

BOTSWANA ELECTORAL SYSTEM

INTRODUCTION

The Republic of Botswana is a country of about 582,000 square kilometers in size, situated at the centre of the Southern African Plateau at a mean altitude of 1,000 meters above sea level. Formerly Bechuanaland Protectorate, it borders on the Republic of South Africa, Namibia, Zambia and Zimbabwe. *Gazetted* forest reserves cover 4,555 square kilometers which is only 0.8 percent of the total land area. Botswana is relatively flat, with gentle undulations and occasional rocky outcrops (CSO, 2006).

ELECTORAL SYSTEM

The choice of electoral systems is said to be the instrument of democracy and it also determines how elections are won or lost. Botswana has since independence in 1966 adopted her own Constitution and electoral laws similar to those of the UK at that time. Since independence the electoral system, has evidently been the first-past-the-post (FPTP) electoral system. The system creates single party cabinets which run the government (Molomo, 2005). Elections in Botswana take place at national and local levels. Botswana is a multi-party democracy with the Botswana Democratic Party in power with a significant majority since independence. The National Assembly and Local Councils are elected when General Elections are held. The last general elections were held on 16 October 2009. They were the 10th general elections held since Botswana's independence in 1966. Botswana's parliament has 61 seats, of which 57 are elected using a single-member district plurality system, meaning there are 57 constituencies, each electing a single member of parliament (MP) for a five year term; 4 more seats are reserved for the specially nominated members. The local council has 490 seats and 113 for specially nominated councilors.

BRIEF HISTORY AND LEGAL PROVISIONS

After independence the role of administering elections was conferred on the Permanent Secretary to the President (PSP). This raised many debates, essentially the autonomy of the PSP. The Constitution was therefore amended to set up the 'Supervisor of Elections' under section 66 (1) and (2) provided that the Supervisor of Elections shall be appointed by the President.

In 1997 Parliament repealed section 66 of the Constitution and introduced a new section 65A by passing the Constitution (Amendment) Act No.18/1997(Lekorwe and Tshosa "40 Years of Democracy in Botswana" 2005). This replaced the office of the Supervisor of Elections with the Independent Electoral Commission (IEC) Section 65A (12) provides that; "The Commission shall be responsible for- (a) 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; (b) giving instructions and directions to the Secretary of the Commission appointed under section 66 in regard to the exercise of his or her functions under the electoral law prescribed by an Act of Parliament;(c) ensuring that elections are conducted efficiently, properly, freely and fairly; and (d) performing such other functions as may be prescribed by an Act of Parliament.”

The different statutes which relate to or affect the electoral processes of Botswana are briefly discussed below, commencing with the Constitution which is the cornerstone of all legislation it establishes all three arms of government being the Executive, Legislature and Judiciary.

The Botswana Constitution creates the Electoral Commission by providing that; “There shall be an Independent Electoral Commission...” It also creates the position of the Secretary to the Independent Electoral Commission. A person shall not be qualified to be appointed as Secretary to the Independent Electoral Commission if- (a) he or she is not a citizen of Botswana; (b) he or she has been declared insolvent or adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged, or has made a composition with his or her creditors and has not paid his or her debts in full; or (c) he or she has been convicted of any offence involving dishonesty in any country. (Constitution Section 65A and 66).

A person shall be qualified to be elected as a Member of the National Assembly if, and shall not be qualified to be so elected unless- (a) he or she is a citizen of Botswana; (b) he or she has attained the age of 18 years; (c) he or she is qualified for registration as a voter for the purposes of the election of the Elected Members of the National Assembly and is so registered; and (d) he or she is able to speak, and, unless incapacitated by blindness or other physical cause, to read English well enough to take an active part in the proceedings of the Assembly (Constitution Section 61).

The Electoral Act is an Act that consolidates certain laws relating to elections of the National Assembly and councils it also provides for the qualifications and registration of voters. It furthermore provides for the conduct of such elections and for other purposes in relation to such elections (Electoral Act Section 3 and 4).

