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
dead 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
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 rest
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
do 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 section66 in regard to the exercise of his functions under the electoral law prescribed by a 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 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-mandering 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 two 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 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 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 BNP, 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 BNP’s six and the BCP’s one.

The BNP’s electoral gains were soon reduced to five by inter-party strife. This led to another break away and the departure of the BNP 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 BNP. 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 BNP, 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 whist 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 whist 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 BNP 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 Seretsi Kham. Kedikilwe was trying to thwart contest for the party chairmanship while Khama posed as the reformer and the presidential protegé. 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 Otlaadisa.

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, Otlaadisa 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

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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 Sate 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
limited press freedom. The press draconian and inhibiting the already which had been described as down on the proposed media bill minister responsible for information, result. Recently the media, especially 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 Mompati 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. (Somoleke 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, Batswana 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.

**References**


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