

BOTSWANA'S 2004 ELECTIONS

Free and Fair?

By
Bertha Z Osei-Hwedie and David Sebudubudu

Bertha Z Osei-Hwedie is Senior Lecturer, University of Botswana
P/B UB 00705 Gaborone Botswana
Tel: +267 355.2733; Fax: +267 3170706
e-mail: OSEI-HWE@mopipi.ub.bw

David Sebudubudu is a lecturer at the University of Botswana
Tel: +267 355.2732; Fax: +267 3170706

ABSTRACT

The paper analyses the freeness and fairness of Botswana's 2004 elections. It argues that although Botswana's multiparty democracy has lasted longer than any other in Africa its elections are free but not very fair. The fairness of Botswana's elections has been an issue of controversy that has led to calls from the opposition for political reform. The problem lies in the fact that the election system, the electoral body and the political field work to the advantage of the party in power. The paper concludes that until these issues are addressed, the fairness of Botswana's elections will remain problematic.

INTRODUCTION

Botswana's 2004 general elections, the ninth since independence, once again returned the Botswana Democratic Party (BDP) to power. The BDP won 44 of the 57 seats in Parliament, with the opposition Botswana National Front (BNF) and Botswana Congress Party (BCP) securing 12 seats and 1 seat respectively, giving the opposition a combined total of 13 seats. The BNF was confirmed once again as the country's major opposition party and the BCP as a one-seat party. The overwhelming win affirmed the BDP's dominance and the weakness of the opposition parties. The BDP has won all nine multiparty elections since 1965, making Botswana a one-party dominant state in which competitive multiparty elections are tolerated and held regularly every five years in a free and relatively fair manner. Botswana stands out as the only country in Africa that has enjoyed an unbroken record of democratic rule.

Since the 1990s, especially with the introduction of multiparty elections in one-party regimes and efforts to universalise democracy, the international community has increasingly put African elections under scrutiny to ensure that

they are conducted freely and fairly. The Southern African Development Community (SADC) election guidelines of 2004 and international observer and monitoring missions are directed at the promotion of free and fair elections. Opposition parties in both transitional and one-party dominant systems have become vocal in their demands for and insistence on free and fair elections. Most of the SADC countries have abided by this provision and, as the Electoral Institute of Southern Africa (EISA) (2004, p 3) correctly observes, 'most SADC countries have committed themselves to upholding the fundamental rights and freedoms embodied in their constitutions as well as to multiparty elections that are free, fair, credible and legitimate'.

Nevertheless, elections that are free, fair, credible and legitimate remain a thorny issue in the SADC countries, especially in those like Zimbabwe, where the March 2005 parliamentary elections raised many questions, and the Democratic Republic of the Congo, where the civil war is yet to be fully resolved. Even beyond SADC, the recent political instability in Togo stems from allegations of irregularities and claims of not-so-free-and-fair elections. In Botswana, elections have been conducted in accordance with the electoral law but their fairness has been a subject of controversy. It is in this context that this paper discusses the 2004 elections, gauging their freeness and fairness by analysing the electoral system, election administration and party competition. The primary aim is to highlight how these three factors affected the elections.

FREE AND FAIR ELECTIONS

The words 'free and fair' have been the key among both contestants and the international community to judging the credibility and legitimacy of elections and are considered to be the basis of good governance. The requirement of free and fair elections is relevant both to Third Wave democratising countries and to stable and longstanding democracies like that of Botswana. Free and fair elections are important and necessary if the results are to have credibility among losers and opposition parties as well as international donors. In Botswana the issue of donor finance is not a pressing one but free and fair elections are necessary to the enhancement of the democratisation process, particularly at a time when the country's status as the 'shining star' of Africa's democracy is being questioned and subjected to scrutiny (Taylor 2003; Good 1997).

Free and fair applies to the whole democratic process, from the announcement of the election date through registration of voters and compilation of the voters' rolls, nomination of candidates, campaigning by candidates and parties, the secret ballot, the vote count and the announcement of results. This suggests that for free and fair elections to take place, certain conditions have to be fulfilled. These, according to Geisler (1993), include the right of the electorate, candidates and parties to participate, the right to freedom of expression and information, the right to a secret ballot, and the right of the winning candidate and party to assume power.

In practice, these conditions require that there should be no problems with voter registration and rolls and nomination of candidates, no intimidation and violence, and no buying of votes, tampering with ballot papers or switching or meddling with ballot boxes (Geisler 1993).

A much more recent requirement is the need for elections to be certified as free and fair by international observers and monitors. Forje (1997) and Touraine (1997) identify more conditions which have to be satisfied to ensure free and fair elections. They state succinctly that free and fair elections entail equal opportunities for both parties and candidates to campaign and compete; easy access by the electorate to polling stations, with no long queues; ensuring that elections are free of fraud, irregularities and rigging; and safeguarding proper counting and announcement of votes to reflect the voters' preferences.

