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**AFRICAN UNION ELECTION OBSERVATION MISSION (AUEOM) TO THE
24 OCTOBER 2014 GENERAL ELECTIONS IN THE REPUBLIC OF BOTSWANA**

PRELIMINARY STATEMENT

26 OCTOBER 2014

I. INTRODUCTION

1. At the invitation of the Government of the Republic of Botswana, the Chairperson of the African Union Commission, H.E. Dr Nkosazana Dlamini-Zuma, deployed an African Union Election Observation Mission (AUEOM) to observe the General Elections of 24 October 2014 in the Republic of Botswana.
2. Led by H.E. Dr Joyce Banda, former President of the Republic of Malawi, the Mission comprises thirty-five trained African Union observers drawn from the Pan-African Parliament (PAP), African Ambassadors to the African Union, Election Management Bodies, Human Right Institutions and Civil Society Organisations from the following African countries namely: Angola, Côte d'Ivoire, Ethiopia, Gambia, Ghana, Kenya, Malawi, Mauritania, Namibia, Nigeria, Rwanda, Saharawi Republic, Seychelles, Sierra Leone, South

Africa, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe.

3. The Mission is supported by a team of experts from the African Union Commission¹, the Pan-African Parliament (PAP) and the Electoral Institute for Sustainable Democracy in Africa (EISA).
4. The AU Mission observed the 24 October general elections within the spirit and letter of the relevant African Union instruments especially the Constitutive Act of the Union adopted in July 2000; the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa (AHG/Decl.1 XXXVIII) as adopted by the Assembly of Heads of State and Government of the African Union and the African Union Guidelines for Election Observation and Monitoring Missions, both adopted in July 2002; the African Charter on Democracy, Elections and Governance, which entered into force in February 2012. The Mission is also guided by other relevant international instruments governing the conduct of elections such as the Universal Declarations of Human Rights (UDHR) adopted by the UN General Assembly in December 1948, the International Covenant on Civil and Political Rights (ICCPR),

¹ These include Democracy and Electoral Assistance Unit, Department of Political Affairs; Bureau of the Office of the Chairperson; Directorate of Information and Communication; and the African Union Liaison Office to SADC.

which entered into force in March 1976, and the Constitution and National Laws of the Republic of Botswana.

5. The Mission arrived in Botswana on 14 October 2014 and will remain in the country until 30 October 2014. Cognisant of the fact that the official results of the election are yet to be announced by the Independent Electoral Commission (IEC), the AUEOM hereby presents its **preliminary findings and recommendations**. The findings and recommendations are based on the Missions consultations with key electoral stakeholders and its observations at the close of polls and counting on 24 October 2014.
6. A detailed final report of the AUEOM will be shared with relevant authorities in the Republic of Botswana and published at the African Union website within two months after the elections.

II. OBJECTIVES AND METHODOLOGY OF THE MISSION

a. Objective

7. The objective of the AUEOM was to make an independent, objective and impartial assessment of the 24 October 2014 General Elections in the Republic of Botswana in accordance with

the aforementioned national, regional and international standards for democratic elections.

b. Methodology

8. To achieve its stated objective, the AUEOM undertook the following activities:

- i. The Mission held a three-day orientation and briefing programme for observers from 20 - 22 October 2014. This gave an opportunity for observers to interact with key stakeholders at the national level and to receive briefings on key aspects of the electoral process. Observers also received training on the African Union observation methodology, security and safety procedures, reporting and code of conduct for observers before deployment.
- ii. The leadership of the AUEOM also held further consultations with key electoral stakeholders before Election Day to ascertain their level of preparedness and gained further understanding of the political environment of the elections. The stakeholders consulted included the Vice President and Chairperson of Botswana Democratic Party

(BDP), two Presidential Candidates from the Botswana Congress Party (BCP) and Umbrella for Democratic Change (UDC), the Speaker of Parliament, the Chief Justice, the Ministry of Foreign Affairs, the Commissioner of Police, Independent Electoral Commission (IEC), Political Parties, Representatives of Civil Society Organisations (CSOs), the Media, the Diplomatic Community and Heads of other Election Observation Missions. The mission will continue to consult relevant stakeholders until its departure.

