INTERNATION ELECTORAL OBSERVATION IN SOUTHERN AFRICA: BOTSWANA EXPERIENCE

by
GAME DIBEELA

Thesis presented for the degree of Master of Arts in International Studies in the Faculty of Political Science at Stellenbosch University

Supervisor: Dr. Derica Lambrechts

March 2018

Declaration

By submitting this thesis electronically, I declare that the entire work contained therein is my own original work, that I am the sole author thereof (save to the extent explicitly otherwise stated), that reproduction and publication thereof by Stellenbosch University will not infringe any third party rights and that I have not previously in its entirety or in part submitted it for obtaining any qualification.

Date: March 2018

Copyright © 2018 Stellenbosch University

ABSTRACT

International electoral observation has become a customary normative practice deeply embedded in Southern African Development Community's (SADC) democratisation agenda. Consequently, the phenomenon demonstrated exponential growth in occurrence and relevance over time. In principle, international observers come at the invitation of the country conducting elections. However, the reality of current international political disposition compels 'developing democracies' to invite them. The presence of international electoral observers not only legitimizes, enhances transparency and credibility of elections, but also signifies conformity to international best electoral practices and norms. SADC created the Electoral Advisory Council (SEAC) as an institutional mechanism to ensure electoral observation became an essential part of democratic processes in the region. Whereas, SADC Principles and Guidelines Governing Democratic Elections were developed as a framework that articulates the regional norms and benchmarks for conducting democratic elections.

International electoral observation is supposedly a systematic and comprehensive assessment to inform on the credibility, freeness, fairness and legitimacy of the electoral process. Observers monitor the pre-election, election and post-election phases of the electoral process with the objective to assist improve national electoral practices and processes as well as direct them towards international standards. However, findings of this study indicate that the impact of international electoral observation in Botswana is minimal. The country is predisposed to implement recommendations related to improving procedural or administrative aspects of the electoral process, as opposed those set to level the playing field and improve representation. Outcomes also reveal that it can never be determined with certainty if steps to improve electoral processes were a result of internal mechanisms such as the electoral audits and post-election stakeholder engagement conducted by the Independent Electoral Commission (IEC) since both processes produced recommendations similar to those of international electoral observers. It is against this background that this study asks two questions, has international electoral observation been a useful tool to promote conformity of national electoral practices and processes to international electoral norms and best electoral practices. Secondly, how does Botswana's electoral governance compare with regional best practices?

ACKNOWLEDGEMENTS

I owe a debt of gratitude to the Political Science Department of Stellenbosch University for granting me a chance to complete and submit my thesis. Special appreciation goes to the Chairperson of Department of Political Science, Prof. P. Fourier, and the rest of the Political Science Department leadership for availing me of this opportunity; without their understanding and consideration completion of my studies would not have materialised. I am deeply indebted to my current supervisor, Dr Derica Lambrechts, and previous supervisor, Prof Anthony Leysens, for their insight, mentorship and guidance.

It was through the generosity of the Ministry of Foreign Affairs of the Government of Norway that I was able to read for my Master's degree in International Studies in Political Economy and Conflict Dynamics. Special thanks go to the Program Coordinator, Dr Hege Cecil Barker, the rest of the team at Bjorknes and administrators at Stellenbosch International Office for the support in Oslo, Norway and Stellenbosch, South Africa. I would also like to recognise Mrs Babsie van Zyl for her motivating and encouraging words and Mrs Van Niekerk for easing administrative matters related to my studies.

My relentless impetus to complete my studies drawn from the support of my family. I would like to express my deepest gratitude to my husband for supporting my decisions and my daughter for unknowingly motivating me to complete my studies. I would also like to apologise to them for my absence during this endeavour. My gratitude goes as well to my grandmother for her unwavering moral support, and to my parents, siblings and cousins for their help, motivation and inspiration.

I would like to acknowledge my friends and the professional support system. The Program Manager for ECF-SADC, Ms. Hilda Modisane, the Operations Managers at IEC Botswana, Mr. Dintle Rapoo and Mr. Chimwemwe Msukwa, and Ms Anne-Britt Rage, Mr. Nkanyiso Sibanda, Ms Rocio Mezquita, Dr Gabriel Malebang, Ms Mmaskepe Sejoe and Mr. Geoffrey Omon for their encouragement, insight, moral and material support.

Most importantly, it is by the grace of God that I have lived to complete my studies. I thank God for his grace and mercy.

CONTENTS

LIST OF ACRONYMS AND ABBREVIATIONS

AU   African Union

BCP   Botswana Congress Party

BDP   Botswana Democratic Party

BFP   Botswana Federal Party

BIP   Botswana Independence Party

BPP   Botswana People's Party

ECF-SADC   Electoral Commissions Forum for SADC Countries

EISA   Electoral Institute for the Sustainability of Democracy in Africa

EMB   Electoral Management Body

EOM   Electoral Observer Mission

EU   European Union

FES   Friedrich-Ebert Foundation

GIZ   Gesselschaft für Internationale Zusammenarbeit

IEC   Independent Electoral Commission

IEBC   Independent Electoral and Boundaries Commission

IFI   International Financial Institutions

IMF   International Monetary Fund

IGO   Inter Governmental Organisations

JSC   Judicial Service Commission

LTO   long-term Observer

INGO   International Non-Governmental Organisation

MCO   Ministerial Committee of the Organ

MTO   Medium Term Observer

NED   National Endowment for Democracy

NGO   Non-Governmental Organisation

OAS   Organisation of American States

OAU   Organisation of African Unity

REC   Regional Economic Grouping

SADC Southern African Development Community

SEAC SADC Electoral Advisory Council

SADC-ESN   SADC-Election Support Network

SADC-PF   Southern African Development Community- Parliamentary Forum

SEAC SADC Electoral Advisory Council

STO   Short Term Observe

UDC   United Democratic Party

UDHR Universal Declaration of Human Rights

UN   United Nations

UNTAG   UN Transitional Assistance Group in Namibia

WAEON   West African Election Observer Network

ZEC   Zimbabwe Electoral Commission

ZESM Zimbabwe Election support Network

CHAPTER ONE: INTRODUCTION

1.1. Introduction

The Southern African Development Community (SADC), a regional community comprised of sixteen member states, drives the regionalisation agenda in southern Africa. The members include Angola, Botswana, Comoros, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe, all mostly geographically situated on the southern part of the African continent. Members also include coastal islands such as Seychelles, Mauritius, Madagascar and the newest member of the body, Comoros, granted membership to the regional body in 2017. The SADC, formerly Southern African Development Coordination Conference (SADCC), was formed in 1980 by the frontline states. Founded by Tanzania and Zambia, later joined by Botswana, Angola, Mozambique and Zimbabwe. When formed, the primary objective of the regional body was to collaborate to reduce economic dependency on the hostile apartheid regime in the neighbouring South Africa. As time progressed, the regional block evolved structurally and operationally to meet contemporary regionalisation demands. When the demise of the apartheid regime in South Africa became more apparent, SADC was re-oriented towards driving economic and political regionalisation in the region.

Political regionalisation aspirations in southern Africa include attaining shared values and principles of democracy, rule of law and respect for human rights as enshrined in the SADC treaty. Article 4 of the treaty commits member states to inter alia consolidate, defend and maintain democracy, peace, security and stability in the region through democratic, legitimate and effective institutions (SADC, 2004:1). The Protocol on Politics, Defence and Security Cooperation on the other hand provides that SADC shall promote the development of democratic institutions and practices within the territories of member states (SADC, 2004:1). The Treaty also establishes the Organ on Politics, Defence and Security and outlines its mandate. Key responsibilities of the Organ also include but are not limited to:

- promoting regional coordination and cooperation on matters related to security and defence;
- preventing, containing and resolving inter- and intra-state conflicts by peaceful means;
- developing a collective security capacity and mutual defence pact to respond to external military threats;

1

- police cooperation among member states to collectively address cross-border crime and enhancing regional capacity in respect of disaster management;
- coordination of humanitarian assistance;
- promoting the development of democratic institutions and practices within member states;
- promoting the observance of universal human rights; and
- promoting political cooperation among state parties and promoting common political values and institutions (SADC, 2001:3).

Therefore, the Organ on Politics, Defence and Security is the arm responsible for consolidating democracy, peace and stability. It implements SADC's political cooperation agenda and drives the development of common political values and institutions among member states.

Southern Africa also experienced the decolonisation wave that swept Africa in the 1950s and 1960s. Nine out of sixteen SADC member states gained independence between 1960 and 1969, and four between 1970 and 1979. Only one member gained independence in 1980 and the remaining two in the 1990s (see member states profiles on the SADC website). It was during the same period that electoral activity also increased. However, one party regimes swiftly replaced democratic anticipations ushered by multi-party elections during self-determination. By the mid-1960s states such as Angola, Malawi, Mozambique, Tanzania and Zambia instituted one party systems (Matlosa, 2007). Further disrupting electoral activity were protracted civil wars in countries such as Angola, Mozambique and the DRC. The mono party regimes and civic strife stretched until the demise of the cold war in the early 1990s, ensuing a progressive increase in the number and frequency of elections conducted in SADC member states between 1989 and 2016 (Kadima &Booysen, 2009; EISA Calendar).

Not only has electoral activity increased, but elections have also become increasingly internationalised over the years. Although early experiences of internationalisation of elections date back to the 1950s and 1960s when the United Nations (UN) and Commonwealth supervised decolonisation elections. Internationalisation of elections became more prevalent in the 1990s when international electoral observers, mainly from outside the continent, were invited to elections. The assumption was that citizens had low levels of trust in the electoral

processes and systems after long periods of one party states, dictatorships or civil wars[1]. The presence of international observers served to boost confidence in electoral processes and their outcomes (African Union, 2013:19).

International electoral observation is "*the systematic, comprehensive and accurate gathering of information concerning laws, processes and institutions related to the conduct of elections and other factors the overall electoral environment to draw conclusions about the character of the electoral process*" (EU Handbook, 2008:183). This definition postures international electoral observation as a rigorous process that provides accurate information on the quality of the electoral process, the environment within which the elections were conducted and the conduct of the election. It also presupposes that a presence of international observers contributes towards the quality and outcome of elections, hence promoting best electoral practices and democracy. Democratising countries with intentions of conducting elections are expected to invite electoral observers for those elections to be deemed legitimate and transparent. Hence, international observation missions presence in most if not all elections conducted in the SADC region and beyond.

The phenomenon of observing elections is now widespread; Africa does not only receive observers but now also deploys observer missions. The Organisation of African Unity (OAU), the predecessor of the African Union (AU), is one of the first African organisations to observe elections. The OAU's first mission was the joint mission with the UN to monitor Namibia's independence elections in 1989 (AU, 2013). This was followed by a mission to the Comoros in 1990 (AU, 2013). Since then the AU sends observers to all elections in Africa. In southern Africa, international electoral observation is now deeply embedded in SADC's regionalisation agenda. In 1996, SADC-Parliamentary Forum (SADC-PF) was established in terms of article 9(2) of the SADC treaty. The body is constituted of twelve parliaments from Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. SADC-PF is mandated with promoting democracy, good governance, transparency and accountability. The body has identified international electoral observation as one of the methods to achieve the forum's objectives; as such it sends international observer missions to all its member states. In 2015 the SADC Electoral Advisory

---

[1]Electoral politics were revived during this period. Zambia went to the polls to end the one party regime in 1991, Tanzania in 1995 and Mozambique in 1994.

Council (SEAC) was established as an institutional mechanism that would ensure electoral observation became an essential part of democratic processes in the region (SADC, 2015:1). SEAC operates under the auspices of the Organ on Politics, Defence and Security with the primary mandate of developing democratic practices and institutions to harmonise political values and institutions. SEAC's main objectives include advising SADC on elections, conflict mitigation and providing guidance on elections and the enhancement of democracy and good governance (SADC, 2015:2).

