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Introduction

On 3rd September 2004, the President Festus Mogae dissolved Parliament to pave way for the ninth general election expected to take place in October this year. Botswana has held eight successive national elections over the past 38 years without producing a change of

government. The government of Botswana is known for having conducted successive free and fair elections and promoted the notion of the Rule of Law. This is direct opposition to some of the other countries in the SADC that have been torn apart by internecine strife, weak rules and procedures of the electoral process, the absence of a level

political playing field, and co-opted civil society, manipulation and intimidation. Many Botswana citizens approach the national elections due in October with increasing disillusionment and a feeling of boredom and *deja vu* at the certainty and predictability of an overwhelming victory (expressed as landslide victory) by the ruling

party. The previous elections have been declared as free and fair though opposition parties have always refuted this allegation.

There will be twelve (12) political parties contesting the 2004 election. These include the all-powerful ruling Botswana Democratic Party (BDP). There is also the one time formidable and leftist Botswana National Front (BNF) that over its long life as the main opposition party, has sired six splinter groups. These have hived off with considerable following. The rest are mere ballot spoilers who may not field candidates in five constituencies. Of the six BNF off-shoots, the Botswana Congress Party seems to be the party to watch.

Constitutional and Legal Framework

According to Dingake, although Botswana inherited a Westminster model of colonial government, it operates a presidential – Westminster system of government. ‘In terms of the constitution, the President is both the head of government and state, something quite alien to the Westminster system of government.’ (Dingake 2000.)

The Botswana government refers to the Constitution of the country as if it were a sacrosanct document of laws cast in stone and entirely inviolate, as the document that defines Botswana’s nationhood. In Setswana, the Constitution has been translated into ‘Molao Mothe’ literally, a law that establishes all laws. Important questions as to how the Constitution was determined or who actually took part in its construction, and which sections of the society or what different types of class interests were represented are hardly ever raised. The ordinary man, who was not a participant in either the local or international

political scene, is asked to respect the Constitution because it was drawn up by his Chief. In no countries are constitutions ever determined by entire populace but at least they are discussed and mandates are given so that when a document of such magnitude is finally put before the people it has also been informed by their expressed wishes. Unless this is done, the documents will not have much meaning to the citizens. The Botswana Constitution, unlike the Zimbabwean, South African and Namibian Constitutions, is a creation of colonial power, neither created by the people through a referendum nor by a constituent assembly.

In his seminal doctoral thesis, Oagile Key Dingake examines the extent to which the existing legal and constitutional framework in Botswana facilitates free and fair elections, Dingake argues that;

Electoral regimes and election results of a country are shaped by the political and economic development of that society. In Botswana, democracy and the electoral process in particular, have been shaped by among others, history, economic development and the legal system. Prior to independence, Botswana was ruled by chiefs. With independence, elections were used to transform the monarchical politics into republican politics through the election of the political leadership. The political leadership was elected to the national assembly and hereditary rule was confined to the house of chiefs. (O.K. Dingake 2000 p.50)

This says nothing of the very real safeguards against abuse and tyranny by the state and its apparatus that the Botswana Constitution bestows on ordinary citizens.

Constitutional Provisions

The Constitution of Botswana provides for and safeguards basic civil and political rights including freedom of association, assembly, movement, conscience and prohibition against arbitrary arrest, well as enjoining a multiparty democracy based on regular, five yearly, free and fair elections. It rests the power to call elections with the President. It also provides for a unicameral legislature of the Westminster type whose members are elected through a majoritarian or winner takes all First Past the Post Electoral System (FPTP). More specifically, the Electoral Act specifies how elections are conducted, who is eligible to contest and vote but is silent on specifying the date of elections in advance. Its determination is a secret known only to the Botswana President, unlike the practice in other countries.

Botswana’s general elections up to 1989 were conducted and managed by the Permanent Secretary in the Office of the President and were open to all citizens who had attained the age of 21. Throughout this period, there was also a new phenomenon evidenced by a marked increase in the number that joined the opposition. Opposition showing through the succeeding elections also meant that the ruling Botswana Democratic Party could not forever reject calls by opposition for electoral reforms.

The period 1989 to 1994 saw the establishment of the Office of the Supervisor of Elections. The incumbent became controversial as the opposition rejected him as a card carrying member of the ruling party who had previously unsuccessfully contested that party’s primary elections. After the 1994, good showing by opposition forced the government to make further concessions and consider certain electoral reforms.