Geisler (1993) raises pertinent issues and controversies surrounding the notion of free and fair elections. She draws our attention to the difficulty of gauging whether conditions for freeness and fairness have been fulfilled, especially in Africa, where, for example, demographic statistics make it difficult to verify the accuracy of voter registration and rolls, inadequate infrastructure compromises the work of polling agents, and illiteracy stands in the way of a secret ballot. Also, mutual distrust between the ruling and opposition parties automatically makes the electoral process flawed. While cognisant of lack of agreement on what constitutes a flawed election, Geisler (1993, p 613) identifies two major threats to free and fair elections: lack of 'commitment of African leaders to democratic standards' and 'the use of state machinery' in favour of the leader and his or her party.

Elklit and Svensson (1997) acknowledge the difficulty of providing precise guidelines for assessing elections. Nevertheless, they suggest a 'checklist' for the assessment of elections as free and fair, including, among other points, freedoms, the election act and electoral system, an impartial election commission, access to public media and polling stations by both voters and candidates, no misuse of government resources for campaigning, and timely and impartial counting and announcement of results. The checklist includes all events before, on and after polling day (Elklit and Svensson, 1997). They stress conformity to electoral laws and regulations as one of the yardsticks for the acceptability of elections. Free and fair elections are even more difficult to assess in a one-party dominant system like that of Botswana because of the advantages of incumbency and unequal competition between parties which makes it almost impossible to replace the party in power.

While Botswana qualifies as a liberal democracy because it has had relatively free and fair elections since independence and there is multiparty competition, the rule of law and universal franchise (Doorenspleet 2003; Molomo 2003; Venter, 2003; Van de Walle 2002), it fails the crucial test of alternation of power. The electoral predominance of the BDP that has resulted in a lack of alternation of power has prompted Przeworski et al (2002) to disqualify Botswana as a democracy. Similarly, Botswana fails the consolidation test required by Huntington's, quoted in Bratton (1998), two-turnover test, which requires a change of leadership in successive

elections. Botswana is neatly characterised by Bratton's (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. This suggests that elections in Botswana have become a ritual and routine way of legitimising the ruling party, which is guaranteed a win. However, other factors, like good economic management and a fragmented and weak opposition, have endeared the BDP to voters in spite of glaring socio-economic inequalities.

The situation in Botswana is not exceptional – the predominant party system seems to be the trend in Southern Africa, as shown in Zimbabwe since 1980, Namibia since 1990, Zambia since 1991 and South Africa and Malawi since 1994. Thus, the insistence by these authors and others like Lodge (1999) on alternation of power as the best measurement of consolidating democracy suggests that the prospects for deepening and sustaining democracy in the region are dim (Venter 2003).

THE ELECTORAL SYSTEM

Electoral outcomes are largely determined by the electoral system. Since independence Botswana has used the first-past-the-post (FPTP) or simple majority electoral system to determine the winners of elections. In terms of the FPTP system, elections are contested on a ward or constituency basis. The candidate who obtains a simple majority in a ward or constituency wins the seat. The system, which attaches representatives to constituencies, thus ensuring accountability, is credited with producing predominant party systems and stable governments. However, it also has the negative effect of sidelining opposition parties (Molomo 2000) and it alters the relationship between seats won and the votes each party received (Jackson and Jackson 1997; See also Table 1). Elklit and Reynolds (2002, p 104) contend that in Botswana 'the electoral system over-represents the governing BDP, under-represents the fragmented opposition and fails to provide the space needed for new parties to insert themselves into the political discourse'.

For example, in the 2004 elections, the BDP won 53 per cent of the vote but 77 per cent representation in Parliament; the BNF won 23 per cent of the vote and was allocated 21 per cent of parliamentary seats and the BCP won 18 per cent of the vote and only one per cent of the seats (IEC 2004; *Botswana Guardian* 5 November 2004, p 3). However, according to Elklit and Reynolds (2002, p 104) 'unease with the electoral system has not been translated into dissatisfaction with the administration of elections themselves'.

The predominance of the BDP is largely the result of an electoral system which favours the winner and excludes the losers, mostly opposition parties, and punishes women candidates most because they do not fare well at the polls. The four BDP women in Botswana's Parliament represent 9 per cent of the 57 members of Parliament, well below the 30 per cent SADC requirement for women in political and decision-making positions by 2005 (SADC 2001, p 54).

Table 1
Percentage of Seats and Votes Won by Parties in Elections in Botswana, 1965-2004

	1965		1969		1974		1979		1984		1989		1994		1999		2004	
	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes
BDP	99	80	77	68	84	77	91	75	82	68	91	65	67	55	83	54	77	53
BNF			10	14	7	12	6	13	15	20	9	27	33	37	15	25	21	23
BPP	0	5	3	6	2	4	0	4	0	3	0	2	0	4				
BIP	0	5	3	6	2	4	0	4	0	3	0	2	0	4				
BAM															0	5	0	
BCP															2	11	2	18
NDF																	0	1
Other	0	1	0	0	0	1	0	0	0	2	0	2	0	0	0	0	0	
Total	99	99	100	100	100	100	100	100	100	100	100	100	100	100	100	95	100	95

