



OBSERVATION OF **THE 2014 BOTSWANA** GENERAL ELECTIONS



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Introduction

Botswana held its 11th democratic general elections for both the parliamentary and local government on 24th October 2014 since she gained independence in 1966. The main highlight of the elections was notably the increase of independent candidates as compared to the previous general elections.

Botswana first ever general elections were held in 1965 as the precursor to 1966 when the country gained its independence. Since independence Botswana has held ten general elections with the 2009 general elections being the most recent. Botswana electoral system is First-Past-the-Post (FPTP). Further, the Elections take place within the framework of a multi-party democracy and *a parliamentary system*. To this end, the electorate **only** elects the Members of Parliament who in turn elect the president. This is contrary to presidential systems which are observed in countries such as Kenya where the electorate vote for the both the Member of Parliament and the president.

The electoral process is governed by the Constitution of Botswana (1966) and the Electoral Act (1968). The supreme law of Botswana includes Bill of Rights which, among other things, protects individuals from discrimination on the basis of their race, tribe, place of origin, political opinions, colour, creed or gender. Botswana has since 1966 maintained a good reputation as a stable representative democracy; this is attributed to its consistent record of peaceful, free and fair democratic elections. It is however considered a one party dominant state with the Botswana Democratic Party (BDP) being in power since independence in 1966. The country is demarcated into 18 administrative districts namely: Francistown, chobe, Urban, Rural, Central, Ghanzi, Kgalagadi, Kgatleng, North–East, North-West, South-East, Southern Kweneng, Gaborone, Lobatse, Selibe Phikwe, Sowa and Jwanen. There are 57 constituencies and 490 polling stations has been identified to serve the upcoming general elections

Currently elections are managed and conducted by the Botswana Independent Electoral Commission (IEC). Initially Botswana's elections were managed by the Permanent Secretary in the Office of the President, leading to complaints regarding the independence and non-political

interference in election management. Due to the complaints raised the Supervisor of Elections was later established to conduct elections, however due to the fact that the Supervisor was appointed by the President still left the question of independence unresolved until the 1999 elections which were run by the newly established Botswana Independent Electoral Commission. The 1999 elections also heralded the lowering of the voting age from 21 to 18 years and the extension of the right to vote to citizens leaving abroad.

With regards to promotion of human rights, Botswana has ratified or acceded to a number of international and regional human rights instruments namely: Convention on Elimination of All Forms of Discrimination against Women (CEDAW), Banjul Charter, International Covenant on Civil and Political Rights (ICCPR), and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

KHRC observation deployment plan/ Methodology

Kenya Human Rights Commission employs a long term election observation approach that effectively interrogates all the three election phases namely pre polling, polling and post polling phase. During the 2014 Botswana general elections, KHRC utilised its *Electoral governance assessment framework* that entails the following key processes.

PRE-POLLING STAGE	POLLING STAGE	POST-POLLING STAGE
1) Civic and voter education	1) Opening of polling	1) Ballot counting and verification
2) Distribution of electoral boundaries	2) Verification of the integrity of polling material	2) Tally announcement and results transmission
3) Registration of voters	3) Voter identification	3) Vote tabulation
4) Political formations and nominations (parties, coalitions or independent candidacy)	4) Ballot casting	4) Dispute resolution
5) Campaigns	5) Closure of polling	5) Transition and handover

Due to limited financial resources, KHRC was not able to monitor the pre- polling activities as depicted in the table above. However KHRC was able to conduct introductory meetings with the Electoral Commissions Forum for SADC Countries¹, Ditshwanelo², Emang Basadi³ and Botswana Independent Electoral Commission⁴ from 20th to 22nd October 2014 with the object of collecting information on the pre-polling activities. Additionally, KHRC conducted desktop research to compliment the information that was collected from the aforementioned organizations.

Observation Findings

Pre-polling stage

During the pre-polling stage KHRC observers collected information on, Voter registration, voter education, political campaigns, and party nomination and noted the following:

Voter registration

Voter registration is a very important electoral process. All countries that conduct democratic elections require that an electorate MUST be a registered voter to be able to participate in the choosing of their political representatives. In Botswana the body that is responsible for registering voters is the Independent Electoral Commission (IEC). To be registered as a voter in Botswana one Must be a citizen of Botswana, be 18 years and above, and must possess an Omang (the National Identity Card).