SADC member states often invite international observers from all over the world, although the Electoral Institutional for Sustainable Democracy (EISA), SADC, the Electoral Commission Forum for SADC countries (ECF-SADC) and SADC-PF remain the main regional observing institutions in Southern Africa. EISA is non-profit organisation that started in South Africa but now operates across Africa. The organisation observes elections across Africa and provides expertise such as technical support related to international electoral observation such as the training of international electoral observers and technical support for regional bodies and continental bodies such as the AU, SADC and ECOWAS. Technical support provided may be in the form of assistance on electronic data collection, data analysis and reporting; facilitating long-term observers' briefing and deployment; and providing administrative and logistical support for other missions. ECF-SADC is a body comprised of electoral management bodies of SADC member states. International electoral observation conducted by this body is primarily for peer learning purposes and for enhancing member commissions' expertise and capacity. ECF-SADC missions primarily focus on assessing elections administration aspect of electoral process, to identify host commission challenges and ascertain the nature of the technical assistance required by the Electoral Management Body (EMB) (ECF 2014:5).

Elections are central to democracy and international electoral observation identified as one of the methods for enhancing democracy and good governance, is deeply embedded in regional democracy and good governance promotion efforts. Therefore, it is imperative to interrogate international electoral observation. This study looked into international electoral observation in southern Africa, with a focus on Botswana experience. The objective was to investigate if international electoral observation assists countries democratise.

1.2 Statement of Research Problem

From the growth in relevance and practice of observing elections by the international community, it is evident that elections are no longer just internal affairs of the state conducting them. Internationalisation of elections typifies the transnational links and multilevel engagement of international networks of states and civil society in the contemporary globalised world. In this instance, this intrusion of external actors in what is normally a national process aims to ensure conformity to the demands of liberal democracy.

Since the end of the cold war, liberal democracy has been internationally accepted as the hegemonic political dispensation and elections an integral and indispensable component of it. International electoral observation is a method used to assess conformity to the demands of the aspired democratic order and has over the years become a customary normative practice. With its gradual entrenchment, international electoral observation has been promoted and accepted as a method that informs the international community about the credibility and legitimacy of the electoral process to enhance democratisation (Kelley,2012:9). International electoral observation has been situated as a mechanism to promote conformity to universally accepted customary electoral norms and international benchmarks for best electoral practices. International observation methods (discussed in detail in chapter 2) are premised on assessing national electoral practices and processes' satisfaction of international benchmarks of electoral best practices. The assumption is that this process aids progression of national electoral processes towards conformity to these norms and benchmarks and therefore enhances the democratisation process (See EISA, 2005; SADC, 2004; SADC, 2015; OAU/AU, 2002).

However, experience from the reality of the contemporary political order has shown that "democratic and authoritarian moments can exist side by side" (Ahmed 2013: 85). Institutions and processes ideally meant to advance democracy can be present in an undemocratic polity to legitimise the regime or present a façade of democracy. This argument explains why a regime such as Museveni's in Uganda and Mugabe's in Zimbabwe periodically conducts elections to which they invite international electoral observers (Dorman S, 2005; Elklit & Svensson, 1997). According to international standards for democratic elections (discussed in detail in chapter four), elections need to be regular, free and fair, transparent, credible and peaceful. Ugandan and Zimbabwean elections usually just conform to the first principle. International electoral observers are invited to these elections despite repeated and deliberate disregard for other

principles of democratic elections and a lack of commitment to conform to them or satisfy them.

In principle, international electoral observers gather information about the electoral process in order to make pronouncements on the conduct, environment, and the dispensation of the electoral process (EU, 2008). Rigorous assessments of: the conduct of the elections; how the electoral process was administered; whether the elections were executed in accordance with procedures and laws; and the conditions for the dispensation of the electoral process should inform observers' conclusions (IDEA, 1999). Kenya invited international electoral observers to the 2017 presidential elections. However, on 1 September 2017 the Kenyan Supreme Court annulled the results of the 2017 presidential election on the grounds that irregularities and illegalities committed in the transmission of results impugned the integrity of the elections. The court also declared that the IEBC failed, neglected or refused to conduct the presidential election in accordance with the key legal frameworks governing elections, being the constitution and elections act. Results of the presidential elections were declared null and void on the basis of IEBC's failure to satisfactorily administer the counting, verification and reporting of results which are key processes of election period operations (Blomfield, 2017). These developments around the 2017 Kenyan presidential elections also motivate a re-look into the role and processes of international electoral observation.

Is it not the primary task of international election observers to observe all processes of the electoral cycle? If, according to the electoral cycle methodology (explained in chapter 2, section 2.4), processes of the election period operations include counting, verification and reporting of results, shouldn't short term observers assess the entire election operations period before making preliminary statements? What then were observers monitoring and how were they doing it? How rigorous are the assessment processes of international observers? For example, the AU international electoral observer mission to the 2017 Kenya elections merely flags concerns expressed by stakeholders relating to the tallying of the votes and their outcome (AU, 2017). The court on the other hand decided that the irregularities during transmission of results were so gross that they compromised the credibility of the elections going to the extent of declaring the results null and void. Doesn't monitoring the conduct of elections entail monitoring how the EMB administers various processes of the electoral cycle and if the processes are in accordance with national legal frameworks? Is it not the same norms and principles and legal framework that guide the courts and international electoral observers?

International electoral observation has been consistently challenged by unfolding such as experiences like that of the 2017 Kenyan elections and other similar occurrences like the 2008 and 2013 Zimbabwean elections. During the mentioned elections in Zimbabwe, the citizenry and domestic observers strongly questioned the credibility of the electoral process (Vollan, 2014). International observers on the contrary did not highlight the gravity of irregularities in the manner that domestic observers did and in some instances even gave a relatively positive assessment of the electoral process as was the case with the SADC secretariat electoral observer mission. Such controversies, contradictions and inadequacies promote the need to re-examine international electoral observation for several reasons. There is need for a deeper understanding of methodologies employed by international observers. This will help interrogate the capacity of international electoral observers to sufficiently monitor and assess electoral processes. There is also need to investigate the impact of international electoral observation on national electoral processes to investigate if it aids the transition of national electoral practices and processes to universal customary electoral norms and international electoral best practices. This study thus primarily looks into the impact of international electoral observation on national electoral governance, processes and practices.

According to Kelley (2012) very little is known about effects of international electoral observation. Available literature remarks on the impact international observation has on national electoral governance and practices (van Binsbergen & Abbink, 2000; Darnolf, 2011; Hyde, 2007) but detailed empirical enquiry of this impact remains scant. Kelley (2012) argues that assertions about the democratisation role of international electoral observation remain unproven. Abbink (2000) also laments that there is scarcity of research that assesses the impact of international electoral observation, arguing that available studies on the subject matter have not produced any new insight except updated advice on how to improve procedures and practices for the next occasion (Abbink, 2000:7). It is however key to take into cognisance the significance of improving procedures and practices as it very important for practitioners and has helped universalise electoral norms and principles. It is against this background that this study looks into the impact international electoral observations have on national electoral processes and practices in southern Africa focusing on Botswana experience. Due to paucity of research on the impact of international electoral observation on national electoral processes, especially in southern Africa, there is still a need to engage with and further debunk the

intricacies of international election observation to make more in-depth inquiries into this practice and its impact.

1.3 Objective of the Study

The general objective of this study was to assess the impact of international electoral observation on democratising national electoral processes in southern Africa using the experience of Botswana. Specific objectives were to:

a) understand the practice of international electoral observation;

b) assess if international election observation has aided Botswana's electoral governance and practices to transition towards international best electoral practices.

To make the above assessment, this study did four things. First, it looked at best electoral principles and benchmarks for democratic elections as stipulated by the Principles and Guidelines Governing Democratic Elections. Second, recommendations of mission reports by international observer missions of southern African bodies of Botswana elections between 2004 and 2014 were analysed. Third, internal processes undertaken during the same time-period to improve electoral governance were also looked into. This assisted the study to identify if changes made to Botswana electoral processes were internally or externally driven. Finally, the study evaluated key changes made to the national electoral process against international electoral observers' recommendations.

1.3 Research Question

Considering the above-mentioned objectives, the question that arises is what has been the impact of international electoral observation on Botswana's national electoral systems and practices? This main research question was guided by the following sub-questions:

1. Has international electoral observation been a useful tool to promote conformity of national electoral practices and processes to international electoral norms and best electoral practices?

2. How does Botswana's electoral governance compare with regional best practices?

1.5 Research Design and Methodology

This research employed qualitative methodology. Strauss and Corbin (1990:17) define qualitative method as "*any kind of research that produces findings not arrived at by means of statistical procedures or other means of quantification*". The qualitative method is best placed

to assist in answering the questions posed above. There is ambiguity around effectiveness of the international community in democratising national electoral processes and practices. As Dewey (1938) states, inquiry is prompted by ambiguity and contradiction. The qualitative method enables processing of the contradictions and ambiguity around the impact of international electoral observation on national electoral practices. This provides an opportunity to navigate through the intricacies of international electoral observation and gain better understanding of the phenomenon. The qualitative research method allows for the use of a plethora of information sources. Therefore, this study was able to benefit from information gained from observations made by the researcher while participating in international electoral observation missions. The study also benefited from information gained from informal interactions with experts and practitioners in the field of international electoral observation.

Information for this study was mainly obtained from secondary data such as literature available in books, journals, newspapers, policy documents, instruments guiding electoral observation and the internet. Reports from key players in international electoral observation such as donor agencies like the UN, Friedrich-Ebert Foundation (FES) and German Gesselschaft für Internationale Zusammenarbeit (GIZ) (formally GTZ), Non-Governmental Organisations (NGOs), Inter-Governmental Organisations IGOs and observer institutions such as SADC, SADC-Council of Non-Governmental Organisations (SADC-CNGO), SADC-PF, EISA, ECF-SADC, Commonwealth, EU, AU and were also be reviewed. As already mentioned earlier, information was also drawn from informal interactions with experts, practitioners, academics, politicians, electoral management bodies (EMBs) and other officials directly or indirectly involved in international electoral observation processes. This was also complemented by observations made when participating in international election observation missions.

SADC Principles and Guidelines Governing Democratic Elections, aligned to continental and global norms, is a regional framework that guides SADC election observation and articulates the regional electoral norms and electoral best practices. Chapter 4 provides a detailed discussion of this framework. The framework will be reviewed to gain appreciation of the regional guidelines for conducting elections, international norms and benchmarks for best electoral practices.

1.5.1 Case Study Research Design

A case study is defined as *a research approach in which one or a few instances of a phenomenon are studied in depth* (Blatter, 2012:68). The case study design was chosen because it presents an opportunity to conduct an in-depth and focused study. It enabled the phenomen of observing elections to be examined in detail. The single case method was also selected to delineate a geographic boundary on which the study was focused (Luck et al.,2005). This method was selected because it is the best means to generate practical and detailed knowledge about international electoral observation and its impact on national electoral practices and processes in Botswana. Findings from this case can then be used for general logical inferences.

An explanatory approach was employed. Ritchie & Lewis (2003:28) define 'explanatory research' as that which is"concerned with why a phenomenon occurs and the foces and influences that drive their occurance". The key objective of this study was to investigate the impact of international electoral observation on national electoral practices. Therefore this study makes investigations that will further explain international electoral observation.

Botswana was selected as a case because it is geaographically situated in southernAfrica, it conducts regular elections and international electoral observers are invited to these elections. Botswana's consistency in inviting observers and conducting elections at regular intervals presents an opportunity to analyse the electoral trend and assess if international electoral observation has had an impact over the years. Botswana was also selected because it is a relatively young democracy challenged by one party dominant system endeavouring to consolidate its democracy.

