 'are inappropriate for non-western societies' (Huntington 1991, p 22). Democracy is universal in character but in each situation is anchored in the prevailing cultural and socio-economic conditions. As a result no two democracies can ever be identical, as they are socially embedded.

*Dikgosi* can make a more profound contribution to the deepening of democracy in the rural setting. The Botswana government has come to terms with the fact that it would be a mistake to make people choose between liberal democracy and *bogosi* and, in fact, *bogosi* has embraced democracy. This discussion seeks to go beyond the simplistic notion of democratic consolidation as linear, with European practice seen as a paragon of excellence. To a large extent, democratic consolidation implies the emulation of Western ideals, but more fundamentally it is a process that is nurtured, given form and content by conditions that prevail in every society. For democracy to be relevant it has to be based on local conditions and mediated through people's dreams, aspirations and struggles. Botswana's uniqueness is testimony to this fact; its democracy is a reflection of the blending of the Westminster model and the traditional institution of *bogosi*. *Dikgosi* should be seen as intermediaries, who, in a manner different from that of civil society, 'straddle the space between the state and society' (William 2004, p 122).

With respect to liberal democratic institutions, Pippa Norris (1999), in the seminal book, *Critical Citizens*, argued that citizens may be critical of the way democracy works yet uphold it as the best form of government. In this regard, Dalton (1999) developed a scheme for evaluating the different levels of performance of democratic structures. They argued that five categories may be used to disaggregate and measure different aspects or institutions of the state. First, a democracy needs to define itself as a political community, which involves a sense of belonging to a community, priding oneself on its values and ethos and agreeing to participate in its activities. Second, regime principles refer to the defining principles of the liberal democratic state, and these principles, as espoused by Norris (1999, p 11), are civil and political liberties, political participation, tolerance of opposing political views, political opposition expressed in moderate terms, the rule of law, and respect for fundamental human rights.

Third, democracy can be conceived as an ideal and as a practice. However, since it is a symbol of righteousness and moral values it is exacting and demanding to attain. In this regard, Norris argues that it might be easy to measure the attainment of democracy as an ideal, but the most realistic way is to compare the current regime with the past regime. In most countries in Southern Africa it may be easy for people to draw a sharp distinction between present and past regimes. For instance, in South Africa, even though apartheid ended more than a decade ago, people who lived under it vividly remember it and are able to compare it

with the current dispensation. The same is true of people who lived under one-party governments, military dictatorships and personalised authoritarian rule. However, in Botswana such comparison is difficult because, since 1965, Botswana has enjoyed the democracy dividend under one democratically elected party without any difference in policy, except for leadership style. Perhaps comparison could be made with rule by *dikgosi* and the colonial administration, but such comparisons would not fit Norris's classification.

Fourth, regime institutions involve bodies such as the executive, legislature, judiciary, civil service, military, police and so forth. Institutional support refers to perceptions by the electorate of how political institutions perform. Fifth, political actors broadly defined include politicians and political leaders. These are presidents, members of Parliament, councillors, political party leaders and, generally, office bearers of political parties. The standard measure of the performance of political actors is political trust, which is measured by questions such as, 'how much trust do you have in the presidency?' 'How much trust do you have in leaders to do what is right?'

### SOCIAL CAPITAL

The seminal work of Robert Putnam, *Making Democracy Work* (1993), underlines the importance of the theory of social capital, which brings back into academic discourse issues of 'social trust', 'civic engagement' and 'civic networks' as indispensable attributes or raw materials or properties that make democracy work. Social capital is defined as attributes of social organisation that involve norms and values, virtues of trust, and networks that bond society together. Putnam found a strong correlation between 'civicness' and institutional or government performance. He argues that societies find virtue and gratification in the sense of being a community and in participation in community activities and public affairs. Putnam (1993, p 4) concludes that obligation to others, norms and values of solidarity, trust and tolerance, and gratification in being active in associational life lead to 'happiness in living in a civic community'. Fukuyama (1992) argues that different societies display different levels of social trust but in the main the 'willingness for people to trust strangers and institutions beyond the family have profound social and political consequences'. In the same vein, Newton (1999) argues that social trust has a strong correlation with political support.

Putnam (1993) uses the example of the revolving credit scheme (*motshelo*) to demonstrate how social capital is earned in society. In Botswana we can use the example of *motshelo* and burial societies and, to some extent, borehole syndicates through which people earn their money or pay their dues when their

turn comes. Apart from the legal rules that may be written into modern revolving schemes, in the traditional setting there would be an unwritten social contract which is trust that all members will honour their obligations until their turn comes to receive the contribution or pay their dues.

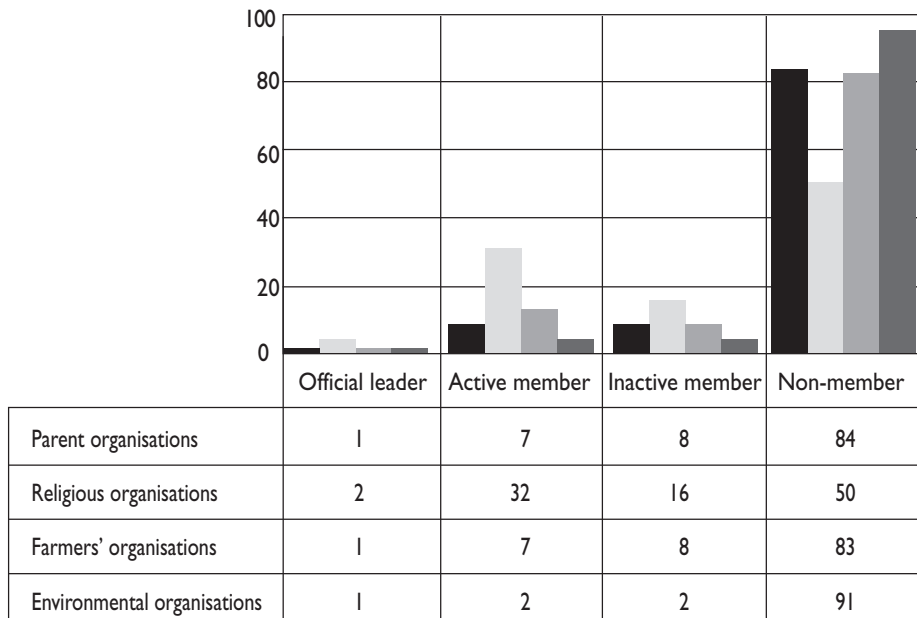
Trust is therefore a function of social capital and communities are willing to engage in common projects with the full understanding that all members of the group will meet their obligations. This trust emanates from trust that others, including strangers, will not harm you or your property or the things you treasure if they are entrusted with them. This trust can also be traced to the Tswana traditional culture of entrusting a herd of cattle, valued at hundreds of thousands of Pula, to a herdsman, in the belief that he will not steal or harm them. Perhaps more importantly, social capital is earned when people trust not only those who are personally known to them but strangers too. It relates to processes that are basic at the community level. Political trust, on the other hand, refers to attitudes to political leaders and institutions, trust in politicians and trust in institutions.

Social capital is said to be a set of social collaborations made up of the interrelationship between the norms of reciprocity, social horizontal networks and trust in the inherent goodness of people. Social capital is embodied in the social fabric of society and in relationships between people and communities. The norms of social reciprocity suggest that when societal values of honesty are internalised and accepted as social norms, deviant behaviour is shunned and despised by members of the community. As a result, individuals in their personal capacity and as members of communities face considerable social censure if they go back on what is socially accepted as the norm.

Social capital also expresses itself through networks with stronger ties building stronger networks – the stronger the networks the greater the chance that individuals and communities will cooperate for mutual gain. The re-emergence of de Tocqueville's (1968) notion of 'civic participation' underscores the centrality of cooperation and trustworthiness as virtues of a democratic citizenry. Misztal (1996, p 9) sees the revitalisation of 'civil society and an active citizenry' as an important way of realising the potential of 'cooperation, self-realization, solidarity and freedom'. Social capital enhances personal and institutional performance and efficiency, thus reinvigorating the society and the economy, and thereby making democracy work.

With the advent of modernisation as people transcend their primordial, tribal and traditional loyalties they lose the bond of family and social networks. As people move into the cities, mines, and industries, personal family and social ties are lost. It is in the wake of these that social capital emerges, not out of the 'homeboy' syndrome but out of the trust that emerges from the social networks.

**Figure 1**  
**Membership of civic organisations**



Source: Afrobarometer data 2005

Drawing on the Afrobarometer data extracted from a survey conducted in 2005, Figure 1 shows that Batswana are not active members of civil society organisations. For instance, 50 per cent said they were not members of religious organisations, 83 per cent do not belong to farmers' organisations, 84 per cent were not members of parent associations, and 91 per cent did not belong to environmental organisations. Based on these low levels of civic engagement, it is not surprising that Botswana is characterised by high levels of disengagement and voter apathy. Arising out of the empirical evidence supplied by the Afrobarometer studies, it would appear that Batswana have low levels of engagement in voluntary associations and hence low levels of social capital. The question that remains is what implications low levels of social capital have for political trust?