The Societies Act provides for the registration of political parties by way of making an application to the Registrar of Societies for registration under the Act to be recognised as societies (Societies Act Section 6).

The Referendum Act provides for matters requiring the approval of the majority of the electors under any law, to be submitted to a vote of the electors qualified to vote at an election of the Elected Members of the National Assembly. The President shall issue a writ under the Public

Seal of Botswana addressed to the Secretary to the Independent Electoral Commission fixing the day for the taking of the poll and setting out the matter on which the poll is to be taken (Referendum Act Section 4 and 5).

Local Councils Elections Act makes certain provisions regarding elections to local councils and it also provides that Parts IX and X of the Electoral Act shall have effect in relation to local council elections as they have in relation to elections conducted under the provisions of that Act and for this purpose shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the circumstances of local council elections (Local Councils Elections Act Section 3 and 4) .

Local Government (District Councils) Act provides that The President may by order published in the Gazette establish District Councils in respect of such areas as he may think fit. Furthermore it provides that a person shall be qualified to become a member of a council if he is qualified, in terms of section 15, to vote in any election for members of the council and does not possess the disqualifications for membership of the National Assembly referred to in section 62 of the Constitution of Botswana (Local Government Act Section 4, 6, 6A and 7)

SIZE AND DEMOGRAPHICS OF POPULATION

The census office has recorded that as of 2001 Botswana has a population of 1,680,863 this is the latest information as the next census will take place in 2011. The demographic indicators are as follows;

TABLE 1: 1971, 1981, 1991 and 2001 CENSUS DEMOGRAPHIC INDICATORS

| BOTSWANA POPULATION CHARACTERISTICS | CENSUS | | | |
|---|----------------|----------------|------------------|------------------|
| | 1971 | 1981 | 1991 | 2001 |
| Enumerated Population | 574,094 | 941,027 | 1,326,796 | 1,680,863 |
| Male | 262,121 | 443,104 | 634,400 | 813,583 |
| Female | 311,973 | 497,923 | 692,396 | 867,280 |
| Non-Batswana | 10,861 | 15,677 | 29,557 | 60,716 |
| Botswana Nationals Abroad | 45,735 | 42,069 | 38,606 | 28,210 |
| Male (000's) | 36,7 | 32,6 | 27,9 | 16,8 |
| Female (000's) | 9,1 | 9,4 | 10,7 | 11,4 |
| Population Distribution (%) | | | | |
| 0-4 | 17.6 | 18.8 | 14.6 | 11.6 |
| 5-14 | 29.9 | 28.8 | 28.6 | 25 |
| 15-64 | 46.9 | 47.6 | 51.8 | 58.2 |
| 15-49 | 39.4 | 40.8 | 45.5 | 52.0 |
| 65+ | 5.6 | 5.1 | 4.9 | 5 |
| Percentage of Females aged 15-49 (out of total females) | 42.8 | 42.9 | 46.5 | 52.4 |

