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EISA TECHNICAL ASSESSMENT TEAM REPORT

BOTSWANA



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PARLIAMENTARY AND
LOCAL GOVERNMENT ELECTIONS

16 OCTOBER 2009



EISA ELECTION OBSERVER MISSION REPORT No 35

EISA
TECHNICAL ASSESSMENT
TEAM REPORT

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EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa.

EISA Election Observer Mission Report, No. 35

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Abbreviations/Acronyms

BAM	Botswana Alliance Movement
BCP	Botswana Congress Party
BDP	Botswana Democratic Party
BLP	Botswana Labour Party
BNF	Botswana National Front
BPP	Botswana People's Party
BPU	Botswana Progressive Union
BTTO	Botswana Tlhoko Tiro Organisation
BWF	Botswana Workers Front
MELS	MELS Movement of Botswana
CSO	Civil Society Organisation
ECF	Electoral Commissions Forum of SADC Countries
EISA	Electoral Institute for the Sustainability of Democracy in Africa
EMB	Electoral Management Body
EOM	Election Observer Mission
IEC	Independent Electoral Commission
NDF	New Democratic Front
NGO	Non-Governmental Organisation
PEMMO	Principles for Election Management, Monitoring and Observation in the SADC Region
PO	Presiding Officer
PUSO	United Socialist Party
SADC	Southern African Development Community
SADC-PF	Southern Africa Development Community Parliamentary Forum
SDP	Social Democratic Party
ToR	Terms of Reference

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We also extend our appreciation to the other observer missions with whom we interacted and shared information, and from whom we learnt.

The EISA Technical Team is indebted to the people of Botswana for their openness and willingness to share their experiences. The hospitality extended to the members of the Technical Team by the people of Botswana is highly appreciated. We commend all the stakeholders for contributing to a peaceful environment in which the elections took place.

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EXECUTIVE SUMMARY

The 2009 Botswana parliamentary and local government elections took place on 16 October 2009. As has been the practice in the past, EISA was among the many regional and international organisations that observed these elections. Unlike in the 2004 elections where it deployed a fully fledged Observer Mission, EISA deployed a three-member Technical Assessment Team to the Botswana parliamentary and local government elections in October 2009.

This report provides the assessment of the Technical Team of these elections, and includes its observations and analysis regarding pre-election, election and post-election phases. The report also provides the Team's conclusions and recommendations. The Team arrived in Botswana on Friday 9 October 2009 and was accredited by the IEC on 12 October 2009. The Team then set up meetings with various stakeholders, including domestic, regional and international observer teams that were present in Botswana. It also reviewed media reports on recent developments concerning the electoral process. Through meetings with different stakeholders and reading an array of documents including media reports and legal documents such as the Botswana Constitution and the Electoral Act, the Team gained a better understanding of the environment within which the elections were taking place. On the polling day, the Team was able to visit a total of 17 polling stations in 8 out of 57 constituencies.

As is standard EISA practice in election observation, the Team used the Principles of Election Management, Monitoring and Observation (PEMMO) to assess the 2009 Botswana elections. PEMMO was developed by EISA and the Electoral Commissions Forum (ECF) of the SADC region. It has been used to observe three national elections in Botswana, including the 2009 Botswana parliamentary and local government elections.

The 2009 elections were no different from previous elections in terms of a peaceful environment in the run-up to, during and after the polling. This is despite the fact that there were significant administrative and political developments which could have easily derailed the electoral process had it been in some politically unstable countries in the region. Firstly, the Electoral

Commission had to cancel advanced voting by electoral staff and police officers after discovering that the ballot papers that were printed for this purpose had a lot of errors made by the company commissioned to print ballot papers in Durban, South Africa. Secondly, the elections were preceded by serious tensions within the ruling party that saw its secretary general being suspended and removed from the party's parliamentary candidates' list and replaced by the president's preferred candidate. Third and finally, there was fierce competition between the opposition parties following the collapse of their unity talks ahead of the elections.

The Technical Team found that despite the above issues and a few other logistical challenges encountered by the Electoral Commission, the elections were conducted professionally and in a peaceful environment. Most importantly, all stakeholders agreed that the Electoral Commission handled the voter registration process very well and attributed this to the higher than expected number of registered voters. While there were 552,849 registered voters in the 2004 elections, the 2009 elections voters' register totalled 725,817 registered voters. The Team noted that voting in all the polling stations visited went well and that the electoral staff, party agents as well as the police worked together as a team in solving problems, such as where a voter did not appear on the voters' rolls.

The Team noted that as with all the other elections, there are always some areas of the electoral process that need to be improved on. In this case the Team isolated five areas, namely: women's participation in the electoral process, election materials, counting of the ballot papers, party funding and use of state resources. The Technical Team's chief concern was the almost total absence of women candidates in all the contesting parties. This is a worrying trend, particularly in a country which is held in such high esteem by many on the Africa continent. The Team also observed that Botswana has amended the law to facilitate the counting of ballot papers at the district and constituency counting centres, whereas in the past ballot papers were counted in one place. The Team feels that this measure still does not go far enough in ensuring transparency. Moreover, Botswana still uses metal ballot boxes instead of transparent boxes. The Team has thus recommended that Botswana should practise the regionally accepted principles regarding ballot boxes and the counting of ballot papers at the polling stations. The Team

further observed that Botswana is one of the few countries that is behind its peers in the region when it comes to party funding – and this despite being regarded as one of the most democratic countries in the region. Parties are not supported by the state in any way, and this means that only the ruling party has access to resources, including state resources, due to incumbency. And this brings us to the last point: the use of state resources for party political purposes by the ruling party. Most of the stakeholders that the Technical Team met with accused the ruling party of misusing state resources.

The above points notwithstanding, the Team concluded that, based on PEMMO, the 2009 parliamentary and local government elections in Botswana were free, as they were conducted in an environment which did not prohibit the Batswana from exercising their right to vote. As stated above, however, there is some room for improvement, and the Team’s specific recommendations are provided in the last section of the report.

TERMS OF REFERENCE

The Terms of Reference (ToR) for the EISA Technical Assessment Mission to the 2009 general and local government elections in Botswana describes the role and responsibilities of the EISA mission during assessment. It also provides a summary of the mission objectives and highlights the activities of the Technical Team.

Specific objectives for this particular Mission included the following:

- To assess whether the conditions exist for the conducting of elections that reflect the will of the people of Botswana;
- To assess whether the elections are conducted in accordance with the electoral legislative framework of Botswana;
- To assess whether the elections met the international and regional benchmarks as well as the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO), developed under the auspices of EISA and the Electoral Commissions Forum of SADC Countries (ECF).

METHOD OF THE TECHNICAL TEAM

In order to achieve the above the Team did the following:

- Obtained accreditation from the Botswana Independent Electoral Commission;
- Obtained information on the electoral process from the Independent Electoral Commission;
- Met with academics, representatives of Civil Society and other stakeholders to acquaint itself with the electoral environment;
- Reported accurately on its observations and referred any irregularities to the Independent Electoral Commission;
- Observed all aspects of the election in those areas it visited;
- Assessed if qualifying Botswana citizens were able to exercise their right to register as voters;

- Assessed if the registered voters have easy access to voting stations and are able to exercise their vote in secret; and
- Assessed the logistical arrangements to confirm if all the necessary material was available for voting to take place efficiently.

Conduct of the Technical Team

Members of the Technical Team were required to strictly observe the section of the *Principles for Election Management, Monitoring and Observation in the SADC Region* dealing with the Code of Conduct for observers.

THE EISA APPROACH TO ELECTION OBSERVATION

EISA strives for excellence in the promotion of credible elections, participatory democracy, a human rights culture and the strengthening of governance institutions for the consolidation of democracy in Africa. In this regard EISA undertakes applied research, capacity building, advocacy and other targeted interventions. It is within this broad context that EISA fields international election observer missions to assess the conduct of election in the SADC region and the rest of the African continent.

To this effect, and in order to assess the Botswana general elections of October 16, 2009, EISA deployed a three-person Technical Team consisting of two EISA staff members and one election expert from South African Civil Society (see Appendix 1: Members of the EISA Team). The Team arrived in Gaborone and received accreditation from the IEC on 12 October 2009. Its activities can be divided into three main parts, namely stakeholder meetings including attendance of political rallies (pre-election phase), observation of the polling (election phase) and counting of votes and announcement of results (post-election phase).

Stakeholder meetings and political party rallies

Prior to the meetings and throughout its stay in Botswana, the Technical Assessment Team read extensive print media reports and followed electronic media reports closely. During the pre-election assessment, EISA representatives met with the IEC Secretary, leaders of political parties, civil society organisations, media and other electoral stakeholders in the Botswana political landscape in order to gain a comprehensive understanding of the political context within which the elections were to take place. The Team also attended the general briefing directed to all accredited election observer missions, the diplomatic representatives and the media, held on 13 October 2009 at Fair Grounds Boipuso Hall in Gaborone. The team also attended a workshop organised by the Electoral Commissions Forum of SADC countries (ECF) and two other meetings (on the eve of the elections and after the polling day) of all the international observer missions hosted by the African Union (AU). Finally, the Team met with academics of the University of Botswana,

namely Professor Mpho Molomo and Dr Onalenna Selolwane. The climax of the Team's pre-election activities was attending political party rallies in Gaborone and its environs. The Team adopted a careful approach of observing rallies of both the ruling and opposition parties as well as those of the independent candidates.