## POLITICAL TRUST

The discussion of political trust starts with the question 'What is trust?'. Trust is basically a dimension of relationship that exists between individuals, and between individuals and institutions. Trust can manifest itself at interpersonal and institutional levels. Myriad elements are involved in building trust: face-to-face

relationships between lovers, family members and friends; personal predisposition – some people are more trusting than others; the socialisation process; different experiences and histories; variations from country to country; and social and demographic characteristics. Hyden (1983) argues that people tend to trust their own kin, family members or tribespeople more than they do strangers or people from somewhere else. More generally, the preconditions for trust are the existence of shared values, norms and networks.

Although it is somewhat difficult to define, trust is prevalent in all forms of human interaction. It manifests itself in different cultures and the bottom line is that it is an important feature of social relationships. Simply put, trust is an important raw material for sustained and stable relationships, cooperation and exchange of ideas, goods and services. Varied and amorphous as it is, it is the central pillar of all human exchanges. Without trust individuals suffer, families break up, leaders fall, and communities perish.

Trust is essential for solving problems because it is the basis of forgiveness and the willingness to open up to the other party on the understanding that such opening up is mutual. It is also the premise on which diplomacy is based; that you negotiate on the strength of the goodwill of other parties. In this regard, trust can also be seen as a basis for building democratic values of accountability and civility. The multifaceted nature of trust has made its definition difficult but has not diminished its utility as a theoretical concept and a framework of understanding social reality. It is based on values of openness, integrity, trustworthiness and authenticity.

Politicians and the electorate are indispensable to making democracy work; mutual trust is critical to political participation and the sustenance of liberal democracy. The more citizens trust politicians, the more they are likely to vote and to participate in democratic structures and processes. In this regard, Putnam (1993) argues that involvement in civic voluntary associations in which members are engaged in collective action for mutual and reciprocal benefit is likely to build interpersonal trust. However, Putnam emphasises that such collaborative work must involve informal horizontal networks because if the networks are vertical they produce patron-client relationships.

Misztal (1996, p 2) notes that the concept of trust has evolved from the narrow traditional one of individual and interpersonal trust and has permeated the institutional sphere, measuring institutional, state, corporate and global relations. Trust has transcended the private domain and is now considered a public good. The complexities of the post-modernist era and globalisation have made trust an important unit of analysis. It informs relationships between business partners and associates. Perhaps arising from globalisation, the old models of trade and economic interactions that were defined by national boundaries have been



rendered obsolete. Now, with the emergence of a borderless world, we have to reconfigure new ways of doing business and new ways of international relations, and these relationships cannot be sustained without trust. In the new dispensation we must reconfigure the new coordinates of the nation-state. Then the challenge will be to reconfigure trust in a cosmopolitan setting.

Misztal (1996, p 2) conceives of trust as a 'substitute for contractual and bureaucratic bonds' that glue communities together; as relationships that make the electorate trust politicians; relationships that make people trust political institutions; and relationships that make people trust markets. Political trust is a manifestation of social capital. The triumph of capitalism over other economic models requires a clear perception of how it can be sustained and even managed in the era of globalisation. In the post-modern era, Misztal (1996, p 6) asserts, the dominant rationality is market economics. Although markets are good at regulating prices and the supply of commodities they seem inadequate at self-regulation. The market needs the virtues of civility, honesty, integrity and trust to work smoothly and effectively yet it cannot produce these values. Perhaps this goes to the very heart of the crisis of liberal democracy – it may be a better form of government than any imagined alternative but cannot provide social justice and equitable distribution of resources.

**Figure 2**  
**Trust in Institutions**

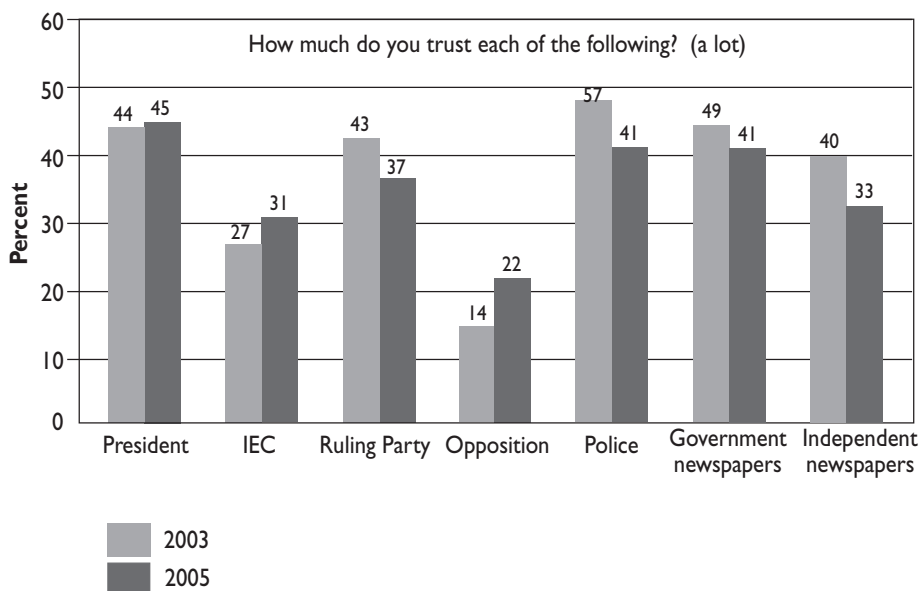


Figure 2 reflects the levels of political trust in institutions in Botswana. What is interesting is that, apart from the police in 2003, all the ratings for 2003 and 2005 are below 50 per cent. Perhaps this supports the thesis that because Botswana manifest low civic engagement and hence low social capital there is low political capital leading to low political trust. Even more disturbing is the fact that opposition parties and the Independent Electoral Commission (IEC), which are among the principal actors in a democracy, scored the lowest ratings on political trust.

### THE FUTURE OF DEMOCRACY IN BOTSWANA

Social capital, on the one hand, is a feature that relates to community social interactions which accumulate social trust. Political trust, on the other hand, relates to attitudes to and perceptions of political institutions and leaders. The two are closely related and mutually reinforcing in building lasting democratic values; they can be seen as two sides of the same coin. More substantively, the accumulation of social capital in the form of social trust leads to the accumulation of political capital, which leads to political trust. This paper explains why Botswana have low levels of civic engagement and political trust.

#### *Participation*

There is widespread agreement among democracy theorists (Rousseau 1969; Mill 1972; Dahl 1989; Held 1996; Diamond 1999) that active political participation is the lifeblood of representative democracy, which is at the heart of liberal democracy. Although there are considerable differences in the degree of political participation necessary for democracy to function effectively the common values espoused by democracy theorists are that civic engagements are intrinsically associated with a well-functioning democracy. Bratton (1989, p 552) defines political participation as a multi-dimensional process in which voting is a critical component but also includes other important activities including, among others, standing for political office, doing volunteer work in a political campaign, mobilising others to lobby policy issue, contacting or engaging an elected representative over an issue, engaging in mass action and taking part in voluntary associations.

Although political participation is a necessary but insufficient condition for democracy, it remains an indispensable attribute of liberal democratic politics. A high degree of disengagement from democratic institutions may weaken, if not paralyse, the democratic process. Political participation is not only measured by participation in elections or in institutions that are overtly political, it also manifests in civic engagement. Support for a government may be measured by the recognition that it is legitimately elected; by a willingness to comply with its

decisions, to pay taxes, and to participate in a broad array of its activities. Yet this show of support does not mean that citizens may not be critical of government and its performance. Moreover, lack of participation in political institutions does not necessarily mean a lack of interest or disengagement from politics.

**Table 1**  
**Voting Trends**  
**1965 - 2004**

	1	2	3	4	5	6
Year	Voting age population	Total registered	Total voted	% of 2/1	% of 3/1	% of 3/2
1965	202 800	188 950	140 858	93	69	75
1969	205 200	140 428	76 858	68	37	55
1974	244 200	205 050	64 011	84	26	31
1979	290 033	230 231	134 496	79	46	58
1984	420 400	293 571	227 756	70	54	78
1989	522 900	367 069	250 487	70	48	68
1994	634 920	361 915	277 454	57	45	77
1999	867 000	459 662	354 466	53	41	77
2004	920 000	552 849	421 272	60	46	76
			<b>Average</b>	<b>70</b>	<b>46</b>	<b>66</b>

Source: Election Reports

As Table 1 indicates a decline in political activity has long been a feature of Botswana politics.

A measure of political participation is that since the independence elections of 1965 Botswana has held eight other elections at intervals of five years, in a multiparty framework. Although the regularity of these elections is a feature worth celebrating because other countries opted for a one-party system we need to view elections more critically. In some jurisdictions elections were held merely to legitimise the authoritarian system that was in place. In Botswana they are held within the framework of a predominant-party system. A disturbing feature of

the Botswana elections is that, of the nine, only two – those conducted in 1965 and 1984 – returned the ruling party by a minority vote. However, if voter turnout is narrowly defined as the percentage of those who voted against those registered to vote all nine elections returned the Botswana Democratic Party (BDP) by an overall majority. Nevertheless, for the purposes of this paper, voter turnout was calculated as a percentage of those who actually voted against the eligible voting population. The results show that Botswana manifests high levels of voter apathy. Since Botswana's electoral system provides for a simple majority all these election outcomes were lawful and were a legitimate basis for forming a government. This paper, however, submits that the electoral laws should be reviewed to ensure that governments are formed on the basis of majority rule.