SOURCE: ADAPTED AND RECALCULATED FROM MOLOMO (2003); *BOTSWANA GUARDIAN* 5 NOVEMBER 2004; IEC, 'ELECTIONS 2004', [HTTP:// WWW.IEC.GOV.BW/](http://www.iec.gov.bw/)

However, an opposition party, if it is sufficiently strong and effectively challenges the ruling party, can win elections under the FPTP electoral system as examples within the SADC region, for instance, Zambia, illustrate. Thus, electoral alliance and reform alone are no panacea and cannot guarantee a win for the opposition if they suffer from credibility problems in the eyes of voters. The only argument for the reform of the FPTP system, which has worked so well since independence, is the need for increased inclusion of the opposition and women in the political system, as is the case in other SADC countries. This is contrary to the view that the opposition is a government in waiting.

The proportional representation (PR) system, which many are advocating, has its own disadvantages which are detrimental to democracy. Jackson and Jackson (1997, p 374) maintain that it 'has the potential to destroy democracy from within by creating a fragmented, multiparty system ... may also give rise to extremist or narrow-interest parties ... all cabinets must be based on fragile coalitions of parties ... [it] promotes cabinet instability and increases the possibility of government problems'.

The 'unfairness' of the FPTP system prompted the opposition in Botswana to lobby the government to reform the electoral system. Thus, while the BDP's manifesto was silent on electoral process, those of all the opposition parties made it their priority. The Pact proposed the use of PR and the BCP and the New Democratic Front (NDF) a blend of FPTP and PR (BCP Manifesto 2004; BDP

Manifesto 2004; NDF Manifesto 2004; and Pact Manifesto 2004, p 4). The Pact argued that FPTP 'does not reflect the political preferences of the electorate and thereby creates a feeling of exclusion amongst those who vote for the opposition (Pact Manifesto 2004, p 4). At the All Party Conferences in 2000 and before the 2004 elections the opposition made representations to the President for electoral reform, with no success. The BDP government has thus far not seen the need to change the electoral system. According to Molomo (2000), the faction of the BDP that is opposed to reform and wants to retain the FPTP electoral system appears to be led by Ian Khama, vice-president of Botswana and former Chief of the Botswana Army. He is also Paramount Chief of the biggest ethnic group in Botswana and the current chair of the BDP, as well as the first-born son of Botswana's first president, the late Sir Seretse Khama. Thus, he commands a lot of influence and authority.

ELECTION ADMINISTRATION

For free and fair elections to become a reality, an independent and neutral administration is essential (Elklit and Svensson 1997). Equally important is an independent judiciary capable of resolving election conflicts impartially by upholding the Constitution, including the electoral laws, without siding with the incumbent leadership (Forje, 1997; Touraine 1997). Elements of electoral administration that guarantee the legitimacy of an elected government have been present in all elections conducted since independence. The Electoral Act guides electoral administration and adheres closely to the 2004 SADC electoral guidelines ('SADC' 2004, p 12), with important variations in relation to public funding for political parties, access to state media and counting of votes.

The 2004 election was the second administered by the Independent Electoral Commission (IEC), the first being in 1999. The seven commissioners of the IEC were appointed by the Judicial Service Commission (JSC) from a list of names recommended by the All Party Conference, a loose body that promotes an exchange of ideas between all political parties.

However, the appointment of the second IEC was surrounded by controversy as the main opposition parties boycotted the All Party Conference that recommended the names to the JSC. Only the BDP and two smallest parties, the Botswana Labour Party (BLP) and the Marxist Engels Leninists and Stalinist Movement (MELS), were present at the conference. The basic problem is that the Constitution does not provide for a quorum and the number of parties that should take part in the All Party Conference (*Constitution (Amendment) Act 1977*). Therefore, the 2004 All Party Conference did not violate the law and the appointment went ahead despite the reservations. Since the IEC was appointed by the Judicial Service Commission according to the law it is legitimate. In spite of the existence of the IEC since 1998, the President has continued to issue the Writ of Elections, much to the chagrin of opposition parties who, in 2004, accused him of advantaging his party by delaying the announcement of elections.

The independence, legitimacy, credibility and capacity of the IEC are important in a democratic process to ensure fairness. Particularly important is the capacity of the IEC to adhere to the electoral rules regarding voting and counting procedures and avoiding irregularities. In discharging its mandate, the IEC is guided by the Electoral Act, which, to date, it has abided by wholly. However, capacity is key to IEC operations. In spite of having senior and middle management, and support and temporary staff (Questionnaire to the IEC 11 November 2004) the IEC is constrained by inadequate human resources. Most of its staff comprises former government employees who are already skilled as information or education officers or administrators. What remains unclear is their skill in election administration, which, in essence, raises the question of the ability of the IEC to administer elections effectively and efficiently. However, the IEC managed to staff all polling stations.

