

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 Se Se 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 proportional 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 independence¹. 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

¹ 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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