- iii. On 23 October 2014 twelve (12) teams of AU observers were deployed to twenty six (26) constituencies. Before polling day, the teams met with local stakeholders and observed the final stages of electoral preparations. They also familiarised themselves with the polling centres and stations within their areas of deployment.
- iv. On the polling day, the teams visited a total of 175 polling stations in their areas of deployment.

- v. The observers returned to Gaborone on 25 October 2014 for a debriefing session where they reported back on their findings and shared their overall assessment of the election.

III. PRELIMINARY FINDINGS AND OBSERVATIONS

a. General Political Context:

9. The political environment was generally peaceful and calm. Political parties freely campaigned and reached out to voters. AUEOM commends the candidates and their supporters for their conduct in the lead up to the elections, and encourages the people of Botswana to continue in the same manner in the post-election period.

b. The Constitutional and Legal Framework

10. The legal framework for elections in Botswana is governed by the Constitution of 1966, the Electoral Act of 1968 (Chapter 02:09), and the Local Government (District Councils) Act.
11. The Constitution of Botswana (as amended) recognises and guarantees political rights and fundamental freedoms of the citizens of Botswana that are essential to elections such as those of association, assembly, movement and expression. It also

provides the principles for the conduct of elections, including the organisation of periodic elections at regular intervals; universal adult suffrage; the establishment of an independent electoral body; and the holding of elections in an efficient, proper, free and fair manner.

12. The Electoral Act (as amended) constitutes the principal law relating to the elections in Botswana and provides for the right to vote, the registration of voters, the nomination of candidates, polling procedures, processes of dispute resolution and a clear description of election related offences. These provisions offer citizens, political parties and candidates assurances of the institutionalisation of a proper framework to protect the integrity of the electoral process.
13. The Local Government (District Councils) Act contains provisions regarding the elections of the Councils, including the establishment of District Councils by order of the President and the required qualifications for candidates to stand for elections to a Council.
14. In addition to the national legal framework, Botswana has signed or ratified a number of international and regional

instruments related to the conduct of democratic elections. The relevant international commitments include the United Nations Universal Declaration of Human rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of Racial Discrimination (ICERD), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). At the regional level, the country is committed to the African Charter on Human and Peoples' Rights (ACHPR) and the Constitutive Act of the African Union. It has signed but not ratified the Protocol to the ACHPR on the establishment of an African Court. Botswana is also politically committed to the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa and the SADC Principles and Guidelines Governing Democratic Elections.

15. The AUEOM, however, notes that Botswana is yet to sign the African Charter on Democracy, Elections and Governance, the ACHPR Protocol on the Rights of Women and the SADC Declaration on Gender and Development.
16. The AUEOM notes that the constitutional and legal framework of Botswana provides a solid basis for holding credible elections in

line with international and regional obligations. The AUEOM further notes that the Botswana legal framework does not make provision for public funding of political parties and campaign financing as contained in section III (g) of the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa. Funding of political parties under the Electoral Act comes primarily through private and corporation entities.

c. Election Management

17. The AUEOM recognizes the central role of IEC as a statutory body entrusted with the responsibility of managing and supervising electoral processes in Botswana as provided in Section 65(A) of the Constitution.