1.5.2 Theoretical Perspective

The multifarious interpretations of democracy as well as the multiple variants of the concept proves it is a highly contented subject. For the purposes of this study, democracy refers to the universally accepted contemporary form of political organisation premised on the broader modern liberal democracy ideology. International and national institutionalisation of this form of political organisation attests the universal acceptance of liberal democracy. With the advent of a mono-power world order after the end of the cold war, liberal democracy became the universally accepted political ideology, almost all political regimes profess to be a democracy. According to Held (1995), liberal democracy is grounded on principles of constitutional state where the law is supreme and all are governed by it. Liberal democrats argue for the guarantee

of basic human rights, separation of powers between the institutions of the state to ensure the autonomy of government, parliament and courts of law from each in other order. Separation of executive, legislative and judicative power serve as check and balance controls for these institutions. Also important are the principles of equality, universal suffrage, freedom of opinion, speech, press, media, good governance and a free market. Liberal democrats argue that democratic principles and institutions engender a secure social environment for the free pursuit of private activity. Political representatives' accountability to the electorates checks the state's power (Held 1995:10). Using this conceptualisation of democracy does not necessarily mean subscription to it; it serves to acknowledge and highlight the hegemony of liberal democracy. Rather, the aim is to direct a conversation towards examining the utility of international electoral observation as a democratising mechanism primarily for the purposes of comparison of real life experiences and ideals of the practice.

Deeply engraved in contemporary democratisation agenda, international electoral observation, often validated by assertions that the process encourages transparency through informing domestic and international actors about the legitimacy of elections. Kelley (2012) argues that the process has the propensity to improve the quality of the electoral regime under observation, which in turn enhances democracy. This narrative is buttressed by observing practitioners, for example, SADC aims to "*enhance electoral integrity by providing a basis for comprehensive, accurate and impartial observation of national elections*" (SADC,2015:3). SADC has also identified international electoral observation as a method to improve and consolidate electoral democracy in the region.

The minimalist construct of liberal democracy places elections as one of the pillars for consolidating democracy (Svolik, 2013). International electoral norms and best practices set the standard for what democratic elections are and how they are attained. International electoral observers monitor national electoral processes to assess and report on their conformity to international electoral norms and best practices. This is assumed to assist progression of national electoral practices and processes towards these international benchmarks to contribute to the democratisation of that polity. Democratising through international electoral observation has succeeded in globalising the acceptance and normalising liberal democracy hegemony (Svolik, 2013). It is for that reason that SADC international electoral observation policy outlines international electoral observation as one of the main mechanisms for consolidating democracy in its member states. This democratisation approach has narrowed focus of the

11

regional democratisation agenda to the institution-centred minimalist Schumpeterian construct of democracy (Schumpeter, 1943). Focus on externally driven democratisation tends to limit the quality and depth of the national consolidation process especially when key democratic institutions are captured to fulfil procedural requirement to legitimise a democratic façade. Contending externally driven democratisation, Matlosa (2002) argues that international electoral observation is a tool used to entrench western hegemony over democratising polities given that election observation has been used as part of a political conditionality to leverage western interest, citing Zimbabwe 2000 and 2002 elections (Matlosa 2010: 130), further complicating the concept of sovereignty in a globalised setting. Also opposing the one size fits all democratisation approach applied by international electoral observation, Held (19959-10) argues that democratic politics are reshaped at local, national, regional and global levels hence the political order must embrace the diverse and distinct vertical and horizontal demands.

In view of the above, the multi-layered relation between the nation state, IGOs and INGO that observe elections can be best explained by the globalisation theory. Globalisation refers to

"*the integration of separate nations, regions, or even individuals into a wider global system...characterised by increasing the linkages and connections between peoples and countries and by the growing knowledge of these interactions. The integration process can affect the economy, polity, society, or culture...*" (Milner 2011:973).

Mengisteab (2008) argues that through the globalisation process,liberalism was homogenised as a global ideology. As a result liberal democracy emerged as the dominant political system. International instutions such as the World Trade Organisation, International Monetary Fund and Word Bank were created to forge the liberal agenda. The globalisation process liberalised both economic and political policies (Waters, 1996). Countries increasingly joined international organisations and treaties and international conventions became widely adopted by countries around the word. Multi-level transnational links intesified between international networks of states and civil societies. Terrirorial boundaries became increasingly blurred, leaving the nation state or its soverignty in the midst of the intersection of transnational interactions (Jones, 2010). The international acceptance of the practice of observing elections by international community is best explained by what Milner (2011) terms the constructivist perspective of globalisation theory. It argues that the globalisation process results from a constellation of norms and ideas which are ligitimated and diffused over time. Conformity to these norms later becomes the globally accepted way of doing things.

The spread of democracratic norms and human rights is given as an example globalisation and the diffussion of norms. .International electoral observation depicts the influence of transnational political networks on domestic political processes (Blatter, 2012). Globalisation theory helps us understand the dominance of liberal democracy, how it became a globally accepted norm and international electoral observation as one of the mechanisms to diffuse it.

Democracy and democratisation theories help make sense of the role of elections in democracy consolidation. Democracy and democratisation are contentious concepts explained through a plethora of varying theories. Hence, this study will only focus on those that help understand democratisation through international electoral observation. Doorenspleet (2005:14) defines democracy as a political system in which competition and inclusive suffrage are guaranteed and satisfied. This defiation is based on Dahl's conceptualisation of democracy. Dahl (1971:2) defines democracy as a setting that satisfies the following;

a) freeedom to form and join institutions

b) freedom of expression

c) tight to vote

d) the elegibility for public office

e) the right of political leaders to compete for support and for votes

f) alternative sources of information

g) free and fair elections

h) the independence of policymaking institutions.

The above definition can be situated in what Gruger & Mathew Bishop (2014) term 'procedural category of democratisation theories', also termed 'constitutional/political and minimalist democratisation, by Tilly (2000) and Parry & Moran (1994).Theories within this realm place emphasis on structures and procedures such as elections, referenda and formal political actors. These theories are usually juxtaposed with those within substantive paradigm, which argue that democratisation encompasses a lot more than formal institutions and political actors but rather include the extension of citizen rights, redistribution of power and resources (Gruger &Bishop, 2014; Parry & Moran, 1994).Leaders of democratisation theories include Joseph Schumpeter (1943) who places electoral competition at the centre of democracy, whereby political leaders are selected by whom they lead. Samuel Huntington's (1991) democratisation theory is also within this realm. For example, he argues that transition from the second wave to the third wave of democratisation can be largely credited to the increased demand for elections, which led to a decrease in the number of authoritarian regimes. This line of thinking is criticised for

overlooking the reality that, with the dominance of liberal democracy, every regime refers to itself as a democracy and will end up with structures that will give it a democratic appearance. Critiques of institutional democratisation argue that distribution of power, wealth and amount of influence that that citizens have in decision making should be the principles at the core of democratisation efforts.

This study will therefore be guided by the 'procedural strand of democratisation theory. The main objective of the study is to seek pragmatic approach that will assist practitioners unravel the complexities of democratisation through elections, particularly international electoral observation. Abstract theory will only serve to render explanatory depth to help make sense of the political arrangements and practices of realities of the polity under study. Democracy will hence be interpreted as conceptualised in the SADC Principles and Guidelines Governing Democratic Elections. The framework's defines democracy as "*a system of government based on the respect of rule of law; in which all citizens of a state enjoy fundamental human rights and freedoms and are fully involved in decision making processes about the affairs affecting their welfare, typically by electing their representatives at all levels of government, under a free and inclusive electoral system*" (SADC, 2015:ii). Democratisation will thus be understood as the process of transitioning to attain the system of government described above. Focus on this conception of democracy aims to provide parameters to enable comparison of the construct of democratisation of national electoral governance, institutions, norms and processes through international electoral observation against the real life experience.

International and other regional instruments and frameworks such as UN General Assembly Resolution 63/163 on Democratization and Elections, Declaration of Principles for International Election Observation, International IDEA Code of Conduct for the Ethical and Professional Observation of Elections, African Charter on Democracy Elections and Governance, SADC Parliamentary Forum Norms And Standards for Elections in the SADC region and Principles for Election Management, Monitoring, and Observation in the SADC region will be used to provide the context for what the best international electoral practises and democratic norms are and how international electoral observers are guided when evaluating national electoral processes and practices. However, it is the SADC Principles and Guidelines Governing Democratic Elections which will be used to assess democratisation impact of international electoral observation on Botswana's electoral governance, institutions, norms and

processes. The criteria for international best electoral practices and norms will also be derived from this framework.

1.6 Outline of Chapters

Chapter Two: Context and Observer Methodologies

Chapter 2 unpacks international electoral observation; it defines key concepts and identifies the main observing institutions in SADC countries. This chapter also addresses the context within which international electoral observation takes place; it answers why elections are observed, why the practice of inviting observers to elections has become a norm and why an increasing number of institutions are observing elections, thereby improving their observing techniques and methodologies. Instruments guiding the various observing institutions' methodologies and observation manuals will also be critically analysed in this chapter.

Chapter Three: Case Study

This chapter focuses on the case study; it analyses Botswana's electoral practices looking at the administration and governance of national elections. Attention is focused on the Independent Election Commission as the core administrator of elections. This chapter sets the tone for an assessment of the impact of international electoral observation on national electoral governance.

Chapter Four: Analysis and Findings

Using the SADC Principles and Guidelines Governing Democratic Elections, this chapter assesses the impact of international electoral observation on Botswana's electoral governance. International electoral observation reports were reviewed to identify key issues and trends in Botswana's electoral trajectory. National electoral assessment documents such as electoral performance audits and stakeholder evaluation workshops will also be studied.

Chapter Five: Conclusions and Recommendations

This chapter concludes the research study by providing an overview of each chapter's discussion to show an overall progression in relation to the central research question and also provide an evaluation of the research study. It also provides summarises conclusions of this research, key lessons learnt from international electoral observation and recommendations from findings.

CHAPTER TWO: UNDERSTANDING INTERNATIONAL ELECTORAL OBSERVATION

2.1 Introduction

This chapter aims to unpack international electoral observation. To attain this, the study will first define and discuss key concepts of the various forms of electoral interventions, then review literature on international electoral observation. This chapter also seeks to understand the rational for conducting electoral observation and explore the intended purpose for this practice. It finally examines how international observation works looking at AU, SADC, SADC-ECF EISA and EU methods and processes.

2.2 Definition of Concepts: Understanding International Observation and Other Forms of Electoral Interventions

Generally, there is consensus on the definition of international electoral observation. The Handbook for European Union Election Observation; Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers; the International Institute for Democracy and Electoral Assistance (IDEA) Ethical and Professional Observation of Elections and the AU election observation manual all have a similar definition for international electoral observation. According to these documents, international electoral observation is *"the systematic, comprehensive, and accurate gathering of information concerning laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment to draw conclusions about the character of the electoral process"*(EUHandbook,2008:183). A team of foreign delegates or international organisations referred to as observer missions usually conducts this exercise. The size, composition, mandate and methodologies of observer missions differ depending on the organisation and the nature of the mission. Detailed discussions on methodologies of different missions will follow later in this chapter.

International electoral observation is therefore an important exercise that plays a pivotal role especially in emerging democracies. Invitation of international observer missions instils confidence in the elections (Sebudubudu, 2006) by providing information about the credibility, quality and fairness of the process. International observers also assess whether the electoral processes met international standards (Bader and Schmeets, 2013). Moreover, observer reports also inform important democracy yardsticks such as the Freedom House indices (Darnolf,

16

2011). Some scholars (Darnolf, 2011; Laakso, 2002; Dorman, 2005; Hyde 2012) even argue that these reports also have a bearing on donor policy decisions and relations. Dorman (2005) argues that the European Union's (EU) decision to impose sanctions on Zimbabwe is a case in point of a decision informed partly by observer reports.

An exercise qualifies as international electoral observation only when conducted by foreign observer missions (Bjornlund, 2004). If conducted by non-partisan citizen observers, it is domestic observation. Global networks, civic organisations and networks of national NGOs are the key players in domestic electoral observation. Regional examples of key domestic observers include; Zimbabwe Election Support Network (ZESN), SADC-Election Support Network (SADC-ESN), National Endowment for Democracy (NED), West African countries of the West African Election Observer Network (WAEON). The Global Network of Domestic Election Monitors (GNDEM) one of the active global networks. ZESN is a strong network of over twenty two Zimbabwean civic organizations and NGOs consisting of faith-based organisations, unions, media, etc. (ZESN website), whereas NED is a collaboration of domestic observer groups from eleven West African countries of the region's West African Election Observer Network (WAEON). SADC-ESN like WAEON is a regional network of domestic observer groups in Southern Africa. It has representation from networks from all fifteen SADC countries. GNDEM on the other hand is a global network with representation from five continents and 60 countries (GNDEM website); SADC-ESN and WAEON are all members of GNDEM.