There is increasing concern in Botswana about a growing decline in political participation: citizens are increasingly disengaged and uninterested in politics. This state of affairs runs contrary to the widely accepted norm propounded by Dalton (1996, p 40) that 'democracy should be a celebration of an involved public'. The reality is that citizens are generally disengaged from politics. This concern is shared across the political spectrum and, in response to this state of affairs, the IEC commissioned a Voter Apathy study in 2002 to investigate the causes of voter apathy and how they may be resolved.

To be sure, the theory and practice of political participation is highly contested. Schumpeter (1950) argues for a minimalist view of citizen participation in politics, maintaining that the populace must be called upon to participate in politics only when it matters, that is, when they are called upon to renew the mandate of the political elite after five years. The argument is that between elections the elected representatives and the bureaucracy should act and decide on behalf of the rest of the population. Berelson et al (1954) and Duncan & Lukes (1966, p 161) observe that in reality less than one-third of the population is interested in politics, and many are not well informed. Based on empirical evidence, especially in developed countries, which have had more experience of democracy, there are significant declines in voter turnout at the polls (Norris 2002) and this feature is manifesting itself in Africa.

However, Mill (1972) advances the contrary argument that participation in civic life is a virtue and makes one a better citizen. He contends that in democratic politics it does not help to be a passive citizen allowing others to take decisions on one's behalf. Instead, he argues, citizens must acquire skills and get to know more about how the government works when they take part in its activities. Nevertheless, we must bear in mind that a high voter turnout does not always signify a well functioning democracy; at times a high turnout legitimises an authoritarian government, as was the case in Zimbabwe's 2005 parliamentary elections.

The Voter Apathy Study (2002) revealed an overwhelming perception that politicians assume public office not to serve the people but to enrich themselves. Participants felt politicians were interested in them only during the campaign process in order to win their votes and, once elected, forgot about them.

It would be wrong and misleading to conceive of political participation only in terms of categories and yardsticks developed in European social formations. Clearly liberal democracy as it is conceived today is the brainchild of European political experience. When we apply it to Africa, we must take cognisance of prevailing African institutions, norms and cultures. Invariably, when we talk of governance in Africa, Botswana in particular, we cannot escape recognising the centrality of *bogosi*. The big question is: did Botswana in the traditional setting elect *dikgosi*? How did the system remove from office leaders who were no longer useful? Were there periodic elections? The answer to all these questions is No! Given this state of affairs, it is understandable that Botswana do not have a culture of participation. However, Botswana participate in large numbers in their own traditional rituals such as weddings and funerals.

### *Predominant-Party System*

Elections are the most common way in which people express their political preferences, and where there is a general lack of interest in politics and people do not vote in large numbers, this would perhaps be the first indication of a malfunctioning democracy. Moreover, in a situation such as that in Botswana, where political competition returns one political party to political power election after election and opposition parties remain fractured and polarised and unable to unseat the incumbent party such competition becomes symbolic and ineffective.

However, there is nothing inherently wrong with the predominant-party system wherein one party wins all the elections. When a party is returned to power as an expression of confidence and goodwill it is a matter worth celebrating. Where the predominant party system is a manifestation of inequities on the political playing field, though, there is cause for concern. In every election some parties and candidates win, while others lose. Over time, cumulative experience of winning and losing shapes peoples' perceptions of and attitudes towards a political regime. As a result, as Norris (1999, p 219) suggests, people may feel that

representative institutions are responsive to [their] needs so [they] can trust the political system. If [they] feel that the party [they] prefer persistently loses, over successive elections, [they] are more likely to feel that [their] voice is excluded from the decision-making process, producing dissatisfaction with the political institutions.

The above quotation goes a long way to explaining why, as demonstrated in Figure 2, people tend to have more trust in the ruling party than in the opposition parties. The predominant-party system tends to reinforce these tendencies and perceptions. Holm (1987) makes the important observation that as political parties campaign and mobilise the electorate they become better known, appreciated and supported by the populace. As a result, political parties with coherent manifestos and effective campaign strategies are in a better position to command political trust. Over the years the BDP has been the ruling party and has effectively taken advantage of its incumbency to maintain a high level of visibility and contact with the people.

Its organisational structure and the resources it commands have enabled it to reach all areas of the country, including the most remote. As a result it has succeeded in cultivating high levels of political trust. As a corollary, members of the BDP are more likely to contact and trust politicians and participate in political activities. Conversely, supporters of opposition parties are probably less trusting of political institutions because, although they are allowed to participate freely in the country's political activities, they feel there are structural impediments that render their political participation ineffectual. Moreover, the break-up of the Botswana National Front (BNF) in 1998 and the continued fracture of the opposition parties and their failure to coalesce and form a credible alliance or coalition to present an effective challenge to the BDP has led to a decline in people's faith in opposition politics.

The decline in confidence in the integrity of political institutions and politicians does not emerge in a social vacuum, it is a result of trying social and economic realities in Africa. At every election the electorate is told that democracy is a process that will deliver development, bring services and better their lives. Yet once elected to power political parties renege on these deliverables and claim that economic goods and services can only be delivered by the market. This feature is characteristic of what Ake (2000) refers to as the democratisation of disempowerment – where democracy is unable to address problems of poverty, unemployment and income inequalities. The predominant-party system gives the impression of a choiceless democracy where the ballot paper lists several parties but in practice only one stands to win. In such circumstances people tend to disengage from politics

## CONCLUSION

Contrary to Putnam's notion that civic engagement leads to the creation of the social capital necessary for political participation Botswana do not participate in voluntary associations and are generally apathetic. Yet, unlike people in the rest



of Africa, they have had sustained experience of liberal democracy. But, as ably demonstrated by Norris, a decline in civic engagement is not only observed in Botswana, it is prevalent worldwide. It is also pointed out by Berelson et al (1954) and Duncan & Lukes (1966) that only a small proportion of people in the world are politically engaged and active. The conclusion I draw from their experience with democratic transition is that far from regressing, save for minor reforms that are necessary, Botswana's democracy is consolidating. I argue that a factor that accounts for its stability is its history of traditional rule, based on the democracy of the *kgotla* system. Moreover, the careful blending of traditional institutions with modern ones forms the basis of stable democratic rule.

Let me further clarify that it would be a misnomer to call Botswana's democracy consolidated – no democracy can ever be consolidated; democracy is constantly under construction and changing. Overall, Botswana has a working democracy. Although some of the democracy indicators are distressed, it would be wrong to say that her democracy is not working. I agree with the notion propounded by Norris that it is normal for people to identify strongly with democratic values but criticise the manner in which they are practised. As is the case in Botswana, people trust political institutions but remain critical of politicians.

Finally, liberal democracy manifests itself as a process that maintains the rule of law and defines the organisational structure of society and the dispersal of political power. In a liberal democratic setting the state should define or specify the limits of democratic freedom and self-actualisation of its citizens. However, with globalisation it is not clear what people are choosing when they elect a new government into office because governments have lost their power to global markets. The market has become a living reality, consumer identity has become the over-riding identity and democratic politics plays second fiddle. This impasse occurs because markets are self-seeking entities driven by profit. Governments have lost their power and sovereignty to some amorphous transnational phenomenon which is not amenable to democratic control. Far from manifesting the consolidation of democracy, this state of affairs manifests the crisis of liberal democracy, a crisis that is acute in the global periphery.

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# TRENDS IN STATE-CIVIL SOCIETY RELATIONS IN BOTSWANA

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## ABSTRACT

*The accolades that have been heaped on Botswana as a shining example of democracy and good governance in Africa have been exaggerated. While Botswana has regularly held elections since its independence in 1966, the post-colonial state's relationship with civil society reveals that some of the institutions of civil society such as labour unions and the independent press/media have been tightly controlled, in sharp contrast to others, such as human rights or women's organisations. This is because the former institutions are viewed as a threat to the status quo, while the latter are seen as compliant and playing only a legitimising role.*

## INTRODUCTION

I wonder why the government is only interested in the media industry. Why [is] there a government radio station, television and newspaper, but there is no government supermarket or construction company?

Kennedy Otsheleng  
GABZ FM Station Manager 2006

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\* The order of the authors' names does not reflect their contributions to this article, which were equal.

Botswana has been handsomely praised as Africa's leading example of multiparty liberal democracy and good governance. According to Stedman (1993) the country stands out as an exception that confounds generalisations. Botswana has held regular multiparty elections religiously since independence in 1966. An incident that perhaps underlines why the country is so highly considered occurred in 1999 when then President Festus Mogae had to declare a state of emergency, the only one in the history of Botswana, in order to recall Parliament, which had previously been dissolved, to pass an amendment to the Electoral Act to allow the inclusion in the voters' roll of the names of some 66 000 voters. The voters had been excluded when the president issued the Writ of Elections for the 1999 General Election because their national identity cards had expired. Explaining the reasons for the State of Emergency, the president informed the nation that it was not acceptable to him that so many people who had registered to vote could be disenfranchised by a legal technicality (Botswana Government 1999; Sebudubudu 2006, p 196).

