



**African Union Election Observation Mission to the 2019 General Elections in the
Republic of Botswana**

PRELIMINARY STATEMENT

25 October 2019

I. INTRODUCTION

1. At the invitation of the Government of the Republic of Botswana and the Independent Electoral Commission (IEC), the Chairperson of the African Union Commission (AUC), H.E. Moussa Faki Mahamat deployed the African Union Election Observation Mission (AUEOM) to the country's General Election held on 23 October 2019. The Mission is headed by H.E. Fatoumata Jallow Tambajang, Former Vice President and Minister of Women's Affairs of the Republic of The Gambia.
2. The AUEOM comprised 30 observers drawn from the Pan-African Parliament (PAP), African Ambassadors accredited to the African Union (AU), Election Management Bodies (EMBs), independent electoral and governance experts and Civil Society Organizations (CSOs). The observers were drawn from 17 AU Member States namely: Ethiopia, Ghana, Kenya, Liberia, Libya, Malawi, Mozambique, Nigeria, Rwanda, Saharawi Republic, Seychelles, Sierra Leone, South Africa, Tanzania, The Gambia, Uganda and Zimbabwe.
3. The AUEOM mandate is to observe the 23 October 2019 General Elections in line with relevant AU instruments, especially (a) the African Union Guidelines for Elections Observation and Monitoring Missions (2002); (b) the OAU/AU Declaration on Principles Governing Democratic Elections in Africa (2002); African Charter on Human and Peoples Rights (1981) and (c) African Charter on Democracy, Elections and Governance (2007), among others. The deployment of the AUEOM in the Republic of Botswana demonstrates the AU's commitment to supporting democratic, credible, inclusive and peaceful electoral processes in its Member States by providing an objective assessment of the process and the political environment within which the elections were conducted. This is also in line with Aspiration 3 of Agenda 2063, which envisions in "Africa of good governance, democracy, and respect for human rights, justice and the rule of law".

4. This Preliminary Statement reflects the AUEOM's assessment of the 2019 General Elections up to the close of polling on 23 October 2019 and the immediate post-election period. A Final Report will be released within two months after the elections including recommendations for improvements in electoral processes in Botswana.
5. In order to achieve its objectives, the Mission undertook the following activities:
 - a. The deployment of a Pre-Election Assessment Mission (PAM) that preceded the AUEOM and comprised six (6) analysts and experts on elections that arrived in the country between 25-29 August 2019. The PAM undertook a comprehensive review of the overall environment ahead of the elections.
 - b. The deployment of the Short Term Observers (STOs) was preceded by a two-day briefing and orientation sessions during which the observers received briefings from various electoral stakeholders.
 - c. The leadership of the AUEOM also held meetings with electoral stakeholders, including the IEC, political parties and candidates, security agencies and Government officials and other international election observer groups.
 - d. On Election Day, the AUEOM observed all Election Day processes at 169 polling stations spread throughout the 20 Constituencies.

II. PRELIMINARY FINDINGS

a) General Political Context

6. Major developments that preceded the elections were the split within the ruling Botswana Democratic Party (BDP) and the subsequent formation of a breakaway party, the Botswana Patriotic Front (BPF); and the realignment within the opposition alliance.
7. Despite the split and political realignment, the electoral environment before and during elections remained calm and peaceful.
8. The 2019 elections are the 12th consecutive democratic elections and are considered the most competitive in the history of the country since independence.

b) Legal Framework

9. The legal framework for the 2019 elections includes, the 1966 Constitution of Botswana (as amended), 1969 Presidential Elections (Supp. Provisions) Act (as amended), 1968 Electoral Act (as amended), 1965 Local Government Act (as amended), and the 1987 Referendum Act (as amended). Other regulatory frameworks for the election are the Code of Conduct for Political Parties, Code of Conduct for Observers and Code of Conduct for Private Broadcast Media.
10. The Constitution of Botswana recognises and guarantees political and human rights as well as fundamental freedoms that are essential for elections such as those of association, assembly, movement and expression. It also provides principles for the conduct of elections, including conducting periodic elections; universal adult suffrage; the establishment of an independent electoral body; and the holding of elections in an efficient manner.
11. The AUEOM notes that the constitutional and legal frameworks are generally in line with international, continental and regional norms and standards for the conduct of democratic elections as they protect fundamental freedoms of association, assembly, expression and inclusive political participation.
12. However, some of the gaps in the legal framework include the lack of legislation that provides for public funding of political parties and candidates; the lack of provision for quota or special seats for women; and lack of affirmative action measures and inclusivity of minority groups such as the youth and People With Disability (PWDs).