Although international and domestic observers do similar work, the roles played by the two are distinct and not inter-changeable (IDEA, 1999). Domestic observers often have a deep comprehension of the political, social, cultural environment of the country and are often aware of local concerns. They also have the advantage of speaking the local language as such analysis by domestic observers is usually enriched by their knowledge of nuances of the environment and political context. Domestic observers are also able to conduct observation and monitoring over longer periods of time and usually have a larger number of observers to deploy over a broader geographical area than international observers (IDEA, 1999).

The other advantage of domestic observation is that they are able to send missions to activities such as by-elections of parliamentary and local elections which international missions hardly ever observe. Effective domestic observers are also active throughout all phases of the electoral

17

cycle. They continuously and consistently engage and monitor electoral processes and institutions beyond elections, during other phases of the cycle that do not get a lot of attention from international observers such as institutional strengthening reforms, electoral management staffing, boundary delimitation exercises, etc. ZESN's (2016) recent call for the expeditious appointment of commissioners for the Zimbabwe Electoral Commission (ZEC) exemplifies the advantages of effective domestic observation and monitoring .

Naiveté & Canton (1997), however, argue that "predispositions of domestic observers introduce biases that call into question the neutrality, reliability, and thus the credibility of the observation." They also argue that domestic observers usually do not have the technical capacity and expertise that international observers bring. It should however be noted that the levels of professionalism of domestic observers has improved over the years and so have their methodologies, just as has been the case with international observers. It is also important to take into account that during elections different political parties also have observers or agents who participate in the process to exclusively protect the interests of the various political parties thus narrowing domestic observers' susceptibility to introduce biases as Nivette & Canton (1997) argue. International observers are increasingly realising the value of working closely with domestic observers and more resources are increasingly channelled towards building the capacity of domestic observers.

Although some literature uses the terms electoral *monitoring* and *observation* interchangeably, international electoral monitoring differs from observation. Monitors observe the electoral process but also have the authority to intervene if relevant laws or standard procedures are being violated or ignored (AU, 2013; IDEA, 1999).Monitoring is therefore usually conducted by domestic organisations. Lynge-Mangueira (2012) recommends long-term monitoring and support for domestic observers as ways to make international electoral observation more effective.

Other forms of electoral intervention may be *mediation, technical assistance* or *supervision and audit.* Technical assistance entails provision of long or short term expertise to national authorities in charge of administering elections. Technical assistants usually provide advice and assistance on electoral administration and planning, review of electoral laws and regulations, electoral dispute resolution, boundary delimitation, voter registration, election budgeting, logistics and procurement, use of technology, training, voter and civic education,

voting and counting operations and election security(UNDPA, 2014).Unlike those of international electoral observation, findings of technical assistance missions are rarely publicly published (Darnolf, 2011:363)but are instead shared only with the recipient of the support.

UNDP has been a key provider of technical assistance in Africa with programmes mainly aimed at strengthening electoral administration (UNDP, 2013). 25% of all UNDP electoral assistance interventions were focused on electoral administration, with 12% devoted to building sustainable electoral processes and 19% to civil and voter education (UNDP, 2012). By the year 2011, UNDP had provided electoral assistance to a total of eighty-three (83) countries, twenty-four (24) of which were in Africa at a budget of approximately US$2.9 billion for the period of 2009-2011 (UNDP, 2012).UNDP also works closely with the European Commission on electoral assistance projects, a collaboration which was formalised by the formation of the Electoral Joint Task Force (JTF) which has been active since 2006 to support the implementation of the EC-UNDP partnership on electoral assistance (EC-UNDP Joint Task Force on Electoral Assistance website). By April 2016 more than 100 projects across all regions have been implemented through this collaboration, out of which 74 were in Africa (UNDP website).

Supervision and auditing of elections, which are also forms of electoral interventions, entail certifying the validity of all or some of the steps in the electoral process before or after elections (African Union, 2013). The UN's role in Namibia's 1989 elections was a typical example of supervision. Although the electoral process was under the responsibility of South African authorities, the UN, through the UN Transitional Assistance Group in Namibia (UNTAG), supervised and controlled every step in the process (Beigbeder, 1994). This form of intervention is not common. It was mostly decolonisation or post conflict elections that were supervised or audited as was the case with Angola in 1992 and Mozambique in 1994and Bosnia in 1996 (IDEA, 1999).Also similar to supervision and auditing is *verification* which has been largely conducted by the UN since 1992.*Verification* is usually a part of peacekeeping processes as was the case for the UN observer mission of 1997 elections in Liberia.

Meditation on the other hand is defined as "a form of third-party intervention in disputes, directed at assisting disputants to find mutually acceptable outcomes and solutions to electoral disputes" (AU, 2013:9). SADC's interventions in Zimbabwe after the 2008 elections and Lesotho post the 2007 elections are examples of mediation initiatives.

19

2.3 Review of Existing Literature

The increased deployment of international electoral observers and the consequential expansion of discourse of the phenomenon resulted in a steady increase of available literature on the subject. Abbink and Hassling (2000) not only explore the democratisation role of international electoral observation in Africa but also bring historical, political, social and cultural dimensions to the fore, with specific focus on African polity. Bjornlund (2004) and Darnolf (2011) seek to provide generic understanding of the phenomenon. Bjornlund outlines, describes and evaluates UN, OSCE, EU, Commonwealth, OAS, International IDEA, IRI, the Carter Centre and IFES role as actors in international electoral observation. Darnolf (2011) discusses the various forms of electoral intervention including international electoral observation; he also assesses methodologies of international electoral observers. Bjornlund (1992:406) contends that since democratic rights and rules are not fully realised in transitioning democracies, there is need for a disinterested judgement on whether the election is 'free and fair. Likewise, van Binsbergen and Abbink,(2000:259) argue that evaluation of the electoral process against international best practices contributes to political stability and orderly electoral procedures through improved electoral procedures. Which not only helps to promote fairness of the electoral processes and free expression of political and party preferences by the electorate (Darnolf, 2011; Hyde, 2007; van Binsbergen and Abbink, 2000). Sebududu (2006) and Bader and Schmeets (2013) reiterate similar sentiments, that election observation advises on the legitimacy of the electoral processes while also assisting with the strengthening of democratic processes, institutions and authorities to improve electoral procedures.

However, Bjornlund's (1992:408) statement that "a great deal is at stake in election observation in Africa because citizens and international donors alike increasingly grant legitimacy and economic assistance to African governments on the basis of whether they are constituted democratically" illustrates that the practice is interest laden and imperialistic. This statement not only illuminates the paternalistic undertones of political and economic conditionality tied to the practice. It proves that the election observation can be a tool for the powerful nations to drive strategic self-serving economic and political agenda. Diplomatic battles that ensued between USA, UK and EU missions and the Zimbabwean government during the 2000 and 2002 parliamentary and presidential elections attest this, reinforcing Matlosa's (2002:130) argument that Western missions tend to exhibit paternalistic and patronising neo-colonial designs hence the Afro pessimistic tendencies of Western electoral observation missions.

Contrasting this with afro-optimistic undercurrents exhibited by regional and continental missions. Obi (2008:82) also observed this when he noted that the international tends to be lenient towards flawed elections if the victor is a strategic or commercial ally as was the case with 2007 Nigerian elections.

Nevertheless, this is not the focus of this debate; although critics are cynical of the democratisation effect of international electoral observation (Kelley, 2008; Obi, 2008; Laasko, 2002; and Dorman, 2005) it is necessary to recognise the emerging consensus on the utility of international electoral observation. This is not to say challenges facing the practice should be ignored. Advancing the democratic agenda through international electoral observation is a fallacy laden with difficulties and contradictions. Demonstrating this Obi (2008) Laasko (2002) and Dorman (2005) illustrate the politics of electoral assessments. Matlosa (2002) similarly acknowledges the inconsistent application of international standards, norms and practices that guide international electoral observation. Not only it is difficult to prove correlation and causal relationships between democratisation and international electoral observation, as Hyde (2007:38) rightly stated, "it would be difficult to distinguish an election that was clean because of the presence of observers and an election that would have been regardless of their presence". It is from that viewpoint that this research confronts the reality that international electoral observation has been normalised as a democracy promotion mechanism. Given the universal acceptance and implementation of the practice, it is necessary to discuss how international electoral observation manifests itself in reality to be able to assess the reality against its ideal objectives. International electoral observer impact on national electoral regimes also needs to be thrashed out. Bader & Schmeets (2013), Darnolf (2011) and Hyde (2007) observed that literature on the impact that observation has on electoral processes remains scant and so does literature proving the actual influence of international electoral observation on democratisation of electoral practices. It is because of this gap in literature that this study assesses the impact that international electoral observation has had in Botswana's electoral governance, systems and practices.

2.4 Why are International Observers Invited to Elections?

Explaining why international electoral observation has become the most visible democracy promotion initiative and its continued growth has been problematic. This is especially so after it has been evident that countries still invite international observers even when they do not have intentions to conduct credible, free and fair elections as was the case with the Uganda (2016),

Zimbabwe (2013) and DRC (2011)elections. This is an indication that international electoral observation has become so important that all governments want to be seen to be complying with the norm of inviting international observers. International election observation is usually undertaken as a democracy promotion initiative by IGOs, international NGOs, international organisations and states, and is mainly aimed at countries that are not already widely perceived to be consolidated democracies. However, this is increasingly changing as more and more elections in countries with established democracies are observed, especially in the OSCE region (Hyde, 2007).

For observing institutions international electoral observation serves numerous purposes. IN the case of the EU it serves to reinforce key EU foreign policy objectives such as peace-making and peace building. It is also a democracy, human rights and rule of law promoting activity (EU, 2008).The AU on the other hand conducts international electoral observation with the aim to promote political participation, improve electoral standards and facilitate the consolidation of democracy for member states (African Union, 2013). For ECF-SADC electoral observation is a peer support and review activity conducted with the objective of giving electoral management bodies in southern Africa an opportunity and platform for sharing information and learning from each other's experiences while pursuing international electoral best practices.

Hundreds of millions are spent by donors each year on election observation (Bader & Schmeets, 2013) and any leader of a democratising country wishing to hold legitimate elections is expected to invite international observers (Hyde, 2007:38). The pressure to invite international observers is so immense that even leaders that do not have intentions to conduct credible elections still invite them. This trend is a reflection of how realities of globalisation and effects of liberal democracy hegemony have shaped the world order.

The contemporary democracy and human rights narrative is a result of a constellation of discourses that have resulted in the normative democracy, human rights, and international best electoral practices. These are enforced and implemented by a host of IGOs and international NGOs including the UN, AU, SADC, EISA and the Carter Centre to name but a few (Jonathan, 2010). Also complemented by guidance from a host of universal, regional and national legal frameworks, instruments and guidelines such as the Universal Declaration of Human Rights (UDHR), African Charter on Democracy, Elections and Governance, AU Declaration on the

22

Principles Governing Democratic Elections in Africa, SADC Treaty, SADC Principles and Guidelines Governing Democratic Elections, PEMMO, constitutions and electoral legislature. Countries are legally or politically bound to these instruments depending on whether a country has signed and ratified or has just signed or endorsed the instrument or guidelines. Conformity to the democracy and human rights norms is espoused by amongst other things invitation of international electoral observers and adhering to other expectations set out by the enforcing instruments and guidelines.

With the current disposition of the international system where inviting international observers to elections has become the norm, leaders are compelled to invite observers to legitimise their rule[2] and to be seen to be conforming to the international best electoral practices. This expresses the influence that international electoral observers have and likewise signifies the power and role of IGOs, International NGOs and transnational pressure groups in decision making in the contemporary globalised setting (Held, 2000:346).

It can be concluded that invitation of international electoral observers has been justified as a democracy initiative and peer learning exercise by observing institutions. Countries inviting observers do so to learn from the evaluation of their electoral processes with the aim to strengthen their processes and institutions in a bid to improve electoral procedures. However, some leaders invite observers just to be seen to be complying with the norm.