For most of its post-colonial history Botswana's economy has grown by an average of 9 per cent – among the highest growths in the world – and in the mid-1980s the country was ranked as middle income. Samatar (1999) argues that Botswana has avoided the rampant corruption and mismanagement that bedevil most Third World countries and its exceptional development has taken place in the environment of a genuinely functioning liberal democratic system, in sharp contrast to the case of the Asian Tigers, whose economic miracle took place in the context of political repression. Botswana has also been classified by Transparency International as the 'Least Corrupt', by the Carnegie Endowment for International Peace as the 'Most Globally Integrated', and by Moody Investors Services as the country with the 'Lowest Sovereign Risk Rating'.

It is important, though, that these accolades are not overstated. They derive mainly from Botswana's comparison with those Third World countries where one-party states and military dictatorships have been the order of the day. In this comparison Botswana came out the best, of the worst.

It should also be noted that, since independence, elections in Botswana have been won by the same party, the ruling Botswana Democratic Party (BDP). Among the reasons for this are the use of the first-past-the-post (FPTP) electoral system, in which there is no correspondence between a party's popular support and its parliamentary representation. Thus, while in 2004 the BDP won just about 51 per cent of the popular vote, it took about 77 per cent of the parliamentary seats, while the combined opposition, which won about 49 per cent of the vote, achieved a paltry 23 per cent of seats (Botswana Government 2004).

This paper re-examines Botswana's record in the area of state-civil society relations. It argues that with the advent of the multiparty system in Africa in the

1990s, including the first ever multiracial elections in South Africa, Botswana's much vaunted democracy and good governance seem to have been overtaken by a growing tide of democratisation on the African continent. A strong and vibrant civil society should be seen as a *sine qua non* of democracy; and democracy functions on the basis of checks and balances provided in part by civil society. The fact that in Botswana civil society has remained weak calls for a more critical reappraisal that will hopefully lead to a more even-handed approach to Botswana.

### THE DEMOCRACY AND CIVIL SOCIETY DEBATE

Democracy can be defined as the 'rule of citizens' in which the people have the right to participate in the making of decisions that will affect them. This right vests in representatives who are elected at regular intervals.

Diamond, Linz & Lipset (1988, p xvi) define democracy as a system of government where there is

meaningful and extensive competition among individuals and organized groups for all effective positions of government power at regular intervals and excluding the use of force; a highly inclusive level of political participation in the selection of leaders and policies, at least through regular and fair elections, such that no major social group is excluded; and a level of civil and political parties – freedom of expression, freedom of the press, freedom to join and form organizations – sufficient to insure the integrity of political competition and participation.

According to Balogun (1997, p 237) democracy does not come about because the leaders want it to and is not likely to come about spontaneously unless the forces working for it are properly organised. One such force, and one that is critical to a *democratic* order, is civil society. Civil society, where it exists and is strong enough, provides checks and balances on the activities of the state. For Diamond (1994, p 5) civil society 'involves citizens acting collectively in a public sphere to express their interests, passion and ideas, exchange information, achieve mutual goals, make demands on the state and hold state officials accountable'. Thus, civil society refers to that realm of social relations and public participation that resides between the family and the state and is given expression in the activities of non-state organisations such as religious organisations; social clubs; social movements; free press and independent media; trade unions; professional associations; employers' organisations, trade unions, the media, and other civil society bodies (Cilliers 2004). According to Cilliers (p 43) civil society is

the social and political space where voluntary associations attempt to shape norms and policies to regulate public life in social, political, economic and environmental dimensions.

Until the advent of Huntington's democratisation 'third wave' (1991) realising these aims was an onerous task in most African countries. This was in part because the relationship between civil society and the state in Africa was not an easy one; it was largely characterised by 'concentration of state power at the expense of civil society' (Schraeder 2000, p 218). Schraeder points out that 'from the 1950s to the 1970s the state-society relationship was marked by the creation of highly authoritarian and centralised states seeking to co-opt or silence those very elements of civil society that had contributed to the independence struggles.' Civil society remained undeveloped even in 'long established' democracies such as Botswana (Osei-Hwedie 2003). In this context, in most African countries civil society was either generally weak or non-existent.

That was then. Since the 'third wave' of democratisation civil society has played a central role (and continues to do so) in ensuring the restoration of democracy (at times) under harsh conditions in a number of African countries such as Kenya, Malawi and Zambia. Gyimah-Boadi (1997, p 278) has noted that 'among the forces that dislodged entrenched authoritarianism in Africa and brought about the beginnings of formal democracy in the early 1990s the continent's nascent civil societies were in the forefront'. Osei-Hwedie (2003, p 1) makes the same point, observing that 'the transition to democracy in Africa, in the 1990s, owes a great deal to civil society's concerted pressure that led to the overthrow of authoritarian regimes'. Zambia is a case in point. 'Zambia's Movement for Multi-Party Democracy successfully pressured the government to bring about substantial reforms' which ultimately led to multi-party elections and a democracy (Zuern 2000, p 96). Despite these achievements, civil society organisations 'have experienced much greater difficulties in actually establishing a new, free and functioning democratic state and society' (Zuern 2000, p 96). With the restrictions imposed on civil society before 1989, its role in promoting more meaningful human rights and democratisation in Africa could be traced from the 1990s onwards. Given this uneasy relationship, civil society needs to protect its own turf by working within the existing constraints.

#### CIVIL SOCIETY IN BOTSWANA: FOUR CASE STUDIES

According to Carroll and Carroll (2004, p 333) 'civil society was almost non-existent in Botswana in the late 1980s, but it developed extraordinarily rapidly in both size and influence [in the 1990s]. By the turn of the century, Botswana had an

active, vibrant and influential civil society.' Civil society grew and developed to such an extent that 'by the end of 1999, [it] consisted of approximately 150 indigenous NGOs, around 50 Community Based Organizations, some 23 trade unions, and a handful of business associations' (Carroll and Carroll 2004, p 352). For Taylor (2003, p 221):

Civil society groups in Botswana are not as fully developed as in other African countries. This reality may be partly attributable to the political and economic stability that has prevailed since independence. Furthermore, the lack of any meaningful 'struggle' for independence and the concomitant absence of a tradition of questioning – combined with an essentially top-down traditional culture of acquiescence before one's superiors – may explain the relative weakness and disorganized nature of civil society.

In addition to these problems the absence of issue-based politics limits the extent to which civil society is able to fill the void left by Botswana's weak opposition parties. Most civil society organisations (CSOs) prefer to stay out of politics as they believe that it is in their best interests to do so (Sebudubudu & Osei-Hwedie 2005). Holm (1996, pp 101-107) laments the unreliable access to government leaders; the resource constrictions, mainly relating to skilled personnel and finance; and, more importantly, 'the narrow Tswana view of politics' as factors that work against the influence and institutional capacity of CSOs in Botswana. Lekorwe (1998, pp 90-91) blames the weakness of CSOs on the shortage of knowledgeable individuals to administer them and the powerful state, which dominates political interaction. Molomo & Somolekae (1998, pp 101-102) identify a lack of internal organisational management, lack of proper institutionalisation, lack of democracy and lack of accountability as constrictions making an impact on the capacity of CSOs to discharge their functions. Notwithstanding these constraints some CSOs have played a key role in promoting human rights, development and good governance in Botswana. Among them are Emang Basadi, which advances women's rights; Ditshwanelo, a human rights organisation; trade unions, and the media, especially the independent media. We shall look at each in turn.

### *Emang Basadi*

Emang Basadi Women's Association, formed in 1986 to champion women's rights, which were generally excluded from the governing process of the country, has been in the forefront of lobbying government to take women's rights seriously, especially since the Beijing Conference in 1995. The association's efforts were

originally directed to applying pressure on the Botswana government to amend all laws that discriminated against women (Somolekae 1998; Selolwane 2004).

The passing of the Citizenship Amendment Act of 1982, which violated women's rights and discriminated against them, intensified women's efforts to fight exclusion and discrimination. The law, which prohibited Botswana women married to foreign men from passing on their citizenship to their children, was enacted despite the fact that the country's Constitution outlaws discrimination (Somolekae 1998; Selolwane 2004; Osei-Hwedie & Sebudubudu 2004).

In 1995 Unity Dow, a Botswana woman married to a foreigner, successfully challenged the Act, thus prompting 'parliament to adopt and pass the Citizenship Amendment Bill which removed all gender biases' (Osei-Hwedie & Sebudubudu 2004, p 33). When it realised that its efforts were slow in yielding results, Emang Basadi, together with other women's groups, switched to the political empowerment of women. This gave rise to the production of the Women's Manifesto in 1994 (Selolwane 2004; Osei-Hwedie & Sebudubudu 2004). Somolekae (1998, p 11) noted that the intention behind this strategy was to 'sensitize women about their political rights, encouraging them to vote for candidates who are committed to addressing the issues and concerns of women'. Osei-Hwedie & Sebudubudu (2004, pp 31-32) observed that the 'launch of the Women's Manifesto in 1994 signified the start of a vigorous campaign to articulate women's rights through demands for equal political participation and representation in public decision making'. However, party loyalty in part worked against the efforts of women's groups.

