



## ELECTION • TALK

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### **NAMIBIA'S LOCAL GOVERNMENT ELECTIONS: IMPLICATIONS FOR THE GENERAL ELECTION**

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Namibia held its third local government election on May 14, 2004. The entire process proceeded without major controversies, and was pronounced as having proceeded in a free and fair atmosphere, all political players and actors therefore accepted its outcome. It later turned out that voters in some local authorities were disturbed by the fact that leaders of their parties altered the compositions and sequences of list of candidates that emerged from the party primaries for these elections. This discontentment was played out in a drama in the High Court, in which four of the seven SWAPO Party candidates for the Ongwediva town council in northern Namibia challenged the legality of the decision by their party's leadership to remove their names from the list used ahead of the elections. This was in order to accommodate people who failed the first hurdles of the internal selection process.

In her ruling on this dispute, High Court Judge Kato van Niekerk rightly hinted that supporters of political parties who become unhappy when their leaders make late changes to candidates lists or impose unelected people on them have no one else to blame, but themselves. Firstly, because voters seemed indifferent towards the debate on the type of electoral system that would best suit the conditions of their local authorities. Secondly, the rank and file membership of the various political parties seem to under-rate the essence of the democratic process for the need of entrenching and institutionalising intra-party democracy, in terms of which political parties would be required to open themselves to greater public scrutiny.

#### **Debates on Appropriate Electoral Systems:**

The 1992 Local Authority Act proposed that only two local elections were to be held using the proportional representation system, with a party list onto which parties are compelled to alternate men and women, and, which by implication meant that the voters had to cast their votes for that particular party. This policy provision presupposed the introduction of ward based electoral framework for the 2004 local government elections, in terms of which the political parties would have been required to field individual candidates for contest in the various single member local electoral wards. In a 2003 survey by the Institute for Public Policy Research (IPPR), it emerged that only 51 percent of the total sample favoured the policy as it stood then.<sup>1</sup> This indifference partly paved the way for passage of an amendment bill by Parliament, which stipulated that the proportional representation electoral system will continue to be used in all future local authority council elections.

This U-turn was justified on the basis of the fact that the proportional representation electoral system has proved effective in favouring the inclusion of smaller parties, as well as in legally guaranteeing balanced gender representation. It was further argued that given the country's past legacy of apartheid, candidates in a ward based electoral system could end up representing particular racial and ethnic interests, at the expense of collective representation of the residents of the respective towns and cities because the residential pattern in most municipal areas have not changed substantially since independence. Although Christiaan Keulder<sup>2</sup> argued that there is no perfect electoral system, as there will always be shortcomings with which the actors in the political system will have to be prepared to live. The latest drama seems to vindicate those who foretold that the amendment of the provisions for local authority council elections will in the long run, militate against the ongoing process of political decentralisation. As it turned out, the amendment can be abused to defeat the spirit of local democracy and citizens' participation, by undermining the choice of local voters, as both the electorate and their elected local political office bearers could end up being manipulated by those who call the shots in the respective parties. Moreover, this presents a clear testimony that the policy as amended, is threatening to undermine the discretion of the electorate to nominate and hold their elected local authority office bearers individually accountable in subsequent elections, hence creating an impression that local authority councillors can effectively be appointed by their parties rather than being elected onto the Council by the local residents.

<sup>1</sup> Thiel H., Elections, Electoral System and Gender Quota: Views of Namibians, *IPPR Briefing Paper* No. 17, February 2003

<sup>2</sup> Keulder C., To PR or To Ward? Notes on the Political Consequences of Electoral System in Namibia, *IPPR Briefing Paper* No. 14, November 2002

### **Intra-Party Democracy:**

Given the fact that the transparency of political primaries is an important litmus test of the extent and degree of the intra-party democracy, this incident therefore, also raises questions as to whether there can be local democracy without the permeation of democratic ethos, culture and practice in the key institutions at the micro-level, such as political parties, whose role and effectiveness determines the quality of the democratic process itself.<sup>3</sup> It is generally noted that intra-party democracy remains the weakest link in the chain of elements that together would constitute a democratic state, in some cases the lack of it also helped undermine democracy through the self-interested action on the part of the leadership of political party.<sup>4</sup> In the Namibian case, there seems to be double standards in the processes of nominations of party candidates to contest in the various elections, in terms of which there is greater public interest and scrutiny in the selection of candidates for general and presidential elections, compared to the intransigent attitude towards the similar processes for regional and local elections.