Relevance of international election observation is premised on the role awarded elections. Elections are placed as the bedrock of democracy and the democratisation process. According to the United Nation Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, *genuine* democratic elections are fundamental for the consolidation of democracy. This document goes on to argue that periodic genuine democratic elections are a requisite for democratic governance since "achieving genuine democratic elections is a part of establishing broader processes and institutions of democratic governance" (UN,2005:1). This line of thinking also informs other instruments guiding international electoral observation, for instance the Principle for Election Management Monitoring and Observation in the SADC region (PEMMO) was founded on "the need to have

---

[2] It has been argued that both the voters and international community perceive invitation of international electoral observation to improve the credibility of the election.

a sound political, constitutional and legal dispensation that supports free and fair, credible and legitimate elections as a precondition for democratic election management" (PEMMO, 2002:2).

Despite the significance of instruments in setting standards, credible elections and legitimizing or de-legitimizing electoral outcomes, Ogude (2012) and Obi (2008) have justly observed that experience in Africa has shown that different observer missions have arrived at divergent conclusions on the same elections under assessment, sometimes even with the same instruments employed (Ogude, 2012). It is against that background that we need to continue to scrutinize this practice and take stock of the impact and role it has played in promoting credible and transparent electoral processes.

2.5 Methodologies of Different Observer Missions

For a long time electoral observation focused mainly on events during polling day. This has since changed (at least in principle); contemporary electoral observation is more sophisticated and aims at adopting the electoral cycle approach in bid to cover a wider array of activities. This approach in methodology was developed in 2007 by the International IDEA (Rukambe et al., 2010).It appreciates that elections are not an event but a continuous process comprised of the pre-election, election and post-election phases, all of which have a significant bearing on the credibility, freeness and fairness of the process. Not all events of the cycle are sequential; some activities may overlap through different phases of the cycle.

Pre-Electoral Period

Key undertakings within this period are related to the legal framework; planning and implementation; training and education; registration and nominations; electoral campaign; voting and operations day; verification of results; and post-election activities. Review of electoral laws and processes related to the delimitation of boundaries are some of the activities of the legal framework. Pre-electoral planning and implementation includes mobilisation of material and financial resources, logistical preparation for the election. Training and education activities entail recruitment and training of staff, voter and civic education. Invitation and accreditation of observers, voter registration and nomination of candidates are all part of the registration and nomination activities. Some of the electoral campaign activities include media coverage and disbursement of campaign funding (ACE Project, nd).

Electoral Period

Voting operations and election day involve activities such as voting and vote counting. Verification of results includes tallying and tabulation of results, announcement of results and receiving complaints and appeals (ACE Project, nd).

Post-Electoral Period

Post-electoral processes include dispute resolution of electoral conflicts, implementing legal reforms, conducting audits and evaluations and other institutional strengthening activities (ACE Project, nd).

Below is a diagram of the full electoral cycle.
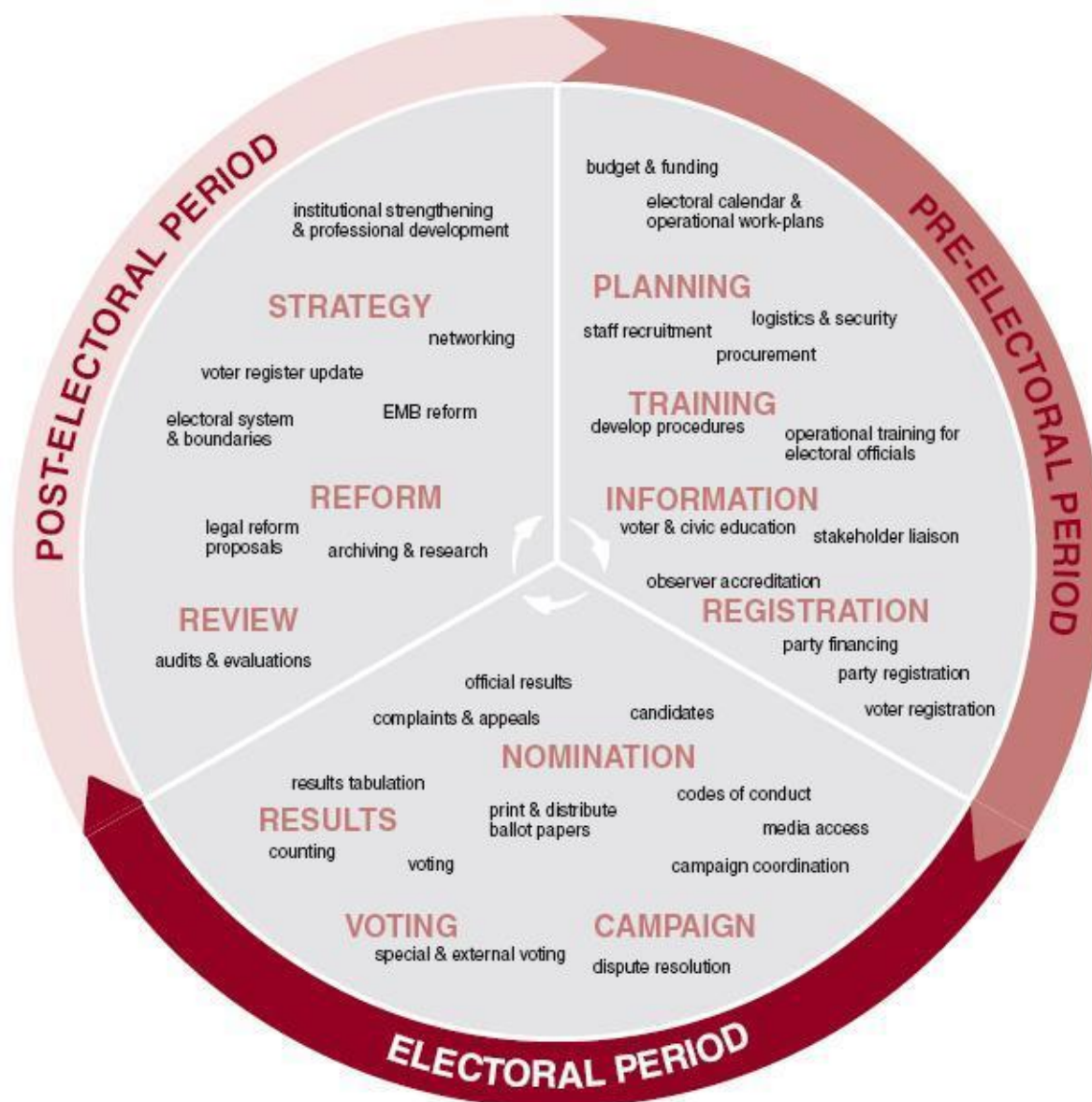
Figure 1: Electoral Cycle, ACE Project, (nd)

Following a shift to a cyclical perspective of the electoral process and efforts to professionalise the conduct of election observation, a lot of organisations have adopted methodologies where observers seek to assess all the relevant aspects of the organisation and conduct of elections (Nivette and Canton, 1997; Angling, 1998). The roles of the media, political parties, and election commissions are placed under closer and more systematic scrutiny and electoral legislature, campaigning rules and accuracy of voter-registration are also evaluated with greater detail (Nivette and Canton, 1997:47).Some organisations deploy long-term (LTO), medium-term (MTO) or short-term (STO) observers or a combination whereas others have limited themselves to only short-term observation.

26

EISA is a unique contributor that plays different roles in various in international electoral observation missions. They provide technical support in some AU missions where they provide training for electronic data collection, assist with data analysis and reporting, as was the case with the AU electoral observer mission to 2014 elections in Egypt. In some missions they play the roles of a collaborating partner where they contribute observers and are also responsible for administration and logistics of the missions. The EISA/Carter Centre joint mission in Malawi's 2014 elections is an example of such collaboration[3]. In some instances, they deploy a fully-fledged standalone mission. EISA also provides training for SADC and AU observers. Thus, the methodology employed when deploying EISA missions is dictated by their role or the nature of mission they are deploying. To provide context on methodologies of international electoral observation, a detailed discussion of EU, SADC and ECF-SADC methodologies is provided below.

An invitation to observe elections by the country conducting elections is the first step of all international electoral observation missions. In SADC member states this invitation is by and large made by EMBs with exceptions like Botswana where the Office of the President is the office responsible for inviting.

The generic modality for most international electoral observation missions is deployment of a core team of experts prior to deployment of fully-fledged missions. This team makes an assessment looking at logistical, health, security and political conditions to determine the feasibility of deployment of an observer mission (EU, 2008).For EU missions this is referred to as an exploratory mission and is sent out six to four months before the scheduled election date for a length of two weeks (EU, 2008).Findings of this mission inform on the size, scope financial and logistical needs of the forthcoming mission if it is decided that an observer mission is feasible or necessary. Findings of this mission determine the size of the core team, number of observers, deployment timing, accreditation procedures and logistical requirements (EU, 2008:95).

---

[3] Observation from the researcher when deployed in 2014 EOM teams for Egypt and Malawi Elections under the auspices of AU and Carter Center respectively.

AU missions also undertake a similar exercise and they term it a pre-election assessment. This mission is deployed three months before polling date. Just like in EU exploratory missions, it evaluates the security, political and electoral context and makes judgement on whether the environment is conducive for holding genuine and credible elections (African Union, 2013:24).The team also meets with key stakeholders, interlocutors and likewise gathers key documents, such as the constitution, and other legislation regulating elections, reports of past elections and electoral financial information (African Union, 2013; EU, 2008). The assessment made by this team determines the feasibility of deployment of an AU election observer mission or any other form of interventions by the AU (African Union, 2013:24).It advises on the scope, size and composition of the mission as well.

According to the SADC Electoral Advisory Council Structure, Rules and Procedures, SADC Secretariat mission's pre-election assessments are conducted by goodwill missions sent out fourteen days before the polling date (SADC, ND).What is distinct about this mission is that it is sent by the SADC Electoral Advisory Council (SEAC), an oversight body separate from SADC election observer missions. This mission assesses the electoral conflict risk and advises the Ministerial Committee of the Organ on Politics Defence and Security Cooperation (MCO)[4] on the development of mediation strategies before, during and after elections. It also encourages member states going to the poll to adhere to international best practices before elections are conducted (SADC, 2015:8).Besides that, the mission conducts all other activities similar to those of the AU pre-election assessment and EU exploratory missions.

ECF-SADC observer missions, which are distinct from SADC secretariat missions[5], however, send out a technical team to the country preparing for elections seven days prior to the arrival of the observer mission (ECF, 2011). According to the ECF-SADC Guidelines (2011) for Observer Missions this is a three member team with hands on experience in the management of elections. This team is drawn from member commission's personnel. The team is tasked with inter-alia ascertaining the nature of the technical assistance required by the hosting

---

[4]   The MCO is a committee responsible for the coordination of the Organ on Politics Defense and Security Cooperation and its structures. It is composed of ministers responsible for foreign affairs, defense, public security and state security from all SADC member states.

[5]   ECF-SADC is a body comprised of electoral management bodies from the SADC region, whereas SADC Secretariat is the regional inter-governmental body of southern Africa.

commission, and assessing the level of preparedness of the commission. This includes logistical arrangements such as registration of voters; the voters' roll; printing of ballot papers; arrangements for the deployment of electoral officers and their welfare; adequacy and effectiveness of the training programme for electoral officers; and acquisition and arrangements for the transportation of election materials. A distinguishing character of ECF-SADC missions is that they facilitate sharing of resources and expertise amongst member commissions.

Pre-election assessments are commonly followed by deployment of the core team and LTOs. SADC LTOs are to be deployed not less than thirty days before polling date as per Section 8.1.3 of the Revised SADC Principles and Guidelines Governing Democratic Elections. They should spend a period of not less than thirty days to be able to observe all phases or major segments of the electoral cycle (SADC, 2015: iii). The SADC core team and LTOs are comprised of the Troika[6]and electoral experts drawn from the SADC region. ECF-SADC missions on the other hand do not deploy long term observers.