All these meetings were useful because the Team gained first-hand information as well as an understanding of crucial electoral process stages such as voter registration (VR), selection and nomination of candidates within political parties as well as how the overall nomination process is handled by the IEC. The meetings with the media helped the Team to understand the role of the private and public media in the electoral process in Botswana. Through the meeting with the academics, the Team gained a better understanding of current socio-political developments in Botswana.

This report describes the findings of the Technical Team as informed by the above activities. It also makes recommendations on areas of the electoral process that need improvement.



1

Political and Historical Overview



- 1.1 Political and electoral background
- 1.2 The 2004 Parliamentary and Local Government Elections
- 1.3 Political and other developments ahead of the 2009 polls

1.1 POLITICAL AND ELECTORAL BACKGROUND

Botswana's political system is a mix of the British parliamentary system and elements of the presidential system. The constitution of Botswana provides for members of the executive to also form part of the legislative branch of government. Thus, members of the executive are appointed from among members of parliament by the president. The President of the Republic is also an ex-officio member of parliament, which enables him to participate in parliamentary proceedings, including voting (Maudeni et al. 2007). Botswana is renowned for its uninterrupted political stability and economic growth, and for the corresponding social change since independence. The country has also experienced major shifts away from traditional structures of relations between the governing authorities and the governed, towards more liberal dispensations where the governed have increasingly come to make demands on the state (Selolwane & Shale 2008). This has earned it the reputation of being one of Africa's most enduring multiparty democracies, with a developmental orientation in state management that could well be emulated by other developing countries. Botswana's achievements are a far cry from a continent-wide trend in which countries are generally marred by violent political conflict and economic malfunctioning.

The country became a British protectorate in 1885 and gained independence from Britain on 30 September 1966. The Bechuanaland People's Party (later Botswana People's Party, BPP) took the trail-blazing lead as both the country's

first national party and the first party to break up into splinter groups before the first general elections in 1965. While the BPP was experiencing splits, a new rival, the Botswana Democratic Party (BDP), was emerging to mobilise an alternative nationalist voice for independence. By 1961 it was established as a functional political party and went on to win the first elections in 1965. The country has been ruled by four presidents in the past four decades. Sir Seretse Khama was succeeded by Sir Ketumile Masire, who passed the mantle on to Mr Festus Mogae. In keeping with this tradition, Mr Mogae, in 2008, handed over power to Lt. Gen. Ian Seretse Khama, the elder son of the first president of Botswana. Although this practice seems to have caused no political instability in Botswana, there have been voices against it and calls have been made by opposition parties and some scholars for indirect election of the President of the Republic (Shale 2009).

Regular elections every five years are assured in Botswana. The country had, prior to the 2009 elections, conducted nine elections since independence. As indicated above, the first elections were held in 1965. Subsequent elections were successfully held in 1969, 1974, 1979, 1984, 1989, 1994, 1999 and 2004.

Elections are managed by the Independent Electoral Commission (IEC) established in 1997. Initially, the Permanent Secretary in the Office of the President (OP) ran the elections. Following opposition objections, the office of the Supervisor of Elections was created. However, the supervisor too was appointed by the president and thus there was still room for dissent among political parties.

Botswana operates the first-past-the-post (FPTP) or simple majority electoral system. According to the Electoral Act 1968, the date for the general elections in Botswana is determined by the President of the Republic. The president issues a writ of election for general elections and for a by-election, in the event of a vacant seat due to death or resignation of a member of parliament. The election date is usually at the end of a 90-day period after the issuance of a writ. The writ indicates the date of the election, and instructs the constituency Returning Officers on the dates and times for receiving nominations. To avoid the huge costs of running national and local elections on separate dates, general and local elections in Botswana are conducted simultaneously. The Electoral Act and Local Councils Elections Act are used to administer these elections.

1.1.1 Main electoral trends

Botswana has, since independence, ably conducted free elections which have adhered to both the country's electoral law and general democratic-electoral practices. The first elections in 1965 were won by the BDP, which emerged as a formidable force in Botswana politics ahead of independence elections. Its leader, Sir Seretse Khama, became the country's first president. Four decades later, the status quo remains the same, with the BDP comfortably in charge of the government, while the BPP has been reduced to one of the smaller parties in the countries, judging by the number of votes it received in the 2004 and recent 2009 elections (see Tables 1 and 2). However, the BDP's hegemony has attracted criticism from many quarters. Its dominance is attributable to the first-past-the-post (FPTP) electoral model, which has been criticised for not considering the popular vote of a party in allocating seats but recognising only the party with the highest vote. This attribute of the FPTP is seen by opposition parties as a distortion of the real picture on the ground (Shale 2007: 2009). Botswana's one-party dominant system has raised questions regarding the quality of democracy in that country. Several shortcomings have impacted negatively on Botswana's democracy. These are, among other things, voter apathy, underdeveloped political parties, a weak parliament, inactive civic groups and the under-representation of women and the youth.

These shortcomings have, nevertheless, not impacted profoundly the electoral process in Botswana. The process largely adheres to the provisions of the law. The provisions of the Electoral Act 1968 assure, among other things, the secrecy of the ballot. The voting booths are designed in such a way that they allow a voter to vote without compromising secrecy. Moreover, the presence of the police force, party agents and local and international observers creates a sense of security for the voters. As a result, there have not been reported incidents of the violation of secrecy in the past elections. In the event where voters cannot read and write, or are disabled, the law provides for the presiding officers to assist them.

1.2 THE 2004 PARLIAMENTARY AND LOCAL GOVERNMENT ELECTIONS

The Election Observer Missions that observed the 2004 elections were unanimous in declaring the elections as having been free and conducted in line with internationally agreed principles. These were the second elections

which were run under the auspices of the Independent Electoral Commission (IEC). Prior to this, elections in Botswana were conducted by the civil service from independence until 1997. It is also important to note that the 2004 elections were held against the backdrop of significant developments in the electoral process. Firstly, there was the 2001 National Population and Housing Census, which, as is standard practice elsewhere, affects the number of constituencies, including their size and voters' roll. Secondly, and most probably influenced by the first development, the parliament of Botswana increased the number of popularly elected members of the National Assembly from 40 to 57. This means that Botswana is divided into 57 national constituencies. However, the IEC treats external voting stations around the world in the country's embassies as the 58th constituency. It also increased the total national popularly elected Members of Councils from 406 to 490. Thirdly, in line with the new population figures, a Delimitation Commission was appointed in 2002 to draw the boundaries of the newly increased constituencies. The end result of this exercise was the demarcation of 490 polling districts and the establishment of 2,178 polling stations. Fourthly, and finally, another significant development was the promulgation of the Electoral (Amendment) Act in November 2003. This Act ushered in changes such as the requirement that an applicant for registration produce his/her national identity card; the introduction of a machine-readable Form A, the ability of a registered voter to obtain a duplicate of his/her voter registration card from any registration officer; and the increased deposits of P500 and P100 for prospective parliamentary and local government candidates respectively (IEC Botswana 2004).

A total of seven parties took part in the 2004 elections. Another important point to note about the 2004 elections is that, of these, only the BDP, BCP, MELS and the NDF contested the elections on their own, while the other three opposition parties formed an election pact. The pact parties were the Botswana National Front (BNF), the Botswana People's Party (BPP) and the Botswana Alliance Movement (BAM). They contested elections under one election manifesto and agreed not to compete against each other in the same constituency. Each of the parties therefore chose the constituencies in which they were going to contest elections. On the basis of the pact agreement, rank and file members of the parties were encouraged to vote for a party (the BNF, BPP or the BAM) contesting in their particular constituency even if it

Table 1: 2004 election results

Political party	Number of votes	% of votes	Number of seats	% of seats
Botswana Democratic Party (BDP)	213,308	50.63	44	77.2
Botswana National Front (BNF)	107,451	25.51	12	21.0
Botswana Congress Party (BCP)	68,556	16.27	1	1.8
Botswana People's Party (BPP)	7,886	1.87	Nil	0
Botswana Alliance Movement (BAM)	11,716	2.78	Nil	0
National Democratic Front (NDF)	3,237	0.77	Nil	0
Marx, Engel, Lenin, Stalin Movement (MLS)	121	0.03	Nil	0
Independents	104	0.02	2	0
Total	412,379		57	100

Source: IEC Botswana 2004

Table 2: 2004 Elections party total seats per district council

COUNCILS	BAM	BCP	BDP	BNF	BPP	IND	MELS	NDF	SDP
Central District Council	1	6	127	4		1			
Francis Town Council		2	16						
Gaborone City Council		3	11	16					
Ghanzi District Council			13	7					
Jwaneng Town Council				7					
Kgalagadi District Council			13	9					
Kgatleng District Council		5	10	8					
Kweneng District Council		2	47	17					
Lobatse Town Council			4	8					
North East District Council			18		3				
North West District Council	8	5	31	1		1			
Selebi Phikwe Town Council		5	9						
South East District Council		3	12	5					
Southern District Council		1	26	23		1			
Total	9	32	335	105	3	3	0	0	0
Percentages	1.85	6.57	68.79	21.56	0.62	0.62	0.00	0.00	0.00

Source: IEC Botswana 2004

was not their party. The 2004 general elections were won by the BDP for the ninth time since independence without much difficulty (it secured 44 seats). The opposition as a whole secured only 13 out of the 57 parliamentary seats, as reflected in Table 1.

The BDP dominance continued at the local level, where, as can be seen in Table 2, the party won the majority of district councils.

1.3 POLITICAL AND OTHER DEVELOPMENTS AHEAD OF THE 2009 POLLS

The 2009 elections happened against the background of significant developments that had implications for the elections. These were the following: firstly, the attempt and subsequent failure by opposition parties to coalesce ahead of the elections; secondly, the internal conflicts within the main parties; and, thirdly, the cancellation of the advance voting by police and election officers.