Because of the shortage of staff, the IEC depends heavily on government employees, especially district commissioners, as returning officers to conduct elections. This calls into question its impartiality, thereby undermining its credibility as the neutral administrator of elections. The other concern is whether temporary staff members are given sufficient training to administer elections effectively and efficiently. In terms of training, the IEC maintained that it prepared guides for returning, presiding and polling officers in line with relevant sections of the Electoral Act (Questionnaire to the IEC 11 November 2004). The IEC also conducted workshops for polling officers in different constituencies to prepare them for the running of the 2004 elections (*Mmegi* 20 October 2004; *Mmegi* 26 October 2004).

In addition, as a way of improving its electoral administrative and delivery capacity, the IEC has principal elections officers who are responsible for the coordination, direct monitoring, supervision and evaluation of electoral activities within constituencies, and who identify all electoral materials and distribute the materials as required (Questionnaire to the IEC 11 November 2004). In spite of the shortfall in staff, the 2004 elections, like those in the past, were not characterised by vote rigging and conflict, with the exception of a few cases that were resolved by parties not contesting the results. Although the judiciary was not involved in 2004, to date it has acted independently and in accordance with electoral laws in adjudicating electoral disputes (very few and not of great significance), and no political party has questioned its conflict resolution role. Elklit and Reynolds (2002, p 104) acknowledge that 'Botswana is notable for actually putting into practice and accepting judicial review of election disputes'.

Unlike the BDP, which is happy with the 1998 reforms of election administration in terms of the replacement of the Supervisor of Elections with the IEC, the opposition remains suspicious of the IEC and continues to question its independence and impartiality in a number of areas. The fact that the President appoints the Secretary and that IEC employees are subject to government regulations and are recruited from the government raises questions about the impartiality of the body.

Election observers added their own views on the lack of independence of the IEC, thereby buttressing those held by opposition parties. For example, some of

the SADC election observers pointed out that IEC employees are governed by government general orders (Radio Botswana News, 27 October 2004). However, the IEC believes that it is independent, as it does not take instructions from any person or authority in discharging its duties (Questionnaire to the IEC, 11 November 2004).

Undoubtedly, voter apathy disenfranchises voters and constrains the functioning of the IEC. Voter participation in Botswana is lower than in other countries in the SADC region that have recently introduced multiparty democracy (IEC 2002). This apathy is likely to threaten the enhancement of democracy. Voters are generally dissatisfied with the representative role of almost all politicians (except the President, who, according to the Afro Barometer Research, received a positive rating). Voter apathy disenfranchises voters because the electoral system creates a disproportionate relationship between votes and seats; constitutional exclusion of a large number of people who are expected to be politically neutral and non-partisan; lack of funding for political parties, which limits the ability of the opposition parties to reach out to all voters countrywide; and absence of fixed terms of office for MPs and councillors as voters see the same candidates contesting every election even when they do not deliver on promises made during campaigns (IEC 2002, pp 6-7).

The problem of voter apathy contributes to the rising costs of conducting elections in Botswana as the IEC is forced to spend a considerable amount of money and time on voter education. For the 2004 elections, the IEC conducted voter education in partnership with local civil society organisations and external organisations and donors. With the financial support of the Fredrich Ebert Stiftung, the IEC conducted a Faith Sector workshop to persuade churches to impress upon their followers that they should vote. Similarly, with financial sponsorship from the British High Commission and the Electoral Institute of Southern Africa (EISA), drama performances were staged in various places throughout the country. The British High Commission financed 14 such drama programmes (Questionnaire to the IEC, 11 November 2004). These concerted efforts at voter education and extension of voter registration paid some dividends and were an improvement on past efforts. However, in spite of all these efforts at combating apathy, a few days before the elections some voters were still doubtful about voting. One of the major reasons for this lack of interest is that politicians, irrespective of their party affiliations, are perceived by the voting populace as self-seeking individuals.

Although the IEC reported that there was an improvement in voter turnout, with 76 per cent of registered voters casting their votes in the 2004 general election (Questionnaire to the IEC, 11 November 2004), it seems that their efforts in regard to voter education and supplementary registration did not decrease voter apathy and disenfranchisement: of the estimated 920 000 eligible voters only 552 849 registered to vote and, of these, only 421 272 cast their vote (Republic of Botswana, 2004). The only consolation was that the number of registered voters, 552 848, surpassed that of 1999, which was 459 662 (Tsie 2002). Similarly, the election results revealed that most parties had registered a decline in the popular vote, with the

major opposition party recording a significant drop. For example, the BDP's support declined from 192 598 votes in the 1999 elections to 192 020 in the 2004 elections, a drop of 578 votes. The BNF vote fell from 87 457 in the 1999 elections to 84 987 in the 2004 elections, a huge difference of 24 470. Only the BCP increased its support, from 40 096 in 1999 to 63 911 in 2004, an increase of 23 815 (*Botswana Guardian* 5 November 2004).