Article 66, Section 1 of Constitution of Botswana established a

Supervisor of Elections whose duty it is to exercise jurisdiction over the registration of voters for elections of the Elected Members of the National Assembly and preside over the conduct of such election. Section 2 of the same article made the Supervisor of Elections a presidential appointee. Section 3 and 4 established who may or may not be appointed to the position.

Section 5 defined those people that the Supervisor could from time to time, instruct to carry out his decisions, while Section 6 establishes to whom the Supervisor is answerable. Section 7 states 'In the exercise of his functions under the foregoing provisions of this section, the Supervisor of Elections shall not be subject to the direction or control of any other persons or authority. Sections 8 to 11 established conditions under which the Supervisor of Elections may be removed from office'.

Traditionally, according to Good (1997:3), the purpose of the Supervisor of Elections is to ensure that national elections are properly carried out countrywide and was appointed and reported solely to the President, while the Chief Justice, who is similarly appointed only by the President, is 'required to act administratively, and - perchance politically - as returning officer during the indirect election of the President'. The Chief Justice receives petitions challenging the validity of any election candidate and his decision thereof is final and cannot be challenged in a court of law.

Article 67 defined the person of the voter as follows: S/he may be a citizen of Botswana or of any other country to which this section is applied by Parliament. He or she had to have attained the age of 21 years had either resided in Botswana for a continuous period of at least 12 months immediately preceding the date on which s/he applied for

registration as a voter or was born in Botswana and domiciled in Botswana in the date on which he applies for registration as a voter.

It is important to allude to the fact that unlike in most of the SADC countries where election dates are known in advance, Botswana's election date remains the top secret of an all-powerful State President with excessive and sweeping executive powers, until just days before the event. The declaration of an election date is deemed a presidential prerogative

The Botswana Independent Electoral Commission (IEC)

Following the 1997 national referendum, major electoral reforms were instituted. These were realised in the 1997 Constitution Amendment Act that provided among others that:

(1) There shall be an Independent Electoral Commission which shall consist of -

(a) a Chairman who shall be a judge of the High Court appointed by the Judicial Service Commission;

(b) a legal practitioner appointed by the Judicial Service Commission and

(c) five other persons who are fit, proper and impartial, appointed by the Judicial Service Commission from a list of persons recommended by the All Party Conference.

Section two of this same Article states that where the All Party Conference fails to agree on all or any number of persons referred to in subsection (1) (c) of this section up to dissolution of Parliament, the Judicial Service Commission (JSC) shall appoint such person or persons as are necessary to fill any vacancy. Later on we shall discuss how this clause was recently used when the JSC disregarded a massive walk out

of opposition parties at the All Party Conference and went ahead to appoint the current members of the IEC.

Section 3 explains the All Party Conference to mean 'a meeting of all registered political parties convened from time to time by the Minister. While section 4 stipulates that the first appointments of the Chairman and the Members of the Commission shall be made not later than 31st January, 1999, and thereafter subsequent appointments shall be made at the last dissolution of every two successive lives of Parliament.'

Sections 5 to 7 stipulates the tenure of office of the Chairman of the Commission as well as establishing who may be appointed and what conditions such appoints are subject to. Section 8 states: 'The Commission shall regulate its own procedure and proceedings. Section 9 to 11 establishes the commission's procedure. While section 12 establishes the commission's mandate as; responsible for:

the conduct and supervision of elections of the Elected Members of the National Assembly and members of a local authority, and conduct of a referendum;

(a) giving instructions and directions to the Secretary of the Commission appointed under section 66 in regard to the exercise of his functions under the electoral law prescribed by an act of Parliament:

(b) ensuring that elections are conducted efficiently, properly, freely and fairly; and

(c) performing such other functions as may be prescribed by an Act of Parliament.

The last section states that the Commission shall on the completion of any election conducted by it, submit a report on the exercise of its functions under the preceding provisions of this section to the

Minister for the time being responsible for matters relating to such elections, and that Minister shall, not later than seven days after the National Assembly first meets after he has received the report, lay it before the National Assembly.

Section 66 of the Constitution is thus changed by substituting for it by the following:

there shall be a Secretary to the Independent Electoral Commission referred to in section 65A.

1) (a) the secretary shall be appointed by the President.

(b) the functions of the Secretary shall, subject to the directions and supervision of the Independent Electoral Commission, be to exercise general supervision over the registration of voters for elections of –

(a) the Elected Members of the National Assembly; and

(b) the members on any local authority and over the conduct of such elections.