Although they did not perform well as an election pact in the 2004 elections, opposition parties recognised the importance of party unity and continued to work together after the elections. In 2005 the parties signed a memorandum of understanding (MOU) in which they agreed to work together in the by-elections from 2005 until the general elections in 2009. As a result of cooperation the BNF candidate won the Gaborone West North by-election (Shale 2007). In 2006 negotiation teams from all the major parties began in earnest to find a suitable model for cooperation going into the 2009 elections. However, sharp disagreements on the best model soon emerged and parties began to accuse each other of ulterior motives for suggesting a particular model. At the centre of this was a long history of resentment and suspicions that have characterised opposition parties. There being no amicable solution to the stalemate, the party unity talks collapsed in September 2006. Only the BCP and BAM continued to cooperate along election pact lines and contested the 2009 elections as such. This state of affairs created the opportunity for the BDP to yet again go into the 2009 elections with a weak and fragmented opposition.

Disagreements and conflicts were not limited to inter-party relations. Almost all the major parties went into the 2009 polls with serious internal challenges. A number of factors, ranging from a lack of internal democracy to leadership

selection and candidate nomination, were cited as sources of the problems. The 2009 elections took place less than two years after the ascension of retired Lieutenant General Ian Seretse Khama to the presidency of Botswana. Son to the first president of Botswana, Sir Seretse Khama, the new president has not enjoyed popular support from the Batswana, let alone that of his own party. A lot of concerns have had to do with his military background. Most of the people that the Technical Team met suggested that the president used military tactics in his approach to leading the party. They accused him of being averse to dialogue and overly sensitive to dissenting voices within the party. It was reported that the president introduced what he called the principle of 4Ds (Democracy, Development, Discipline and Dignity) when he came to power. This is said to be a source of concern, as the president is using the 'discipline' principle to clamp down on free speech. His critics believe that he is also using state institutions such as the intelligence agency, the military and the police to purge his political rivals. Extra-judicial killings, which have become a common occurrence in Botswana since he became president, are cited as an indication that authoritarianism is slowly creeping into the country.

The people that the Team interviewed pointed to the above as some of the reasons that have led to crystallised factions within the BDP ahead of the 2009 elections. For instance, a litmus test for the factions, known as 'Barata Party' said to be under BDP veteran Daniel Kwelagobe and the A-Team, said to belong to the president's camp, was the pre-2009 primary elections also known as 'Bulela-ditswe' in the BDP nomenclature. There was a general perception among the Barata Party that the president was purging supporters of the opposing camp, and that he did this through lobbying party structures to elect his preferred candidates for the 2009 elections. The Bulela Ditswe primaries caused a lot of discontent in the BDP, resulting in the party attaining a record number of independent candidates, most of whom left in disgruntlement citing gross irregularities in the way the elections were run (*Sunday Standard* 2009). In the primary elections many of the BDP heavyweights lost to less fancied candidates belonging to the 'Barata Party' faction. The climax of the BDP in-fighting was the suspension of the party's secretary general and his subsequent removal from the candidate list after he openly challenged some of the president's decisions. Thus, the BDP went into the 2009 elections divided into two main factions.

The official opposition party, the BNF, was not spared this internal wrangling. Its primary election results were a subject of challenge in many areas. Notable among these was a long drawn-out court case between the party and its secretary general Mr Akanyang Magama, who was its member of parliament for the Gaborone South constituency. The BNF had nullified his election at the primary election, choosing to impose its own preferred candidate. Mr Magama went on to win the case against the BNF. The Lobatse constituency's most popular parliamentarian Mr Nehemiah Modubule contested elections as an independent candidate after the BNF barred him from representing it. He went on to win the seat, defeating both the BNF and the ruling BDP when he received 4,175 votes against 1,018 and 4,060 received by the other two parties respectively (IEC Botswana 2009). In Gaborone West South constituency, the incumbent BNF parliamentarian, *Mr Molefabangwe, was expelled for expressing a desire to stand for elections for the leadership of the BNF.* Although the BNF retained official opposition status, it lost some of the constituencies it had won in the 2004 elections to the BDP, mainly due to its internal conflicts. The BCP is the only one of the major parties which was able to address disagreements pertaining to primary elections and entered the polls with a united voice. Its ability to manage internal conflicts is attributed to its significant support growth (see Table 8) since the last elections in 2004.

One of the major developments which destabilised the electoral process was the cancellation of the advance voting by police and election officers. This cancellation was seen by opposition parties and political commentators as a violation of section 61(4) of the Electoral Act, which states that the IEC secretary shall fix times, places and days not earlier than 15 days before the elections for these officers to vote. The IEC was forced to cancel the initial 29 September 2009 date which was earmarked for this purpose after discovering that the local government ballot papers that were meant to be used for the advance voting had a lot of errors which could not be corrected in time for the poll to continue as planned. Although postponing the poll for police officers and electoral staff was the reasonable thing to do under the circumstances, the IEC was accused by many of conniving with the ruling party to disenfranchise many voters who it was suspected, particularly by opposition parties, may vote against the ruling party.

2

The Electoral Framework



- 2.1 The Constitutional and legal framework
- 2.2 The Botswana Independent Electoral Commission (IEC)
- 2.3 The electoral system and the constituencies
- 2.4 Political party funding

2.1 THE CONSTITUTIONAL AND LEGAL FRAMEWORK

The Botswana Electoral Process is governed by the Constitution of Botswana 1966 and the Electoral Act 1968 with their amendments. The Constitution of the Republic of Botswana of 1966 guarantees the protection of fundamental rights and freedom of individual citizens. It also provides for the country's democratic political landscape, with clear provisions on political pluralism. The Constitution clearly establishes the electoral system of the country, which is first-past-the-post, a single and common national voters' roll and a voting age of 18 and older. The franchise is covered in section 67 of the Constitution. Political rights are also enshrined in Chapter 2, which deals with basic rights, including freedom of association, assembly, movement and conscience and a prohibition against arbitrary arrest. A multiparty democracy based on an election every five years is provided for. It is worth noting that, unlike other countries of the SADC where elections dates are known in advance, the Botswana election date remains the prerogative of the president. The actual date remains a secret and political parties only use the general constitutional provision (sections 90 and 91) that parliament shall continue for five years and that general elections of the members of parliament shall be held within 60 days after the dissolution of parliament.

Chapters 4, 5 and 6 deal with the different organs of the state: the executive, the parliament and the judiciary. The president is elected for five years

renewable once by the National Assembly after every parliamentary election. The five-year tenure of office of the president runs concurrently with that of the parliament. The vice-president is appointed by the president and he/she discharges functions of the office of the president in the absence of the president due to illness and other reasons (Constitution of Botswana 1966 section 36). The president, the vice-president and ministers together constitute the cabinet of the republic.

The parliament of Botswana consists of the National Assembly and Ntlo ya Dikgosi (section 77–85 of the Constitution of Botswana Amendment Act 91 of 2006). The members of the National Assembly are elected through the first-past-the-post electoral system and are elected in 57 electoral constituencies. Ntlo ya Dikgosi was formerly called the House of Chiefs. It is an advisory body without real legislative power or veto powers. It comprises the chiefs from the 12 main tribal areas of Botswana and five presidential appointees. No more than 20 chiefs elected to represent regions sit on the Ntlo ya Dikgosi. These representatives are elected from among Dikgosana by the Regional Electoral Colleges of their respective regions (sections 77–78 of the Constitution Amendment Act 2006). Legislative power is shared between the National Assembly and the president.

The judiciary comprises the High Court, a Court of Appeal and Magistrates' Courts. The Chief Justice and the President of the Court of Appeal are appointed by the president, while the judges are appointed by the president on the advice of the Judicial Services Commission (SADC-ECF 2008). The High Court, as the apex, interprets the Constitution and all the other laws. Customary laws are the jurisdiction of the traditional authorities, and the chiefs in cooperation with other tribal leaders preside over customary law cases. The Judicial Services Commission, chaired by a chief justice, selects judges for appointment and other office bearers, such as the IEC chairperson, who require legal qualifications (EISA 2004).

In order to thwart maladministration and abuse of power by state institutions, Botswana has also established the Office of the Ombudsman by an act of parliament. Established in terms of the Ombudsman Act of 1995, this office receives complaints of maladministration from the public and resolves them through an investigative process (Mpabanga 2009).

2.2 THE BOTSWANA INDEPENDENT ELECTORAL COMMISSION (IEC)

2.2.1 Background and composition

Prior to 1999, elections in Botswana were conducted by the civil service. Initially, the Permanent Secretary in the Office of the President (OP) ran the elections. Following opposition objections, the office of the Supervisor of Elections was created. However, the supervisor, too, was a civil servant holding the position of Permanent Secretary to the President and effectively conducted the elections from the Office of the President. Following a national referendum that paved the way for the Constitutional Amendment in 1997, the Independent Electoral Commission (IEC) was established in 1998. This was mainly to address opposition parties' allegations of election-rigging and their protest against the 'impartiality' of the Supervisor of Elections. The IEC comprises seven commissioners: a chairperson (who is a high court judge) and a legal practitioner, both of whom are appointed by the Judicial Services Commission (JSC), and five other members, who are appointed by the JSC from a list of names recommended by the All Party Conference. The All Party Conference is defined in the Constitution of Botswana Amendment Act 18, 1997, section 65A (3), as a meeting of all registered political parties convened from time to time by the responsible minister. The current members of the commission are shown in Table 3 below:

Table 3: IEC Botswana Commissioners

Commissioners	Position
Justice Monametsi S Gaongalelwe	Chairperson
Omphemetse Motumise	Deputy Chairperson
Professor Balefi Tsie	Member
Reverend Kgolo Felix Mokobi	Member
Shaboyo Motsamai	Member
Ditlhogo Nelson Mokgethi	Member
Alexander Thabo Yalala	Member

Source: EISA website

Some political leaders who met with the Technical Team ahead of the 2009 elections indicated that although they were generally happy with the IEC's state of preparedness for the 2009 elections, they believed that there was a

need to revisit the issue of the appointment of the commission to make it a more transparent and apolitical process.