Administrative errors also contributed to voter apathy and disenfranchisement. The accuracy of the voters' roll and problems associated with it were issues of concern. For example, in September 2004, the magistrates court in Selibe Phikwe disqualified and removed some voters from the voters' roll as they were not properly registered. The disqualified voters faced possible prosecution in line with s 144 of the Electoral Act that makes it an offence for a person to give wrong information to a registration officer (*Dailynews* 2004). Similarly, a day before the poll, a magistrate court in Gaborone affirmed that 16 people were not lawfully registered and their names were struck off the Gaborone Central constituency's voters' roll (*Mmegi* 29 October 2004). However, the IEC pointed out that there were few cases of irregularities in voter registration and that the incidents that resulted in the disqualification of voters were primarily cases of voter trafficking – registration of voters in areas other than their residences (Questionnaire to the IEC 11 November 2004).

Voting procedures, especially easy access to polling stations and the absence of long queues, create an atmosphere conducive to free and fair elections. Elections in Botswana, in general, are peaceful, and free and fair in so far as they conform to the country's electoral laws. The 2004 elections were no exception. Undoubtedly, the elections were conducted in a cordial atmosphere and were devoid of intimidation or violence. However, two hitches seem to have occurred during the 2004 elections, which were not characteristic of past elections. The first was the long queues. A local newspaper quoted one voter as saying that he had spent six hours and twenty minutes in the queue (*Mmegi* 2 November 2004). In another instance, one voter spent one and half hours in a queue, and another four hours in the queue before voting (Interviews 2004).

The reason for the long queues was delays caused primarily by the fact that presiding or polling officers had to explain to voters the procedure involved, first in the case of parliamentary elections, then in that of the council elections. Section 55(b) of the Electoral Act authorises election officers to assist a voter by 'informing him of the procedure he should follow after entering the polling booth' (Electoral Act, CAP 02:09:27). The provision allowing voters to be helped is a catch-22: on the one hand it assists the 'illiterate' voter to make a choice, on the other, as Geisler (1993) vehemently contends, it undermines the freeness and fairness of the vote. Elklit and Svensson (1997), however, support assisted voting as long as it is impartial. Still, questions remain. How free and fair is the vote of an aided voter? How impartial is an assisted vote when there is a possibility of the helper influencing the voter? Unfortunately, long queues tend to discourage people, especially young ones with

little patience, from voting and contribute to voter apathy and disenfranchisement, as people are likely to leave the queue and not return to vote later. Since election day was not a public holiday many were forced to leave to return to work before they had a chance to vote (*Mmegi* 2 November 2004).

The cost of voting for residents outside the country was prohibitive, which excluded potential voters. External voting was held on 16 October 2004. Of the 2 430 external voters, only 1 207 managed to cast their votes (*Monitor* 25 October 2004). Unfortunately, the IEC, partly due to resource constraints, could not provide the number of polling stations required by voters outside the country. This led to complaints from voters, especially in the United States, where they were allotted only two polling stations, a clearly inadequate number given the size of the country.

Delays in the voting process and the announcement of results and the contestation of some results reflect negatively on the capacity of the electoral commission to administer elections expeditiously and effectively as well as efficiently. The announcement of results ended on the Monday, two days after the voting, a delay not experienced in the past. The main reason for the delayed results was that votes were counted manually and at designated points, as provided for in the Electoral Act, CAP 02:09. It is also possible that the increase in the number of constituencies from 44 in the 1999 elections to 57 in 2004 added to the burden of counting and tabulating results.

For the rest, as in previous elections, there were a few alleged irregularities. For example, the BDP claimed irregularity in the Gaborone Central constituency, where its candidate lost by a narrow margin of 91 votes, with 101 votes allegedly unaccounted for. Similarly, the BDP alleged irregularities in the counting of votes in council elections in the Maun West constituency, where its candidate lost to the Pact (Botswana Alliance Movement (BAM)) (*Mmegi* 2 November 2004). Interestingly, it was the ruling party, not the opposition parties, that complained of irregularities, which in itself would seem to attest to the autonomy of the IEC.

Asked to comment on complaints of irregularities in the administration of the 2004 elections, the secretary of the IEC responded that he would deal with the BDP's complaint when it was presented to the IEC or the High Court. The BDP subsequently withdrew the complaint after the losing candidate was appointed a specially elected MP and a Cabinet minister. The secretary also admitted that a few isolated cases of irregularities related to the interpretation of the Electoral Act were reported by some political parties after polling day and that a 'procedural case' related to the counting process and the announcement of results. Some parties disagreed with sections of the electoral law, resulting in misunderstandings with returning and polling officers. Other minor problems were delays in the finalisation of the voters' roll and the long queues on election day.

The IEC's belief that the elections were free and fair, an observation supported by different observer mission statements (Questionnaire to the IEC 11 November 2004), was not endorsed by opposition political parties, which, at a workshop designed to evaluate the IEC's performance during the 2004 elections, reiterated

that the IEC was not independent and that the elections were not fair (*Botswana Guardian* 26 November 2004). However, the 2004 elections appeared to reflect the people's preferences and bore out the predictions of both local newspapers (*Midweek Sun* 27 October 2004; *Monitor* 25 October 2004) and the mid-2004 opinion poll conducted by the Democracy Research Project (DRP) of the University of Botswana, that the BDP would win (*Mmegi* 24 June 2004).