Sub-sections 4-5 are disqualifying clauses in that they set limits, they lay conditions by which one is disqualified from appointment to the post of the Secretary. For one to take this post they must take and subscribe to, the oath of allegiance, as may be prescribed by Parliament. In a case where one party dominates Parliament this would be interpreted to mean the party of state and its President.

Another millstone amendment was an amendment to Section 67 of the Constitution, by reducing the voting age from 21 years to 18.

The Judiciary

Over many years in Botswana, there has been official insistence on the separation of powers between the different arms of the state. The Executive, the Legislature and the Judiciary are said official to function

independently of each other. Section 103 (1) states that there shall be a Judicial Service Commission for Botswana which shall consist of:

(a) the Chief Justice, who shall be Chairman

(b) the Chairman of the Public Service Commission of such other member of that Commission as may for the time being be designated in that behalf by the Chairman of that Commission.

(c) one other member who shall be appointed by the Chief Justice and the Chairman of the Public Service Commission acting together.

Sub-section 4 of that article states that the Judicial Service Commission shall not be subject to the direction or control of any person or authority in the exercise of its functions under this Constitution. The 1996 Report of The Presidential Commission on the Judiciary notes with good reason that:

We are informed that the names of the chairman and of the other members of the Commission are never gazetted or otherwise published. We believed this is not good enough. We believe very strongly that the general public should be made aware, not only of the existence of the Commission, but that the names of those who make up the Commission should be adequately made known to the public.

Electoral System

One of the major legal instruments in determining how free and fair elections are conducted, is the electoral process and rules and procedures pertaining to the conduct of such an election and how outcomes are arrived at as a result. Botswana's electoral system is best described as first-past-the-post (FPTP) or the single member constituency system where a simple majority is enough to return a candidate to Parliament as

constituency representative. Those suggesting an alternative electoral system maintain that the first-past-the-post system is flawed in that it does not regard the 'no' vote. However the proponents of this system say it ensure a strong government and that members are more accountable to their electorate than in other systems since their success is dependent very single vote cast. This system was bequeathed to the country by the departing colonial administration in 1965 and has stayed intact to date. Recently, opposition political parties and civic society members have called for electoral reforms suggesting proportional representation as an alternative electoral system. The ruling party is resisting calls for any reform in this regard.

Evolution of the Botswana Electoral System

The evolution of Botswana's electoral system can be explained in three phases. The first was the immediate post independence era from the 1960s to the early 1980s when the elections were conducted at all stages by the government by a civil servant called the Supervisor of Elections. The Supervisor was a political appointee and appointed by the President of the ruling party. By extension, suffered this position suffered a conflict of interest as the incumbent was a referee and a player as the same time. The practice of police transporting ballot boxes from the polling stations to a central counting station, leaving election staff and party minders behind remains a major concern among politicians. In the past, this practice fuelled violent clashes between party supporters and the police.

In consequence, the opposition advocated electoral reforms

which included among others, the counting of ballots at the polling centres rather than transportation to a central counting station raising fears that ballot boxes and thus allaying fears that they are swamped and generally interfered with in the process. They also demanded the establishment of an Independent Electoral Commission (IEC), continuous voter registration, the reduction of the voting age from 21 to 18 years, the absentee ballot, and proportional representation (PR) and limited term of office for the President. The government finally acceded to these demands in 1998. These also entailed the problem of gerry-meandering where rural and urban constituencies were lumped together in what the opposition perceived as the dilution of their urban stronghold with ruling party bedrock support in the rural areas. Concerns also included incidences of polling stations located in private farms where allegedly, farm workers were intimidated to vote for the ruling party and the opposition were denied access. This was the second phase of Botswana's electoral system.

The third phase has involved consolidating previous gains in reforming the electoral process. Here major concerns are that the adoption of the proportional representation system, based on results of previous elections, showed that many constituencies (at least 18 of them) were marginal and were not safe, so much so, that voting behaviour could swing results either way. In many such constituencies, the margin could be as low as 13 votes as in Ngwaketse West, Okavango and Letlhakeng. Moreover, it has also become clear that there was a serious discrepancy between the popular votes commanded by each party, which is disproportionate to the numbers of seats captured in