| | | | | |
|--|-------------|-------------|-------------|-------------|
| Dependency Ratio (per 100) | 113 | 110 | 93 | 71.5 |
| Child-woman Ratio (per 1000) | 759 | 819 | 602 | 430.1 |
| Sex Ratio (Males per 100 Females) | 84 | 89 | 92 | 93.8 |
| Percentage Urban | 9 | 17.7 | 45.7 | 54.2 |
| Population Density (per km) | 1 | 1.6 | 2.3 | 2.9 |
| Crude Birth Rate (per 1000) | 45.3 | 47.7 | 39.3 | 28.9 |
| Crude Death Rate (per 1000) | 13.7 | 13.9 | 11.5 | 12.4 |
| Natural Rate of Increase (% per annum) | 3.1 | 3.4 | 2.7 | 1.7 |
| General Fertility Rate (per 1000 women aged 15-49) | 189 | 210 | 161 | 106.9 |
| Mean age at childbearing | 30.5 | 30.6 | 30 | 30.3 |
| Total Fertility Rate (births per woman) | 6.5 | 6.6 | 4.2 | 3.27 |
| Infant Mortality Rate | 97 | 71 | 48 | 56 |
| Child Mortality Rate | 56 | 35 | 16 | 19 |
| Under 5 Mortality | 152 | 105 | 63 | 74 |
| Life Expectancy at Birth (years) | 55.5 | 56.5 | 65.3 | 55.6 |
| Males | 52.5 | 52.3 | 63.3 | 52.0 |
| Females | 58.6 | 59.7 | 67.1 | 57.4 |
| Mean Age (years) | 23.4 | 22.7 | 23 | 24.8 |
| Males | 22.6 | 22.0 | 22.4 | 24.2 |
| Females | 24.1 | 23.4 | 23.5 | 25.3 |
| Median Age (Years) | 15.0 | 15.3 | 16.8 | 20.1 |
| Males | 13.5 | 15.0 | 16.0 | 19.4 |
| Females | 16.7 | 16.5 | 17.4 | 20.8 |
| Population Growth Rate | | 4.7 | 3.5 | 2.4 |
| <i>Source: National Census 1971, 1981, 1991 and 2001</i> | | | | |

RELIGIOUS AND CULTURAL ISSUES

Most religious and cultural beliefs are interrelated and inseparable hence they would be discussed as culture for purposes of this paper.

Botswana is a heterogeneous society constituted by different ethnic groups hence a multicultural society. There are many cultures in Botswana, which take up a patriarchal structure. This pattern has made men superior over women. This has been the status quo that gives gender activists a hard task to deal with in pursuit of gender equality. The culture is enshrined in the languages. This socialisation has led to Botswana males and females having more faith in male leadership.

There is a Setswana dictum which goes “ga di ke di etelwa pele ke manamagadi” literally meaning that bulls can never be led by cows. The context is that men cannot be led by women. Also, naming of children was socially coined to implicitly determine their expected social roles. For example names like Shewangu (my king) for boys, kgosi (king) for boys, bogadi (brideprice) for girls, sethunya (flower) for girls, Shewabuya (the king is born) are given to children largely being informed by social ascription of positions in the society (Monyeki, 2011).

While government and civil society organisation in the gender sector are trying to mitigate against gender inequality, culture; more so that it is preserved in languages and songs, makes their efforts extremely difficult and near impossibility. This cultural background and the inherent social structures have a bearing on the electoral process. Electorates in Botswana still pay close attention and interest to a male candidate than a female candidate. Botswana have been socialised to value male leadership over female leadership as argued through an earlier example of the prescriptive or assigning of names of children (Monyeki, 2011).

STATISTICS RELATING TO GENDER BALANCE

Government statistics reveal that poverty characterises a lot of female headed households and by extension majority of women in Botswana. A lot of Botswana who are enrolled in the poverty eradication programmes are women, a lot of the unemployed Botswana are women. Also women businesses are still finding it hard to exist and progress due to competition for a small market with big established companies. Politics has been viewed as a game of the people who have enough time and money as well as cultural support. (Monyeki, 2011).

It should be appreciated that there is nothing that bars male and female electorates from participating in the choice of their leaders or government. The problem only exist for women candidates aspiring to hold political office. The main challenge that women candidates face is public confidence which itself draws heavily on the cultural values and social expectations. (Ntesane 2005).

Women have always been expected to be confined to the private spheres of social life while men enjoyed the prerogative of accessing public life which gives them access to economic wellbeing, leadership positions, respect, and other recognitions that women could not imagine or enjoy. This situation is not only peculiar to Botswana, but all patriarchal societies. That is women are always perceived as caretakers of the affairs of the household. They are expected to perform such duties as cooking, sweeping, cleaning, rearing children, attending to weddings (Monyeki, 2011)..

By nature political campaigns require resources such as time and money from a standing candidate. Often, the political campaigns and meetings to strategise often end at night. This situation makes it hard for women to consistently engage in this portion of electoral environment since their household responsibilities would also compete for their attention.

