



Botswana Council of Churches



Evangelical Fellowship of Botswana



Organisation of African Independent Churches



## **PRELIMINARY STATEMENT ON GENERAL ELECTIONS IN THE REPUBLIC OF BOTSWANA ON THE 25<sup>TH</sup> OF OCTOBER 2014, AT BOIPUSO HALL, FAITGROUND GABORONE, BOTSWANA**

### **1. INTRODUCTION AND BACKGROUND**

Botswana is widely known to be a country with consolidated democratic institutions and processes. On the 24<sup>th</sup> of October Botswana participated in the eleventh general election since independence in 1965. The general elections were for local councils and national assembly. According to the Independent Electoral Commission (IEC) there were 824000 registered voters voting in 2606 polling stations across the country.

In their contribution to consolidation of democracy in the Botswana and the region at large, the Faith Based Sector and Christian Community in Botswana represented by the Evangelical Fellowship of Botswana (EFB), Botswana Council of Churches (BCC) and Organisation of African Instituted Churches (OAIC) on the one hand and civil society organisations represented by the SADC Council of NGOs (SADC-CNGO) and the Media Institute of Southern Africa (MISA) on the other established joint election observation mission to observe the general election in Botswana.

This statement entails preliminary findings of the observation and corresponding recommendations for the further improvement of the electoral process in Botswana.

### **2. THE LEGAL FRAMEWORK, PRINCIPLES AND THE CONTEXT**

The Botswana general elections has been held under the Constitution of Botswana which guarantees in terms of Sections 32, 57 and 58 and Chapter II the right of the people of Botswana to elect the President and the Members of Parliament and the Electoral Act which is an embodiment of the entitlement to vote and extension of franchise as stipulated in Section 31 and 32 of the same Act. Since Botswana is a signatory to the several regional, continental and international conventions which define the imperative and general accepted standards and principles of democratic elections, it is only logical that a reference is made to those legal frameworks and guidelines.

## **2.1 SADC Principles and Guidelines Governing Democratic Elections**

Article 4 of SADC Treaty underlines the principles of human rights, democracy and the rule of law for the evolvement of common political values, systems and institutions. For this purpose, the regional body developed the SADC Protocol on Politics, Defence and Security Cooperation that is aimed at "promot[ing] the development of democratic institutions and practices within the territories of State Parties and encourage the observance of universal human rights as provided for in the Charter and Conventions of the Organization of African Unity [African Union] and the United Nations." The SADC Principles and Guidelines Governing Democratic Elections have been developed and implemented to give effective to the objectives of the regional body. The Principles commit SADC member states to adhere to among others the following principles which define the conduct of democratic elections; unrestricted citizen participation in the political process of their country within the principles of freedom of association, political tolerance, periodic elections as provided by the National Constitutions, equal access of contesting political parties to state media, universal suffrage and right to be voted. Further the Principles place voter education, independence of the judiciary, impartial and component electoral management bodies as important ingredient to the free and fair polls. According to the Principles, all parties are expected to accept election results as an expression of the will of the people and encourage that any discontent over the results be dealt with through legal means.

## **2.2 The AU Charter on Democracy, Governance and Elections**

Sunder this Charter state parties commit to have legislations and administrative set ups that guarantee the rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons and other marginalised and vulnerable social groups. They further loudly and clearly pronounce their commitment to the formulation of binding code(s) of conduct governing conduct of the legally registered political stakeholders, be they government, other political actors or non-state actors prior, during and after elections. The code contemplated code shall include affirmation by political stakeholders to accept the results of the election or challenge them in through exclusively legal channels.

## **2.3 The AU Declaration on the Principles Governing Democratic Elections in Africa**

Under this framework Member States committed to take necessary measures to ensure that there are appropriate institutions where issues such as codes of conduct are formulated, impartial, all-inclusive, competent and accountable national electoral bodies staffed by qualified personnel are established and supported, civic and voters' education on the democratic principles and values in close cooperation with the civil society groups and other relevant stakeholders is promoted and transparency and integrity of the entire electoral process are upheld through among other ways facilitating the deployment of representatives of political parties and individual candidates at polling and counting stations and by accrediting national and/other observers/monitors.

## **2.4 The Principles for Election Management, Monitoring and Observation in the SADC Region**

Under this framework countries admit that since selection of polling stations is usually based on a number of factors such as the number of voters per station, the proximity of the station to voters, adequacy of lighting and communications, transport and other logistical considerations, in order to ensure easier access, minimise waiting time and enhance efficiency they shall see that there are as many polling stations as population density and settlement patterns demand.