Parliament. For instance, the ruling BDP commanded 54.5 and 57 percent during the 1994 and 1999 general elections, but received a disproportionate 68 (27 seats) and 83 percent (33 seats) of the seats respectively. By comparison, the BDP's nearest contender, the opposition BNF scored 37 and 26 percent of the votes in 1994 and 1999, but obtained only 33 (13 seats) and 15 percent (6 seats) of the seats in Parliament respectively. The other opposition party, the BCP, captured 12 percent of the popular vote but received 2 percent (1) of the seats in Parliament. Molomo shows that had proportional representation had been operational rather than First Past the Post or winner takes all electoral system, the number of seats based on the percentage of the popular vote would have been entirely different. He asserts that the results show the disproportion created by the FPTP system and the unfair advantage it bestows the ruling party to the detriment of the opposition. In the 1989 elections, the BDP won 31 of the 34 seats (or 91 percent of them), even though it only commanded 65 percent of the popular vote. Had the seats been allocated in proportion to the popular vote, the outcome would have reduced the BDP's 31 seats to 22 and the combined poll of the opposition would have risen to 17 seats, rather than only three (3). Academic researchers such as Molomo, have concluded that Botswana's FPTP electoral system has been found wanting in significant respects [and] empirical evidence suggests that it is the least democratic electoral system. Its winner-takes-all practice distorts electoral outcomes, and often produces minority governments. The system does not match the actual popular vote with representation and seats captured in Parliament (Molomo, 2000:118-9). The IEC on the other hand, has also recommended that Botswana should revisit its electoral system

for the purposes of matching the popular vote with the percentage of seats won (IEC: 2002:76)

In Botswana however, there is no consensus among important political players and stakeholders on the integrity and fairness of the electoral process which has in the past led to many successful court petitions protesting cases electoral fraud and irregularities. In other instances, the cases were dismissed on a mere technicality by the courts.

In spite of regular elections, questions are being asked as to whether Botswana's electoral process advances the cause of democracy or whether indeed, the elections are free and fair. Numerous public complaints already abound as in the past that the rules are not fair, which means that while Botswana elections might be free they are certainly not fair. Such complaints of have include cases of voter trafficking, long queues at polling stations which discourages thousands against casting their votes, a fraudulent voters roll where glaring discrepancies are unaccounted often with the number of voters exceeding those registered to vote. These are both present and historical instances of the unfairness of the electoral process. Many votes are still wasted and thousands of ballots rejected at every election, with a total of 17 483 disqualified during the 1999 elections alone (IEC, 1999: 23).

Section Two

Pre-election Political Setting

Review of Previous Elections and Election Results

Botswana seems to be the only country in the world where the process of political independence has also implied a conscious effort to de-politicise of the common citizenry.

Until the 1994 general election, Botswana was effectively a one-party state. In all elections prior to that date, the Botswana Democratic Party (BDP) had attained over seventy percent of the seats in National Assembly. During that time the ruling party was able to keep opposition from Parliament. In 1994 however, the opposition Botswana Nation Front (BNF) caused a major upset when it won 13 of the 40 contested seats. This created a semblance of a two party democracy. In 1999, however, following a split within the BNF, the BDP recaptured six of the seats it had lost. In the post 1999 scenario, the BDP is still the dominant party in Parliament with 33 elected members, plus a further four specially elected and a President who does not have to contest an election directly against the BNF's six and the BCP's one.

The BNF's electoral gains were soon reduced to five by inter-party strife. This led to another break away and the departure of the BNF ideologue Kenneth Koma to the New Democratic Front NDF. The NDF will contest its first election this year. About half of all political parties contesting the election can trace their ancestry to the BNF. The history and the reasons for party splits could be the subject of a complete political study. Though there is much mistrust between the different parties, three of the twelve parties contesting this election will enter as pact; the BNF, Botswana Action Movement, and Botswana Independence Party. Unfortunately the pact does not include Botswana's third largest party; the BCP.

Maudeni (2004) states that judging by the results of the last two parliamentary elections Botswana has effectively, a weak two-party system.

Political Parties

(Manifestos, Factionalism within Parties, Political Party Financing etc)

Some recurrent political issues in Botswana's elections include class differentiation, poverty and wealth, crime, unemployment, health, education, relevant education unemployable workers and skewed incomes.

All the major political parties have issued manifestos that attempt to address these issues. The BDP manifesto reiterates the achievements of its party over the last 38 years of its rule. The miracle of the diamond boom and the country's story of from rags to riches is its recurrent theme. It's tried and tested track record is often touted as the main reason why it has been or should be, returned to power. On the cover of this year's glossy manifesto the ruling party says 'there is still no alternative' to its rule. But what are the implications of it continued rule?

In article entitled: Botswana: An African Miracle or a Case of Mistaken Identity published in 2003 by *Pula*, a journal of the University of Botswana, Monageng Mogalakwe argues that discussions of Botswana's 'success' story often ignore issues of class differentiation and the conflicting social relations that they entail, whereas Botswana's post-colonial economic development is really a class project.