2.2.2 Functions

Section 65A (12) places authority to run elections in the hands of the IEC. In terms of this section, the commission is charged with a number of responsibilities. These are:

- Conducting and supervising the elections of the elected members of the National Assembly and members of a local authority, and conducting a referendum;
- Giving instructions and directions to the secretary of the commission appointed under section 66, in regard to the exercise of his/her functions under the electoral law prescribed by an act of parliament;
- Ensuring that elections are conducted in an efficient, proper, free and fair manner; and
- Performing such other functions as may be prescribed by an act of parliament.

The secretary to the IEC is the chief executive of the commission and is appointed by the president in terms of section 66 of the Constitution. His/her functions entail the general administration of the registration of voters and the conduct of elections in the country. He/she must discharge all duties with impartiality. However, despite the fact that the IEC has existed since 1998 and the office of secretary to the IEC has been created, the president, and not the IEC, continues to issue a writ of elections and this has led to the opposition alleging that the IEC is not independent.

The 1998 appointment of the IEC was marred by controversy. The main opposition parties boycotted the All Party Conference that recommended the names of possible IEC commissioners to the JSC. The Minister of Presidential Affairs and Public Administration in the President's Office is charged with convening meetings of this body, whose aim is to promote the exchange of ideas between political parties, including the governing party, the BDP. One of the reasons for the opposition parties' boycott was the BDP government's rejection of all the proposals the opposition put before the 2000 All Party

Conference. The proposals included, among other things, enhancing the independence of the IEC, reforming the electoral system, public funding of political parties, direct elections of the president and the counting of ballots at polling stations. Only the BDP and two small parties, the Botswana Labour Party (BLP) and the Marxist, Engels, Leninist, Stalinist Movement (MELS), were present at the conference. Section 65A (2) of the Constitution gives powers to the JSC to appoint the members of the commission even if there is no consensus among the political parties. Thus, the boycott of the All Party Conference by the opposition parties did not deter the JSC from going ahead with the appointment. Although this did not violate any laws, the non-participation of the opposition in the appointment led to the questioning of the IEC's independence and legitimacy (Shale 2009).

2.3 THE ELECTORAL SYSTEM AND THE CONSTITUENCIES

An electoral system is a framework that enables people to express their political choice and elect a government. The electoral system should reflect certain core values that constitute a complex web of people's political culture and application of democratic liberal values (Molomo 2006). Botswana has used the first-past-the-post (FPTP), or simple majority electoral system, since independence in 1966 and remains one of the nine SADC countries that continue to use FPTP. In Botswana the system has largely worked to the advantage of the ruling party, which has benefited greatly from it, while it works to the disadvantage of smaller parties and minority groups, since it alters the relationship between seats won and the number of votes each party receives in an election. Furthermore, apart from hindering the representation of certain sections of the population in the political process, 'the FPTP system does not only produce predominant party systems but also leads politics into a zero-sum game where governance takes the form [of] government versus opposition', thereby sidelining opposition parties. To date, one of the arguments for reform of the FPTP system has been the need for increased inclusion of the opposition in the political system, matching votes to seats, and following in the footsteps of other SADC member states (Shale 2009).

2.4 POLITICAL PARTY FUNDING

There is no party funding in Botswana. As a result, there is an uneven playing field, because the ruling party still has access to state resources through incumbency and other private funding. There is a weak opposition with

little or no financial and other resources. The legal framework in Botswana does not provide for either direct or indirect political party public funding. This is one of the contradictions about Botswana's democracy: it is hailed as a shining example of democracy in Africa yet political parties which should sustain democratic gains are not assisted financially to do so even though the country can afford it. Instead, the law places limits on the amounts election candidates may spend and requires that after the elections candidates account for all monies spent (section 86 (3) of the Electoral Act 1968). The preceding section, 84 (1) of the Electoral Act, dictates that monies received by candidates from any source for election purposes, whether as gifts or loans, should be declared. Section 85 of the same Act also stipulates that all funds above 10 pula (P10) have to be declared. The law does not indicate whether the funds referred to will be exempted from tax.

Given this system, political parties in Botswana are currently privately funded and although they have acknowledged that they do get funding from private sources, they have refused to disclose who their sources are and whether these sources are local or international (Makgoeng 2009). In a progressive move, prior to the 2009 elections, the Botswana brewing company, Kgalagadi Breweries Limited (KBL), took a decision to contribute to the successful electoral process. KBL provides financial support to political parties so that they can participate in the 2009 elections. This support was however limited to the parties that contested the 2004 parliamentary and local government elections. An overall amount of P2,000,000 was distributed among these political parties, based on the number of votes they obtained in the previous elections. Table 4 shows the share of each political party from the KBL funding.

The criteria used for the distribution of funds, displayed in Table 4, resemble what happens in a situation where public funding of parties is proportional to the number of seats they occupy in parliament, as is the case in South Africa. This formula disadvantages the smaller parties, as the main ones get the lion's share of the funds. This is despite the fact that some parties, like the ruling party, have other sources of funding due to incumbency. Be that as it may, the funds provided by Kgalagadi Breweries contributed to parties' election campaigns. Most importantly, providing funding to political parties by the KBL is the first such initiative from the corporate sector in Botswana's history

and through this gesture Kgalagadi Breweries has challenged the business sector as a whole to consider funding parties in the spirit of supporting the democratisation process in Botswana.

Table 4: Share of funding for 2009 Elections

Political Party	Votes Achieved in 2004	% of Total Votes in 2004	Share of P2M in 2009
BDP	213,308	50.63%	1,012,685
BNF	107,451	25.51%	510,126
BCP	68,556	16.27%	325,471
BAM	11,716	2.78%	55,622
BPP	7,886	1.87%	37,439
NDF	3,237	0.77%	15,368
MELS	121	0.03%	574
INDEPENDENTS	104	0.02%	494
REJECTED	8,893	2.11%	42,220
Total	421,272	100.00%	2,000,000

Source: Makgoeng 2009

3

The Pre-Election Phase



- 3.1 Delimitation of constituencies and polling districts
- 3.2 Voter registration
- 3.3 Nomination process
- 3.4 Women and political representation
- 3.5 Civic and voter education
- 3.6 Election campaigning and Code of Conduct
- 3.7 Media coverage of the electoral process

3.1 DELIMITATION OF CONSTITUENCIES AND POLLING DISTRICTS

The delimitation of electoral boundaries is conducted in line with the Constitution of Botswana. Section 64 provides for the appointment of the Delimitation Commission, which serves for a period of no more than two consecutive five-year terms. This commission is charged with the alteration of the boundaries of the constituencies based on the number of inhabitants which should be nearly equal to the population quota (section 65). As stated in section 1.2 of this report, the number of constituencies was increased to 57 prior to the 2004 elections. This number of constituencies did not change for the 2009 elections. It is likely to change only after the next population census, and, depending on the population size, the constituencies may increase or even decrease. In comparison to the 2004 elections, where there were a total of 490 polling districts and 2,178 polling stations, in the 2009 elections the polling stations numbered 2,288 in all. The number of polling districts remained unchanged at 490 (IEC Botswana Report 2010).

3.2 VOTER REGISTRATION

Voter registration in Botswana is continuous. The Electoral Act 1968 provides that whenever polling districts and polling stations have been established, the IEC shall prepare a new general voters' roll so as to obtain an accurate number of people eligible to vote. During this general registration period, the IEC makes available at all its registration centres copies of the existing voters' roll for inspection by members of the public (section 7). The Act

also provides for the supplementary registration of voters as and when the IEC secretary deems necessary. Given the foregoing, the IEC set itself a target of 650,000 registered voters by the time of going to the polls in 2009. It therefore embarked on a voter registration drive during the first half of 2007. The targeted figure of voters to be registered was an increase of around 15% over the number of voters registered for the 2004 elections, which was 552,849. By 22 October 2007 a total of 343,660 voters were registered. The IEC declared three supplementary registration periods between January 2008 and 5 June 2009. These additional registration efforts pushed the total number of registered voters to over 725,817, exceeding the commission's target by almost 11% and the 2004 total registered voters by around 31%. The 2009 registration of voters was conducted in all the 2,288 polling stations across Botswana and at 26 external polling stations located in countries where Botswana has embassies or consular missions (IEC Secretary 2009).

There was generally positive feedback from political parties regarding the voter registration process ahead of the 2009 elections. For instance, according to the Botswana Congress Party (BCP), the Botswana Democratic Party (BDP) and the Botswana National Front (BNF), the registration of voters went well and enough time was allocated to the process. Again, the voters did not have to travel or walk long distances, as the IEC increased the number of registration centres. The IEC also indicated that there had been a significant increase in the number of registered voters compared to previous elections.