c. Electoral Administration and Preparation

13. The IEC is established under Section 65(A) of the Constitution and vested with the responsibility to prepare, conduct and supervise elections, register voters, conduct and supervise voter education, undertake boundary delimitation, accredit observers and receive and consider complaints. In preparing for the 2019 General Elections, the IEC recruited 21, 900 polling staff; established 2,260 local polling stations in 57 constituencies, 36 polling stations in diaspora and 490 Polling Districts. The IEC also held regular consultations with electoral stakeholders.
14. The AUEOM commends the efforts made by the IEC to increase the confidence of the citizenry in the electoral process.

d) Voter Registration

15. The voters' roll was compiled through three phases- namely, General Voter registration, First Supplementary Voter Registration and Second Supplementary

Voter Registration followed by Roll inspection and Certification. This led to a total registration of 925,478 voters of which 505,052 were female (55%) 420, 425 were male (45%) and 380,052 (41%) were youth. This figure is a significant increase compared to the past elections which recorded 825, 582 registered voters.

16. The AUEOM commends the IEC for these efforts to ensure that most eligible voters were registered to participate in the elections.
17. Despite the commendable efforts by the IEC during the registration exercise, the AUEOM noted that some voters did not find their names on the voters' roll in a number of stations that the AUEOM visited. This was confirmed by the IEC during one of its media briefings on 23 October 2019. The Mission is, however, aware of the efforts undertaken by the IEC to ensure that affected voters were given the opportunity to vote.

e) Nomination of Candidates

18. Nomination of candidates opened on 26 September 2019. Six political parties contested the elections. These were Alliance for Progressives (AP), Botswana Democratic Party (BDP), Botswana Movement for Democracy (BMD), Botswana Patriotic Front (BPF), Real Alternatives Party (RAP) & Umbrella for Democratic Change (UDC). Four political parties fielded Presidential candidates namely AP, BDP, BPF and UDC. A total of 23 independent candidates contested the National Assembly elections.
19. For the Local Government Elections, 1,546 candidates were confirmed from six contesting parties and 198 from independent candidates.
20. The AUEOM found out that the nomination and registration of candidates for parliament and local councils were conducted peacefully.

f) Campaigns and campaign finance

21. Campaigns started on 30 August 2019 and closed midnight of 22 October 2019 and these were guided by the Code of Conduct for Political Parties.
22. The Mission notes that campaigns proceeded in a peaceful atmosphere, with parties and candidates being able to campaign freely in all constituencies without restrictions. The campaign was highly competitive with numerous rallies and meetings across the country.
23. The Mission commends the holding of Presidential debate organised on 16 October 2019 at the national level, which further enhanced public participation.

24. The AUEOM received concerns from various stakeholders regarding private funding of political parties which has the potential to compromise the level playing field.

g) The Media

25. The 2008 Media Practitioners Act and the 2019 Code of Conduct for Private Broadcast Media (BOCRA) regulate the conduct of the media during elections.

26. The AUEOM notes that Botswana enjoys free access to the media which provided coverage and commentary in the run-up to the 2019 General Elections. The Mission recognises efforts by Government to open up the media space by lifting the ban on advertising in private media.

27. The Mission received concerns about hate speech and misinformation circulating through the media particularly the social media platforms.

i) Women and Minority Participation

28. The Mission notes that women continue to be significantly underrepresented in elective positions. Out of 210 Parliamentary candidates, only nine (9) were women although 55% of registered voters were females. The Mission also notes that none of the presidential candidates was a woman.

29. The AUEOM notes that Botswana is a signatory to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979).

30. The AUEOM notes with satisfaction that Botswana implemented its 2014 recommendation that implored the country to sign the SADC Protocol on Gender and Development on 11 May 2017.

31. PWDs are not fully represented by the candidates and the country has not enacted laws to increase the participation of Special Interest Groups despite them being the majority of voters.