In a country like Botswana where private capital accumulation is seen as the best way of securing social production and reproduction, classes emerge in their wake, and class conflict arises because of the relations of production embedded in the process.

Mogalakwe's major contention is that the country's economic growth and structural transformation did not take place in a vacuum.

On Botswana's downside is its extremely high level of social inequality. These social inequalities which emanate from social relations of production and distribution embedded in a capitalist system are systemic rather than aberrant. As far back as 1974, the Rural Income Distribution Survey carried out by the Central Statistics Office (CSO) revealed that the poorest 40 percent of households in Botswana had less than 12 percent of the national income, whilst the richest 20 percent had 58 percent of the national income. The Gini-coefficient, the measure of relative inequality was 0.52. In 1985, the CSO conducted a more comprehensive income distribution survey, the result of which revealed that the income share of the poorest 40 percent had declined to 10.7 percent whilst that of the richest 20 percent had gone up to 61 percent. The Gini-coefficient was 0.56, up by four points from the 1974 level. They survey further revealed that about 74 percent of urban households had an income of less than P500 per month. In 1994, the CSO conducted yet another income distribution survey and the results revealed only marginal decrease between the rich and the poor in Botswana. According to this survey, the income share of the poorest 40 percent now stood at 11.6 percent whilst that of the richest 20 percent stood at 59.3 percent, and the Gini-coefficient was 0.537. (Mogalakwe. 2003.p84.)

This year's election has an added issue of the national vision 2016 that promises Botswana a much improved quality of life. The BDP manifesto declares that it is inspired by this national vision, forcing the main opposition BNF to reject the vision as an impractical set of platitudes and nothing else but a mere campaign ploy. The BNF

argues that eight years into the vision the government has not even changed its mind set, as indicated by the BDP's refusal to fund all political parties for electioneering.

The BNF manifesto combines the politics of all the pact members with the result that it has toned down its socialist rhetoric, perhaps signalling an important new departure from its doctrinaire politics to something of akin to social welfare-like politics but also on a practical level to accommodate its pact members. The BNF-led pact identifies poverty, unemployment, national unity, the differences between the poor and the rich, greed and corruption by the ruling elite as its major election issues. On these issues there is little difference between the BNF and the BCP.

Both the BDP and the BNF have been plagued by the emergence of the factionalism that flared up to absorb both political energy and material resources. At beginning of this year newspapers in Botswana devoted disproportionate space to discussing the different factions within the BDP. News leaks of diatribe directed at different members of different factions were common. Prominent was a feud between the then BDP national chairman the influential PHK Kedikilwe and the son of the first President, Major General Ian Khama Seretse Khama. Kedikilwe was trying to thwart contest for the party chairmanship while Khama posed as the reformer and the presidential protégé. President Festus Mogae who had transferred Ian Khama from the barracks into the State House came out in full support of the new claimant against an old rival. At their Gantsi contest, Kedikilwe suffered a humiliating defeat at the hands of Ian Khama and was left in the cold for a while before he was recently restored but as junior partner in the election race. For the BDP, however, there are no losers. They fight as a family. For

some reason the BDP, probably because the party has more resources at its disposal to appease disgruntled members, and has little to worry about from a disunited opposition, they have the time to make amends.

The main opposition BNF has tended to splinter with every wave of factionalism. Today, of the 12 parties contesting elections, six are BNF splinter groups. Even after the recent fall out with the former party ideologue, Dr Kenneth Shololo Koma with his NDF, the new BNF President Otsweletse Moupo has already fallen out with his vice, Conference Lekoma.

The BCP has not yet embarked on factional fighting, though it has witnessed some of the most bizarre incidents of members returning to their former party (BNF) and to become the most vocal anti-BCP members of the BNF. The party's first President, Michael Dingake, perhaps fearing for the good of his name, went through only one term in office and passed the baton of leadership to a much younger Keosaletse Otladisa.

Four parties have successfully presented their nominations as presidential candidates. These are F.G. Mogae for the BDP, Otsweletse Moupo for the BNF led pact parties, Otladisa Keosaletse for the BCP and Dick Bayford for the NDF.