### **REVIEW OF THE UPDATING OF THE VOTERS ROLL AHEAD OF THE GENERAL ELECTION IN MOZAMBIQUE**

**Dr. Luis de Brito, Eisa Country Representative in Mozambique**

The voter registration drive aimed at updating the voters' roll initially scheduled to take place between 15 and 30 June has been postponed until the period 28 June to 15 July. The official reason for the delay is the late arrival of the necessary registration material. According to the electoral authorities, this delay will not affect the initial election date fixed for December 2004. In the meantime, opposition political parties are starting to cry foul over the way the process is being organised particularly on the criteria of appointment of electoral staff that will constitute the registration teams on the ground. The allegation that the voter registration exercises have systematically favoured the areas considered as Frelimo strongholds has been recurrent since 1994. However, there has never been sufficient evidence presented on these allegations. Yet, the suspicions of those opposed to the voter registration operations find justification in light of the often technical deficiencies encountered in the process.

The extremely short period in which to undertake the complex task of compiling a voters' roll has resulted in errors and inconsistencies. There are not only doubts about the numbers of registered voters but also the voters' registration process in itself seems to be a major source of contention. In fact, the registration exercises are meant to update the voters' roll through registration of new voters, i.e., those voters that have acquired eligibility since the last registration, those who are eligible but have

not yet registered, as well as those who have moved their residence out of the original registration area. During the same period, names of transferred voters must be eliminated and new registration certificates issued to those voters who have lost theirs. However, there is room to assume that many voters re-register for no reason. For example, the data collected by the Electoral Observatory in Marromeu during the 2003 municipal elections seem to suggest this. In this case, it was noted that the figure of registered voters during the process of updating the roll was 6630 entries. This is excessive compared to the 1999 initial/reference registration figure of 10473. In other words, the new voters represented more than 50% of the existing voters in 1999. It was noted, on the other hand that the actual voters' turnout was 44% for the newly registered (in 2003) against 14% for those registered in 1999. While other explanations cannot be ruled out, it would appear quite obvious that there might have been unjustified double registration.

According to the law, the voters' must be updated annually, but this provision is not complied with. As matter of fact, since the 1999 voter registration took place, it was only updated few months before the 2003 municipal elections. This might have contributed towards the voters' misunderstanding as to whether they were required to register and/or re-register. The new campaign to update the voters roll in 2004 also takes place in the context of the general elections this year. As there was a fresh registration drive for both the 1994 and 1999 general elections, this may probably reinforce the idea amongst the voters that a new registration is needed for one to vote. Another element to consider as a contributing factor for the errors in the voters' registration system is that the registration is not carried out by civil servant staff, but instead by teams composed of people specifically recruited to update the voters roll. For these temporary employees the motivation is solely financial and this leads to poor quality work. In fact, a preliminary analysis of the Secretariat of the Electoral Commission data base conducted within the context of a UNDP technical mission in May 2004 in one of the largest provinces in Mozambique, suggests the existence of many errors and duplications in the voters roll. Given the importance of the voter registration in an electoral process and the various allegations made by the opposition political parties in this respect, the election management body's preoccupation to promote transparency in this aspect of their work is justifiable. However, the limited time frame provided in the electoral calendar does not facilitate this or the formulation of opposition parties' complaints.

### **MALAWI 2004 GENERAL ELECTION: POST MORTEM AND AFTERMATH** **Rafiq Hajat, Institute for Policy Interaction**

The 2004 Presidential and Parliamentary General Elections have come and gone, and the nation is coming to terms with events that transpired and nursing wounds that were inflicted during violent episodes that took place. This election was significantly different from its predecessors in several ways. First, the incumbent

<sup>3</sup> Matlosa K., Interrogating Challenges for Intra Party Democracy in Southern Africa, *EISA Occasional Paper* No. 17, February 2004

<sup>4</sup> Olaleye W. Political Parties and Governance in Zimbabwe *EISA Occasional Paper* No. 18, March 2004

President had completed his constitutional tenure of two consecutive terms and had to relinquish the position, thereby leaving the field wide open for new aspirants. This was a first for Malawi. Second, five candidates from various parties were serious contenders in the race. The intense competition and unpredictability of the outcome also set new precedents in electoral history. Third, in addition to the five candidates who were fielded by political parties, this race also featured one independent candidate and, in the initial stages, put forward a female candidate with sufficient credentials in the person of Dr. Vera Chirwa – another first in Malawi. Fourth and finally, the upcoming parliamentary election race also featured a large increase in ‘independent’ candidates (358 independents as compared to only 20 independents in 1999). These were contenders (mostly UDF) who were disgruntled with losing primary elections due to the opaque and biased conduct by their political party functionaries and thus vowed to stand on their own and prove a point by winning against the candidates fielded by the parties who had spurned them.