18. The Mission notes that the preparations and conduct of the elections were effectively managed by IEC. Materials were distributed across the country on time and in adequate quantity. Overall, the general administration of the election was handled in a professional manner.

d. Voter Registration and Voter's roll

19. Voter registration is conducted by Constituency Registration Officers under the supervision of the IEC Secretary. During the general registration period, the IEC is required to make available at all registration centres copies of the existing voters' roll for inspection by members of the public as required by Section 7 of the Electoral Act. The law also provides for the supplementary registration of voters as and when the IEC Secretary deems necessary. The potential voter is required to present national identification and fill in a declaration of eligibility to receive a voter card.
20. The final roll, which was published after the amalgamation process, has a total of 824,434 registered voters, composed of 368,347 males and 456,087 females. Out of this total registered electorate, 47% are youth. The Mission commends the high registration of women and youth.

e. Political party registration and candidate nomination

21. The AUEOM notes that political parties in Botswana are registered as societies in accordance with the Societies Act. For the 2014 election, three political parties and independent candidates contested the elections. The three political parties are the BDP, BCP and the UDC.

22. The AUEOM further notes that the nomination of parliamentary and local government candidates was conducted in line with Section 35 of the Electoral Act.

23. Nomination of candidates for the office of the President took place on 20 September 2014. At the end of the nomination process, each of the three political parties nominated a presidential candidate. On 25 September 2014, BCP fielded 54 candidates, BDP 57 candidates, and UDC 52 candidates for the National Assembly elections. Additionally, 29 independent candidates presented themselves for the National Assembly elections.

24. The AUEOM gathered that the nomination process was conducted smoothly and in accordance with the procedural requirements.

f. Campaign Process and Campaign finance

25. The IEC Code of Conduct for political parties guides campaigns in Botswana. The Code of Conduct was published by the IEC in 2009. It gives political parties the freedom to campaign within acceptable standards while respecting the rights and freedoms of the other political parties.

26. Section 80-89 of the Electoral Act contains provisions regulating campaign expenditure. Section 81 of the Electoral Act provides for expenditure by candidates to a maximum of P50,000, while Section 84 provides for the regulation of private funding of political parties and the disclosure of such funds. Parties and candidates depend largely on private and corporate donations to finance their campaigns activities.

g. Gender and Minority

27. While the voter rolls clearly shows that women constitute the majority of the voters in Botswana, this is not reflected in the

political parties nomination for candidates for both the Office of the President and National Assembly. Notably, no quota policy is provided in the Electoral Law. The last National Assembly included only 4 female MPs (2 directly elected and 2 elected by the National Assembly) out of 61 MPs.

28. However, the Mission commends the effort by the IEC to include minority groups in the electoral process. For instance, for these elections the Commission developed a special ballot paper to assist visually impaired persons.

h. Civic and Voter Education

29. The AUEOM commends the IEC for conducting civic and voter education and setting it as one of its goals though not legally obliged to do so. The IEC undertook civic and voter education activities throughout the electoral calendar. Sensitisation campaigns were organised before and during the general registration and rolls' inspection period. The Commission also continued through various means of communication to remind voters of their civic responsibility. This is done to encourage the participation of the population for increased voter turnout.

i. Media

30. The Media Practitioners Act of 2008 and the Botswana Communications Regulatory Authority Act of 2013 regulate the media. The latter repealed the Broadcasting Act of 1998, which abolished the provision for establishment of community radio stations.

31. The AUEOM notes that Botswana enjoys a relatively free and diverse media landscape, including a vibrant social media which together with mainstream media provided coverage and commentary in the run up to the 2014 elections.

IV. Election Day Finding

32. Voting took place on 24 October 2014. On the day of polling, AU observers visited a total of 175 polling stations where they observed the opening, voting, closing and counting procedures. This section presents the AUEOM's assessment of the voting day activities and procedures.

a. Opening the poll

33. The Mission notes that over 98% of the polling stations visited by the AUEOM opened on time.

34. There were queues outside all the polling stations, which were managed in an orderly manner by Polling Officials assisted by Police Officers.

35. The AUEOM noted the generally calm and orderly atmosphere around the polling stations prior to and during the opening process.

b. Polling Stations

36. The atmosphere in all polling stations visited by AUEOM was peaceful. The Mission notes with satisfaction that the conduct of polling officials, voters and party agents were in accordance with procedures. Voters were able to cast their vote within a reasonable period of time.