Voter Apathy

Empirical evidence also indicates that most eligible voters are increasingly disillusioned with politics, not only due to the predictability of election outcomes. The election management body in Botswana, the Independent Electoral Commission says voters are not convinced by quality of representatives who cannot deliver, are self-centred, make false promises to win elections

and seek to be elected into office for personal aggrandisement (go ikhumisa) rather than public interest, leading to widespread prevalence of voter apathy (IEC, 2002:81). Mfundisi (in Mmegi, 27 .8.2004: 2; 7) states that the majority of eligible voters are distrustful of politicians because they serve their own rather than national interests and such negative views are not healthy for the country's democracy. Parties are based on personalities and out of touch with the voting public. Voters, sampled by both the IEC and in the University of Botswana Democracy Research Project this year, found that voters distrusted politicians because of political scandals and corruption with lack of accountability and transparency in government and among corrupt politicians with the distinction between private and public resources obliterated (Mfundisi, 2004; Good 2003; IEC, 2002).

Literature has also drawn attention to the problematic nature of Botswana's economic growth evident in the widespread poverty and insufficient diversification as well as the elitist, paternalistic nature of Botswana's politics and policy making process (Danevad, 1999:381). Molomo cites the disillusionment that dominates predominantly in the one party dominant political system, where the electorate is unable to vote the incumbents out of power.

Research indicates a general sense of malaise and dissatisfaction with the political system and politicians. The fundamental worry according to Molomo, is that if people do not trust political institutions and politicians, which also suggests lack of trust in the manner which democracy works. If this happens over an extended period of time,

'then they may be disillusioned with democracy as an ideal. The critical issue to appreciate in the evaluation of democracy is that, increasingly citizens are able to separate support for democracy as an ideal form of government and the evaluation of government in power'. Molomo maintains that the cumulative experience of winning or losing elections shapes peoples' perceptions and attitudes towards a political regime and form an opinion that

the rules of the game allow the party they support to win elections, indicating responsiveness of the institutions to their needs and trust in the political system. If however, they feel that the party they prefer persistently loses over successive elections, they are more likely to feel excluded from the decision making process, producing dissatisfaction with the political institutions (Molomo: 2004).

More and more potential voters are refraining from exercising their vote, with the IEC survey in 2002 concluding that voter apathy in Botswana 'is less about encouraging those who registered to vote, but more about encouraging those who have not registered to register'. More people end up not voting because they had not registered at all and not because they registered and then lost interest (IEC, 2002:4-6).

REGISTRATION AND VOTE TREND

YEAR	REGISTERED	VOTED	%
1965	188950	140858	74.55
1969	140428	76858	54.73
1974	205050	64011	31.22
1979	230231	134496	58.42
1984	293571	227756	77.58
1989	367069	250487	68.24
1994	370173	283375	76.55
1999	459662	354466	77.11

Source: IEC, Botswana

Media and Elections

Research indicates that in Botswana, government media comprising the free daily newspaper, two radio stations and the national television, enjoy a dominant role as the main sources of news and political information for the majority of the citizens. This is because they report in the vernacular while the private press plays a limited role in this regard due to cost considerations and the use of English language spoken by a relative small section of the population. According to Oagile Key Dingake (2000:244), the media in Botswana is predominately government owned and controlled. He maintains that government media has an extensive network of journalists countrywide while in contrast the independent press suffers from a weak capital base, restricted access to advertising and threats of litigation. 'The legal environment under which the media

operates in Botswana is inhibitive of press freedom', Dingake maintains.

Much controversy surrounds the perceived monopolisation of access to state media by the ruling party to the detriment of the opposition. According to the US State Department's *Country Reports on Human Rights Practices for the Year Ending 2003*, 'the government continued to dominate domestic broadcasting and limited freedom of the press'. The US government maintains that Botswana government not only limits freedom of the press, but also continues to dominate domestic broadcasting and occasionally censor stories and news sources deemed undesirable.

The radio remains the most important medium of public communication and state-owned media supported government policies and actions. The editorial independence of both the government and private media has

become questionable, with public demands for the state media to become public rejected by the state. Government threats to stop advertising in the private media deemed critical of the state is common, with many foreign journalists having been deported from the country under the National Security Act. This legislation denies the deportee the right to defend and challenge the deportation order in court or to provide reasons for such deportation. According to the US State Department report, 'the court was unlikely to render a decision (by the Vice President) on whether the government 2001 ban on advertising in the *Botswana Guardian* and the *Midweek Sun* constituted an unconstitutional suppression of speech and of the press'. According to Good (1997:7), 'a variety of legal instruments exist, which the state can use to restrict information and control opinion'. The state can resort to the use of Section 7 of the Immigration Act to control

information perceived to be politically sensitive. The Penal Code on Sedition, Defamation and Contempt can be invoked against any persons, encouraging active self censorship on the part of the media. Similarly, the National Security Act has been utilised to make the publication of any information regarded by the state as classified or secret, a criminal offence (Otlhogile, 1994:12).