3.3 NOMINATION PROCESS

The nomination of parliamentary and local government candidates was conducted in line with section 35 of the Electoral Act 1968. This section states that 'every candidate shall be nominated by a proposer, seconder and not fewer than seven other persons as supporters; the names of such proposer, seconder and supporters shall be on the election roll for the constituency for which the candidate seeks election'. As already highlighted in section 1.3 of this report, the nomination process was preceded by fierce contestation within parties during the primary elections, resulting in some unhappy would-be candidates opting to contest on their own. This led to a very high number of independent candidates compared to previous elections. These independent candidates were nominated by their supporters also in line with provisions of the Electoral Act. Other than stiff competition and internal

party conflict pertaining to nominations, the process went smoothly from the IEC's perspective. There were three nominations for presidential candidate, as shown in Table 5 below.

Table 5: 2009 Presidential candidates

Candidates	Political party
Mr Gilson Saleshando	BCP/BAM
Rt. Lt. General Seretse Ian Khama	BDP
Mr Otsweletse Moupo	BNF

Source: IEC Botswana

In total there were 176 candidates, including independents, for the parliamentary elections and 1,413, including independent candidates, for the local government elections (see Tables 6 and 7).

Table 6: Number of nominated parliamentary candidates by party

Political party	Number of Seats Contested
Botswana Alliance Movement	4
Botswana Congress Party	42
Botswana Democratic Party	57
Botswana National Front	48
Botswana People's Party	6
MELS Movement of Botswana	4
Botswana Thloko Tiro Organisation	1
Independent Candidates	15

Source: IEC Botswana

In terms of election management, the challenge with the nomination process was that it was too close to the advanced polling by polling officers and police officers, and this put the IEC under pressure to capture all the candidates and print ballot papers for them. Partly for this reason, the South African company (Uniprint) that had been contracted to print the ballot papers made a lot of errors on the ballot papers. As a result, the IEC had to postpone the special voting by electoral staff and police officers (see Part 4 of the report).

Table 7: Number of nominated local government candidates by party

Political party	Number of Seats Contested
Botswana Alliance Movement	33
Botswana Congress Party	322
Botswana Democratic Party	490
Botswana National Front	392
Botswana People's Party	39
Botswana Labour Party	1
MELS Movement of Botswana	3
Botswana Thloko Tiro Organisation	1
Independent Candidates	132

Source: IEC Botswana

3.4 WOMEN AND POLITICAL REPRESENTATION

There has been a significant growth in the number of women who registered to vote in the 2009 elections as compared with those who registered to vote in 2004 (404,283 and 311,265 respectively). The same growth has been witnessed in the number of registered men, which rose from 239,148 in 2004 to 321,534 in 2009 (IEC 2004: 2010). However, these increases in the number of registered voters by gender do not translate into participation of women as candidates contesting positions of power. The 2009 elections saw a continuing decline in the number of women candidates both in the parliamentary and local government elections. The same applies to presidential nominations. As can be seen in Table 5 above, Botswana has yet to have a female presidential candidate, four decades after independence.

In the parliamentary elections there was generally a low turnout of women candidates across all parties. For instance, of the five BCP women candidates none was elected to parliament. Of the three BDP women candidates two won elections in their constituencies. On the other hand, neither of the two BNF women candidates secured a seat. This means that of the 57 elected members of parliament in 2009, only two were women. Part of the reason that Botswana's political parties seem to do so poorly in the selection of women parliamentary candidates is that the electoral system used across all parties since the introduction of primary elections in the 1980s is the same as

that used in the general elections: first-past-the-post (Selolwane 2006). The low representation of women in leadership positions flies in the face of the commitment of African Union (AU) member states, including Botswana, to gender equality. The AU Declaration on Gender Parity was adopted in Maputo, Mozambique, in 2003, and prior to that the SADC developed the SADC Declaration on Gender and Development in 1997. Its commitment was to have 30% representation of women in decision-making positions, but the SADC has since scaled this up to 50% representation. Given that attaining the 30% mark has proven very difficult, the increased target of 50% is, without doubt, a tall order to achieve.

3.5 CIVIC AND VOTER EDUCATION

Civic and voter education in Botswana is generally left to the IEC. For instance, political parties consider civic and voter education to be the responsibility of the IEC and as a result do not do much apart from invite the IEC to their rallies and meetings to address issues regarding the electoral process (Kadima, Matlosa and Shale 2006). Based on the high number of registered voters, which exceeded its own target (and the actual low number of wasted votes), it can be concluded that the IEC performed very well in conducting voter and civic education ahead of the 2009 elections. The commission started in earnest as early as in the 2006/2007 financial year to prepare for the elections. Civic and voter education was intensified with visits to schools, kgotla meetings, workshops for the various stakeholders (including the faith sector, youth, women's organisations, civic organisations and political parties) and road shows (IEC 2009).

These interventions were aimed at sensitising the citizenry to why they should remain engaged in the electoral process and the importance of voting. Issues of governance were also included to assist the audience to appreciate why there must always be a government in place, its role and the role of the individual elected leaders. Citizens' influence on the decision-making process in a democratic setting was also given prominence. The commission also used high-tech equipment during its civic and voter education drives. This included the acquisition of an outside broadcast van and use of audio and visual equipment. The IEC produced its own educational material for broadcasting on television and radio.

The IEC also strengthened its relations with political parties, which constitute its major stakeholders during this process. This included the commission conducting countrywide workshops for prospective candidates, their election agents and campaign managers between January and February 2009. The purpose of the workshops was to familiarise the participants with the Electoral Act, particularly the relevant amendments. The IEC also involved other stakeholders, including the media and civil society organisations; hence a high number of people registered.

3.6 ELECTION CAMPAIGNING AND CODE OF CONDUCT

The legal framework in Botswana does not specifically make provision for how the election campaigns are to be conducted. However, unlike in the previous elections, election campaigns in the 2009 elections were for the first time governed by an electoral code of conduct, which was developed by the IEC at the request of political parties. All the contesting parties endorsed the code of conduct and signed it prior to the campaigning period. The code of conduct committed parties to the following:

- Intimidation in any form will not be permitted.
- No weapon of any kind should be brought to any political rally, meeting, march, motorcade or other demonstration.
- Parties' rallies, marches or other demonstrations should be held at least 500m away from each other during the same time of the day.
- Motorcades should strictly not pass through other parties' rallies.
- Parties should refrain from utilising public address systems, either fixed or mobile, between 21:00 and 05:00 hours, as this constitutes a public nuisance.
- Speakers at political rallies should not use abusive language, or language which might incite violence in any form against any other person or group of persons. Parties will not issue pamphlets, newsletters, posters or any other publicity materials which contain materials which incite people to violence.
- Party members and supporters will refrain from disrupting other parties' rallies, meetings, marches, motorcades or demonstrations.

- Party members and their supporters should not obstruct other people and the media from attending and participating in political rallies of other parties.
- Party members and their supporters will not disfigure or destroy political or campaign material of other parties.
- Parties will in their advertising and propaganda efforts sustain and maintain a clean environment. They should ensure that their posters are pulled down soon after elections and clean areas they congregate at during rallies and motorcades.
- Parties will ensure that media workers are not harassed, intimidated, threatened or assaulted by their officials or supporters.
- Parties will meet the commission as often as necessary to discuss matters of mutual concern or interest.
- Parties are encouraged to establish lines of communication to one another at headquarters, regional and local levels.
- Allegations of intimidation and other unlawful conduct in the election campaign should be reported to the PLC, the secretary and the police in that order.
- Party leaders will encourage their members and supporters to observe this code of conduct, and ensure compliance with it.
- The Independent Electoral Commission and party leaders undertake to publicise this code of conduct by all means at their disposal.
- In the event of non-adherence to the code at local level the PLC will be empowered to intervene to bring to order the deviant party. At national level the matter will be referred to the Legal Affairs and Dispute Resolution Committee of the IEC and lastly if unresolved taken to the relevant court of law.

The Technical Team covered a number of campaign rallies, particularly of the three main political parties, namely the BCP, BDP and BNF. A peaceful atmosphere prevailed at all the rallies and, in line with the code of conduct, the parties were tolerant of each other. Political parties used posters, printed media and political debates on Botswana Television to communicate with the voters.

The Technical Team noted what seemed to be a contradiction in that although there were a high number of people registered for the 2009 elections, this was not reflected during the campaign rallies observed. There was instead a sense of apathy in and around the city. When the Team asked the local population why this was so, it was told that unlike in other countries in the region where election rallies are a big thing, in Botswana people are not very interested in them. This view was proven by the fact that not even a rally where the president, Ian Khama, was the main speaker in Gaborone could attract many people. An estimated 200 to 300 people attended this rally, which happened to be in the opposition BNF stronghold. At the BNF rally on the eve of elections next to the University of Botswana there were less than 100 people in attendance. There was even a soccer match going on in an open soccer field adjacent to the rally. Similarly, the BCP rally, which was also supposed to be a big event, was attended by about 600 mainly party supporters.

3.7 MEDIA COVERAGE OF THE ELECTORAL PROCESS

Freedom of expression is enshrined in the Constitution of Botswana. Similar to other countries in the region, the public print and electronic media is often accused of serving the interests of the ruling party, while the private print and electronic media is considered friendlier to the opposition parties than to the ruling party. There is only one television station, Botswana Television (BTV), which is a public entity. There is also one public and a number of private radio stations. As regards the print media, a number of English and Tswana newspapers are in circulation. These include the *Daily News*, *Mmegi*, *Echo*, *Gazette*, *Midweek Sun*, *Botswana Guardian* and *The Voice*. Besides the local media in Botswana, two South African television stations, namely the SABC and ETV News Africa, reported on the 2009 elections live from within Botswana. The SABC radio stations, particularly Motsweding FM and Lesedi FM, also reported on the elections and the Technical Team gave interviews to ETV News Africa and Lesedi FM.