For the 2014 general elections, IEC conducted the general voter registration exercise from 4th to 27th October 2013 where it was able to register 478, 148 voters. The IEC was also able to conduct 2 supplementary voter registration exercises to provide an opportunity to electorate who wanted to register but due to some reasons were not able to register during the general voter

¹ www.ecfsadc.org

² www.ditshwanelo.org.bw

³ <http://www.emangbasadi.org.bw/>

⁴ www.iec.gov.bw

registration exercise. The 1st supplementary voter registration was conducted from 21st February to 2nd March, 2014 and was able to attract 177,476 voters, while the 2nd supplementary voter registration was conducted from 1st to 18th May, 2014 and was able to attract 167,684 voters. In total IEC was able to register 823,306 voters for the 2014 general elections.

Section 14 of the Electoral Act provides for the publication of the general voters roll and supplementary voters roll to allow for their inspection by the public. To this end, IEC was able to publish the voters' roll from 24th June to 14th July, 2014 providing voters with 21 days to go through the register to ensure their details are correct. Further any voter who had an complains with regards to their registration details were allowed to make their objections known to the IEC as soon as possible.

Whereas the IEC was able to conduct voter registration exercise as mandated by the law, there are some things that IEC will have done to ensure that the process was effective. KHRC was able to note that i) IEC did not put in place any measures such as targeted voter registration exercise to promote the participation of women, youth and persons with disabilities in the process. Further other minorities such as the transgender community also raised concerns with regards to voter registration barriers. For example during a meeting between KHRC and Director of the Rainbow Identity Alliance in Gaborone- Mr. Skipper Mogape-, it was noted that the transgender community will not be able to effective participate in the general election due voter registration barriers. While many transgender persons wanted to exercise their political rights during the elections they were prevented from doing so since most of them were not able to be registered as voters during the registration exercise. This was as a result of their Omangs or passports not corresponding with their current inferred or actual gender expression/ presentation. ii) IEC did not employ any technology in the voter registration exercise, while technology is not a cure of electoral malfeasances such as double registration, bribery, ballot box stuffing, technology assists in the making the process transparent, credible, efficient and effective.

Civic/voter education

Well informed electorate tend to make well informed decisions come Election Day. It therefore becomes the responsibility of the government and other non-state actors to ensure that the

constituencies receive the necessary electoral information that will enable them to make informed choices.

One of the goals of the IEC is to ensure that voters have knowledge and skills on the electoral process. To this end, IEC prides itself of having worked alone or with other stakeholders to conduct public awareness for the citizens of the country as well as voter education in order to create sensitization on issues of democracy, governance and elections.

During the 2014 electioneering period, IEC conducted various community outreach workshops/events that sought to sensitize the citizens about the electoral issues pertaining to the elections.

In addition to the community outreach events, IEC utilized its online platforms such as the website and Facebook⁵ to disseminate electoral related information to the citizen. Notably, IEC disseminate information using Facebook on voting requirements. Further, the commission was also able to utilize its Facebook page to explain to first time voters the entire voting process i.e from the time a voter enters the polling station to the time a voter leaves the polling station.

While we commend IEC for the sensitization exercise they conducted and especially the use of technology to disseminate information during the 2014 election period, it goes without saying that there is still room for improvement. For example, the IEC website was down most of the time especially in the months preceding October, making it difficult to get any electoral related information. While the IEC utilised the Facebook platform to target younger voters, the language of dissemination used in this case English might have posed a challenge to Batswana who largely – 78.2 % - speak Setswana while only 2.1 % speaks English⁶.

The dissemination channels and formats also discriminated against persons with disabilities especially those are visually impaired. Further, the electorate that did not have internet and a smartphone were also discriminated against since they were not able to access the information posted on the IEC website and Facebook page.

⁵ <https://www.facebook.com/pages/IEC-Botswana/273691939451971?fref=ts>

⁶ <https://www.cia.gov/library/publications/the-world-factbook/geos/bc.html>

Political party nomination/candidate nomination

The registration of political parties in Botswana is done by the Registrar of societies. The registration process is governed by the Societies Act and is usually found to be ‘easy’⁷. This is due to the fact that, the only registration requirement is for those who are interested in forming a political party to present the proposed party’s constitution for scrutiny by the Registrar. Once the Party Constitution passes scrutiny the party could be registered within just a few days or in less than a week.