Botswana's independent media has experimented with forthright reporting, at least within that particular context that this country presents. The media, specifically the independent print press, has been at the forefront in exposing major national scandals involving senior ministers of government. The state has reacted in different ways to this watchdog role. Initially government took a confrontational path, threatening and jailing journalists, hounding others into deportation and declarations of PI status. Many of the editors of the early independent press were harassed through deportations. Though the Botswana government has no formal policy on censorship, it still sets real limits of the extent to which press freedom can be pursued and realised. Botswana has, for instance, the National Security Act referred to above that makes completely unavailable and even illegal, to seek information on certain topics thought of as comprising issues of national security, such as figures and audits on army spending. Government levies heavy penalties for contravening or publishing on such issues. For defaulters, long periods of incarceration are the result.

Recently the media, especially the independent press, forced the minister responsible for information, science and technology to back down on the proposed media bill which had been described as draconian and inhibiting the already limited press freedom. The press

acceded in time to government's demand for a self regulating body and formed the Press Council of Botswana to discipline errant journalists.

Opposition parties have viewed Boyce Sebetela's cancellation of Masa-a-sele phone in programme as another infringement by a government official on fundamental right of citizen to information and choice. But recently, as if to make some sort of amends in the remaining days before the 30 October election, contesting political party representatives now have access to a talkshow radio programme. Michael Dingake of the BCP welcomes this development as giving opposition parties a little more chance to state their case.

Whereas early Botswana administrations have tended to use threats of brutal force, incarceration and deportation, the present administration seems to have learnt well an important lesson of the futility of confrontation with the media. Government now seeks 'cooperation'. Editors are sometimes called for briefing by the President. One of the achievements of these briefings has been a more relaxed relationship between government and the media. The *Botswana Guardian* that used to publish unflattering pictures of President Festus Mogae has been prevailed upon to accept that this was not a patriotic practice. Government even seems to exert its full weight insidiously and in a more salient way to keep the media on its side. Individuals within the ruling party have tried to acquire shares the *Botswana Gazette*. The managing editor Clara Olsen says she resisted her publication being turned into a party mouthpiece. One of the share holders in that paper however, remains the all powerful Satar Dada of the Toyota franchise fame.

When efforts to directly buy into the media failed, members of the ruling

party were not perturbed since government could still be relied on to buy influence in one way or another. In a narrow mineral dominated economy, the government remains the single largest buyer of goods and service. This gives government unprecedented powers of control. It was this power that was demonstrated when government withdrew advertisements from the *Guardian* to punish dissent. Today we hear that the ruling party found other ways in which to rein in members considered hostile. One independent newspaper editor is said to have been given a lucrative contract to produce publicity materials for the ruling party.

Mmegi newspaper, a daily publication and also publishes the weekly *Mmegi Monitor*, has had clout as a critical newspaper. However this publication was made the target of vicious attacks by the government. When, after several years, donors decided to withdraw from funding the paper, it was forced to make a critical evaluation of how to sustain itself in a hostile environment. It is perhaps for this reason that the paper has toned down its criticism of the government. Business considerations do seem to dictate even editorial policy.

Guardian Group

The *Botswana Guardian* and its sister publication have been special targets for punitive action, such as withdrawal of advertisements by the state, for ostensibly reporting negatively on senior members of the BDP and its government. The *Guardian* successfully challenged the government in court, but then the courts cannot instruct government on with whom to do business.

The *Botswana Gazette* also has had a dubious history. It is now jointly owned by Clara Olsen and Satar Dada. Clara Olsen, though sometimes critical of government, is

a onetime specially elected Member of Parliament and member of the ruling BDP. Dada is the BDP treasurer and also an especially elected Member of Parliament. In other words, on partisan politics the paper is more likely to carry the views of the ruling BDP. The Media Institute of Southern Africa tries to remain vocal solely on issues of press freedom but maintains an aloof stance on anything to do partisan politics.

Government Media

The Botswana government operates two radio stations RB1 and RB 2 that can be received in most parts of the country. The other two radio stations, Gabz FM and Ya Rona FM are small and generally apolitical. They were begun by people with good connections to the government. The two government radio stations are controlled by minister responsible for information science and technology and report mainly on government initiatives and viewpoints. Until recently, government media has largely carried government perspectives, much to the exclusion of the views and opinions of opposition parties. Government minister Major General Mompoti Merafhe has gone on record as saying people should understand that his was not a coalition government and all the other parties that wanted to be heard could wait until they form a government.