An important development regarding media and elections in Botswana was the adoption of a 'Code of Conduct for Broadcasters during Elections', which came into effect in July 2009. The aim of this code is to give general guidelines to all broadcasting service licensees on party political broadcasts during the electoral process. Sections 5, 6 and 7 of this code specifically deal

with party political broadcasts, prohibition of party political adverts and equitable treatment of political parties by broadcasters respectively. The code makes it very clear that:

- No broadcaster shall permit party-political broadcasts under any circumstances except during an election period.
- All broadcasters shall not broadcast any party political advertisement under any circumstances except announcements of schedules of meetings by different parties.
- If during an election period the programming of any broadcaster extends to the elections, political parties and issues relevant thereto, the broadcaster shall provide reasonable opportunities for the discussion of conflicting views and shall treat all political parties equitably. Equity shall be based on the number of running candidates for a particular party.

The public broadcaster was accused by political parties of being used by the ruling party for party political agendas and of censoring the stories of opposition parties. This was denied by the Director of Broadcasting during a briefing workshop organised by the SADC-ECF at the Cresta Lodge in Gaborone. The National Broadcasting Board of Botswana determined that both Radio Botswana and Botswana Television were indeed used by the ruling party for its own internal political agenda. Following the suspension of the secretary general of the BDP due to his fallout with the President, the ruling party issued a statement which it instructed the national broadcaster to read on air. It was entitled 'Address and Press Release by His Excellency the President of the Republic of Botswana Lieutenant General Seretse Ian Khama on the Current Affairs of the Botswana Democratic party – 20th August 2009'. In this statement the president sought to clarify to the people the suspension of the secretary general of the party and other matters around the issue. The BDP and president's view was that whatever happens in the BDP was of national importance; hence they requested the national broadcaster to air it.

In its report on the matter, the National Broadcasting Board of Botswana stated that upon listening to the recordings, perusing the documents as well as considering the submissions made during its meeting, it was fully satisfied

that the Radio Botswana and BTV broadcasts in question ‘amounted to a party political broadcast’ on the grounds that:

- The statement came from a political party, the Botswana Democratic party
- The statement was primarily meant to advance the interests of the BDP
- The Department of Broadcasting Services was instructed by the office of the president to broadcast the said party political broadcast, and it was therefore broadcast free at scheduled times.

The Board therefore ordered the national broadcaster to offer other political parties the opportunity that the BDP had to air their party political broadcasts. It also stated that the opportunity offered should be at the same time slots and on both Radio Botswana and Botswana Televisions, as afforded to the BDP broadcast. Despite these findings by the Board, the public broadcaster (both TV and radio) covered all the BDP candidates and the party’s events while not according the same opportunity to the opposition. Opposition parties were not covered until very late in the electoral process and, even then, their messages were censored to the extent that the voters could not get much information from what was aired. Only the leaders of parties (ruling and opposition) were fully covered by the public broadcaster, mainly during the campaigning period. However, as could be expected, the BDP president and head of state President Ian Khama was given more coverage due to incumbency.

As for the print media, the main outlets included the *Daily News*, which is regarded as a pro-government newspaper, *Mmegi*, *Echo*, *Gazette*, *Midweek Sun*, *Botswana Guardian* and *The Voice*, all of which were more accessible to all parties. The criticism of the newspapers by political parties was that they did not cover news from all the areas, as most of them are based in Gaborone and Francistown. Emang Basadi, a women’s organisation that was formed in 1986 against the background of the UN Conference on Women in Nairobi, monitored the media and issues from a gender perspective, and concluded that media coverage was biased against women candidates in the run-up to elections.

4

The Election Phase



- 4.1 Opening of voting stations and provision of election materials
- 4.2 Voters' roll
- 4.3 Polling stations and voting process
- 4.4 Closing of polling stations
- 4.5 Voting staff, party agents and security forces
- 4.6 Observers

Election Day in Botswana was Friday 16 October 2009. This was a normal working day, a departure from the norm in the region, where elections days are declared public holidays. The Technical Team visited a total of 17 polling stations in the following constituencies: Gaborone Central, Gaborone North, Gaborone South, Gaborone West North, Gaborone West South, Mogoditshane and South East North. Voting in all the visited stations and constituencies was peaceful and, although the queues were long in the early morning, this changed as the day progressed. People could be seen going about their daily errands in the city centre. The queues lengthened again in the afternoon.

4.1 OPENING OF VOTING STATIONS AND PROVISION OF ELECTION MATERIALS

Given that the Technical Team had only a few members, observation of the opening of a voting station was done at the same place, namely Tshiamo Primary School (polling station number 1354), in Selemela (polling district 263) within the Gaborone Central constituency number 32. The Team arrived at the polling station at 05:45 ahead of the legal opening time of 06.30. A few voters were already in the queue waiting for the opening of the polling station. They were very determined to vote and they did not report any act of intimidation. Voting materials for the polling station were delivered at 05:55 and polling officers laid out the polling station as required by the Electoral Act. All the electoral materials, which included ballot papers and stationery and lighting equipment, were verified by the Presiding Officer and were in

order. This station opened on time and the electoral staff was very familiar with the process. Party agents were all present and they agreed with all the opening stages as required by the Electoral Act 1968.

4.2 VOTERS' ROLL

The IEC had prepared and displayed voters' rolls in accordance with the relevant sections of the Electoral Act. There were therefore no issues of contention around the voters' roll in the 2009 elections. The IEC was highly commended by political parties and other stakeholders for the professional compilation of the voters' rolls and the time it allowed to all the political parties to inspect the roll.

4.3 POLLING STATIONS AND VOTING PROCESS

As stated earlier, there were a total of 2,288 polling stations in Botswana and 26 external polling stations in all the embassies around the world. The IEC had made sufficient preparation in terms of establishing enough voting stations to enable smooth voting. Despite the postponement of the advanced voting, the IEC was able to conduct a credible election.

Voting in all the observed stations went very well, although it was a bit slow at the beginning, usually caused by the fact that the polling staff had to ensure that they explained the voting process to voters, as some voters did not understand how to use the two ballot papers for parliamentary and council elections. A further factor was that the voter had to vote for the local councillor first and then vote for the parliamentary candidate afterwards.

In order to ensure quality elections the IEC had engaged the services of election experts to assist in the process. These experts were also supposed to do a performance audit after the election to identify areas that needed improvement, such as the legal framework, the operations and also other phases of the electoral process.

4.4 CLOSING OF POLLING STATIONS

The Technical Team opted to observe the closing where it had observed the opening as described above (section 4.1). As prescribed by section 67 of the Electoral Act, the polling staff declared the polling station closed at precisely

19:00. Polling staff collected all the electoral materials, such as signs indicating the direction of the polling station, the demarcation tape, polling booths and ballot boxes. A process of verification and reconciliation of electoral materials received, the ballots supposed to be in the ballot boxes, and other electoral materials took place. All the party agents present at the polling station countersigned the verification documents as a sign that they agreed with the results of the verification and reconciliation exercise.

4.5 VOTING STAFF, PARTY AGENTS AND SECURITY FORCES

The IEC ensured that the deployment of its personnel matched the requirements on the ground. A total of 547 Returning Officers and 1,698 Assistant Returning Officers were recruited for the 2009 elections. There was also a total of 4,576 Presiding Officers and 6,864 Polling Officers were also deployed (IEC Botswana 2010). Following a cancellation of the advance voting by the police and elections officers, the IEC re-shuffled its staff deployment schedule so that staff were posted to the areas in which they were registered in order to enable them to vote. Following this arrangement, voting by staff on voting day was on a rotational basis. That is, staff members took turns to vote so that they did not affect the general flow of the voting process by the general public. Those electoral staff who indicated that they were not able to vote despite this arrangement were allowed by the IEC to pull out of the process. A total of 983 Polling Officers opted to pull out of the process and were replaced with others who were in a reserve pool. The newly recruited staff were duly trained in time for them to be able to continue with the process. Their training was completed by 14 October 2009.

The Technical Team observed that, generally, party agents were more organised than in previous years. Each of the political party agents present was allocated one voters' roll for ease of reference during the voting process. They were then in a position to cross-check that the voters who voted in that particular station were duly registered to vote there. The voting staff called out the name of each voter to the party agents and the number on the voter's voting card. The party agents would then verify that such a voter actually existed on the voters' roll for that particular polling station. It was interesting to note that in some cases the party agents were quicker than the electoral staff in identifying the voters and this was a sign that the party agents were well prepared and understood their role in the voting process and actually knew the voters.

There was a visible presence of police officers in all polling stations. Every polling station had an average of two members of the police service. The police were also helpful to the process, as they helped in managing queues in front of polling stations where there were large crowds. As was the case with the electoral staff, the police officers were also deployed in voting stations in which they were registered and were as a result able to cast their votes.

4.6 OBSERVERS

The 2009 elections were observed by a number of local and regional and international election observer missions. The IEC accredited 23 groups altogether (IEC Botswana 2010). These were:

1. Nurses Association of Botswana
2. Organisation of African Instituted Churches
3. Diocese of Gaborone
4. BALA – Botswana Association of Local Authorities
5. BESNET – Botswana Electoral Support Network
6. African Union
7. Embassies (France, Japan, Canada, Britain, Germany, Russia, USA, Nigeria and China)
8. European Union
9. SADC Parliamentary Forum
10. SADC-ECF
11. YOHO – Youth Heal
12. BONEPWA
13. Ocea of Hope and BoKopano Support Group
14. SADC Electoral Observer Mission
15. One Care Support Group
16. Francistown Network of Support Groups
17. Zimbabwe Electoral Support Network
18. The Lands Followers Apostles Church
19. The Centre for Vision with Health
20. BCC – Botswana Council of Churches
21. University of Botswana
22. SADC-CNGO
23. EISA

The Technical Team met and held briefing sessions with domestic, regional and international missions, including the African Union, the SADC Parliamentary Forum, SADC-ECF, the SADC Electoral Observer Mission and the Botswana Electoral Support Network (BESNET). As the main domestic observer group, BESNET deployed 250 domestic observers across the country. The Technical Team noted that all the observers, domestic and international were issued with a copy of the Election Observer Manual and that none of them were restricted while carrying out their respective activities during the elections.