Political campaigns require resources such as vehicles, fuel, and campaign material such as T Shirts, posters, kombi advertising, billboards advertising, fliers and other advertising material. Most of women aspiring to compete for political office lack these resources and are therefore beaten by their male counterparts who often have them.

Further, the majority of business owners in Botswana are men and this financial implication of the electoral process deter women to participate in the electoral process as candidates. Their option would therefore be, campaign managers and members of the party choir (Monyeki, 2011).

In the discussion of the cultural issues affecting the participation of women in the electoral process sight should not be lost to the root causes illustrated above, for example; in the Tonota by-elections to campaign for their candidates, an underlying issue waited to be tested. Four political parties threw their strength behind a woman candidate but she was defeated by a man who was supported by only one political party. The woman candidate was educated and owned her own businesses. This example demonstrates the gender implications of women's participation in the race for political office which are within the cultural expectations of the masses. Furthermore the results of the 2009 General elections and the 2010 By-elections reflected the extent of Batswana's confidence on a female candidate (Monyeki, 2011).

Below is a Table 2 that displays the positions held by women against men in the governing structures and Table 3 displays the literacy levels of women against men. The findings of Table 3 exhibit that education is not an obstacle in the empowerment of women to become leaders but rather that there may be other issues. Generally the statistics relay that women are more educated than men.

TABLE 2 STATISTICS ON MEN AND WOMEN HOLDING DECISION MAKING POSITIONS IN BOTSWANA

| Position | Men | Women | Total |
|-------------------------------|------------|--------------|--------------|
| Ministers | 13 | 2 | 15 |
| Assistant ministers | 6 | 2 | 8 |
| (Just) Members of Parliament | 38 | 0 | 38 |
| Counselors | 484 | 119 | 603 |
| Permanent secretaries | 11 | 6 | 17 |
| Deputy Permanent Secretaries | 22 | 11 | 33 |
| Directors | 52 | 43 | 95 |
| Chief justice | 1 | 0 | 1 |
| Court president | 1 | 0 | 1 |

| | | | |
|-------------|--|-----------------|-----------|
| Registrar | 1 | 0 | 1 |
| Judges | 24 (7 court of appeal and 17 high court) | 1 (high court) | 25 |
| Magistrates | 26 | 34 | 60 |

Women's Affairs Department *March 2011*. Gender disaggregated data updates.
(Please note that we collect and compile data on quarterly basis)

TABLE 3 HIGHEST LEVEL OF EDUCATION ATTAINED BY GENDER

| Highest Education | Male | | Female | | Total | |
|---------------------|----------------|--------------|----------------|--------------|------------------|--------------|
| | Number | % | Number | % | Number | % |
| Pre-School | 12,255 | 2.0 | 13,738 | 2.0 | 25,993 | 2.0 |
| Non-Formal | 5,408 | 0.9 | 10,520 | 1.6 | 15,928 | 1.2 |
| Primary | 264,721 | 44.1 | 288,784 | 42.7 | 553,505 | 43.4 |
| Secondary | 317,325 | 52.9 | 363,022 | 53.7 | 680,347 | 53.3 |
| Total Number | 599,709 | 100.0 | 676,064 | 100.0 | 1,275,773 | 100.0 |

(CSO, 2006)

REGISTERED POLITICAL PARTIES

Below is the list of registered political parties with the Registrar of Societies for 2011, it may reflect differently from that of the IEC as the parties that are registered may have not shown an interest to stand for elections or may have merged with other parties.

1. Botswana Alliance Movement
2. Botswana Congress Party
3. Botswana Democratic Party
4. Botswana Labour Party
5. Botswana Movement for Democracy
6. Botswana National Front
7. Botswana People's Party
8. Botswana Progressive Union
9. Botswana Tlhoko Tiro Organisation
10. Botswana Workers Front
11. MELS Movement Botswana
12. New Democratic Front
13. Social Democratic Party
14. The Peoples Liberty Movement

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