PARTY COMPETITION

Botswana's multiparty system is characterised as a dominant one-party system, with a multiplicity of registered opposition parties – twelve in all. The large number of opposition parties, the lack of alternation in government, and voter apathy because opposition supporters see the electoral process as a closed one with little chance of their parties forming the government, partly explain why the ruling BDP has been returned to power with a substantial majority in every election since independence. Six political parties contested the 2004 elections. They were the BDP and five opposition parties, the BCP, BNF, Botswana Alliance Movement (BAM), Botswana People's Party (BPP) and the New Democratic Front (NDF). The BNF, BAM and BPP formed a Pact and agreed not to challenge each other. The other two opposition parties opted out of the Pact.

The BDP fielded candidates in all 57 constituencies, as has been its practice in every election, and had the maximum number of candidates for all 490 council seats. Two major opposition parties fielded the highest number of candidates ever – 54 for the Pact and 50 for the BCP. The NDF fielded 12 candidates. Members of Parliament indirectly elect the president. Only four presidential candidates were nominated in the 2004 elections: F Mogae by the BDP, O Koosaletse by the BCP, O Moupo (who is BNF president) by the Pact, and D Bayford by the NDF. In addition to being presidential candidates, Koosaletse, Moupo and Bayford stood as parliamentary candidates. They all lost to BDP candidates. Their defeat raised questions about their leadership credentials in the eyes of voters. The Chief Justice declared F Mogae the winner, for his second term, when the BDP secured 32 of the 57 constituencies.

One of the requirements for free and fair elections is a level playing field for parties, allowing them equal opportunities to campaign and compete. This means that competing parties should have adequate resources to campaign and equal access to the public media (Elklit and Svensson 1997). With regard to party campaigns, the issuing of the Writ of Elections by the President riled the opposition, who accused him of advantaging his party by delaying the announcement of the date of the elections.

Botswana's elections have not been characterised by violence and the 2004 elections were no exception. This is largely attributable to the Tswana culture, which does not condone extremes. Holm (1996) argues that the Tswana culture rests on community consensus, which is based on non-violence, moderation and public

discussion. That said, elections in Botswana have not been entirely conflict free. For example, in the last few days before the 2004 elections the BDP accused certain opposition parties, especially the NDF, of intolerance over the use of a freedom square (Diswinking) in Gaborone South Constituency. The BDP reported the matter to the IEC. However, the IEC has no powers to deal with such cases. The BDP brought the same matter to the attention of the SADC observer team. A similar incident occurred in 1999 when members of the BNF clashed with BDP supporters over the use of the same freedom square (*Botswana Guardian* 29 October 2004).

Such confrontations, which have never resulted in serious clashes and have been quite rare, are compounded by the fact that political parties do not require a police permit to hold a political rally once a Writ of Elections has been issued. Before the writ is issued, political parties are required to apply for a police permit to hold a political rally. These permits regulate the schedules of political rallies and normally do not allow them to go on later than 6 pm. However, once a writ has been issued, rallies can go on into the night.

In 2004, as in all elections, the ruling BDP's strong resources, both financial and organisational, gave it the advantage over its opponents in electoral campaigns, the distribution of its party manifesto, mobilisation of voters and its ability to sponsor candidates in all constituencies (Osei-Hwedie 2001). However, there are several indications that the organisational and financial capacity of the opposition parties had improved tremendously by 2004, hence their confidence that they could secure enough seats to form the next government. Opposition parties fielded higher numbers of candidates in 2004 than they had in any past election and were able to mount huge billboards and posters in the Gaborone area. For the first time in Botswana's electoral history, three things happened which suggest a more level playing field: more parties presented their manifestos to the electorate, the electoral alliance of opposition parties remained united, and the media covered the electoral campaigns of all political parties. This is in line with Bratton's (1997) requirement for improvement in the quality of subsequent elections.

Although the BDP, BCP, the Pact and the NDF all presented manifestos to the electorate only the BDP was able to produce enough copies of its manifestos (in both English and Tswana) to circulate throughout the country (IEC 2002). This undoubtedly gave the BDP an edge over the opposition parties. In the 1999 elections, only two other parties produced manifestos, while prior to that no opposition parties had done so. The BDP's 2004 campaign was fought under the slogan 'There is still no alternative'. The BCP used the slogan 'Botswana can and must be better' to woo voters to its side; the Pact, 'Together we shall deliver'; while the UDF had no specific slogan. The manifestos had one thing in common: all parties aspired to national unity, greater economic growth and sustainable development for Botswana.

In the 2004 elections the Pact remained coherent, with a single presidential candidate and agreement on the distribution of constituencies among Pact members, although the numbers favoured the major opposition party, BNF, which contested a total of 41 out of 54 seats (*Botswana Guardian* 8 October 2004) and fielded the

highest number of candidates relative to the other opposition parties. This contrasts sharply with the 1999 elections when BAM, an electoral alliance of opposition parties, failed to co-opt the BNF to contest the elections on a common platform.