### **3. METHODOLOGICAL APPROACH OF THE JOINT OBSERVER MISSION TO OBSERVE THE BOTSWANA GENERAL ELECTIONS**

The Joint Observer Mission operated within a particular framework that did not only allow it to be present in the 28 constituencies and 201 Polling Stations, but also inculcated an objective engagement orientation and kept the Mission relevant at the strategic level of electoral processes. It has also taken advantage of the comparative advantage of the expertise and experiences of the partner organizations to make their observation as comprehensive as possible. In specific terms the Joint Mission was anchored by the following:

#### **3.1 Composition and Deployment**

By virtue of their societal origin and mandate the Faith Based Sector and Christian Community in Botswana have been observing closely the political development leading to the general elections. To this effect it made its pronouncement on Thursday 23<sup>rd</sup> October in the occasion of the launch of the election observation mission. The main findings of the long-term observation were:

- Inadequate resources availed to IEC;
- lack of transparency in the political party funding;
- use of public/state resources for political party work and the privileges of incumbency;
- generally robust and peaceful pre-election public debates that helped electorate to know better about their candidates.

The actual election observation period started in the pre-election phase. The Joint Mission was made of a pool of election observers recruited from the networks and affiliates of the collaborating organisations. This group of enthusiastic and committed observers had team leaders and those under them stationed at different polling centres where they observed poll opening and closing. They observed voting and other procedures and captured key moments. The Joint Observer Mission was present in the 201 Polling Stations within 28 constituencies. This team was linked to the Command Centre housed at the BCC home at Kopanyo House. This was a back stop liaising with Observers and maintaining link with the IEC for immediate response on any urgent matter as well as constant information sharing with other international observer missions.

#### **3.2 Orientation of Joint Observer Mission**

The Joint Observer Mission had in house sessions for the Observers and also attended IEC organised sessions that kept them up to date on election preparations and conduct. Further the Mission benefited immensely from the nationally and regionally acclaimed FBO and CSO Election Observers drawn both from Botswana and other SADC countries.

#### **4. JOINT OBSERVER MISSION PRONOUNCEMENT ON THE BOTSWANA 2014 ELECTIONS**

##### **4.1 Voter Registration and Voters' Roll**

Registration of Voters and the accessibility of the Voters' roll have for some years demonstrated to be one of the problematic areas of election management that threaten credibility of elections in the SADC region. Part III of Electoral Act of Botswana provide for the registration of voters, compilation of Voters Roll, its accessibility to the public for inspection. In its observation the Joint Mission has noted that IEC was able to meet the requirements of the Law and this is highly commended.

##### **4.2 THE MEDIA AND ELECTIONS**

Credible and fair elections are an essential element of democratic societies. During electoral periods the media play a particularly vital role, as they are the main source of information for the population, not only about the technicalities of registration, voting and the counting of ballots but also about the performance of the Electoral Management Body (EMB), the government and the actions, intentions and policies of all political players. The media's job is to facilitate a transparent process, give space to the diversity of opinions and perspectives, and provide necessary background, context and analysis.

The Joint Mission notes the following:

The Botswana media can be commended for an exceptional effort to facilitate voter education and expand the reach of its reporting. The most remote constituencies including Okavango, Chobe and Kalahari were covered during the election, and further effort was made to give voice to citizens whose opinions are rarely included in national policy making processes. This created balance and diversity in coverage, some of the tenants of good election reporting.

However, taking into consideration that public service media, which are funded through public resources, have a particular mandate in ensuring fair and thorough coverage of elections through equitable distribution of airtime to political parties and candidates, MISA is concerned about the uneven reportage towards the ruling party. Such media should be both fair and seen to be fair.

The arrest of Sunday Standard editor, Outsa Mokone on 8 September 2014, whilst not directly related to media coverage of the 2014 elections, undoubtedly caused a chilling

effect on the media. More particularly it spelt the first time that sedition laws were used against journalists in Botswana. Sedition laws, by their very nature, are designed to extinguish freedom of expression. Reporter Edgar Tsimane, who wrote the story that led to Mokone's arrest, remains in exile in South Africa. No doubt these developments have instilled fear and censorship amongst journalists.

Both the media and political parties made effective use of social media during the campaign period. However, the media is cautioned that whilst opinion polls are an important element in election coverage - they provide one way of determining public attitudes toward issues, candidates and parties - effort should be made to abide by ethical guidelines particularly the Guidelines in Media Coverage of Elections in the SADC Region. In reporting opinion polls, media need to reveal which party, individual or organisation commissioned and paid for the poll, the purposes of the poll, the identity of the polling organisation and its expertise in polling, the nature of the questions or issues the poll focused on, the geographic coverage an demographic profile of those who were polled, the methodologies used in polling including details of the sample and the margin of error which will contextualise the poll results.

#### **4.3 Voting**

Voting in the Botswana 2014 Elections has been generally peaceful and free. No reports have yet reached the Joint Mission on intimidation of people who were coerced into voting or not voting in the manner that they would have wanted. However, the Joint Mission has observed a number of issues which may need serious consideration of the IEC and the people of Botswana:

- A considerable number of polling stations did not open at 0630hrs and close at 1900hrs as the Section 50(1) of the Electoral Act provides. The general delay has been in one way or another caused by the late deployment of Election material and placement of polling officials. Delivering election material on the polling day has many challenges including delayed delivery which automatically leads to delayed set up of the station hence delayed voting. In some cases voters were anxiously waiting to cast their votes as the officials were just setting up the station. At this moment the officials recognized that some materials were missing. Attempt to rectify this caused further delay and anxiety among voters. For instance in Gaborone Bonnington South Constituency at MarulamMantsi Kgotla and Letlhabile Primary School polling booths were missing at the time of opening. At Gaborone Bonington North Constituency Marula Ward the ballot boxes were broken. When polling officials attempted to mend the boxes using sellotap, voters protested and demanded new ballot boxes. Subsequently, official had to go back and source new ones. As a result, voting started at 07h15. All these could have been easily avoided, had the polling materials were delivered in advance;