Despite this, the change of strategy and the efforts of Emang Basadi have paid some dividends. Through lobbying it has succeeded in making women's rights a political issue, thus placing them on the agenda. Following the Dow case, the government 'commissioned a nation-wide study to review all laws that discriminate against women, and also ... ratified international instruments forbidding gender-based discrimination' (Somolekae 1998, p 18). Moreover, Emang Basadi has been successful 'in transforming Botswana's political landscape and culture, and in increasing the number of women in active politics' (Selolwane 2004, p 3). Furthermore, more women have been appointed to decision-making positions, including the judiciary.

Emang Basadi's efforts have also contributed to the enactment of tougher laws against rape, and to the abolition of the marital power, the latter being a significant step in the advancement of gender equality. These efforts and the ensuing changes make the organisation believe that 'without [its] efforts, the government would ignore [women's] rights. The fact that more women have been appointed to decision-making positions and are MPs, [is] testimony[y] to tangible results of [its] lobbying efforts' (Osei-Hwedie & Sebudubudu 2004, p 32). Emang Basadi has been 'the most vocal and active [organisation], and the one



that exerted the most pressure on the government and political parties' (Osei-Hwedie & Sebudubudu 2004, p 31), in so far as women's rights are concerned.

*Ditshwanelo – The Botswana Centre for Human Rights*

In a formally democratic country like Botswana human rights are generally taken for granted. This is in part because the Constitution protects human rights, especially civil and political rights. However, Ditshwanelo – The Botswana Centre for Human Rights has some apprehensions, especially with respect to the rights of the marginalised, and has, since its formation in 1993, been in the forefront of advocacy for their rights. Ditshwanelo 'seeks to educate, research, counsel and mediate on human rights issues, with particular reference to people who are marginalized and disempowered' ([www.ditshwanelo.org.bw](http://www.ditshwanelo.org.bw)).

Since its formation its key areas of concentration have been: the death penalty, HIV/AIDS and human rights, indigenous peoples (San), domestic workers, refugees, gender bias, militarism, good governance and the strengthening of civil society, as well as issues of gays, lesbians, and bisexuals ([www.ditshwanelo.org.bw](http://www.ditshwanelo.org.bw)).

Maundeni (2005, p 184) argues that 'Ditshwanelo has concerns that the Botswana government is still not committed to the protection of human rights. [Nevertheless] Ditshwanelo has not succeeded in bringing a different orientation in the thinking of government on issues of human rights.' Despite these difficulties Ditshwanelo has made an impact, putting human rights, especially for the marginalised, on the agenda. Through its efforts Ditshwanelo managed, in 1999, to 'obtain a stay of execution for two men' who were on death row ([www.ditshwanelo.org.bw](http://www.ditshwanelo.org.bw)). According to Taylor (2003, p 222) 'Ditshwanelo provides a very good watchdog service and has been critical of the government on a number of occasions.' Thus, Ditshwanelo believes that as a result of its lobbying 'the San's rights are now debated, which was not the case previously' (Osei-Hwedie & Sebudubudu 2004, p 32).

However, Maundeni (2005, p 184) further observes that 'if Botswana cannot change its orientation and adopt a positive attitude towards human rights, globalization will bring in international organizations such as Survival International', which employ 'tough tactics' in their lobbying efforts. The impact of Survival International, which has been a thorn in the government's flesh, has been felt most in relation to the issue of the relocation of Basarwa (San). Partly as a result of Ditshwanelo's efforts 'the San have also become active in spearheading their demands for their rights to land and their traditional way of life. They have [also] been helped by Survival International, which has publicized their plight in the Western world and forced government to wage a public campaign to justify their removal from the CKGR [Central Kalahari Game Reserve]' (Osei-

Hwedie & Sebudubudu 2004, p 32). The conflict between the San and the government was resolved recently by a decision of the Botswana High Court in favour of the San.

### *State-labour relations*

At independence Botswana adopted a Constitution that guarantees and protects the fundamental rights and freedoms of the individual. These rights and freedoms include the right to personal liberty, freedom of conscience, expression, assembly and association. Section 13(1) provides that no citizen of Botswana, except with his or her own consent, may be hindered in the enjoyment of his or her freedom of assembly and association and, in particular, in forming and belonging to trade unions or other associations for the protection of his or her interests.

On the face of it, this section of the Constitution gives the impression that Botswana is indeed exceptional and that unlike most other Third World countries it guarantees workers' rights and freedoms. The truth of the matter, though, is that for most of the post-colonial period state policy towards organised labour has been one of domination and subordination through various control mechanisms, but notably through labour legislation (Mogalakwe 1997). The state imposed manifold restrictions on the ability of trade unions to organise freely, and public sector workers were prevented from forming and belonging to trade unions. It can be argued that the state gave labour rights and freedoms with one hand and took them away with the other. For example, s 13(2) of the Constitution states that no law that imposes restrictions upon public officers shall be held to be inconsistent with the provisions of s 13(1) and 13 (2)(d) of the Constitution. It stipulates further that the state can also impose 'reasonable conditions' relating to the registration of trade unions.

What are these reasonably justifiable restrictions in a democratic society? Between independence in 1966 and 2004 the government imposed a virtual ban on trade union organisation in the public sector. Tens of thousands of public sector employees – civil servants in central government, local government employees, health workers such as nurses, teachers in both government-owned primary and secondary schools, technical colleges, not to mention the police and prison offices – were prevented from forming and belonging to trade unions (Mogalakwe 1997). This proscription came in through the backdoor, implied only in the definitions of 'an employee', 'employer' or a 'trade union', and 'trade dispute' as contained in various pieces of labour legislation such as the Employment Act, the Trade Unions and Employers Organizations Act (TUEOA), and the Trade Disputes Act (TDA).

According to these Acts (before the 2004 amendments) an employee meant any person who had entered into a contract of employment for the hire of his

labour, provided that the person was not a public officer or a person employed by public authority, unless he belonged to the industrial class, that is, daily-rated manual workers. An employer was defined by the Act as any person who had entered into a contract of employment to hire the labour of others. The definition included government, but only in respect of those of its officers or servants who belong to the industrial class. The Trade Unions and Employers Organizations Act defined a trade union as an organisation, the principal objects of which included the regulation of relations between employees and employers or employers' organisations, or between employers and employees.

As a result of this legal sleight of hand the Botswana government was able legally to prevent literally tens of thousands of workers from forming and belonging to trade unions on the presumption that these restrictions were 'reasonably justifiable in a democratic society'.

The government also imposed manifold legal constraints on trade union organisations and collective bargaining in the private sector. Until 2004 trade unions were hemmed in by a variety of labour laws such as the Trade Disputes Act and the Trade Unions and Employers Organizations Act. The Trade Disputes Act laid down long and complex procedures to be followed before strike action could be lawful, and empowered the state, through the Commissioner of Labour, to intervene in any labour disputes, even those not reported to him. The Act also created a system of conciliation-mediation-compulsory arbitration to break any bargaining deadlock and further insure that there was no strike action (Mogalakwe 1997). As a result, Botswana has never had a lawful strike although the principle of a legal strike has remained in the statute. The Act was amended in 1992 to allow for the creation of the Industrial Court. However, under s 7 of the Act (as amended) if the Commissioner of Labour fails in his efforts to conciliate and mediate he may issue a certificate authorising the parties to the dispute to take the matter to the Industrial Court. Previously when the commissioner failed to bring the two parties together he could refer the matter to the minister, who had the power to order binding compulsory arbitration.

Although Botswana has been a member of the United Nations (UN) since its independence and a member of the International Labour Organisation (ILO) since 1978, it was only in 1997, some 31 years after it had joined the UN and 20 years after it joined the ILO, that Botswana ratified the ILO conventions – Convention 87 on Freedom of Association and Protection of the Right to Organize, Convention 98 on Right to Organize and Collective Bargaining and Convention 151 on Labour Relation (Public Service) – which are deemed to be core to trade union rights and freedoms.

The fact that it took the country known by many as Africa's shining example of liberal democracy and good governance that long to ratify the conventions

raises questions about Botswana's brand of democracy. Just how deep is it and does it extend to industrial democracy? These questions are significant because when a country ratifies a convention or covenant it accepts the solemn responsibility to honour the obligations embodied in the convention or covenant, and thus becomes accountable not only to its own people but to the international community of countries that have also ratified those treaties. The time lapse suggests that Botswana was not ready for this kind of scrutiny.

This observation is reinforced by the fact that while the ILO gives its member states a grace period of one year to correct those aspects of their laws that curtail or infringe the rights and freedoms of workers, it was not until 2003, about five years after the lapse of the grace period, that the government began the process of amending the relevant aspects of the labour legislation to give effect to the spirit of the conventions. At the time of writing the legal process was still under way, but with no set time frame.