People voted freely, without any intimidation or harassment. However, the electoral process and the management thereof by the MEC, manifested numerous inadequacies and challenges that grossly undermine any claim of a fair election. Some examples are: First with regards to voters’ registration, in a virtual repeat of 1999, the process was initially supposed to run from 5-18 January 2004, but was soon afflicted by severe systemic problems that impeded operations and discouraged would-be voters from registering. Soon after the exercise was launched, reports of shortage of materials started trickling in. Vital items such as duplicate certificates, registration forms, tamper-proof pouches, plastic bags, files and films ran out in numerous centres. Supervisors vainly endeavoured to obtain the requisite items, but were thwarted by the absence or unavailability of Returning Officers. The Malawi Electoral Commission (MEC) issued numerous reassurances but these came to nothing as the shortages persisted and intensified until many centres were virtually non-functional. The MEC had to extend the deadline twice and the exercise finally ended on Wednesday, 28 January 2004 amidst a creeping sense of despondency. Only 320,000 out of the expected 500,000 new voters were registered – an indication of voter apathy that did not auger well for the upcoming general elections.

Second, with reference to the Voters Roll, the MEC subsequently published the Voters Roll which reflected a new electorate of 6.6 million. This figure was hotly contested by various stakeholders until the MEC reluctantly admitted that it had made a gross error due to lack of adequate computing power and called in a South African IT Consultancy firm to audit the exercise. This revealed that the actual electorate was at a figure of around 5.4 million – a decrease of over 1 million voters (approx. 20%). Suspicions about attempted rigging burgeoned when it was learnt that the MEC had printed over 7 million ballot papers – far in excess of any conceivable requirement for the looming election.

This fiasco ensured that the Voters Roll could not be displayed for verification within the time period required by the PPEA and again, in a virtual repeat of 1999, the opposition parties took the matter to court. The court ruled that the MEC must continue with the elections but that the extra ballot papers must be kept in safe custody with the courts. The MEC pleaded an inability to comply due to the fact that the materials had already been disbursed throughout the country and it would be an impossible task to return the ballot papers to the courts before election day. The upshot of this whole saga was that the general elections were postponed for two days – until 20 May 2004 (another virtual re-run of 1999).

Third many anomalies were revealed during the polling; some of these included the appearance of withdrawn presidential candidates on ballot papers; non-appearance of *bona fide* parliamentary candidates on ballot papers in some constituencies; usage of both computerised and manual voters rolls resulting in confusions and delays; lack of training of officials/monitors in many polling centres; and lack of adequate lighting and seating during counting after centres had closed. Fourth the Tally Centre official results were being displayed excruciatingly slowly thereby creating suspicion. Anxious observers were growing visibly frustrated by the fact that only 26 (out of 193) results had been announced 24 hours after closure of polling centres. It was obvious to all that there was a tremendous bottleneck somewhere, but the MEC and the Secretariat chose to maintain silence in an opaque manner that soon inflamed tempers and led to an outright confrontation between civil society stakeholders and the MEC Officials on the floor of the Tally Centre.

Fifth after three days, the MEC chose to abandon the display of results and rushed ahead to announce presidential results at 3.00pm on Sunday 23 May 2004, in a manner that allowed no space for corroboration or verification. Sixth, civil society did not conduct adequate civic education with the voters on the electoral process. Civil society organisations such as Malawi Electoral Support Network (MESN) gave an impression of being uncoordinated, and disorganised. All these factors seriously impaired the efficacy of their participation and undermined their potential to make considerable impact on the conduct of the MEC and the whole electoral process. Finally the above sequence of events created confusion and anger amongst voters who took to the streets to vent their displeasure upon hapless bystanders and buildings in a violent and unruly display. The Police Service was called in to quell the riots and used live ammunition against unarmed demonstrators, resulting in the tragic deaths of five civilians – amongst them was a 10 year old girl. The perceived flaws in the process revealed many areas that must be addressed – beginning immediately- to counteract similar recurrences in upcoming elections such as the local government elections that are scheduled for 2005/6 and the 8 parliamentary by-elections that are yet to be held. One must bear in mind that the tenure of the MEC expires in 2006 and it is therefore imperative to commence work on the mammoth task of transforming the MEC to avoid any such travesties of electoral mismanagement in future.