- Tents were not voter friendly. In the tents it was too hot that they had to be opened(flapped) thus compromising secrecy of the ballot. At Sikoane Agricultural Centre and at Selibe Pikwe, Botshabelo West the tents collapsed and voting had to be suspended and as the tents were re-pitched;
- Botswana system is able to detect double registration. A number of such voters were spotted and could not vote.
- The Joint Mission observed that adequate consideration was not given to the allocation of number of voters per polling station in order to avoid congestion and delay. Some polling stations with less expected population have been given streams while those with high population were not. This led to the avoidable congestion and slow flow of queues. At Tonota, for example, 500 voters were expected and had A and B streams; yet 900 voters were expected at TCE which did not have streams.
- Observers were in some areas denied access. For example at Bethlehem Faith Mission Church and Kediretse Primary in Palapye, Radisel Primary School and Masaasele Polling station in Jwaneng;
- People with disabilities has difficulties to access and use voting materials in some polling stations. Tables were too high for those on wheel chairs;he visually impaired were not able to vote at Maung West, whereas at Ramotsoa they were able to vote though late; accessibility for people on wheelchairs was not smooth as the road leading to the polling station at Tonota and Semotsoane Clinic was sandy, andAt Kanye there was no arrangement for the aged to vote; etc.
- Some people were not aware that it was an election Day that signified gaps in public awareness. For example, at Lerala one granny thought it was a pay day for the aged; and another at Sereroa Tsekeli thought it was a queue for registration for elections;
- There were cases where registered voters did not find their names where they registered. For example at Tonota Primary and Mauna Tlala Molepolole South some voters confessed that where their names were found, they did not know the names of councillors contesting there and they just voted for people they did not know.

#### **4.4 Political Environment and Peace**

It is the considered view of the Joint Observer Mission that Botswana 2014 Elections has been a free, peaceful and credible process that truly reflects the wish and the will of the People of the Republic. The Joint Observer Mission takes this opportunity to congratulate Batswana for being a peaceful nation that has demonstrated high levels of tolerance and respect of democratic principles. It however makes the following recommendations for improvement.

#### **4.5 RECOMMENDATIONS**

- ✓ Consider deployment of polling staff and the elections material mobilisation a day before elections to allow set up and checking well in time. This may need categorisation of election material into security and no security material;
- ✓ Ensure that Polling Station determination is made when the final voters' roll has been compiled so that the streams are determined on the basis of final and not preliminary roll;
- ✓ IEC should ensure that it communicates its decisions on how to handle other matters such as observers' accreditation timeously and communicate that with election staff;
- ✓ IEC should find ways of ensuring compliance with laws by the parties and all the people during the polling. The cited incidences demonstrate that there is a trend in undermining such code of conduct;
- ✓ In determining the polling stations, IEC should consider not using artificial structures such as tents as they are more vulnerable to all sorts of factors than the permanent structures are;
- ✓ IEC should engage FBOs and CSOs more pronouncedly in electoral education and voter mobilisation. In doing this it may learn from best practises such as Lesotho where IEC collaborates strongly with CSO on electoral education;
- ✓ Botswana may need to review their process steadily by looking at the areas of contention in other SADC countries and begin to talk about them even if as yet they are not problematic. This may include two examples (i) Not counting ballots where the voting is done as transfer compromises security of the results (ii) producing ballot papers and books on serial on the counterfeit for easy and effective tracking of ballots;
- ✓ Botswana should dialogue around the issue of political party funding with objective to come up with more transparent and accountable party funding regime.
- ✓ The Independent Electoral Commission (IEC) of Botswana should take advantage of the media to intensify voter education;
- ✓ The Government of Botswana should amend the Botswana Communications Regulatory Act (BOCRA) of 2013 to provide for a three-tier system of broadcasting, in line with the Declaration of Principles on Freedom of Expression of the African Commission for Human and Peoples' Rights (2002) and the African Charter on Broadcasting (2001). Specifically, article VI of the Declaration emphasizes that state and government controlled broadcasters should be transformed into public service broadcasters, accountable to the public through the legislature rather than the government;
- ✓ Through the authority of the (BOCRA) Act, there should be provision for media conduct during election time, specifically the equitable distribution of air time to political parties and candidates during the election campaign period;
- ✓ The Government should attempt to harness the power of community radio to facilitate communication between communities on issues that affect their lives;
- ✓ The Government of Botswana and its citizens would benefit from enacting an access to information law. Access to election-related information is essential to the integrity of electoral processes in the democratic world;
- ✓ MISA and other media organisations should be encouraged to set up training programmes for their staff and members and promote the principles of ethical conduct and fair, accurate and balanced coverage of election news and party political manifestos.