### *State-Media Relations*

The 1980s can be regarded as Botswana's decade of economic growth. It was then that the country was upgraded from a low-income to a middle-income country. Several independent newspapers emerged, to all intents and purposes as a spin-off of the economic growth. In the 1980s alone five independent newspapers made their appearance. They were the *Botswana Guardian* (1982), *The Examiner* (1982), the now defunct *Mmegi Wa Dikgang* (1984), the *Botswana Gazette* (1985), and the *Mid-Week Sun* (1989). The independent media continued to grow well into the 1990s, although not as rapidly as they had in the previous decade. The 1990s saw the formation of the *Francistowner*, renamed the *Voice* in 1992, and several other community or regional papers such as *The Okavango Observer* (1995) and the *Mirror* (1995). Recent additions include the *Sunday Standard*, the *Sunday Tribune* and *The Echo*. In addition, there is the *Advertiser*, a weekly that carries only advertisements and no news. Botswana also has two independent commercial radio stations, namely GABZ FM and Ya Rona FM.

All these developments are a far cry from the media landscape of the 1970s and 1980s in which Botswana had only one state-controlled newspaper, the *Botswana Daily News*, and one state-controlled radio station, Radio Botswana (both established in 1965 by the colonial administration). There are currently four radio stations (two of them state owned), two television stations, two daily newspapers, namely, the state owned *Daily News* and *Mmegi*, about 10 weeklies, three monthlies and several periodicals. Although the two privately owned radio stations are commercial, their coverage is restricted to a radius of 50km from Gaborone, the capital city. By contrast, the state-owned RB2 is a national commercial radio station.

*The political economy of the media in Botswana*

It is common cause that Botswana follows overtly pro-capitalist and free market economic and social policies, notwithstanding the fact that, compared to other pro-capitalist free market economies, it has a considerable number of state owned enterprises (SOE). The reasons for this are historical. At the time of independence Botswana offered very little to attract the private sector. Soon after independence the new government took a policy decision to create enterprises to fill the gap in private sector provision (Mogalakwe 1997). According to Mogalakwe (1997) the SOEs were created in order to kickstart the economy, which had suffered almost 80 years of colonial neglect. It is a well-known Botswana government policy position that government's interventionist economic and social policies were intended to create conditions in which the private sector might thrive, and never to stifle private initiative (Mogalakwe 1997, p 39).

This policy position was reiterated in 1996 by the current president, Festus Mogae, when, as vice-president, he pointed out that the government was 'crowding out' the private sector with its active participation in the economy, and that government would start the process of 'hiving off' to the private sector some of the services provided by the state sector to create more room within the domestic economy for the private sector to grow (Mogalakwe 1997). Subsequently the Public Enterprises, Evaluation and Privatization Agency (PEEPA) was created to give effect to Botswana's commitment to private sector development and privatisation. But in a strange twist of logic, when it comes to the mass media the government has put considerable resources into the government-owned *Daily News*, RB1, RB2 and Botswana television, thus crowding out and stifling the independent press. For our purpose, we use the *Daily News* as a case study of how the government is stifling the growth of the independent press.

Advertising revenue (ad spend) constitutes the lifeblood of the independent media. It is usually the private sector, such as construction companies, financial institutions, insurance companies, car dealers, supermarkets, shops, and so on, which, in today's competitive economic environment, want to reach consumers and sell their products by regularly placing advertisements in newspapers and on radio and television. The decision about where to place an advertisement is usually influenced by a newspaper's circulation figures, a radio station's listenership, or a TV channel's viewership. In addition to looking for a vehicle that can help it reach the maximum number of consumers the private sector wants to do that as cheaply as possible.

As Table 1 shows, about 573 500 copies of newspapers circulate in Botswana each week. The government-owned *Daily News*, published from Monday to Friday, excluding public holidays, accounts for about 325 000 (54%) of this circulation.

Table 1

Newspaper	Weekly sales	% market share (circulation)	% market share(ad spend)
<i>Daily News</i>	325 000	54	25
<i>The Advertiser</i>	90 000	15	10
<i>Mmegi</i>	39 500	8	16
<i>The Voice</i>	28 000	5	8
<i>The Botswana Guardian</i>	18 900	4	10
<i>The Midweek Sun</i>	18 600	4	5
<i>The Monitor</i>	18 000	3	5
<i>The Gazette</i>	16 500	3	10
Others (combined)	19 000	4	11
<b>Total</b>	<b>573 500</b>	<b>100</b>	<b>100</b>

With a daily circulation of about 65 000, the *Daily News* is the most widely read and therefore most influential paper in the country. Because it is owned by government it is regarded as reliable because any information that comes from government is believed to be accurate.

The *Daily News's* circulation is followed by that of the advertisement-only *Advertiser*, with a circulation of about 90 000 per week, and, at a distant third place, by the *Voice*, with a weekly circulation of about 28 000.

Given all the advantages enjoyed by the *Daily News* it becomes clear that Botswana's much-vaunted independent and free press is, in fact, a mere formality. The independent press has to struggle to keep its head above water. In the area of mass communications the Botswana government competes directly with the private sector and the independent newspapers are no match for the massive human and material resources and logistical capacity available to the government-owned newspaper, courtesy of the Botswana taxpayer. The environment in which the private sector media in Botswana operate reveals that Botswana's ideological commitment to private sector development and free enterprise has been severely tested and found wanting.

The *Daily News* is, in effect, Botswana's only national newspaper, covering almost the entire country through a network of bureaux and correspondents



operating under the government-owned and controlled press agency the Botswana Press Agency (Bopa). Bopa correspondents, although qualified journalists, operate under terms and conditions of service which effectively make them civil servants. Bopa staffers, as, indeed, *Daily News* staffers, are governed by the Public Service Act and the General Orders. More importantly, they are paid from public funds and not from the profits of the newspaper. Since the mandate of the *Daily News* is to promote government policy, it follows that it is inclined to glorify the government and, by extension, the ruling party. The other advantage it enjoys is that it does not have the normal overheads, since all these are taken care of from public funds.

In 2001/2002 the government of Botswana adopted a policy decision to 'commercialise' the *Daily News*, going against clearly stated government policy objectives of encouraging the private sector to develop. The commercialisation of the newspaper meant, in effect, embarking on aggressive marketing to take advertising revenue away from the independent press, which depends on it to pay its overheads and make profits for its shareholders. According to recent estimates the *Daily News* now accounts for about 80 per cent of government ad spend and 25 per cent of national ad spend. It must also be noted that the *Daily News* 'Advertising Department' comprises civil servants who are paid from public funds. The question is why this is so.

It began in April 2001 when the Botswana government issued economic sanctions against the *Botswana Guardian* and its sister publication, the *Midweek Sun*. The sanctions were announced in a circular letter from the Office of the President to all ministries and departments, parastatals and other private companies in which government was a shareholder, instructing them to cease advertising in the two newspapers with immediate effect. The addressees were, however, allowed to use their discretion in cases where contracts had already been signed (*Guardian* 4 May 2001). As can be expected, the announcement of economic sanctions against these newspapers was met with shock and disbelief, especially since it came from a government that is a key player in the economy in general and the media in particular.

The Botswana government has always had an uneasy relationship with the independent press. The influence of the private media in promoting governance was felt mainly in the 1990s when it exposed cases of corruption at the then Ministry of Local Government and Land and at the Botswana Housing Corporation, a state-owned corporation (Good 2002; Maundeni, Molomo, Osei-Hwedie, Taylor & Whitman 2002; Taylor 2003; Osei-Hwedie & Sebudubudu 2004). As Good (2002, p 14) argued 'the mismanagement in the Ministry of Local Government and the BHC (Botswana Housing Corporation) came to light through public controversy fueled by good investigative reporting in the independent

press. Internal government checking mechanisms were either absent or ineffective'.

Although the private media perform this important function, the relationship between them and the government has not always been cordial. The independent media have been accused of aligning with or being biased towards opposition parties. They have also been requested to respect national security (Grant & Egner 1989). The media thus operate mindful of 'the threat of government surveillance and control' (Taylor 2003, p 219). Although the government refused to disclose the reasons for the sanctions it is generally assumed that the last straw in its uneasy relations with the independent press came when the *Botswana Guardian* published an obviously sensational story about the growing influence of Botswana's Vice-President, General Ian Khama. The paper speculated that President Mogae's image was diminishing while that of General Khama was growing. The story was headlined 'The Shrinking President', with a diminutive photograph of President Mogae next to a towering picture of General Khama.

*The Guardian* took the matter to the high court, asking that the directive from the Office of the President be set aside. In his affidavit, the editor of the newspaper listed about 12 parastatals that had stopped placing advertisements in the two newspapers. The editor also alleged that government's decision was politically motivated and would have the effect of closing down the newspapers. When the judge finally ruled on the matter he found against government and, in effect, 'ordered the government to suspend its decision to cease advertising in the two newspapers' (*Botswana Daily News* 19 September 2001).