Unlike in previous elections, media coverage of the 2004 election campaign was accommodating of opposition parties. In an effort to avoid and respond to the opposition parties' criticisms and accusations of a BDP monopoly, the government allowed the public media to cover both the ruling and the opposition parties. For example, radio discussions involved candidates of all political parties, enabling them to address their constituents; Botswana Television broadcast rallies of both the ruling and opposition parties and debates and the presentation of the views of representatives of most political parties, and the government *Dailynews* covered opposition parties' activities as well. However, the BDP continued to get most of the coverage by virtue of its incumbency, as the government owns and controls the public media.

The private media covered opposition campaigns and were instrumental in exposing scandals involving BDP officials, for example, the land commission and recent reports of the financial woes of the BDP's secretary general. However, there were times when the government influenced the stories covered by the private media by threatening to sue or to withdraw advertising from media that carried stories critical of the government and the party. Limited circulation and the fact that most of the private media are English language publications limits the role of the private press as appropriate sources through which opposition parties can transmit their ideas to voters.

The issue of public funding, though controversial, is seen to be critical to levelling the playing field and is said partly to determine the nature of Botswana's multiparty system as lack of resources undermines the opposition by weakening their organisational and campaign capability. Funding is of central importance in an electoral contest because 'without money in politics, competitive multiparty democracies could not function, nor could their governments operate. Like a form of free speech, political finance is linked to the health and strength of a democracy' as it 'affects the equilibrium of democracy' (United States Agency for International Development 2003, pp 1, 7).

In Botswana, the law does not provide for public funding of political parties but it does not prevent parties from soliciting funds from both internal and external sources. The absence of public funding of elections, together with apathy and good economic management by the BDP, have prevented the opposition from mounting an effective electoral challenge. The IEC (2002, p 7) concludes that lack of public funds for the opposition results in leaders 'owning' parties and in poor party governance. This, according to Sebudubudu (2003), is primarily because the ruling party has access to a variety of sources of funding while opposition parties are under-resourced and their sources of funding are frequently unreliable. The opposition parties, through the All Party Conference and direct appeals to the President, pressured for the introduction of public funding. However, the BDP has

so far resisted as it has plenty of resources and benefits from the current arrangement. Interestingly, unlike in previous elections, there were no revelations of any party receiving external funds for the 2004 electoral campaign. Even so, the BDP was able to buy some 57 vehicles for use in its campaigning (*Botswana Guardian* 30 July 2004). The local media failed to reveal what opposition parties had spent on their campaigns.

With respect to the nomination of candidates, fewer women and youth were nominated in the 2004 elections than in previous elections, with only 16 women parliamentary candidates among a total of 178. The BDP fielded the highest number – 8, the BCP 2, the NDF 1, the BNF 4 and MELS 1. The remaining parties did not nominate any women. The marginalisation of women and youth is strongly rooted in the patriarchal culture of a society that excludes them from politics and is reinforced by the intra-party democratic dispensation, the primary elections. All parties have free contests during primary elections, with no quotas or special dispensation for women and youth. Indeed, the BDP's 'Bulela Ditswe' (open to all) policy reduced the number of women candidates, especially where more than one woman contested a particular constituency during the primary elections.

In addition, the fact that the media failed, as they had in the past, to give special coverage to the campaigns of female candidates or to interview them, further reinforced their marginalised status. The head of the Media Institute of Southern Africa (MISA), Botswana, admitted on national television that his organisation had not yet covered women candidates, instead it had focused on male candidates of all political parties, with a bias towards BDP male candidates (*Botswana Television news* 2004). The same treatment was accorded to young candidates. Furthermore, the constitutional provision that bars civil servants from contesting political office unless they resign their posts, reduces the number of female and youth candidates.

CONCLUSION

The fact that the BDP has won nine multiparty elections in a row must be celebrated and commended, especially on a continent that is riddled with electoral conflicts. The elections were free from intimidation and violence, allowing the electorate and parties to participate unhindered, and were fair in so far as they were in accordance with the national electoral law and regulations. However, the 2004 elections confirmed that Botswana's political landscape is tilted in favour of the ruling party, which raises questions of just how fair they really are. The BDP reaped the advantages of incumbency, enjoyed the most coverage by the state media, attracted more funding and profited from the electoral system. These factors disadvantaged the opposition parties and contributed to their weakness, disorganisation and inability effectively to challenge the BDP. Further, the predominance of the BDP and the lack of alternation in power since independence cast a shadow over the process of consolidation of democracy. The inequality of competing parties highlights the problem of the quality of elections under a one-

party predominant system and the difficulty of assessing the freeness and fairness of elections; problems common to other Southern African countries. This suggests that there is a need for reform to level the political playing field and ensure that parties engage in electoral competition on an equal footing, not only in Botswana but in other Southern African countries as well.