Apart from candidates fielded by political parties, the electoral legal framework allows for independent candidate, i.e. candidates who do not belong in any political parties- to also vie for elective positions.

For the 2014 general election, three political parties namely: BDP, BCP and UDC and independent candidates contested in the election. On 25th September, 2014, all candidates wishing to contest as Members of Parliament and Councillors in the general election and had fully complied with the requirements of section 35 of the Election Act submitted their nomination papers to IEC. All candidates are required by the law⁸ to pay a nomination fee of 500 Pulas for National assembly seats and 100 Pulas for the local government seats. After the verification of the nomination papers, the IEC submitted the names and political parties' successful candidates to printers for commencement of ballot paper printing.

Political/ electoral campaigns

The legislation on political campaign funding is set out under section 80 to 89 of the Electoral Act. There is no specific provision for state funding of the political parties, however candidates are allowed to receive monies in form of gifts, donations, loan, deposits or advance from private and corporate entities which must be disclosed whether paid or promised. Candidates are allowed to spend up to a maximum of P 50,000⁹ as their electoral expenses. After the elections the candidates must give an account of all the donations and the monies expended in respect of the conduct or management of election. In addition to the provisions stipulated in the election act as

⁷ <http://www.content.eisa.org.za/pdf/rr27.pdf>

⁸ Section 36, Election Act

⁹ Section 81, Election Act

mentioned above, the political parties were guided by the IEC code of Conduct of 2009. The Code of Conduct provides acceptable standards that political parties must operate within during the campaign period.

The political campaigns in Botswana officially ended on 18th October 2014. The political parties were able to campaign in all the 57 constituencies with familiarizing the electorate with the candidates being the main agenda. Additionally, all the presidential candidates participated in several radio debates¹⁰ where array of issues from economic to political were discussed. The debates took place on the government owned (Radio Botswana) and private radio station (Gabs FM).

Participation of Women, persons with disabilities and other minorities

The political participation of special interest groups especially women and Persons with Disabilities (PWDs) in Botswana continue to be low compared to other Southern African Countries such as South Africa. While Botswana is a State Party to CEDAW, the number of women in the National Assembly remains low and no effective measures have been put in place to promote the participation of women in electoral processes as well as political representation. Furthermore, Botswana has neither signed the Maputo Protocol nor the SADC Gender and Development Protocol. Nationally, Botswana does not have a quota policy in the Electoral Law neither does its electoral system which is First- Past-the-Post promote the participation of women. There was a slight improvement in the number of women representatives in the 11th parliament from 4 out of 61 total representatives in the 10th Parliament to 6 out of 63 parliamentarians.

Some of the challenges that contributed to the low participation of women in politics was the issue of culture where women role was seen to be the one for caring for the family and not engaging in politics; no deliberate measures were put in place by the three (BDP, UDC & BCP) political parties to ensure women actively participated in politics; and no targeted voter education and voter registration was conducted for women. Although faced with the aforementioned challenges women came out in large number to be registered as voters. Consequently, IEC was able to register 456,087 female voters compared to 368,347 male voters.

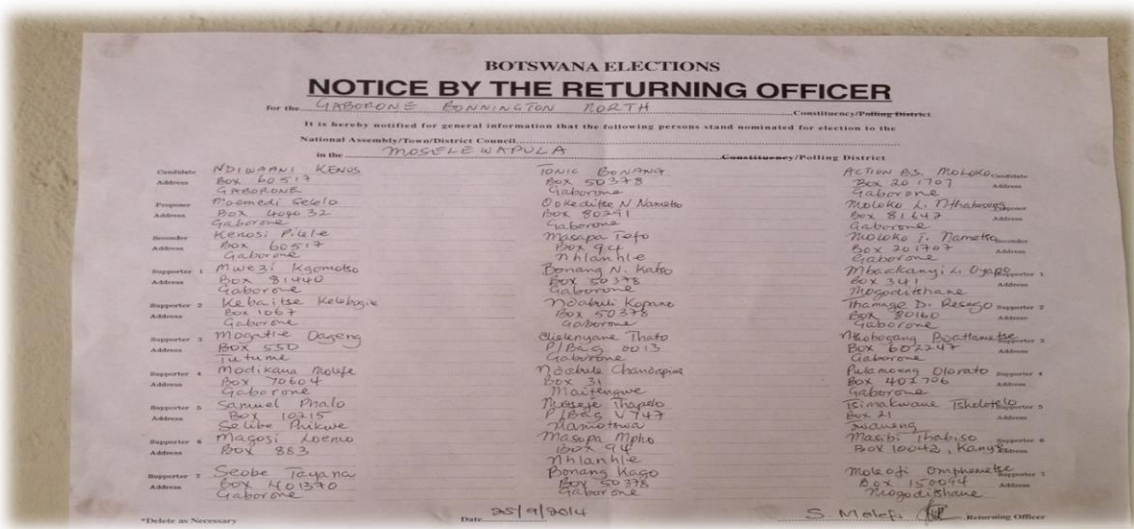
¹⁰ <http://allafrica.com/stories/201409292312.html>