5

The Post-Election Phase



5.1 Counting



5.2 Transmission of Results



5.3 Results

5.1 COUNTING

Sections 69 to 71 of the Electoral Act stipulate how the counting process has to be conducted. Unlike in the previous 2004 elections, where counting was done at the constituency counting centre (EISA Observer Mission Report 2005), counting of the 2009 ballots was done at the 547 counting centres within constituencies. This improvement was in line with the amended section 69 of the Electoral Act. Section 69 (1) requires that ‘the Returning Officer shall make arrangements for counting the votes, at a place to be determined by him, in the presence of any candidates or Counting Agents who wish to be present, as soon as practicable after the closing of the poll, and shall as far as practicable proceed continuously to comply with the provisions of sections 70 and 71 until the counting is completed, allowing only reasonable time for refreshment.’

After the closing of the polling station where the Team observed, sealed ballot boxes were handed over to Returning Officers by the Presiding Officer. The boxes were then transported by the Returning Officer in the company of the Presiding Officer and the other electoral staff, the police, party agents and election observers to the district’s counting centre in the case of local council elections and to the constituency counting centres for counting of the parliamentary ballots. The Technical Team observed both the local council and parliamentary counting processes. At the centres, verification was conducted on all the election material before the actual counting began

in line with section 70 of the Electoral Act. The Technical Team observed that the verification exercise and the counting process were very slow. Due to the unnecessarily slow and strenuous process, the Team noted that some of the electoral staff who were counting were showing fatigue and began to be easily distracted by the agents and other electoral staff who were also becoming restless. However, they were tolerant and calm in response to demands to recount votes in situations where the political parties demanded a recount.

5.2 TRANSMISSION OF RESULTS

According to section 77 of the Electoral Act, after the votes are counted and the results ascertained, the Returning Officer shall certify by endorsement on the writ the return of the candidate elected and declare the results by reading aloud the certified endorsement for the elected candidates. Finally, the Returning Officer shall return the writ. The results from the constituency and district counting centres were transmitted to the IEC headquarters for capturing. Results announcements by the IEC for local council votes started filtering through from midnight on 16 October 2009. Parliamentary results were announced from the morning of 18 October 2009. Both public and private media announced results as they received them from the IEC. The Team observed that throughout the results transmission there was a calm atmosphere in Gaborone and its environs. Jubilant small groups of victorious candidates and supporters were seen along the city streets and no incidents of violence were observed.

5.3 RESULTS

All the results of the 2009 parliamentary and local government elections were available on 18 October 2009. As can be seen in Table 8, the BDP won the elections by a large margin, securing a total of 45 seats out of 57. The BDP increased its number of seats by one from the previous elections in 2004. The BNF retained its official opposition status, winning six seats. Yet the party has severely reduced in size considering that it lost 50% of its seats (from 12 seats in 2004 to 6 in 2009). This decline is mainly due to its internal conflicts around leadership. The BCP followed in third place as the second-largest opposition party in parliament with four seats, while its election pact partner BAM trailed the pack with only one seat. The figures show that the BCP is the only party among the three main parties to have registered a growth judging firstly by the increase in the number of seats from 1 in 2004 to 4 in

2009. Secondly, the table above shows that the BCP received only 68,556 votes in 2004. This means the party attracted 35,736 more voters in 2009. Despite the large number of independent parliamentary candidates (15), only one won a seat in parliament.

Table 8: 2009 National Election results: parties with seats in parliament

Party	Votes	% Votes	Seats contested	Seats won	% Seats
Botswana Alliance Movement (BAM)	12,387	2.27	4	1	1.75
Botswana Congress Party (BCP)	104,302	19.15	42	4	7.02
Botswana Democratic Party (BDP)	290,099	53.26	57	45	78.95
Botswana National Front (BNF)	119,509	21.94	48	6	10.53
Botswana People's Party (BPP)	7,554	1.39	6	0	0.00
Botswana Tlhoko Tiro Organisation (BTTO)	40	0.01	1	0	0.00
Independent	10,464	1.92	15	1	1.75
MELS Movement of Botswana	292	0.05	4	0	0.00
Total	544,647	99.99	177	57	100.00

Source: Botswana Independent Electoral Commission 2010

The dominance of the BDP extends to the local council level, where it won a total of 332 council seats out of 490 seats across the country. Table 9 below shows that the BNF came second with 71 seats, and was closely followed by the BCP with 69 seats. As has been mentioned, BAM formed an election pact with the BCP, and this explains why BAM did not win seats in other councils but only the six which it contested under the election pact with the BCP. It is worth noting that, as Table 9 shows, most of the opposition parties do not enjoy support in most of the local council areas. This means that they will find it difficult to unseat the BDP at the national level because in some councils elections are supposed to serve as a stepping stone to contesting power at the national elections. Put differently, a party cannot win National Assembly seats if it cannot attract voters at the local government level.

Table 9: 2009 Elections: party total seats per district council

COUNCILS	BAM	BCP	BDP	BNF	BPP	IND	MELS	NDF	SDP
Central District Council	0	16	108	10	0	6	0	0	0
Francis Town Council	0	7	11	0	0	1	0	0	0
Gaborone City Council	0	7	22	1	0	0	0	0	0
Ghanzi District Council	0	1	15	4	0	0	0	0	0
Jwaneng Town Council	0	0	3	4	0	0	0	0	0
Kgalagadi District Council	0	0	13	9	0	0	0	0	0
Kgatleng District Council	0	6	7	8	0	1	0	0	0
Kweneng District Council	0	9	48	9	0	0	0	0	0
Lobatse Town Council	0	0	8	4	0	0	0	0	0
North East District Council	0	0	16	0	3	0	0	0	0
North West District Council	6	8	29	3	0	0	0	0	0
Selebi Phikwe Town Council	0	7	7	0	0	0	0	0	0
South East District Council	0	7	11	2	0	0	0	0	0
Southern District Council	0	1	34	17	0	0	0	0	0
Total	6	69	332	71	3	8	0	0	0
Percentages	1.22	14.08	67.76	14.49	0.61	1.63	0.0	0.0	0.0

Source: IEC Botswana 2010

6

Conclusions and Recommendations



6.1 CONCLUSIONS AND RECOMMENDATIONS

The Technical Team is of the view that compared to some of the countries where poor management of the electoral process often leads to conflicts and political instability, Botswana has maintained exceptionally high standards in election management. The IEC in particular is commended for its professionalism – not only in the way it related to all stakeholders in the process, but also in the manner in which it handled the overall logistics. It must be remembered that this is the same IEC whose appointment in 1998 was marred by controversy that led to opposition parties boycotting the meeting where names of the candidates for the commission were to be recommended. It is pleasing to note, therefore, that despite having been unpopular at its inception, the IEC has strived to conduct credible elections and has to date organised three credible elections (in 1999, 2004 and 2009). The participation of the various stakeholders in the election process in Botswana has also promoted the credibility of elections. Most of them have provided positive and constructive feedback to the IEC in the quest to improve election management and to prevent conflicts.

All of this notwithstanding, there are areas of the electoral process which the Team feels need attention. These are:

6.1.1 Election materials

It was observed that despite recommendations by domestic, regional and

international observers of the previous elections that Botswana follow the SADC suggestion of translucent ballot boxes, the country still uses tin ballot boxes. which impacts on the transparency of the voting process. It is recommended that the country should accede to the regional best practices of using transparent ballot boxes in future elections.

6.1.2 Counting of the ballot papers

The Team noted that although the elections in Botswana are peaceful, Botswana still transports ballot papers from the polling stations to district and constituency counting centres. While this is an improvement on the previous 2004 elections, where the ballots were transported to one counting centre, it is the view of the Team that the the amendment of the law regarding new counting arrangements was supposed to make the counting process flow more smoothly and quickly, but the process was actually longer because of the double verification exercise both at the polling station and at the counting centre. It is therefore recommended that the country should consider aligning itself with the SADC best practice of counting ballot papers at the voting stations to avoid any suspicion about and delay in the counting process as well as posting the results of the election outside the voting station so that they are available to the public.

6.1.3 Party funding

The contribution of political parties to the successful electoral process in Botswana can be improved. In all fairness to the political parties, they participate in the electoral process without any financial assistance from the state. The introduction of private funding by Kgalagadi Breweries to support parties is commendable. It is recommended that private business should also consider following the example set by Kgalagadi Breweries in providing funding to parties as their contribution to the electoral process and democracy in Botswana, provided that this is done in an open and transparent manner. It is further recommended that the government of Botswana seriously consider providing public funding to political parties, as is the practice in some SADC countries, and that political parties account for the use of this funding.

6.1.4 Use of state resources

The Team noted with concern that in the absence of party funding in Botswana,

the ruling party is the only party with the advantage of having access to state resources due to incumbency. This includes the use of state vehicles and other resources, including the public media, for its political agenda. It is therefore recommended that the code of conduct that was introduced in Botswana in 2009 be implemented and punitive measures be taken to ensure that all guilty of violating its provisions are brought to book.