The judgement was a huge embarrassment to government and prompted its decision to find another way of silencing the independent press: by commercialising the *Daily News* and positioning it as a rival and competitor, in the hope that eventually the independent press would bleed to death.

The reasons for the government's actions should, perhaps, be seen within the context of the independent press in any democracy – a vital institution of civil society caught between the role of watchdog and that of exposing the vices of a government. In performing this role it is viewed as an agency for change, inspiring discussion among the electorate; something that may not augur well for the government of the day. On the other hand, the mass media can also be used as an agency for control; extolling the virtues of government policies. The uneasy relationship between the Botswana government and the independent press and the efforts of the government to crowd out the independent press must be seen as the battle for the hearts and minds of the electorate. The question is to what extent it can really be said that Botswana's electorate is well informed. It is probably small wonder that the same party and government have been in office for the past 40 years.

## CONCLUSION

The paper has sought to examine state-civil society relations in Botswana against the backdrop of the country's much vaunted democracy. To this end, four institutions of civil society, namely Emang Basadi (a women rights advocacy organisation), Ditshwanelo (a human rights organisation), trade unions, and the media were selected for examination.

The examination has revealed that some institutions of civil society, such as human rights or women's organisations, are doing relatively well, in sharp contrast to others such as labour unions and the independent media, which have been tightly controlled.

Why does Botswana allow some institutions to flourish while putting a variety of obstacles in the way of others? The answer lies in the fact that states invariably seek to control and limit the activities of civil society, or at least to construct boundaries within which these activities take place. Those institutions which, like Emang Basadi and Ditshwanelo, opt to work within the set boundaries are successful in most cases because they do not pose a threat to the interests of the state and are perceived as compliant and playing only a legitimising role.

On the other hand, there are institutions that try to cross state-created boundaries and bring about a 'new order'. Such institutions, represented in our analysis by the trade union movement and the independent media, are perceived as a threat to the status quo.

The independent press, dubbed the 'fourth estate', heads the list of threats to the status quo because of its tendency to 'expose' the fact that the emperor has no clothes. In the above examination of state-civil society in Botswana, the independent press has emerged as the worst off. The fact that the government has decided, in the case of the media, to abandon its cherished principle of creating conditions for the private sector to grow, instead competing directly with a fledgling independent press, underlines how this institution of civil society in particular can be a source of great irritation, even in a country that claims to have democracy and good governance.

In a multiparty system such as that in Botswana where the war for hearts and minds is so vital, the independent press plays a crucial role in informing citizens about their government's activities and the alternatives presented by the opposition. It may not be such a mystery why the ruling BDP has won every election since 1965. It is only now, with the advent of the independent press, that citizens are able to compare the parties. But, as we have shown, the government continues to keep the media under very tight control.

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## REVIEW

*40 Years of Democracy in Botswana 1965-2005*

Zibani Maundeni (ed.)

Gaborone: Mmegi Publishing House 2005, 244 pages

Democracy is a topical issue among scholars, non-scholars and the international donor community. This is especially so in Africa, where it has had a chequered history, with very few long-established and stable democracies and a high demand to safeguard and consolidate the new-wave democracies.

The fact that democracy is almost universal as a political system of governance places it at the top of the research agenda and because of its international reputation as one of the pioneers of democracy in Africa Botswana has been subjected to scrutiny to gauge whether the country has consistently maintained its status and whether its achievements can be emulated by other African states. This book celebrates Botswana's 40 years of democracy and also makes a valuable and important contribution to the literature, especially that relating to the problem of democratic consolidation.

A multi-authored book, it is enriched by the contributions of different scholars and the wide range of issues that highlight the nature, challenges, shortcoming and future prospects of Botswana's democracy. The book is divided into three sections, the first two with four chapters each, the third with six.

In chapter 1, entitled 'Botswana's democracy in a southern African regional perspective: progress or decline?', Patrick Molutsi starts by identifying the four pillars of democracy. He then goes on to analyse and compare the performance of Botswana's democratic government with others in the Southern African Development Community (SADC), using two dimensions of democracy, namely intrinsic (political) and instrumental (economic). He concludes that while Botswana has registered achievements in both the political and the economic domain, overall, its performance is no different from those of other countries in the region in the areas of employment creation, foreign direct investment and poverty alleviation. He bemoans the fact that Botswana has failed to provide leadership in the region and has been surpassed by emergent democracies in Namibia and South Africa in terms of the proportional representation (PR) electoral system and constitution building.

Chapter 2, 'Electoral systems and democracy in Botswana', by Mpho Molomo, outlines and compares different electoral systems, namely the first-past-the-post (FPTP), proportional representation (PR) and mixed member proportionality (MMP) systems, setting out the advantages and disadvantages

of each. He supports the adoption of the MMP system in place of the current exclusionary FPTP because of its inclusive nature.

In chapter 3, titled 'The organization of elections and institutional reforms', Mogopodi Lekorwe and Onkemetse Tshosa analyse the administration of elections, focusing on free and fair elections. The chapter traces the evolution of election administration from the Permanent Secretary, Supervisor of Elections to the Independent Electoral Commission (IEC). It observes that while elections have been free, their fairness remains problematic in spite of some electoral reforms. Outstanding issues include distorted delimitation of constituencies and the lack of independence of the IEC.

David Sebudubudu in chapter 4, 'Transparency and settling of disputes in the Botswana electoral system', examines the important role of election observers and monitors in bestowing credibility and legitimacy on the electoral process to promote free and fair elections. While acknowledging their role, especially that of the internationally famous ones such as the Commonwealth, the European Union and the Carter Center, he also points to their limitations. In addition, he analyses the role of the court system in settling electoral disputes. He maintains that the only drawback of the courts as dispute settlement mechanisms is the enormous cost.

Section two begins with chapter 5, 'Succession to high office: Tswana culture and modern Botswana politics'. In this chapter Zibani Maundeni situates continuity in the modern political system with respect to the election and automatic succession of the top leadership, such as the president and vice-president, within the rules of the traditional Tswana political system. This system has fostered the peaceful transfer of power in the government and the ruling Botswana Democratic Party (BDP) but denies the masses participation in choosing the leadership. However, non-adherence by opposition parties to the Tswana succession rule has bred instability, which has resulted in splinter parties.

Chapter 6, 'Voters and electoral performance of political parties in Botswana', by Mpho Molomo and Wilford Molefe, analyses the electoral performance of political parties and the role of the electorate in the promotion of democracy. It explains and bemoans the declining voter turnout and the contradictions of the predominance of the ruling BDP, which wins majority seats in Parliament with less voter support, while the opposition, over time, has garnered fewer seats, with increasing popular support.

In chapter 7, 'Organisation of political parties', Lekorwe discusses the functions of Botswana's political parties, including input, interest aggregation, integration, socialisation and mobilisation of voters. The author shows that there is more internal democracy in the opposition Botswana National Front than in the ruling BDP because of the predominant role of top party structures in the

selection of candidates in the latter and regulated competition in the former, which relies on membership participation and open contests for positions.

Mpho Molomo and David Sebudubudu in chapter 8, 'Funding of political parties: leveling the political playing field', tackle the issue of party funding, which is seen as critical to equalising political competition as opposition parties have inadequate resources. They identify several sources of funds; public, private, external, and the Democracy Fund. They see public funding for parties as one of the important reforms necessary if Botswana is to enhance democracy.

In section three, chapter 9, 'Civil society and voter education in Botswana: 1965-2004', Adam Mfundisi illustrates the importance to voter education of the participation of civil society to increase the number of people participating in elections, thereby reducing voter apathy. Critical to voter education are such organisations as the media and churches, working in conjunction with the IEC. He proposes the introduction of civic education at primary and secondary school levels.

In chapter 10, 'Civil society and democracy in Botswana', Zibani Maundeni disputes the commonly held view that civil society in the country is weak. To support his stand he presents case studies of Ditshwanelo, the Botswana Youth Council, the Teachers' Association and the Botswana Council of Non-Governmental Organizations, showing their contribution to the democratisation process using non-confrontational tactics.

Dolly Ntseane and Joel Sentsho, in chapter 11, 'Women's representation in parliament and council: a comparative analysis', discuss the unequal gender representation in Parliament and council, in spite of national, regional and international strategies to promote equality. The decline in women's representation in politics is attributed to a number of factors, namely inadequate resources, an absence of appreciation of women's capabilities, and a lack of party commitment to and training for women candidates.

Chapter 12, 'Youth and electoral participation in Botswana', by Tidimane Tsabane, shows that the youth exhibit low levels of participation in the electoral process in spite of their large numbers as a proportion of the population. He identifies traditional culture as the cause of apathy among the youth and argues for socialising agents to inculcate a participatory culture.

In chapter 13, 'Women in party politics', Dolly Ntseane traces the development of the women's movement since independence, focusing on the efforts of Emang Basadi and the Botswana Caucus for Women in Politics' (BCWP) to promote the political rights of women. A special achievement is the women's manifesto sold to political parties. However, numerous obstacles hamper the progress of the BCWP such as party leaders' reluctance to allow their members to join the organisation, party politics, lack of good governance within the

movement, the suspicion of male politicians, limited capacity and the unwillingness of rural women to join the movement. Ntseane also identifies the challenges women politicians face in Botswana. These include socio-cultural factors and lack of education and information. In this respect, she recommends legal reform, education, lobbying, and economic empowerment, among other things, to overcome the challenges.

