

Pre-conditions for Elections Programme in Southern Africa (PEPSA)

Baseline Analysis Questionnaire

Country	Botswana	Researcher	Dr Khabele Matlosa
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Please enter your answers in the space below each question.

[I] Country Political Context (Introduction Section of the SADC Principles)

General

1. *Has the country undergone a democratic transition? If so, when and how?*

Yes. Botswana's democratic transition is traceable to its political independence in 1966. Since that time, Botswana has become the most stable and institutionalised liberal democracy in Africa. For instance, Botswana has organised and held regular elections every five years since then and its latest poll was in October 2004.

2. *Has the country's government signed and ratified major international human rights declarations and protocols? Which ones?*

Of the seven major Human Rights Conventions listed in the latest UNDP Human Development Report 2004, Botswana has signed five (5) namely:

- *The 1965 International Convention on the Elimination of All Forms of Racial Discrimination;*
- *The 1966 International Covenant on Civil and Political Rights;*
- *The 1979 Convention on the Elimination of All forms of Discrimination against Women;*
- *The 1984 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and*
- *The 1989 Convention on the Rights of the Child.*

Botswana has not signed the following Human Rights conventions

- *The 1948 International Convention on the Prevention and Punishment of the Crime of Genocide; and*
- *The 1966 International Covenant on Economic, Social and Cultural Rights.*

Political parties

3. *Is the country a multi-party democracy?*

Yes.

4. *How many political parties are registered and active?*

There are, all in all, thirteen (12) political parties in Botswana namely:

- *Botswana Democratic Party (BDP)*
- *Botswana National Front (BNF)*
- *Botswana Congress Party (BCP)*
- *Botswana Independence Party (BIP)*
- *Botswana Labour Party (BLP)*
- *Botswana Peoples Party (BPP)*
- *Marxist-Leninist Stalinist Movement of Botswana*
- *Botswana Alliance Movement (BAM)*

<ul style="list-style-type: none"> • New Democratic Front (NDF) • Social Democratic Party (SDP) • United Socialist Party (USP) • Kgarametsa One Time.
5. <i>How many parties are represented in the legislature?</i>
There are three (3) political parties represented in the Botswana national assembly namely <ul style="list-style-type: none"> • Botswana Democratic Party; • Botswana National Front; • Botswana Congress Party.
6. <i>Do political parties have programmes?</i>
Yes. Programmes of all political parties are expressed and defined in their election manifestos.
7. <i>Which party is the ruling party?</i>
Botswana Democratic Party (BDP).
8. <i>What is the total number of elected parliamentary seats and share of seats for the ruling party?</i>
The total number of elected seats is 57 and of this BDP has 44 (77% of the total).
9. <i>Which one is the main opposition party?</i>
Botswana National Front (BNF).
10. <i>What is its share of the elected parliamentary seats?</i>
Of the 57 seats, the BNF has 12, about 21% of the total.
11. <i>How is the participation of parties in elections regulated and legislated?</i>
The Electoral Act, 2004.
12. <i>Are political parties generally aware of the SADC principles governing democratic elections?</i>
Yes. Political parties are aware of the Principles. The head of the state and also president of the ruling party signed onto the principles and the Botswana President is the next Chair of SADC when the organisation holds its 2005 Summit. The opposition parties became generally aware of these principles ahead of the general election of October 2004.
13. <i>If so, what is their attitude towards the principles?</i>
All the parties seem to embrace the SADC Principles. There is no evidence of serious controversy among the parties on the importance of the principles to Botswana's democracy.
14. <i>How have political parties promoted the implementation of the SADC principles?</i>
There is no indication of a specific political parties initiative aimed to promote SADC Principles.
Civil society
15. <i>What is state of civil society organisations?</i>
Botswana's civil society is relatively weak and consequently lacks capacity to push its agenda vis-à-vis government policy. It is generally organised through the Botswana Council of Non-governmental Organisations (BOCONGO), which is the umbrella body for all the NGOs in the country.
16. <i>Is the general legal and political environment conducive for civil society organisations to operate?</i>
In general, Botswana's stable liberal democracy and rule of law do provide for a conducive political and legal environment for civil society activity and activism. Be that as it may, civil society organisations remain weak.
17. <i>What specific roles do CSOs play in the electoral process?</i>
Civil society plays various roles in elections including:

<ul style="list-style-type: none"> • <i>Voter information/awareness;</i> • <i>Voter education;</i> • <i>Civic education; and</i> • <i>Election monitoring</i>
18. <i>What legal/political constraints restrain the CSOs before and during elections?</i>
<i>Civil society organisations do not face major legal and political restrictions in their operations in Botswana.</i>
19. <i>Are CSOs aware of the SADC Principles governing democratic elections?</i>
<i>Yes. Civil society organisations in Botswana are aware of the SADC Principles governing democratic elections largely because Gaborone being the headquarters of SADC makes this information easily accessible to them. Besides, the fact that the country held its last general elections after the adoption of the Principles triggered some discussion in popular opinion bulletins, such as the newspapers, in the country.</i>
20. <i>If so, what is their attitude towards the principles?</i>
<i>There is no conclusive evidence to determine the actual attitude of civil society organisations towards the Principles in Botswana.</i>
21. <i>How have CSOs promoted the implementation of the SADC principles?</i>
<i>Civil society organisations do not have any specific initiatives aimed at promoting SADC Principles.</i>
22. <i>Are CSOs engaged in civic and voters education?</i>
<i>Yes. As outlined in Question 17 above.</i>
Media
23. <i>What three (3) major challenges face the media in general?</i>
<ul style="list-style-type: none"> • <i>Resources;</i> • <i>State use/abuse of public media; and</i> • <i>Lack of ethical code of conduct for media.</i>
24. <i>Is there an independent media council?</i>
<i>No.</i>
25. <i>Are the state media independent?</i>
<i>No.</i>
26. <i>Do the state media perform the role of a public service broadcaster?</i>
<i>Yes, to the extent that the state media also broadcast information that is of interest not only to the ruling party, but to the general public as a whole.</i>
27. <i>Is there a self-regulatory body of the media?</i>
<i>No.</i>
28. <i>Is there a media monitoring project?</i>
<i>Yes. The Media Institute of Southern Africa (MISA) operates in Botswana and thus monitors the media landscape from time to time, both during and between elections.</i>
29. <i>Do the media have a general code of conduct and ethics?</i>
<i>No.</i>
30. <i>How is this enforced?</i>
<i>N/A.</i>
31. <i>What specific role do the media play in the electoral process?</i>
<i>The media provides voter information and election awareness.</i>
32. <i>Is there a specific code of conduct for election reporting?</i>
<i>No.</i>
33. <i>How is this enforced?</i>
<i>N/A.</i>