6.1.5 Women's participation in the electoral process

The Team noted with concern that very few women candidates were nominated across all parties during the 2009 elections. This state of affairs does not augur well for a country such as Botswana, which is hailed as Africa's best democracy. It is recommended that political parties should make deliberate efforts to include women in their decision-making structures. They should also create an environment conducive to women's participation in the affairs of their respective parties. Botswana should consider employing incentives, including quotas, to encourage the inclusion of women candidates or aspirants so as to speed up their representation in parliament.

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Appendix 1: Composition of EISA Technical Team

	NAME	GENDER	COUNTRY	DESIGNATION
1	Victor Shale	M	South Africa	Team Leader
2	Thembinkosi M. Sokhulu	M	South Africa	Member
3	Anselme Siakam Nana	M	Cameroon	Member

Appendix 2: Code of Conduct for observers

ELECTION OBSERVER MISSION
2009 PARLIAMENTARY AND LOCAL GOVERNMENT ELECTIONS
IN BOTSWANA
16 OCTOBER 2009

CODE OF CONDUCT

International election observation is widely accepted around the world. It is conducted by intergovernmental and international nongovernmental organizations and associations in order to provide an impartial and accurate assessment of the nature of election processes for the benefit of the population of the country where the election is held and for the benefit of the international community. Much therefore depends on ensuring the integrity of international election observation, and all who are part of this international election observation mission, including observers and leaders of the mission, must subscribe to and follow this Code of Conduct.

Respect sovereignty and international human rights

Elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine elections are internationally recognised human rights, and they require the exercise of a number of fundamental rights and freedoms. Election observers must respect the sovereignty of the host country, as well as the human rights and fundamental freedoms of its people.

Respect the laws of the country and the authority of electoral bodies

Observers must respect the laws of the host country and the authority of the bodies charged with administering the electoral process. Observers must follow any lawful instruction from the country's governmental, security and electoral authorities. Observers also must maintain a respectful attitude toward electoral officials and other national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election related rights guaranteed by law, constitution or applicable international instruments.

Respect the integrity of the international election observation mission

Observers must respect and protect the integrity of the international election observation mission. This includes following this Code of Conduct, any written instructions (such as a terms of reference, directives and guidelines) and any verbal instructions from the observation mission's leadership.

Observers must: attend all of the observation mission's required briefings, trainings and debriefings; become familiar with the election law, regulations and other relevant laws as directed by the observation mission; and carefully adhere to the methodologies employed by the observation mission. Observers also must report to the leadership of the observation mission any conflicts of interest they may have and any improper behaviour they see conducted by other observers that are part of the mission.

Maintain strict political impartiality at all times

Observers must maintain strict political impartiality at all times, including leisure time in the host country. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be reasonably perceived as favouring or providing partisan gain for any political competitor in the host country, such as wearing or displaying any partisan symbols, colours, banners or accepting anything of value from political competitors.

Do not obstruct election processes

Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results and

processes transpiring after election day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner.

Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

Provide appropriate identification

Observers must display identification provided by the election observation mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested.

Maintain accuracy of observations and professionalism in drawing conclusions

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgments must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence.

Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely. Observers also must keep a well documented record of where they observed, the observations made and other relevant information as required by the election observation mission and must turn in such documentation to the mission.

Refrain from making comments to the public or the media before the mission speaks

Observers must refrain from making any personal comments about their

observations or conclusions to the news media or members of the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership. Observers may explain the nature of the observation mission, its activities and other matters deemed appropriate by the observation mission and should refer the media or other interested persons to the those individuals designated by the observation mission.

Cooperate with other election observers

Observers must be aware of other election observation missions, both international and domestic, and cooperate with them as instructed by the leadership of the election observation mission.

Maintain proper personal behaviour

Observers must maintain proper personal behaviour and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

Violations of this Code of Conduct

In a case of concern about the violation of this Code of Conduct, the election observation mission shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer concerned may have their observer accreditation withdrawn or be dismissed from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

Pledge to follow this Code of Conduct

Every person who participates in this election observation mission must read and understand this Code of Conduct and must sign a pledge to follow it.

ABOUT EISA



EISA is a not-for-profit and non-partisan non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of relevant government departments, electoral management bodies, political parties and civil society organisations operating in the democracy and governance fields throughout the SADC region and beyond. Inspired by the various positive developments towards democratic governance in Africa as a whole and the SADC region in particular since the early 1990s, EISA aims to advance democratic values and practices and to enhance the credibility of electoral processes. The ultimate goal is to assist countries in Africa and the SADC region to nurture and consolidate democratic governance. SADC countries have received enormous technical assistance and advice from EISA in building solid institutional foundations for democracy. This includes: electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; and enhancing the institutional capacity of the election management bodies. EISA was formerly the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is currently the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

VISION

An African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment

MISSION

EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa

VALUES AND PRINCIPLES

Key values and principles of governance that EISA believes in include:

- Regular free and fair elections
- Promoting democratic values
- Respect for fundamental human rights
- Due process of law / rule of law
- Constructive management of conflict
- Political tolerance
- Inclusive multiparty democracy
- Popular participation
- Transparency
- Gender equality
- Accountability
- Promoting electoral norms and standards

OBJECTIVES

- To enhance electoral processes to ensure their inclusiveness and legitimacy
- To promote effective citizen participation in democratic processes to strengthen institutional accountability and responsiveness
- To strengthen governance institutions to ensure effective, accessible and sustainable democratic processes
- To promote principles, values and practices that lead to a culture of democracy and human rights
- To create a culture of excellence that leads to consistently high quality products and services
- To position EISA as a leader that consistently influences policy and practice in the sector

CORE ACTIVITIES

- Research
- Policy Dialogue
- Publications and Documentation
- Capacity Building
- Election Observation
- Technical Assistance
- Balloting

OBSERVER MISSION REPORTS

CODE	TITLE
EOR 1	Mauritius Election Observation Mission Report, 2000
EOR 2	SADC Election Support Network Observer Mission's Report, 1999/2000
EOR 3	Tanzania Elections Observer Mission Report, 2001
EOR 4	Tanzania Gender Observer Mission Report, 2001
EOR 5	Zimbabwe Elections Observer Mission Report, 2001
EOR 6	South African Elections Observer Mission Report, Denis Kadima, 1999
EOR 7	Botswana Elections Observer Mission Report, Denis Kadima, 1999
EOR 8	Namibia Elections Report, Tom Lodge, 1999
EOR 9	Mozambique Elections Observer Mission Report, Denis Kadima, 1999
EOR 10	National & Provincial Election Results: South Africa June 1999
EOR 11	Elections in Swaziland, S. Rule, 1998
EOR 12	Lesotho Election, S. Rule, 1998
EOR 13	EISA Observer Mission Report, Zimbabwe Presidential Election 9-11 March, 2002 (P/C)
EOR 14	EISA Observer Mission Report, South Africa National and Provincial Elections 12-14 April 2004
EOR 15	EISA Observer Mission Report: Malawi Parliamentary and Presidential Elections 20 May 2004
EOR 16	EISA Observer Mission Report, Botswana Parliamentary and Local Government Elections 30 October 2004
EOR 17	EISA Observer Mission Report, Mozambique Parliamentary and Presidential Elections 1-2 December 2004
EOR 18	EISA Observer Mission Report, Namibia Presidential and National Assembly Elections 15-16 November 2004
EOR 19	EISA Observer Mission Report, Mauritius National Assembly Elections 3 July 2005
EOR 20	EISA Observer Mission Report, Tanzania Presidential, National Assembly and Local Government Elections 14 December 2005
EOR 21	EISA Observer Mission Report, The 2005 Constitutional Referendum in the DRC/ Le Référendum Constitutionnel en RDC 18-19 December 2005

- EOB 22 EISA Observer Mission Report, Zanzibar Presidential, House of Representatives and Local Government Elections 30 October 2005
- EOB 23 EISA Observer Mission Report, Zambia Presidential, Parliamentary and Local Government Elections 28 September 2006
- EOB 24 EISA Observer Mission Report, Madagascar Presidential Elections 3 December 2006
- EOB 25 EISA Observer Mission Report, DRC Presidential, Parliamentary and Provincial Elections / Elections Présidentielles, Parlementaires et Provinciales 30 July and 29 October 2006
- EOB 26 EISA Election Observer Mission Report, Lesotho National Assembly Elections 17 February 2007
- EOB 27 EISA Election Observer Mission Report, Madagascar National Assembly Elections 23 September 2007
- EOB 28 EISA Election Observer Mission Report, The Zimbabwe Harmonised Elections of 29 March 2008 Presidential, Parliamentary and Local Government Elections with Postscript on The Presidential Run-off of 27 June 2008 and the Multi-Party Agreement of 15 September 2008
- EOB 29 EISA Election Observer Mission Report, Swaziland House of Assembly Election 19 September 2008
- EOB 30 EISA Election Observer Mission Report, Malawi Presidential and Parliamentary Elections 19 May 2009
- EOB 31 EISA Election Observer Mission Report, Zambia Presidential By-Election 30 October 2008 EOB 31
- EOB 32 EISA Election Observer Mission Report, The Mozambique Presidential, Parliamentary and Provincial Elections of 28 October 2009
- EOB 33 EISA Technical Assessment Team Report, Mauritius National Assembly Elections 5 May 2010
- EOB 34 EISA Technical Observer Team Report, Namibia Presidential and National Assembly Elections 27 and 28 November 2009