The Botswana Daily News

The *Botswana Daily News* is undoubtedly the most widely read paper in the country. Botswana government has for the last 38 years issued the paper daily for free. In most parts of the country, the *Daily News* remains the newspaper. With a print run of about 65 000 daily, the *Daily News* was the only national daily until early this year when *Mmegi* Newspaper also went daily.

The paper is authoritative as the government publication.

The BTV

The national television covers each and every occasion officiated by the President and his Vice. This, it is said is in line with protocol established by government. No distinction is made at times when the President or his Vice act in their narrow political party interests. Opposition leaders on the other hand, are denied coverage. However this position is softening with the countdown to elections

Civil Society

Botswana's civil society has been described as weak and apolitical. At times there is no clarity as to who qualifies as civil society. For purposes of this discussion we will concern ourselves with primary players that have contributed to democratisation of Botswana politics. These, as Maudeni notes, include opposition political parties, NGOs, church organisations, media, women's coalition, trade unions, teachers' organisations and academics, all of whom have exerted pressure on government to change some aspects of governance. Just as the civil society has tried to reform government, government too, has changed the whole concept of civil society.

Donors

The BDP has resisted all calls for state funding of the political parties in the country. At same time, it is only the BDP that is certain of massive donations of cash and in kind. Council and Parliamentary candidates say it is prohibitively expensive to run for elections. Here even the newer candidates for the BDP agree that the call by opposition party for a state funding of political parties makes sense. It is only the higher echelons of the BDP that are resisting this electoral reform because incumbency

guarantees that they stay longer in their positions. All opposition parties lament the fact that the BDP is always able to flash money and use it to buy elections. 'The BDP can afford all these because as a party they decide who wins or loses in business. They get generous donations from the business community that shies away from funding opposition for fear of victimisation. When we floated our party (BCP) budget for elections for funding which reflected that the party needs about P4 million to carry through the elections, all we received were kind apologies from CEOs that claimed they did not have such budgets. Yet we know that most of them are pouring money into the BDP campaigns', says Michael Dingake the first President of the BCP. Besides which, the BDP also has some real assets, a state of the art Headquarters that was for many years rented to the Ministry of Tourism and Wildlife and is currently rented to Mascom, brings in a substantial income. In the last general election, as in the 30 October 30 election, the BDP has been given a fleet of vehicles, enough to cover every single constituency in the country by Satar Dada, the party treasurer and motor vehicle tycoon who, as previously mentioned is also a specially elected Member of Parliament. Opposition politicians say Dada's donations may prove to be a debt to society as he will expect the emerging government to patronise his businesses. Big business generally patronise the BDP government; the allegation that in the 1999 general election De Beers (diamond mining company that controls Botswana diamonds) paid US\$ 500 000 (2.4 million Pula) to cover the BDP election costs, makes sense in this regard.

Primary Elections

Intra-party primary elections have now become an established norm within political parties even though this has not lessened acrimony when

people vie for the same constituency or ward. In fact, it would seem that primary elections have been responsible for major strife within political parties. While opening individual political parties for more participation by aspiring members, political observers note that, primary elections have not helped women ascend to positions of influence within political parties or even fill the 30 % quota of candidates in the national elections that parties profess. (Somolekae 2000 p.82/3) 'The lack of transparency in the conduct of primary election has cast serious doubt about the extent of internal democracy in Botswana's political parties. There is a lot of cynicism regarding their conduct, that they are manipulated to sideline people who are considered controversial by the party leadership.' (IEC 2002, p83).

Election Conflict Management

The law that created the Office of the Secretary of the Independent Electoral Commission who acts as the Supervisor of Elections, also spells out his powers and the powers of those delegated by him on the election-day. Either the Secretary or those, to whom he has designated, have the power to instruct the police to remove from the premises those charged with disturbances during election time.

For some reason, Botswana are very well mannered people. To date, even when there have been sharp disagreements on the election outcomes, the country has not yet witnessed large scale political violence around the issues of elections. Throughout the post colonial history there have been sporadic disturbances at the local university and other isolated cases of unrest around the country, which the government has successfully put down with the help of police and soldiers. Should violence erupt at any time, the state has at its command, the Special Support

Group which is a crack constabulary only answerable to the President. They are perceived as the political police. From past experience, the Botswana government would also not shy away from using the army.

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