34. <i>What legal/or political constraints restrain the media during elections?</i>
<ul style="list-style-type: none"> • Lack of code of conduct and ethics; • Restrictive media law; • Resource constraints.
35. <i>Is the media generally aware of the SADC principles governing democratic elections?</i>
Yes. The media is generally aware of the SADC Principles.
36. <i>If so, what has been/is its role in promoting the principles?</i>
The media's role has revolved around the promotion of public debate on the SADC principles.
[II] Principles for Conducting Democratic Elections (Section 2 of the SADC Principles)
37. <i>What legislation provides for citizen participation in the political process, especially in elections?</i>
Constitution (1966 as amended) & Electoral Act (2004).
38. <i>In what concrete ways does citizen participation in the political process (especially before and during elections) take place?</i>
Before the election, citizen participation is ensured through political campaigns. During the elections itself this takes the form of voting.
39. <i>What legislation provide for political freedoms including freedom of association, political movement and freedom of speech?</i>
The Constitution 1966 (as amended).
40. <i>Are these freedoms and political tolerance allowed by political actors during electioneering?</i>
Yes.
41. <i>What is the frequency and regularity of elections in the country (consider both national and local government elections please)?</i>
National Assembly elections are held every five (5) years since 1965; Local government elections are also organised every five (5) years.
42. <i>Are the dates of elections specifically predetermined by a relevant constitutional or legislative provision?</i>
No. The exact dates for elections remain a prerogative of the State President. Opposition parties have raised concerns that this practice adversely affects the playing field in favour of the ruling party.
43. <i>To what extent is access to public resources (i.e. funding for campaigning and access to the public media) by political parties during elections equitable?</i>
Distribution of and access to public resources during elections is inequitable and skewed in favour of the ruling BDP to the chagrin of opposition parties who have raised concerns around this state of affairs.
44. <i>What is the exact role of the judiciary in the electoral process?</i>
The exact role of the judiciary in the electoral process is mainly to interpret relevant laws and adjudicate election disputes.
45. <i>Does the judiciary exhibit impartiality in handling electoral matters?</i>
The judiciary does generally exhibit impartiality in elections due largely to institutionalised rule of law in the country.
46. <i>Which Electoral Management Bodies (EMBs) have the responsibility to run elections?</i>
Independent Electoral Commission (IEC) established by Act of Parliament in 1997.
47. <i>What is the exact role of these Electoral Management Bodies (EMBs) in the electoral process?</i>
The IEC in Botswana manage and administers all aspects of the electoral process from the beginning to the end of the process.

48. <i>How independent and impartial are these EMBs in discharging their electoral mandates?</i>
<i>The independence and impartiality of the IEC is guaranteed by the Constitution and the Electoral Act. However, the fact that the Secretary of the IEC is appointed by the State President tends to taint its independence and impartiality.</i>
49. <i>Which institutions are responsible for conducting voter education?</i>
<ul style="list-style-type: none"> • <i>Political parties;</i> • <i>IEC;</i> • <i>NGOs.</i>
50. <i>In what ways do these institutions coordinate their efforts in undertaking voter education?</i>
<i>Coordination of efforts for voter education is the responsibility of the IEC.</i>
51. <i>Is there a political culture of acceptance and respect of election results by political parties?</i>
<i>Yes. Since pre-independence election of 1965 up to the most recent election in 2004, Botswana has embraced a culture of acceptance of election results by both winners and losers and this political culture has enhanced the stability of the country's democracy.</i>
52. <i>If not, why do political parties contest election results?</i>
<i>N/A.</i>
53. <i>What the legal provisions exist for the management for election-related disputes?</i>
<i>The Electoral Act 2004.</i>
54. <i>What institutional and regulatory mechanisms are in place for the constructive resolution of election-related disputes?</i>
<ul style="list-style-type: none"> • <i>IEC;</i> • <i>Courts of Law.</i>
[III] Guidelines for Observation of Elections (Section 4 of the SADC Principles)
55. <i>What legislation guarantees the rights and freedoms of the citizens?</i>
<i>The Constitution (1966 as amended).</i>
56. <i>Does the political culture and practice protect and promote citizens' freedoms?</i>
<i>Botswana's constitution provides for a bill of rights encompassing promotion and protection of citizens rights, although the problem of the rights of the indigenous Basarwa people remains a thorn in the flesh of the country's otherwise healthy democracy. The Freedom House index considers Botswana free in terms of civil liberties with an excellent rating of '2'. (1-Most Free; 7-Least Free)</i>
57. <i>What possibilities do citizens have to complain (independent human rights commission/ombudsman?)</i>
<i>Citizens' complaints can be channelled through the office of the Ombudsman. There is no independent Human Rights Commission in Botswana.</i>
58. <i>To what extent is the election environment free, fair and peaceful?</i>
<i>Election observers have found Botswana's elections free and peaceful. Some observers, however, have questioned the degree of fairness of the Botswana's electoral process.</i>
59. <i>How is voter registration conducted and by whom?</i>
<i>Voter Registration is conducted by the IEC. It is mandatory that those wishing to register have a valid OMANG (National Registration) Card. No other form of identification is acceptable.</i>
60. <i>Is voter registration conducted periodically around elections or continuously?</i>
<i>Voter Registration in Botswana is continuous.</i>
61. <i>Is the process of voter registration satisfactory and acceptable to all stakeholders?</i>
<i>Yes.</i>
62. <i>How is the voters' roll prepared and by whom?</i>