## **Conclusion**

The need to transform the MEC completely becomes of primary importance. This should be done by issuing a fresh set of rules and procedures that would restore public confidence by enhancing the independence, impartiality, neutrality, credibility and efficiency of the Commission by changing its composition to a new paradigm. In addition to the above, there is need to review the Commission secretariat to ensure that the newly transformed Commission is buttressed by an efficient, well trained and professional secretariat that will meet international electoral management standards. It is now incumbent upon all stakeholders to tackle all these challenges and rectify the anomalies that have been identified to date. This is vital if elections are to redeem their credibility in the eyes of the people and prevent the insidious onslaught of voter apathy from inexorably settling in.

## **BOTSWANA 2004 ELECTION: POLITICAL PARTIES' MANIFESTOS AND POLICIES**

**Dr. Kenneth Good, University of Botswana**

The 2004 manifestos of the two main opposition formations, the Botswana Congress Party (BCP), and the electoral pact which draws together the Botswana National Front (BNF), the Botswana People's Party and the Botswana Alliance Movement, have now been issued. The BCP's manifesto is a comprehensive 66 page document, which would have benefited from careful proof-reading. It lists education, jobs and HIV-AIDS among its priority of priorities, and when it adds a fourth item, the eradication of poverty it offers a serious critique of the Botswana Democratic Party (BDP) government's strategies. The BDP's utilisation of the country's large mineral wealth has entrenched enormous disparities of wealth and income, while it has also failed to use the mineral's revenue to tackle poverty. Manufacturing industry has been neglected, and the collapse of Hyundai car assembly in Gaborone in 1999 showed that where there is no personal interest by the top echelons of the ruling party, the government does not care about national development. Under Empowering the Disempowered, attention is given to the equality of ethnic groups. While the BDP regime purports to be democratic and to respect human rights, it has glaringly undermined the minority, or non-Tswana, ethnic communities. Treated as second-class citizens, and marginalised politically, the rich traditions, history and practices of [non-Tswana] nationalities are fast disappearing. Within this situation, the Basarwa [or San or Bushmen] have been the most marginalised; not only underdeveloped, but also dispossessed of their land...the basis of their livelihood. A BCP government would therefore repeal all ethnically discriminatory laws, and would encourage the development of all languages, but no specific commitment is made by the BCP to granting land rights to the San.

The 23-page manifesto of the Pact group also begins with a critique of increasing poverty, inequalities, unemployment and corruption. While the richest 20 per cent of the population owned 60 per cent of national

wealth, the poorest 40 per cent enjoyed only 10 per cent of the cake. The manifesto aims to give voters facts about the country which the BDP government was hiding from them. Such statistics demonstrate the misrule of the BDP. On ethnicity, the Pact's views were similar to the BCP's. Accusing the BDP of continuously denigrating the cultures and languages of ethnic minorities, the manifesto states that this amounted to ethnic chauvinism. But the relevance and details of opposition policy proposals come up against the brick wall of BDP predominance. Having won every election held over 39 years, the opposition by definition is unfit to rule. On 14 May, the senior minister, Lt. General Mompoti Meraphe, declared what former BDP leaders repeatedly asserted that opposition parties were unready for government and should be ignored by voters. They were unaccountable and characterised by splits and infighting. This denigration was elaborated on by the BDP executive secretary, Botsalo Ntuanne, in early June. The BNF, he claimed, was competitive only in southern Botswana. The BPP had a presence in only three constituencies in the north east, and the BAM was a briefcase outfit, with a membership of less than 100. The BCP's manifesto cogently attacked the BDP for having promoted a liberal democracy paradigm that is systematically devoid of a participatory character. It associated this with the futility of parliamentary debates, and with executive dominance of the legislature. It proposed to support civil society, and to strengthen parties through state funding. This would be accompanied by limitations on donations made to parties, and on the public declaration of all such gifts. The leader of the BNF, Otsweletse Moupo, agreed that the funding of parties was needed to render the playing field level. Well resourced as it was as the governing party and the recipient of donor money, the BDP dismissed such proposals out of hand. Meraphe said in May that parties should find their own funds, and doubted if the BNF and the BCP would have the capacity to monitor the correct usage of public money.

An equally vital political reform for the opposition was access to the media. The BNF leader said in mid-June that political coverage had been reportedly frozen by the official media. Simultaneously, President Mogae and his deputy Ian Khama continued to be covered on the flimsy excuse that they acted in their official capacities. Much evidence pointed to the fact that the 2004 elections would be free in the sense of open, but far from fair. The ruling party commanded vital resources, and the opposition, regardless of their policies, did not. This was as it had been in Botswana previously, and how it was in Zambia in 2003 and in Malawi's May 2004 elections.