— REFERENCES —

Publications

- Botswana, Republic of. 2004. *Parliamentary Results 2004*, <http://www.gov.bw/elections04/index.html>.
- Botswana, Republic of. *Electoral Act* Chapter 02:09.
- Botswana *Constitution (Amendment) Act*, 1999.
- Botswana Congress Party, *Manifesto* 2004.
- Botswana Democratic Party, *Manifesto* 2004.
- Botswana Guardian* 30 July 2004; 8 October 2004; 29 October 2004; 5 November 2004; 26 November 2004.
- Botswana Television news. Gaborone, 21 October 2004.
- Bratton, M. 1998. 'Second Elections in Africa'. *Journal of Democracy* 9(3). *Dailynews*. Gaborone, 18 October 2004.
- Doorenspleet, R. 2003. 'Political Parties, Party Systems and Democracy in Sub-Saharan Africa'. In MA Salih (ed). *African Political Parties*. London: Pluto Press.
- EAfrica* 2 September 2004. 'SADC Nails Flag to Polls: New Guidelines Set Higher Standards for Elections'.
- Electoral Institute of Southern Africa (EISA). 2004. *Principles for Election Management, Monitoring and Observation in the SADC Region*. Electoral Handbook. No 13. Johannesburg: EISA
- Elklit, J and P Svensson. 1997. 'What Makes Elections Free and Fair?'. *Journal of Democracy* 8(3), July.
- Elklit, J and A Reynolds. 2002. 'The Impact of Election Administration on the Legitimacy of Emerging Democracies: A New Comparative Politics Research Agenda'. *Commonwealth and Comparative Politics* 40(2).
- Forje, JW. 1997. 'Some observations on prospects of democracy in the contemporary world: Africa's transition to a democratic governance system'. In T Vanhanen. *Prospects of Democracy: A Study of 172 countries*. London: Routledge.
- Geisler, G 1993. 'Fair? What Has Fairness Got to Do with It? Vagaries of Election Observations and Democratic Standards'. *Journal of Modern African Studies* 31(1).
- Good, K. 1997. *Realizing Democracy in Botswana, Namibia and South Africa*. Pretoria: Africa Institute of South Africa.
- Holm, J. 1996. 'Development, democracy and civil society in Botswana'. In A Leftwich (ed). *Democracy and Development: Theory and Practice*. Cambridge: Polity Press.

- Independent Electoral Commission (IEC). 2002. *Voter Apathy Report: an abridged version*. Gaborone: Government Printer.
- Independent Electoral Commission (IEC). 2004. 'Elections 2004'. <http://www.iec.gov.bw>.
- Jackson, J and D Jackson. 1997. *A Comparative Introduction to Political Science*. New Jersey: Prentice Hall.
- Lodge, T. 1999. *Consolidating Democracy*. Johannesburg: Witwatersrand University Press.
- Midweek Sun*. Gaborone, 27 October 2004.
- Mmegi*. Gaborone, 20 October 2004; 26 October 2004; 2 November 2004.
- Molomo, M G. 2000. 'In Search of an alternative electoral system for Botswana'. *Pula: Botswana Journal of African Studies* (14)1.
- Molomo, M. 2003. 'Political Parties and Democratic Governance in Botswana'. In M A Salih (ed). *African Political Parties*. London: Pluto Press.
- Monitor*. Gaborone, 25 October 2004.
- National Democratic Front, *Manifesto* 2004.
- Osei-Hwedie, B Z. 2001. 'The Political Opposition in Botswana: the Politics of Factionalism and Fragmentation'. *Transition* 45.
- Pact, *Manifesto* 2004.
- Przeworski, A, M Alvarez, J A Cheibub and F Limongi. 2000. *Democracy and Development*. Cambridge: Cambridge University Press.
- Radio Botswana News 7 October 2004.
- Sebudubudu, D. 2003. 'Funding of political parties in Botswana: Democracy left to the market'. Seminar paper, Department of Political and Administrative Studies, University of Botswana.
- Taylor, I. 2003. 'As Good as it Gets? Botswana's "Democratic Development"'. In H Melber (ed). *Limits to Liberation in Southern Africa*. Cape Town: Human Sciences Research Council Press.
- Touraine, A. 1997. *What is Democracy?*. Boulder, Colorado: Westview Press.
- Tsie, B. 2004. 'Botswana's Electoral Politics in 2004'. *Election Talk*, 16 February 2004.
- United States Agency for International Development (USAID). 2003. *Money in Politics Handbook: A Guide to Increasing Transparency in Emerging Democracies*. Washington: Technical Publications series.
- Van De Walle, N. 2002. 'Africa's Range of Regimes'. *Journal of Democracy* 13(2), April.
- Venter, D. 2003. 'Multiparty Politics and Elections in Southern Africa: Realities and Imageries'. In M A Salih (ed). *African Political Parties*. London: Pluto Press.

Questionnaire

Questionnaire to the Independent Electoral Commission, 11 November 2004.

Interviews

Interviews with voters after polling day, 1 November 2004.

Telephone interview with the IEC, 30 November 2004.