In EU missions, the exploratory mission is followed by the deployment of the core team and LTOs. The core team arrives in the country holding elections eight to six weeks prior to the polling date whereas LTOs arrive not later than five weeks prior to elections. The core team is commonly composed of a Chief Observer, Deputy Chief Observer, election analyst, political analyst and media analyst. The team may also include a human rights analyst and press and a public outreach officer depending on the size and nature of the mission (EU, 2008).LTOs are experts drawn from EU member states nominated by Foreign Affairs. They are deployed in different geographical locations to make assessments of the political context, election administration, voter registration, and candidate administration in their area of operation as per section 6.5 of the handbook for EU Election Observation.

AU LTOs are usually deployed for up to three months covering eight to ten weeks before polling day and three weeks after (African Union, 2013:26). Just like in most observer missions LTOs are deployed in various geographic locations. They are tasked with, amongst other

---

[6] Troika is a structure of the Organ on Politics Defense and Security Cooperation of SADC. It consists of the chairperson of the Organ on Politics Defense and Security Cooperation, the incoming chairperson who also serves as the deputy chairperson and the outgoing chairperson.

things, making contact with relevant stakeholders, analysing the political dynamics, following political events and assisting with logistical arrangements in preparation for short term observers. LTOs' data informs a large part of both the preliminary and final mission report.

For all missions that deploy LTOs, the LTOs are managed by the core team. Analysis made by LTOs and Medium Term Observers primarily informs the mission's finding son the broader aspects of electoral facets outside the actual voting itself such as the role of the media, legal framework, and civic and voter education. Deployment of LTOs to international electoral observer missions is a relatively recent development. It was not until 2013 that the AU started deploying long term observers in their missions (Aniekwe & Atuobi, 2016)whereas the SADC Secretariat incorporated only long term observation in their methodology in the Revised Principles and Guidelines Governing Democratic Elections which was adopted in 2015.

LTOs are augmented by STOs as the polling day draws closer. In SADC mission they are deployed at least fourteen days before election day and for ECF-SADC missions a period not exceeding ten days. In AU missions they are deployed for a period ranging from ten to fourteen days and approximately seven days in EU missions (African Union, 2013; EU, 2008).STOs are usually the most visible members of observer missions because of their high numbers. They are deployed in different geographic locations for a limited time to observe activities immediately before elections, during elections and shortly after elections.

STOs are tasked with observation of opening of polling stations, distribution of election materials, location of polling stations, the actual voting, closing of the poll, counting and tabulation and announcement of results. For most missions they are provided with a checklist that guides them on how and what information to collect for pre-election, election and post-election observation. During the election phase data is collected using questionnaires. To keep up with modern day advancements, missions are increasingly integrating technology in their methods. An example of such improvements includes introduction of electronic data collection systems to produce real time information, improved analysis, enhanced and expedited

reporting. AU, EISA and the Carter Centre are some of the missions that have introduced electronic data collection[7].

All major observer institutions have two main outputs for each observation mission, regardless of whether it is short or long term: the preliminary and final report. Preliminary reports are produced a day or two after the announcement of results. These reports give a summary of the findings usually making pronouncements on the credibility, freeness, fairness of the elections and whether they expressed the will of the people (African Union, 2013; SADC, 2015). In AU, SADC and SADC-ECF missions the core team produces a draft to be discussed by all observers until consensus is reached. Detailed final reports are subsequently produced by the core team within a period of thirty to sixty days after the polls. These reports usually need to get approval within the structures of the observing institutions. For most missions both these reports will be published and submitted officially to the country and the EMB holding elections.

For SADC missions the final report should be submitted to the member state and EMB within thirty days after the close of polls (SADC, 2015:16). ECF-SADC reports are to be ready for submission to the host commission within thirty days after the close of the mission whereas the EU publishes their report two months after the completion of the electoral process (EU, 2008:161).The EU mission usually closes around three weeks after election day unless the need for a prolonged stay arises due to delays in the publication of final results or in the resolution of complaints and appeals or breakout of electoral related violence and intimidation. In such instances some of the core team and a selection of LTOs extend their stay (EU, 2008:103).

The major differences between ECF-SADC, SADC and EU reports are that the first two do not publicise their final report. ECF-SADC engages the host commission directly whereas SADC gives a copy of the report to the EMB and engages the member state through structures of the Organ on Politics Defence and Security. This is in contrast with the EU which openly publicises its final report.

---

[7] Personal observation from participation in STO missions of AU, SADC-Secretariat, ECF-SADC and Carter Center between 2008 and 2015.

A review of the methodologies of the various electoral observer missions revealed the difference in the nature of these missions. It is evident that ECF-SADC missions are purely technical, and their assessments and recommendations focus on enhancing member commissions' expertise and capacity. These missions are also used as an opportunity for member commissions to learn from each other; it is for that reason that ECF-SADC missions are solely comprised of member commissions' employees and commissioners.

AU and SADC methods have shown that their observer missions on the other hand are both technical and political. The composition of observers is a mixture of politicians, ambassadors and technical experts. Because of the nature of these institutions, their reporting and engagement of member states during the electoral process requires a balance of political engagement and technical assessment, including an aspect of conflict management in some instances. This balance is important because these institutions are reliant on diplomatic relations of their member states.

2.6 Conclusion

International electoral observation is guided by systematic and comprehensive methodology which should aid observer missions to sufficiently monitor and assess the electoral process. Since elections are a process and not an event, the best practice for conducting international electoral observation is to observe the whole electoral process. The electoral process is comprised of the pre-election phase, election period and post-election phase. All of these phases determine the quality and credibility of the elections. Guidelines of all regional institutions state that their international electoral observer missions will observe all phases of the electoral process. Observer missions always endeavour to deploy observers across a broad geographic spread. However, in most instances missions are not sufficiently resourced to deploy missions long enough to sufficiently observe the pre-electoral period and the post-electoral period. It is the election period activities that are mostly observed. The chapter that follows will show how international electoral observation has worked practically.

CHAPTER THREE: INTERNATIONAL ELECTORAL OBSERVATION: THE CASE OF BOTSWANA

3.1 Introduction

This chapter aims to give an overview of the political and electoral context of Botswana. It provides background to the country, outlining the historical and contemporary political landscape. It also looks into electoral governance in Botswana, focusing on the institutional structures and legal framework governing Botswana elections. The chapter also looks at the IEC, its structure and mandate. The objective of this chapter is to provide detail on the case under study regarding the context, environment and governance structures within which elections in Botswana take place. This will serve as the basis for analysis of the impact of international electoral observation on Botswana electoral governance systems.

3.2 The Historical and Political Background of Botswana

Botswana, formally Bechuanaland protectorate, held its first national elections in 1965 and gained independence from Britain in 1966 through a peaceful process. Botswana Democratic Party (BDP), a political party formed in 1962 by Seretse Khama, Goareng Mosenyi, Quett Masire, G Sebeso, Nwako and Tsoebebe (Mokgala, 2005; Ramsay & Parsons, 1998), has ruled the country since independence. This BDP dominance started after an overwhelming victory in the 1965 elections where the party won 28 out of 31 seats with a popular vote of 80% (Molomo & Molefe, 2005:102) at an election where they were opposed by the Botswana Independence Party (BIP) and the Botswana People's Party (BPP).

According to Botlhale & Selolwane (2016), Bechuanaland People's Party, which later became Botswana People's Party (BPP), was the party that agitated for Botswana's independence during the 1960s after decolonisation struggles intensified in most African countries. BPP was established in 1960 under the leadership of Kgalemang Motsete, Phillip Matante and Motsamai Mpho (Kadima and Booysen, 2009). The party had considerable grassroots support until it was weakened by infighting leading to the formation of BIP by "expelled, disgruntled or alienated members of the BPP" in 1962 (Maundeni, 1998:126). The first national opposition party, Botswana Federal Party (BFP), was founded by Leetile Raditladi in 1959 (Maundeni, 1998:24).

Opposition against BDP only started strengthening after the emergence of the Botswana National Front (BNF), a party formed by Dr Kenneth Koma and other remnants of BPP splinter

factions in 1966 (Shale, 2007; Selolwane & Shale, 2006). Chief Bathoeng of the Bangwaketsi ethnic group was the founding leader and by 1979 BNF had become the main opposition party. The party gained a lot of support from dwellers in urban areas and the Ngwaketsi District, within which a majority of Bangweketsi and other ethnic groupings ruled by Chief Bathoeng are located.

BNF support steadily grew throughout the years, increasing parliamentary seats won from 7% in 1974 to 32% in 1994 (Molomo & Molefe 2005:111).In 1999, however, the number of seats won drastically dropped to 17.5% following the 1998 bitter infighting that divided the party and birthed a splinter party, Botswana Congress Party (BCP), a development that came as a major blow to opposition growth. This break-up declined the opposition popular vote from 37% to 24% when compared to the 1994 election, reducing the number of opposition seats from 13 to 7 (Molomo &Molefe,2005:105).

Party splits were synonymous with opposition politics, particularly BNF that produced six splinter parties between 1969 and 2002 (Selolwane & Shale, 2006:125). However, in 2010 the ruling BDP suffered the same fate when the Botswana Movement for Democratic Change (BMD) was formed. Constant fragmentation divided the opposition and weakened its potential. However, the formation of BMD significantly strengthened opposition and revived opposition cooperation.

In 2011, BNF, BMD and BPP united and formed a federation of parties, the Umbrella for Democratic Change (UDC), to contest the 2014 general elections as a united front. Despite BDP victory, winning 37 of the 57 constituencies (Poteete, 2015:444), opposition strength was restored. Opposition parties got the majority of the popular vote (50.5%); the newly formed coalition of UDC and BCP accounted for 30.9% and 19.6% respectively whereas BDP got only 46.7% (Poteete, 2015), marking the 2014 elections the most competitive in Botswana's electoral history. BCP, which had initially snubbed the opposition coalition before the 2014 election, has now revisited talks and collaborated with the opposition federation in a number of bye-elections. Through this cooperation, the opposition has already won several bye-elections against BDP in the build up to the 2019 elections. However, floor crossing of some key founders of nascent UDC MPs- mostly those from the BDP splinter party – tore-join BDP shortly after the 2014 elections also reversed opposition advances. In the context of Botswana, as with most FPTP systems, a member of parliament retains his/her seat even when he/she

changes parties. In the past, floor crossing largely benefited the ruling BDP; however, after the founding of BMD instances of members of BDP crossing the floor to join the opposing BMD increased. This trend was later reversed after some of them returned to the ruling BDP. To date floor crossing in both directions continues both at parliamentary and council levels.

Notwithstanding the above gains, representation of opposition in parliament and local councils does not reflect the opposition majority's popular vote. This can be attributed to the shortfalls of Botswana's electoral system caused by the First Past the Post system (FPTP) and the structure of the national assembly and local councils. The FPTP system disregards the proportion of votes when allocating seats; this has unfairly advantaged the ruling party, which continues to dominate the National Assembly even with a minority popular vote. For example, after winning 64% of the parliamentary seats during the 2014 elections, BDP occupied 71% of the Assembly seats.

Structures of National Assembly and local councils are such that they are constituted of directly elected and specially elected members; the President nominates specially elected members (Mogalakwe, 2015). The Assembly is comprised of 61 seats, 57 allocated to electoral constituencies and 4 reserved for specially elected members, whereas the local councils have 490 seats. Councils have 377 electoral constituencies and 113 seats for specially nominated councillors (Mogalakwe, 2015:106). BDP leverages on these structures to entrench its hegemony, only members of the ruling party nominated have been nominated to for specially elected positions and in some instances, these have been used to reward members who failed to win parliamentary seats at elections, giving the ruling party additional seats over and above what they acquired through the ballot. This not only skews representation in the ruling party's favour, but also entrenches the monopoly of power by the ruling party thereby perpetuating the one party dominance phenomenon in Botswana.

Remarking on the skewed playing field and challenges facing the weak and fragmented opposition in Botswana, De Jager and Meintjes (2013) argue that other factors skewing the playing field to sustain one party dominance in Botswana include unequal access to state institutions, resources and the media. They highlight that not only does the FPTP system disadvantage opposition, but opposition parties are severely also severely underfunded, due to a lack of public funding mechanism, but and unfair media coverage, as a result of limited access to the state media (De Jager and Meintjes 2013: 249).