In chapter 14, 'Conclusion: re-considering democracy in the southern African region', Zibani Maundeni pulls together the arguments covered in the chapters, contesting some of those relating to the negative consequences of the FPTP electoral system, the calls for the PR system, party funding, the unimpressive performance of Botswana's democracy and the prospects of the opposition taking over power.

While taking cognisance of the fact that the book reflects the authors' research preferences and their desire to isolate the shortcomings and future prospects of Botswana's democracy, I must point out some gaps and develop my arguments to augment the discussions in the book. Gaps are natural to any undertaking, even in well-written chapters, especially when the topic under discussion is democracy, which is very broad.

The most significant gap is the absence of a conceptual or theoretical framework of democracy that includes definition, typology and process. The conceptual framework could serve as the first or introductory chapter to guide the flow of discussion of the chapters. The conceptual framework could then be used to gauge the perceived shortcomings, challenges, and prospects for consolidation which are the preoccupation of the contributors.

Democracy as a process can be incremental, incomplete, or prone to reversals. In this respect, theory could be matched with actual democracy in Botswana. Conceptual and theoretical clarification of democracy and its consolidation process becomes critical in view of the controversies associated with different definitions, types and conceptions of democratic enhancement.

The idea of democracy has changed over time and has been reconceptualised in both analytical and concrete terms. The definition of democracy that emphasises alternation in power has prompted Przeworski et al (2002) to disqualify Botswana as a democracy because there has been no alternation of power. Equally, using Huntington's definition of the second election turnover test, Bratton (1998) remarks that in countries where the incumbent party retains power it is hard to judge the extent to which elections contribute to consolidation of democracy, and whether a smooth transfer of power would take place if the opposition were to win an election. However, it might be feasible that Botswana's democracy is unique as it mixes Tswana culture with elements of liberal democracy. Furthermore, a theoretical discussion of democracy is also important, in my view, as the book serves as an academic text.

Save for Patrick Molutsi's chapter, the book focuses heavily on electoral democracy, to the exclusion of other aspects of democracy, such as institutional, which are necessary for a balanced view and holistic picture of democracy in Botswana. Apart from a very brief discussion by Mpho Molomo, there is no analysis of Botswana's parliamentary democracy – one of very few on the continent.

Although Botswana is categorised as a parliamentary democracy it does not have a pure parliamentary system but a mix of parliamentary and presidential elements 'in which the president occupies the dominant power position' (Holm 1996, p 101). Shugart & Casey's (1992, p 24) hybrid of president-parliamentary system encapsulates all but one of the features of Botswana's system of government because its president is indirectly elected by Parliament. Three other features of their hybrid cover the executive-legislature relationship in Botswana – the appointment and dismissal by the president of Cabinet ministers, the subjection of ministers to parliamentary confidence, and the president's power to dissolve the legislature. Parliament is constitutionally sovereign and is therefore expected to check the executive to ensure that it is accountable to the citizens. It can pass a vote of no confidence in the Cabinet, of which the president is part. In reality, the Cabinet and bureaucracy occupy stronger positions than Parliament (Holm 1996; Wallis 1989).

The title of the book deludes one into expecting a discussion of the evolution of Botswana's democracy in the past 40 years. Both the title and Botswana's international reputation demand that some concerted effort be devoted to explaining the uniqueness and longevity of the country's democracy by highlighting the positive aspects and the fact that the past informs both the present and the future.

Patrick Molutsi's assertion of Botswana's failure to provide leadership in championing democracy in the region brings in the issue of Botswana's foreign policy. I would argue that the reluctance could be the result of a pragmatic foreign policy and the realisation of the limitations of its size, as well as an appreciation of the costs of leadership. Botswana has chosen instead to focus on a small regional grouping, the Southern African Customs Union (SACU), concentrating on economic matters rather than democracy by spearheading the renegotiation of the SACU agreement.

The recommendations on party funding and electoral reform are informed by experience within the region which suggests that funding has neither prevented the emergence of the dominant party system nor greatly advantaged opposition parties. In South Africa, which has party funding, and Zambia, which does not, the outcome for the opposition is the same. This indicates that there is more to opposition incapacity than state funding of parties or the electoral system.

Literature suggests that the weakness of the opposition in Africa, Botswana included, is the result of a combination of factors, some of which are internal to opposition parties. Fragmentation, factionalism, organisational incapacity, mobilisation deficiencies and inadequate and unskilled human resources confound the political opposition as much as do the predominance of the ruling party and government. Similarly, the transfer of power from the ruling to the opposition party in Zambia in 1991 and Malawi in 1994 indicates that the FPTP system does not preclude a change of government as long as the opposition secures strong electoral support.

Because Botswana has a long tradition of transparent and credible multiparty elections, internal and external election observers and monitors were, for some time, not believed to be necessary. This accounts for the late introduction and limited number of observers and monitors. The relatively limited amount of controversy over the electoral process suggests that the election administration facilitates free and fair elections. Large contingents of observers and monitors are common to new democracies, such as Zambia, which are characterised by suspicion, mistrust and violence.

Contributors share the belief that there are shortcomings in Botswana's democracy and Mpho Molomo goes to the extent of suggesting that the 2009 election might trigger a crisis similar to that in Lesotho if the country does not change to the MMP or PR. I would argue, more along the line of Zibani Maundeni's argument on tolerance, that the Botswana government's ability to accommodate suggestions from the opposition parties, as in the case of the creation of the Independent Electoral Commission; the reduction of the voting age from 21 to 18; the provision of absentee ballots; and its willingness to adapt to changing circumstances would forestall Molomo's gloom and doom. The government has shown leadership and political will and more recently, in 2006, has alluded to the possibility of accommodating demands for electoral reform if it is in the national interest.

The situation of women and youth reflects a clash of Western (human rights) and African cultural values (sexual and role differentiation). Patriarchal culture remains the most significant hindrance to the participation of women and youth in African politics. The biggest problem, however, is how to ameliorate the negative effects of patriarchy, since culture is not readily amenable to change. Thus, for example, as in Mozambique and South Africa, it is the patriarchal state, specifically the willingness of the male president to accommodate women, not merely the PR system, that has enabled increased representation of women. Women's wings of political parties confirm the marginal position of women within party structures. The tendency of parties to let women compete against each other during party primaries and parliamentary elections fosters division and goes



against the spirit of sisterhood which is critical to the unity necessary to fight the challenges facing all women politicians. The proposal of affirmative action biased towards women appears to be losing credibility internationally with the move to competitiveness and achievement oriented norms. The intensification of political competition for positions lessens the chances of preferential treatment for females.

Zibani Maundeni's assertion that Botswana's civil society is not weak reflects, I would argue, the small number of case studies selected; the growth and better organisation of some associations; the emergence of more burning issues that need to be addressed, such as human rights in relation to *Ditswanelo*; and the rise of relatively new and vibrant associations like the Botswana National Youth Council (BNYC). This leads to the question of why old associations such as trades (workers') unions representing important sectors of the economy struggle to influence policy on employment and privatisation, and to push for interest group politics to take root in Africa's oldest democracy.

Dolly Ntseane's chapter shows that the women's associations are not as strong as Zibani Maundeni would like us to believe and have accomplished only a limited amount in the promotion of women's political rights in spite of their lobbying efforts. Generally, women's associations lack the political clout to influence the political system to champion gender equality.

The emphasis on (electoral) democracy, primarily participation and fairness, raises the question of how to achieve the desired goal of democratic enhancement in Botswana. Some authors have made proposals in this regard. However, change depends on the benefits and costs and should be in accordance with internal needs, which have to be balanced by regional and international developments, for example, the trend towards PR electoral system or public funding for political parties. It is therefore necessary to know society's views on reforms relating to the electoral system, the election of the president, gender equality, and youth participation. Beyond that, the question is: are social groups able to initiate and sustain pressure for democratic reform in Botswana? Kasfir (1998) suggests that prospects for democratic consolidation are partly shaped by civil society. Civil society, as currently constituted in Botswana, is not as vibrant as Kasfir demands.

The book's preoccupation with change, I would argue, brings to the fore the question of whether change should be propelled endogenously, by the internal needs of the system or exogenously, through regional or global trends. This raises the question of whether one of the two should take precedence or how to reconcile or balance them. Yet, it could also be a question of 'As good as it gets', as Ian Taylor (2003) puts it, suggesting that the current level of democracy is the best the country can attain.

The numerous and interrelated proposed reforms suggested, relating to, among others, economic performance, the electoral system, participation of

women and youth, internal party democracy, election of leaders, voter education, and party funding, are useful, but raise the problem of how to prioritise and implement them. The implication is that there is a need for further research and collaborative interaction between civil society and the state as democratic consolidation is a long-drawn-out process. The book lays the foundation and points to the numerous gaps and issues that need attention to further improve and consolidate Botswana's democracy.

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