<i>The Voters' Roll is prepared by the IEC. The voters roll is prepared as part of the voter registration process. In this way, given that registration is continuous, so is the preparation and development of the voters roll.</i>
63. <i>How is the voters' roll maintained and regularly updated and by whom?</i>
<i>The Voters' Roll is maintained by the IEC. During a general registration period in any designated polling district, the secretary makes available copies of existing rolls to be inspected by the public at the office of the principal registration officer, and at such other places as may be determined by the principal registration officer.</i>
64. <i>To what extent is the voter's roll easily accessible and non-discriminatory?</i>
<i>The voters roll is easily accessible on a non-discriminatory basis.</i>
65. <i>Is the process of preparation and maintenance of the voters' roll satisfactory and acceptable to all stakeholders?</i>
<i>Yes. Political parties and civil society organisations have not raised any serious shortcomings around the preparation and maintenance of the voters roll.</i>
66. <i>Is there a culture of announcement of the date of elections timeously to allow all contestants to prepare for the contest?</i>
<i>During the previous election in October 2004, the State President announced the date of elections fairly close to the election day igniting criticism and complaints from the opposition parties.</i>
67. <i>What legal provisions regulate private and public funding for political parties?</i>
<i>There is no public funding for political parties in Botswana. Private funding to political parties is not regulated.</i>
68. <i>How transparent are the mechanisms for private and public funding of political parties?</i>
<i>N/A.</i>
69. <i>To what extent are the mechanisms for private and public funding to political parties satisfactory and acceptable to all stakeholders?</i>
<i>Not satisfactory and acceptable to opposition parties mainly. Public funding would go a long way in enhancing institutional capacity of parties especially opposition parties. It should be noted that with or without public funding, the ruling party already has access to public resource in any case. Lack of regulation of private funding allows undue influence of money in politics and skewed playing field as more private companies would prefer to support the ruling parties and largely no opposition parties.</i>
70. <i>To what extent does the location of polling stations compromise the integrity of the electoral process and its outcome?</i>
<i>Location of polling stations does not compromise, in any way, the integrity of the electoral process and its outcome.</i>
71. <i>Where does counting of votes take place?</i>
<i>Counting of votes takes place at polling stations.</i>
72. <i>In what way(s) does the location of the counting of votes affect the integrity of the poll?</i>
<i>Location of counting of votes does not adversely affect the integrity of the poll.</i>
73. <i>What legal provisions regulate election monitoring and observation?</i>
<i>The Electoral Act 2004.</i>
74. <i>Which institutions are responsible for facilitating election monitoring and observation?</i>
<i>The IEC.</i>
75. <i>Who is allowed to monitor and observe elections?</i>
<i>Local NGOs monitor the elections; international organisations observe the election.</i>
76. <i>Do monitors and observers get accorded adequate time to be able to monitor and observe all the three stages of the electoral process?</i>