3.3 Electoral Governance and Processes

Botswana subscribes to international democratic standards and principles and recognises fundamental human rights and freedoms. The country is signatory to international, continental and regional instruments guaranteeing and protecting these rights and freedoms. In accordance with Article 21 of the Universal Declaration of Human Rights, the right of citizens to vote has been consistently upheld. Fundamental rights and freedoms including non-racial party democracy, regular free elections and the rule of law are also guaranteed in Chapter II, Sections 3-19 of the Constitution of Botswana. In fact, the country has been hailed as a beacon of democracy in the continent, owing to its record of uninterrupted multi-party elections even in the 1990s when most African countries had a one party regime. Elections have been consistently conducted at five year intervals (Sebudubudu, 2006) and there have never been restrictions on the opposition. The country has been led by four different presidents despite being ruled by the same party since independence.

Botswana is governed through a unicameral Westminster-style parliamentary system, in which representatives of constituencies or Members of Parliament (MPs) and local councils are elected through voluntary voting by registered citizens aged 18 and above. MPs in turn elect specially elected members from a list of candidates submitted by the president to constitute the National Assembly. Chapter V, Part I, Sections 50-70 of the Constitution stipulates the law on election, composition and disqualification for the election to the National Assembly, while the Standing Orders of the National Assembly provide guidance on the procedures of the Assembly. Instruction on prorogation and dissolution of parliament are found in Chapter V part III Sections 90-93 of the Constitution (AU, 2010). Electoral processes for local government are guided by both the Electoral Act and the Local Councils' Elections Act (Tshosa, 2006). A single election is conducted to vote for both MPs and representatives of the council. The President, who is head of state in Botswana, is indirectly elected. The leader of the political party with the highest number of parliamentary seats assumes presidency as per Chapter IV Part I Sections 30-41 which also provides guidance on matters relating to the election such as tenure and qualifications of the President amongst other things.

Essentially the Constitution and Electoral Act are the main legal instruments that guide on electoral related matters and all the three arms of Government, the Executive, Legislature and Judiciary are a part of the machinery that runs Botswana's electoral system. The National

Assembly as the law making arm of the Government enacts laws, including electoral-related laws. For example, the constitutional amendments establishing the IEC, reducing the voting age from 21 to 18 years and the Electoral Act are all legislative products. Recently, in September 2016, the Assembly debated a contentious Electoral Amendment Bill number 10 of 2016, which the President has since assented to and signed into law in October 2016. The new law introduces the use of electronic voting machines at elections, introduces voter education as a duty of the IEC and increases penalties for election-related offences and candidate nomination fees. The main contention of the Bill, primarily by opposition parties, was that it was rushed through parliament and passed without extensive consultation of stakeholders. Firstly, it was introduced as an emergency Bill on 23 July 2016 by the then Minister of Presidential Affairs and Public Administration, Mr. Eric Molale (Motsamai, 2016). Secondly, the bill was later rushed through without extensive debate, to be passed at a parliamentary session that sat for over 14 hours, extending well beyond normal business hours. There is also argument that a referendum ought to have been conducted to effect the new changes in the electoral law as was the case with the process that led to the creation of the position of Supervisor of Elections and the creation of the IEC in 1987 and 1997 respectively. Selibe Phikwe (MP) and Dithapelo Keorapetse of the opposition BCP contend that during this whole process the National Assembly was "hijacked and manipulated to serve sectarian interests" (Keorapetse, 2016).

The Judiciary has many roles in Botswana's electoral landscape. The chairperson of the IEC is a judge of the high court, deputised by a legal practitioner. Other members of the Commission are appointed by the Judicial Service Commission (JSC) from a list of persons recommended by the All Party Conference[8] as per Section 65A Section 3 of the Constitution. JSC is a body comprised of the Chief Justice, President of the Court of Appeal, Attorney-General, Chairperson of the Public Service Commission, a member of the Law Society and a person of integrity and experience not being a legal practitioner appointed by the President. The Judiciary also handles electoral disputes through normal court proceedings as per Chapter V part III Sections 90-93 of the Constitution (AU, 2010).

One of the executive powers of the President is the prerogative to appoint the Secretary of IEC as per Section 66(2) of the Constitution. The president also determines the polling date for

---

[8]   The all party conference is a meeting of all registered political parties convened from time to time by the Minister of Presidential Affairs and Public Administration.

general elections and National Assembly by-elections in accordance with Section 31 of the Electoral Act. The Act provides that "the president shall issue a writ of election for a general election to the National Assembly or for a by-election to fill a vacancy created by the death, resignation, or other cause of a member of the National Assembly. The writ should be addressed to the returning office of each constituency for which a member is returned fixing the place, date and times when the returning officer should receive nominations and the date of the election" (Tshosa,2006:58). Tshosa (2006) also argues that the JSE, the body that appoints the IEC, has a close relationship with the executive since all its members are almost all of them directly or indirectly appointed to their positions by the president.

Generally, Botswana has a solid electoral governance system. Laws relating to the electoral process are clearly laid out. However, there is need for political will and openness to regular reviews of the electoral framework to improve conformity to regional norms and principles.

3.4 Botswana Independent Electoral Commission

In the early years after independence, Botswana's elections were run by the Permanent Secretary to the President, then by the Office of the Supervisor of Elections, still under the auspices of the Office of the President (Sebudubudu, 2008). The IEC was formed in 1997 after a constitutional amendment to introduce Section 65A that provided for its establishment. This was after intensified contention of the management of electoral affairs by the Office of the President by opposition parties. The Electoral Act mainly guides on processes for administration of elections and regulates administration of electoral processes which is done by the IEC.[9]

The IEC is structured such that it is headed by a Secretary appointed by the President as per Section 66(2) of the Constitution. The Secretary is the overall head of operations responsible for discharging the functions of Botswana's electoral management body. Although appointed by the President, the Secretary is accountable to an Independent Electoral Commission

---

[9]Electoral administration entails; conducting and supervising elections of members of the National Assembly and local authorities; conducting referenda; establishing polling districts and stations, registers voters, allocates voting symbols to new political parties and independent candidates, registers candidates, vote counting; announcement of results; recruitment and training of registration and poll staff(Botlhale & Selolwane 2016:57) as outlined in the Electoral Act and Section 65A of the Constitution.

(Botlhale & Selolwane, 2016:58).The Commission is a seven member body of comprised of a Chairperson, who is a judge of the High Court, a legal practitioner and five other Commissioners all appointed by the Judicial Service Commission (Botlhale & Selolwane 2016, (Tshosa, 2006).

In the context of Botswana, the electoral management body is not a body corporate and hence is an "independent" entity under the Office of the President. The IEC, therefore, does not have an independent budget nor does it recruit its human resources. The Commission is budgeted for through the Office of the President. Employees of the Commission are civil servants recruited by the Department of Public Service Management, which is responsible for all civil service human resources management. The Commission also reports to the Minister of Presidential Affairs and Public Administration, a situation which Tshosa (2006) and Mogalakwe, (2015) argue results in structural dependence on the government and bring to question the autonomy of the Commission.

Has this kind of structural dependence compromised the autonomy and performance of the Commission? Botlhale & Selolwane (2016) are of the view that the IEC is operationally autonomous and argue that the Commission's refusal to register the ruling BDP candidate due to a court order during the 2013 parliamentary bye-election exemplifies that.[10]Mogalakwe (2015) argues the contrary; he is of the view that the organisational structure of the IEC makes it vulnerable to meddling by government. He cites an example of the instance where the permanent secretary to the president (PSP) was reportedly meddling in the affairs of the Commission. In response to allegations of meddling, the PSP issued a public statement in which he noted that "his office is mandated by law to manage and supervise the entire public service, including independent departments such as the IEC" (Mogalakwe, 2015:112).

---

[10] During the 2013 parliamentary elections, one of BDP primary elections candidates made an urgent court case to bar any candidate from submitting nomination forms to the IEC until the BDP the electoral dispute between the primary elections candidates had been heard by the BDP central committee. However, the BDP through its lawyers instructed the Commission to accept nominations from the party. The IEC refused on grounds that doing that would be in contempt of court. Nominations closed and the BDP had not submitted a candidate. The BDP was unsuccessful in its quest to overturn the decision through the courts and the IEC was finally vindicated by the court of appeal (Botlhale & Selolwane, 2016:56).

… until the BDP the electoral dispute … (does not make sense – see above)

However, in the context of this study, the focus is on whether the Botswana IEC executes its mandate, functions in a manner which contributes to the conduct of free, fair, credible and legitimate elections to be able to examine the impact that international election observation has had in enhancing the Commission's contribution to free, fair, credible and legitimate elections.

The IEC has managed four electoral cycles since inception and can be credited for its quest to continuously improve the Commission's operational processes and the general national electoral processes. This is done mainly through two channels: electoral performance audits and stakeholder evaluation workshops. Through these platforms, the capacity of the Botswana IEC to carry out its mandate and functions to contribute to the conduct of free, fair, credible and legitimate elections is continuously evaluated. Performance audits assess the relevance, adequacy and effectiveness of the national legal framework in enabling the Commission to conduct free, fair, credible and legitimate elections. These platforms also scrutinise the operational framework and electoral issues affecting democracy and governance. This is done through an assessment of the legal framework, the operational framework, and electoral issues affecting democracy and governance[11].

The IEC also receives feedback on its organisational operations and the electoral processes from domestic and international electoral observation reports. Having discussed the structure and key functions of the IEC, the next chapter will review international electoral observer mission reports to identify key issues and trends in Botswana's electoral trajectory since the establishment of the IEC in 1999 to the last elections held in 2014. Reports from electoral performance audits and stakeholder evaluation workshops will also be studied to analyse the progression of the Commission in democratising its electoral space. Since this study aims to analyse the role and impact international electoral observation has in this process, national initiatives like performance audits and stakeholder evaluation workshops also aimed at democratising the electoral space are also studied.

---

[11]An assessment of the legal framework looks at the relevance, adequacy and effectiveness of the legal framework, and reviews the relevant provisions of the Constitution, the Electoral Act and other legal instruments, including international and regional instruments, in order to make an assessment of whether they contribute to the conduct of free, fair, credible and legitimate elections in the country (Performance audit of the IEC in respect of 2009 General Elections, 2010:15).

3.5 Conclusion

Political dynamics in Botswana are such that the country has a one party dominant system and a weak opposition compromising the quality and depth of quality of its democracy. The ruling BDP has monopolised power since independence, assisted partially by engraved structural imbalances posed by the FPTP. This electoral system continues to defeat the occasional improved opposition performance because the allotment of seats does not necessarily reflect the popular vote. For instance, even when the opposition garnered a combined 50.5% popular vote in the 2014 elections, the ruling party still occupied 71.6% of the seats.

Botswana has been commended for consistently conducting regular elections since independence. The Constitution and Electoral Act are the principal frameworks governing and guiding the electoral processes of Botswana. There is a general trust in the IEC's ability and capacity to administer elections. However, there are concerns that financing the IEC through the ministry of presidential affairs on government may impinge on its independence. The appointment of the IEC Secretary by the president is also perceived to compromise the independence of the Commission.

Having engaged with the electoral context in Botswana, the next chapter primarily focuses on analysing the impact of international electoral observation on Botswana's electoral processes and practices.

CHAPTER FOUR: INTERNATIONAL ELECTORAL BEST PRACTICES AND BENCHMARKS: THE SADC PRINCIPLES AND GUIDELINES GOVERNING DEMOCRATIC ELECTIONS FRAMEWORK

4.1 Introduction

Principles and Guidelines Governing Democratic Elections is a framework that institutionalises the implementation of electoral observation in the SAD region. It outlines the desired regional principles and standards for best electoral practices and provides guidelines for SADC international electoral observer missions. This framework also provides interpretations and conceptualisations of key electoral and democracy-related concepts. The SADC Principles and Guidelines Governing Democratic Elections is not a standalone document. It is aligned to other continental and global frameworks such as: the African Charter on Democracy, AOU/AU Declarations on the Principles Governing Democratic Elections in Africa; the UN's Declaration of Principles for International Election Observation; Universal Declaration of Human Rights; and the International Covenant on Civil and Political Rights, among others.