37. The Mission noted that access was provided to voters requiring priority like persons with disabilities, expectant and nursing mothers, and the elderly.

38. There was no campaign material or campaigning near the polling stations visited by the AUEOM.

c. Election Materials

39. Election materials were distributed on time and in sufficient quantity throughout the voting day. The serialisation of the ballot

papers made it easier to account for used and unused ballots. The AUEOM did not observe any cases of insufficient election material in all the polling stations visited. Ballot boxes were sealed properly and placed in full public view.

d. Election Personnel

40. The polling officials were in sufficient numbers and displayed good knowledge of the voting and counting procedures. They demonstrated adequate levels of professionalism, competence and understanding of their roles and responsibilities. In all the stations the Presiding Officers welcomed the visit of observers and were responsive to their questions.

e. Observers and Party/candidates' agents

41. The IEC accredited citizen and international observer groups in due time and displayed a full availability to attend to the Mission's requests. Citizen and international observers were granted access to the polling stations to attend the vote and the counting centres to observe the counting. Observer groups were able to perform their duty without any restrictions or interference.

42. The Mission notes the low presence of citizen observer groups in the polling stations. This is a noteworthy observation since the

participation of citizen observers is crucial to the reinforcement of the credibility and legitimacy of the electoral process.

43. Party and candidate agents were present in all polling stations visited by the AUEOM and seemed aware of their role and responsibilities.

44. The Mission commends the provision of voter register to party and candidate agents in order to double check voters' identification against the list.

f. The Polling Process

45. The voting was generally conducted efficiently and in a peaceful atmosphere. Voters and polling staff complied with the voting procedures. Identification was checked and the Presiding Officers provided impartial assistance to voters. The Mission notes that posters with names and symbols of the contesting parties and independent candidates were posted outside or inside the booths. This was an additional aid for voters to easily identify their party or candidate.

46. The secrecy of the vote was generally upheld through proper placement of the booths. No irregularities were observed by the AUEOM.

g. Participation of Women on Election Day

47. The Mission wishes to commend the remarkably high level of participation and inclusion of women in the voting process. Women were engaged as Returning/Presiding Officers, Polling Officials, Party Agents, and Election Observers. Women also turned out in large numbers to cast their vote on Election Day.

h. Closing and Counting Process

48. At the close of polls, the relevant procedures were consistently applied. The Mission followed the transfer of ballot boxes in areas visited from the polling stations to the counting centre. The counting was conducted in a peaceful and orderly manner. However, the counting process appeared slow and time consuming.

V. Conclusion and Recommendations

a. Conclusion

49. Based on its pre-election assessment and Election Day findings, the AUEOM concludes that the elections were held in a peaceful and transparent environment, which allowed the electorate to effectively participate in the electoral process and to exercise their political rights. The conduct of the elections largely

conformed to international and regional best practices and standards.

b. Recommendations

50. The AUEOM encourages the Government of Botswana to consider providing public funding to registered political parties on an equitable basis. This will improve the fairness in the electoral process as contained in Section III, Paragraph G of the OAU/AU Declaration on Principles Governing Democratic Elections in Africa.

51. The AUEOM encourages the Republic of Botswana to sign, ratify and/or commit to the African Charter on Democracy, Elections and Governance; African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the SADC Declaration on Gender and Development as part of its commitment to democracy and good governance in Africa.

52. The AUEOM encourages the introduction of a legal requirement, such as quotas for political parties to apply provisions

for affirmative action to ensure women's representation in political decision-making positions.

53. The Mission encourages the IEC to consider reviewing the procedure involving the counting of the votes. The Mission, therefore, recommends the counting and posting of results at the polling stations in order to avoid logistical and operational challenges in the transfer of election materials and counting of votes.

54. The Mission endorses the active role of Civil Society as domestic observers in the electoral process and encourages both the Government and International Organisations to continue their support to Civil Society Organisations.