Yes.
77. <i>Do observers get deployed two (2) weeks before the voting day?</i>
<i>In theory yes, but in practice, observers generally arrive one (1) week before polling day. There are no legal impediments for deployment of observers as such.</i>
[IV] Responsibilities of Member States Holding Elections (Section 7 of the SADC Principles)
78. <i>What are the legislated qualifications for voting?</i>
<ul style="list-style-type: none"> • <i>Citizenship;</i> • <i>Age;</i> • <i>Mental status;</i> • <i>Criminal record.</i>
79. <i>What are the legislated disqualifications from voting?</i>
<ul style="list-style-type: none"> • <i>No person shall be qualified to be registered as a voter who- is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;</i> • <i>Is, for an offence which is a criminal offence under the law of Botswana, under sentence of death imposed on him by a court in any part of the Commonwealth;</i> • <i>Is a person certified to be insane or otherwise adjudged or declared to be of unsound mind under any law for the time being in force in Botswana; or</i> • <i>Is disqualified from voting at any election under any law for the time being in force in Botswana relating to offences connected with elections.</i>
80. <i>Are these legal provisions for qualification and disqualification applied fairly during elections?</i>
<i>Yes. Political parties are agreed on the qualifications and disqualifications as well as the appropriateness of the law governing them.</i>
81. <i>Is the practical application of the qualifications and disqualifications satisfactory and acceptable to all stakeholders?</i>
<i>Yes. Political parties are satisfied with the appropriateness and legal provisions around qualification and disqualification.</i>
<i>Is the political environment generally conducive for all political parties to campaign freely without undue hindrance?</i>
<i>The political environment in Botswana is generally conducive to competitive multiparty politics and does not unduly obstruct political parties during campaign save only that the issue of funding of parties and use of state resources has ignited controversy on campaign climate in Botswana. Be that as it may, Freedom House considers Botswana political free with an excellent political rights rating of '2'. (1-Most Free; 7-Least Free)</i>
82. <i>Is there a code of conduct for political parties and to what extent do parties adhere to it?</i>
<i>There is no code of conduct for political parties in Botswana.</i>
83. <i>To what extent are the EMBs competent, effective and well resourced in carrying out their mandate?</i>
<i>The IEC is competent and effective in carrying out its mandate.</i>
84. <i>To what extent are the courts competent, effective and well resourced in dealing with electoral matters?</i>
<i>The courts of law are competent and well-resourced in dealing with electoral disputes, although their effectiveness is questionable given their other multiple obligations, hence the need for the establishment of an Electoral Court.</i>
85. <i>What legal guarantees and institutional mechanisms exist to prevent electoral fraud, vote-rigging and other illegal election practices?</i>

<ul style="list-style-type: none"> • The Electoral Act; • The IEC.
86. <i>What cases of electoral fraud and vote rigging have been brought to the fore and how have these been dealt with?</i>
No cases were brought to the fore after the 2004 elections.
87. <i>What common irregularities tend to become characteristic feature of elections and how have these been dealt with?</i>
<ul style="list-style-type: none"> • Delay in opening of polling stations; • Supply of material; • Accessibility of polling stations.
88. <i>Are there measures which restrict the freedom of movement of the citizenry or election observer missions?</i>
No.
89. <i>Are candidates and/or their agents allowed to monitor the whole electoral process without undue restrictions?</i>
Yes.
90. <i>What is the nature of the participation of women, (youth and people with disabilities) in the electoral process? Is it high or is it low and why?</i>
<p>Women's participation in elections is high, but their representation in the legislature is low in relation to the 1997 SADC Declaration on Gender and Development. Botswana has not yet achieved 30% women representation to which all SADC member states committed themselves to achieving by the year 2005.</p> <p>Youth participation in politics in general and in elections specifically is on a serious decline due to apathy and weak civil society engagement with democracy in the country.</p> <p>The participation of people with disabilities in the democratic process and specifically elections is low.</p>
91. <i>Do observers get invited ninety (90) days before the voting day?</i>
Yes.
92. <i>Do observers get accorded free movement throughout the country and room to communicate with all political parties and candidates, EMBs, media, CSOs and voters without undue hindrance?</i>
Yes.
93. <i>Is the process of invitation and accreditation of observers efficient and non-discriminatory?</i>
Yes.
94. <i>Are observers allowed access to all relevant national laws and regulations?</i>
Yes.
95. <i>Are observers allowed access to relevant election materials such as constituency delimitation report, voters' Roll etc?</i>
Yes.
96. <i>Do observers have an unimpeded and unrestricted access to all polling stations and counting centres?</i>
Yes.