III. ELECTION DAY FINDINGS

32. The AUEOM deployed 30 observers in 20 constituencies across the country. They visited a total of 169 polling stations on Election Day to observe the opening, voting, closing and counting procedures in their areas of deployment with 70% in urban and 30% in rural areas.

a. Opening of polling

33. The AUEOM observed opening procedures at 10 polling stations across 10 Constituencies. The Mission notes that 95% of the polling stations opened on time, at 06h30. The IEC staff followed the required opening procedures and guidelines. The AUEOM noted that the Botswana Police were present inside and outside the polling station and acted professionally.
34. The AUEOM observed that there were well-controlled queues outside all the polling stations visited before and during the opening process.

b. Election materials

35. The Mission notes that materials were delivered in advance in most polling stations visited.

c. Polling stations

36. The AUEOM notes that most polling stations were easily accessible to the voters. However, some polling stations were not easily accessible, especially to PWDs and the elderly.
37. The layout of the polling stations divided voters into their streams in a manner that protected the secrecy of the ballot and allowed for easy flow of voters. However, in stations with multiple streams, queue control was a major challenge.
38. The Mission commends the IEC for its efforts in providing voter information on Election Day, including pasting names and symbols of the contesting parties and independent candidates outside or inside the polling stations.

d. Election personnel

39. The IEC staff were generally competent in carrying out their duties and worked hard to process voters.
40. The Mission commends the IEC and political parties for deploying large numbers of women and youth as polling officials and party agents.

e. Observers and party/candidate agents

41. The AUEOM notes the presence of other international observer missions at some polling stations visited.

42. The Mission notes the low presence of citizen observers in most stations visited. Participation of citizen observers is crucial to the reinforcement of the credibility and legitimacy of the electoral process.
43. The AUEOM notes that party and candidate agents were present at most of the polling stations visited and could carry out their mandate without interference, and with a high degree of cordiality.
44. The Mission commends the IEC for providing voter register to party and candidate agents to double-check voters' identification against the list before voting.

f. Voting procedures

45. The AUEOM notes that the voting process proceeded uninterrupted throughout the day. Voting procedures were adhered to in all polling stations visited.
46. The Mission notes that priority and assistance were extended to persons with disability, the elderly, pregnant women and nursing mothers as well as other persons with special needs.
47. The AUEOM further notes the decision by the IEC through a press statement to postpone elections in Boseja-Flowertown Polling District to 23rd November 2019 on account of the omission of one of the participating political parties from the ballot paper.

g. Closing of the polls

48. Most stations observed closed at 19h00. Some stations closed later than the stipulated time to make up for the late opening and to accommodate voters who were already in the queue.
49. The AUEOM notes that ballot reconciliation was done at the polling station at the end of polling.
50. The Mission also notes that counting of ballots did not take place at the polling stations. Ballot boxes were transported to counting centers within constituencies. This affected the speedy counting of votes.

h. Counting of votes

51. The AUEOM notes that at the time of issuance of this Preliminary Statement, the counting process is still ongoing in some centres.

VI CONCLUSION

52. The AUEOM commends the Government and the people of Botswana, the IEC, political parties, candidates and their supporters for their peaceful conduct before and during polling.
53. Noting that all the previous general elections in Botswana have been held under a peaceful environment and it is hopeful that this election will solidify this tradition, the AUEOM encourages all stakeholders to sustain the prevailing peace in the remaining phase of the electoral processes while awaiting the final results.
54. Based on its pre-election assessment and Election Day findings, the AUEOM concludes that the elections were held in a peaceful and transparent manner, which allowed the electorate to effectively participate in the electoral process and to exercise their political rights. The conduct of the elections largely conformed to international, continental and regional best practices and standards.

V. RECOMMENDATIONS

55. The AUEOM offers the following preliminary recommendations for improvement of future electoral processes:
 - The Government should sign and ratify the 2007 African Charter on Democracy, Elections and Governance, the 2003 Protocol to the African Charter on Human and Peoples Rights, Relating to the Rights of Women (Maputo Protocol) and the 2006 African Youth Charter.
 - The Government should enact laws that provide for public funding and enforce regulations governing private funding of political parties.
 - Political parties are encouraged to take more deliberate steps to adopt affirmative action measures aimed at increasing participation of women, youth and PWDs in decision making structures.
 - Civil Society is encouraged to be actively involved in the electoral process, including the deployment of domestic observers during elections.
 - The IEC should ensure that names of registered voters are well captured in the voters roll at all polling stations to enable them to exercise their franchise.
 - The Mission reiterates the need for the IEC to review the procedure involving the counting of the votes. The Mission, therefore, recommends the counting of votes and posting of results at the polling stations to avoid logistical and operational challenges in the transfer of election materials and counting of votes.

56. The AUEOM calls upon all political parties, candidates and their supporters to resort to established channels to resolve any electoral disputes that may arise.