Regarding the participation of PWDs, a big gap is notable in relation to the right to participate in public affairs by persons with disabilities where Botswana has neither signed the CRPD and nor does its legislature include leaders with disabilities. During the 2014 elections, IEC developed and utilized a special ballot paper to assist the visually impaired to vote without being assisted hence promoting their right to secrecy.

IEC –Botswana Preparedness Ahead of the Poll Day

The requirement for every polling station prior to the election was that they ought to have a list of the participants both parliamentary and councilor; who would be voted from the polling station. This list ought to have been checked and signed by the returning officer. The main purpose was to ensure that the names appearing are as presented by the political parties to IEC. Further in every identified polling station the returning officers arrived at least 3 days before the election date to identify the main areas/rooms with which the elections will be carried out.

On a visit to map out several polling stations that KHRC will visit on the poll day we notably observed that in many primary schools the classrooms that would be used on the poll day were empty and ready to be set up with IEC strategic voting materials. In some areas the polling booths had already arrived.



Notice by IEC.

Polling Day.

Elections in Botswana were held on 24th October 2014. As KHRC we set out to visit the most populated parts of Botswana being the Capital. This was further the right choice for logistic reasons. There was need to map out the constituencies in Gaborone.

They were about five. Monitoring and observation was done in two parts Northern Gaborone and Southern Gaborone. Team B Carol and Irene covered the Northern part of Gaborone where central Gaborone was exclusively covered.



Botsa Fa meaning Ask here.

The first polling station visited namely-Khuduga Primary School in Gaborone Bonnington North Constituency had two streams. Polling in stream A started at exactly 6:30 a.m. the set-up of the room was in accordance with electoral processes standard as it was in the view of all the electoral personnel, the voters as well as accessible to persons with disabilities among others. The polling station was well branded and placed at the entrance in the view of everyone even passers-by.

The polling officers in IEC branded T-shirts and name tags, were all present majority of them being female; ensured that all the strategic materials required for the elections to go well were available. Presence of security personnel did not go unnoticed as both female and male were

represented. This showed that both gender were given equal opportunities to participate in the general elections.

The presiding officer informed KHRC that there were about 646 registered voter expected to vote. They had received about 750 ballot papers for the MP position and 700 papers for the councilor position. The ballot boxes were shown to the public in their empty state and again sealed

The procedure for one to enter the stream and vote was as follows. One would go to the help desk and present his official Omang and voter registration card. At the help desk the Help desk agent part of the IEC team would ascertain whether the Omang is valid. This is by ensuring that the same is not expired. With valid registration cards the officer would check the name of the voter on the roll of voters identify the page with which the voter's name appears on. With this information the officer would right on a sticker the page number and stuck it on the voter's card.

Upon entry into the classroom the voter handed out the voter's card and Omang to the presiding officer or whichever person was at the entrance- the same would announce the name of the voter and the page number where they appear. The name of the voter would be crossed out by the polling officers and the polling agents of the different parties present. The voter would then proceed to the polling officer who would hand them the councilor position- ballot paper, go to the booth then drop the ballot which was to be folded once and shown to the present persons and dropped in the ballot box. The voter would then proceed to second part of the voting procedure. They would be handed the M.P position-ballot paper the voter would proceed to the booth and mark the ballot correctly thereafter folding the ballot paper into two and dropping the folded ballot into the ballot box. The voter on his way out picks up his registration cards both the Omang and voter's card and leaves. At the polling stream A in Khuduga Primary school, the process went on smoothly. The elderly who had arrived early were allowed to pass the queue. The two presented their cards and were let in to vote. This was expected to be the same for any sickly persons as well as pregnant women.



Voters waiting to vote in the Morning at Khuduga Primary School.

At the Khuduga Primary School there was no person not allowed to vote. However the following are the main reasons provided by the Elections Act that may bar one from voting in the Botswana elections. They include lack of an Omang (Valid ID), Name not appearing in the register reporting to the wrong polling station, presentation of a photocopy ID, lack of a registration card, double or multiple registrations.

Notably, KHRC visited a polling station where it was believed they had the lowest voter registration in Gaborone. This was at the Chief's Camp-Ledudumane Kgotla. About 143 voters were registered to vote here. By the time our team arrived in the afternoon they were waiting for about 20 people to cast their ballots as most of the voters had cast their votes. The IEC personnel patiently waited and assisted one voter who arrived as we engaged with the polling officer.



The Chief's Camp at Ledudumane.

Key Points.

- ❖ All polling stations visited opened on time and the elections started without any disruptions.
- ❖ There was a remarkable degree of transparency as demonstrated by the voters and IEC officials. It was a requirement for all voters to show their folded ballot paper to everyone in the room then proceed to cast his/her ballot.
- ❖ The IEC officials were aware of all the major electoral guidelines and processes and guided the voters everywhere possible.
- ❖ We observed that the voting procedures were generally well followed according to the law and the secrecy of the ballot was generally well safeguarded in all stations we visited and in the case of the assisted voters; assistance was provided based on the law.

Post –Polling Stage.

This is basically the most crucial step in an election. Determining the winners and the losers of an election. In Botswana the counting of the ballots is done at each Polling District's Counting centers. at this stage after the last voter had casted their ballot and the polling station had closed at 7:30 p.m. every returning officer from the respective constituencies presented their ballot

boxes to the central location for instance in Gaborone Bonnington North the Polling District's Counting Center was Sir Seretse Khama Memorial JSS, Gaborone.



The counting agents counting the ballot papers. The presiding officers waiting to hand in the ballot boxes.

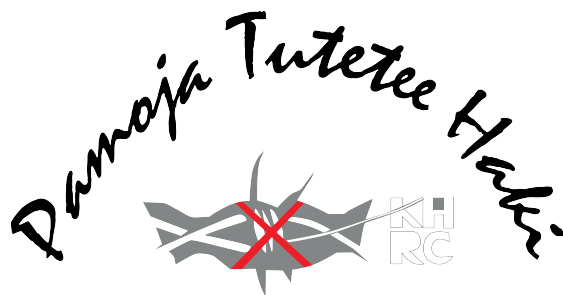
This election brought about the introduction of tally sheets. They are continuous numbered sheets of papers that were used at the counting centers after all the ballot papers received from all the respective constituencies have been mixed.

The purpose of the tally sheets is to combine separation of the ballot papers by candidate or party with the actual counting. The sheet will be placed at a conspicuous place where everyone in the counting centers will visibly see and monitor the tallying by the elections officers.

When a candidate/party's ballot paper is called out by the returning officer, the election officer manning the tally sheet for that candidate/party will simultaneously cross out the number corresponding with the number of ballot papers such has gained from the continuing count. This initiative was piloted in the last Parliamentary by-election of Francistown West constituency. It was observed by all including party representatives that it cut on time that contributes to delay in announcing results.

Conclusion

- ❖ The Elections were transparent and credible with Human Rights such as the right to vote through secret ballot, the right to vote and the right to freely choose representatives stipulated in article 25 of the International Covenant on Civil and Political Rights (ICCPR) and other international mechanisms being upheld admirably.
- ❖ Women who are the majority in Botswana turned out to vote in large numbers, the youth participation was not as expected as one of the polling officers noted.
- ❖ Special attention was considered to cater for PWDS where the visually impaired received braille-ballot papers. This is a remarkable gesture as it ensures participation of all persons.



**KENYA HUMAN RIGHTS
COMMISSION**

Gitanga Road, Opposite Valley Arcade

P.O. Box 41079 - 00100

Nairobi, GPO Kenya

Tel: +254 - 020 - 2044545 / 2106763

Office Cell: 0733 629034, 0722 264497

Email: admin@khrc.or.ke

Website: www.khrc.or.ke