Other regional frameworks that endeavour to harmonise and standardise electoral values and practices include the SADC-PF Norms and Standards for Elections in the SADC Region which were adopted in 2001 and the ECF-SADC Principles for Election Management, Monitoring, and Observation in the SADC Region (PEMMO), adopted in 2003. Both instruments are essentially similar to the SADC Principles and Guidelines Governing Democratic Elections in that they all aim to provide guidelines for international electoral observation and also stipulate the core principles for good electoral practices. All the three frameworks are grounded on the same principles. They propagate for a free and conducive environment that provides for active and inclusive participation of the civic population. A conducive and enabling environment can be attained through an appropriate electoral legal framework. The second principle promoted by these frameworks is that of fairness. Political competition should take place on a level playing field. Political party funding and equal coverage of all competing political parties by the media have been identified as methods to level the playing field. It is believed that with the above in place together with the administration of the electoral process by an impartial body the citizenry will have more trust in the system which will improve the legitimacy and credibility (terms will be conceptualised later in the chapter) of the process.

All SADC member states are signatory to the SADC treaty and are also signatory or have ratified the Protocol on Politics Defence and Security Cooperation (see SADC Treaty and SADC Protocol on Politics Defence and Security). By signing a treaty or protocol, a state declares its preliminary endorsement of the instrument, whereas through ratification of a treaty or protocol the state expresses consent to be bound by it. By virtue of membership to the regional body, member states have committed to the SADC political regionalisation agenda, which aspires to, inter alia, consolidate and maintain democracy and shared values and principles of democracy (SADC, 2001). SADC member states have also committed to or are bound by the principles and guidelines depending on whether the state has signed or just ratified the Protocol on Politics Defence and Security Cooperation. Judging by procedures, implementation mechanisms established and institutions developed, SADC has clearly pronounced its aspirations with regards to consolidating democracy and harmonising democratic practices and institutions. The regional body also has well-articulated norms, principles and benchmarks for best democratic and electoral practices and has even committed member states to them. It is for that reason that, out of the many regional frameworks that exist, the SADC Principles and Guidelines Governing Democratic Elections framework was chosen to assess how well the framework is implemented. The overall objective was to interrogate the impact of the international electoral observation conducted by regional institutions such as SADC Secretariat, SADC-PF and ECF-SADC on its member states' national electoral governance, systems and practices using Botswana's experiences. This chapter also aims to investigate if indeed international electoral observation aids democratisation of national electoral processes by assisting progression of national electoral governance systems and practices towards international norms and benchmarks.

To achieve the above, this chapter firstly looks into the principles outlined in the international electoral best practices and norms as stipulated in the SADC Principles and Guidelines Governing Democratic Elections framework in order to use them to analyse compliance. Secondly, it reviews international electoral observation reports by EISA, SADC-PF and SADC-ECF for elections conducted between 2004 and 2014 to identify key issues and trends in Botswana's electoral processes and systems as assessed by the above observation missions. Thirdly, this chapter examines national electoral processes and systems and reviews initiatives by studying the electoral performance audits and stakeholder evaluation workshops conducted by the IEC between 2004 and 2014. Finally, the chapter provides key findings of an analysis

43

of the impact of international electoral observation on Botswana's national electoral systems and processes to find out if international electoral observation has influenced the transitioning of national electoral practices towards international electoral best practices and norms.

4.2 SADC Electoral Best Practices and Benchmarks: The Regional Principles and Guidelines Governing Democratic Elections

The revised SADC Principles and Guidelines Governing Democratic Elections is a comparatively nascent framework. It was adopted by the Ministerial Committee of the Organ (MCO) on Politics Defence and Security Cooperation in July 2015, updating the original document which was adopted by Heads of States in 2004. This framework is aligned with other inter-government agreements, treaties and conventions[12].Since the principles and guidelines are also aligned to AU and UN frameworks, this means that the principles espoused by the regional framework are tied to continental and global electoral norms and best practices. The SADC Principles and Guidelines Governing Democratic Elections document does five main things. It firstly stipulates the regional benchmarks and principles for conducting and governing democratic elections. Secondly, it outlines the responsibilities of the Organ on Politics Defence and Security in electoral processes in SADC. Thirdly, it provides guidelines on the responsibilities of member states conducting elections. Fourthly, it lays down the roles and responsibilities of SEAC in electoral processes in SADC. Finally, the framework states the mandate of SADC electoral observation missions and guidelines for electoral observation reporting. For the purposes of this study, focus is primarily on the benchmarks and principles for conducting and governing democratic elections. It is against these principles that the impact of international observation has been measured.

4.2.1 SADC Principles and Guidelines Governing Democratic Elections

The norms, benchmarks, principles and guidelines espoused for governing democratic elections in the SADC region have been outlined as the objectives of the SADC Principles and

---

[12]These include OAU/AU Declarations on the Principles Governing Democratic Elections in Africa; the African Charter on Democracy, Elections, and Governance; AU guidelines for African Union Electoral Observation and Monitoring Missions; the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers; Universal Declaration of Human Rights and the International Covenant for Civil and Political Rights.

Guidelines Governing Democratic Election. These are articulated in section 2 of the Principles and Guidelines as follows:

a)   to *promote and enhance member states' adherence to the SADC treaty and the protocol on Politics Defence and Security Cooperation*

b)   p*romote and enhance adherence to the principle of rule of law premised upon the respect for, and supremacy of, the Constitution and constitutional order in the political arrangements of respective Member State holding elections*

c)   p*romote the holding of regular free and fair, transparent, credible and peaceful democratic elections to institutionalise legitimate authority of representative government*

d)   *enhance electoral integrity by providing the basis for comprehensive, accurate and impartial observation of national elections; and sharing of experiences and information among member states about democratic developments*

e)   *promote electoral justice and best practices in the management of elections and mitigation of election-related conflict*

f)   *encouraging gender balance and equality; and ethnic and religious diversity in governance and development*

g)   *promote the development of inclusive political institutions; and enhancement of civil and political; economic; social and cultural rights for the purposes of advancing democracy, prosperity, peace, stability and security in the region*(SADC 2015:3).

4.2.2 Member States' Adherence to the SADC Treaty and the Protocol on Politics Defence and Security Cooperation

The first objective, which is "promoting and enhancing member states' adherence to the SADC treaty and the protocol on Politics Defence and Security Cooperation, "addresses the commitment of member states to the principles and guidelines. By signing the treaty and protocol, member states agreed the terms of the instruments and committed to comply by them. Those member states that have ratified the treaty and protocol have consented to be bound by them. Therefore, member states have consented to the commitments of the framework whereas states that have ratified the Protocol on Politics Defence and Security Cooperation are in principle bound to commitments expressed in the principles and guidelines.

4.2.2.1 The Principles of Supremacy of Law, Rule of Law and Constitutionalism

a) Supremacy of Law

The notion of supremacy of law means that the law is the ultimate legislative authority of the land. Any law, decree or instruction that contravenes the Constitution is invalid (Tshosa 2006:54). This doctrine presupposes the highest court of the land is the supreme adjudicating authority, ideally to check the elected arms of government. In the electoral context of most political settings, the Constitution is usually supplemented by other legal framework. For instance, in Botswana the Constitution, the Electoral Act and Local Councils Act are the key legal instruments guiding the governance of elections in the country. The Electoral Act stipulates electoral procedures whereas the Constitution inters alia:

- guarantees fundamental rights and freedoms; prescribes procedures and qualifications for the election of a president; determines the president's tenure of office;
- prescribes qualification and procedures for election of members of national assembly;
- outlines procedures for the appointment of the delimitation commission; and
- Establishes the IEC and appoints the Secretary of the IEC (see chapter IV and V of the Constitution of Botswana).

The legal framework of Botswana does not provide special courts or mechanisms to address electoral conflicts thus electoral grievances are addressed through normal court procedures. The manner in which events of the 2017 Kenya elections unfolded, where the opposition channelled their grievances through the courts and the ruling party accepted and complied with the requirements of the outcome of the court ruling illustrates an instance of the principle of supremacy of law. Despite President Uhuru Kenyatta's disagreement with the court ruling's call for a fresh election, he still respected and complied with it. That is a typical example of supremacy of law. No one is above the law, not even the executive.

b) Rule of Law and Constitutionalism

The objective of "*promoting and enhancing adherence to the principle of rule of law premised upon the respect for, and supremacy of, the Constitution and constitutional order in the political arrangements of respective Member State holding elections*" posits the law as a sovereign legal authority. It promotes constitutionalism and is a mechanism to protect individual rights and restrain arbitrary exercise of power by those in authority. According to the 2004 Report of the United Nations Secretary-General on the Rule of Law and Transitional

Justice in Conflict and Post-Conflict Societies, the rule of law is a principle of governance in which all persons and institutions (public and private) including the Government itself, are accountable to the laws. These laws must be: publicly promulgated; equally enforced; independently adjudicated; and consistent with international human rights norms and standards (See S/2004/616: Report of the United Nations Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, 2004).This doctrine is anchored on supremacy of the law; accountability to the law; equality before the law; fairness in the application of the law; separation of powers; participation in decision-making; legal certainty; avoidance of arbitrariness; procedural and legal transparency.

This objective speaks to the need for a legal framework to govern and regulate electoral processes such that democratic elections are enabled. There should be laws in place to protect citizens' rights with regards to electoral processes. The laws should also create a conducive environment for requirements such as inclusiveness, freeness and fairness (these concepts will be discussed in detail later in this chapter.

Botswana is doing well with regards to subscribing to the principles of supremacy of law, rule of law and constitutionalism. The laws lay a foundation for an enabling environment for democratic elections. Botswana has also ratified the Protocol on Politics Defence and Security Cooperation, meaning it is obligated to conform to SADC Principles and Guidelines.

There have been two main concerns raised with regards to the law and elections in Botswana. The first has been with Section 31 of the Electoral Act, which provides that "the president shall issue a writ of election for a general election to the National Assembly or for a by-election to fill a vacancy created by the death, resignation, or other cause, of a member of the National Assembly" (Tshosa, 2006). The contention with this legal provision arises from the fact that the president solely determines the election date. In the instance of a general election, the president is also a contender. This is deemed as a conflict of interest and also provides opportunity for the president to use this power for the advantage of his party.

The second concern is with Section 66 (2) of the Constitution according to which the president is empowered to appoint the Executive Secretary of the IEC. This authority has created the perception, especially amongst the opposition parties, that the IEC is not completely impartial. However, it has been argued that although appointed by the President the Executive Secretary

47

is granted complete operational freedom and does not report to the President but to the Independent Electoral Commission.

The dynamics of Botswana's political climate have shown that a good legal framework needs to be complemented by political will for good electoral practices. There is a need for apolitical commitment to work with all electoral stakeholders to build trust in the electoral process and procedure. The manner in which the new law was introduced allowing for the use of electronic voter machines in the next general elections displays that the ruling party is intolerant of the perceptions of the opposition and citizens. The introduction of this new law was done within legal confines. However, the ruling party manipulated the fact that it has an overwhelming high representation in parliament to pass a bill which the opposition vehemently opposed and which also seemed unpopular with the citizenry. The lack of thorough consultation with the civic population and the fact that the bill was rushed through parliament may negatively affect citizens' and even the opposition's levels of trust in the new technology. It is important that the credibility and legitimacy of an electoral process are derived from the stakeholder's trust in it.

4.2.2.2 Legitimate and Representative Government

The third objective of the SADC Principles and Guidelines Governing Electoral observation is to *promote the holding of regular free and fair, transparent, credible and peaceful democratic elections to institutionalise legitimate authority of representative government.* This objective makes a commitment to promote the following key principles: a) holding of regular elections; b) elections conducted in a free and fair manner; c) transparency of electoral processes; d) promoting the conduct of credible elections; e) promoting the holding of peaceful elections to institutionalise legitimate authority of a representative government.

a) Regular Elections

As per the definition of the SADC Principles Governing Democratic Elections, elections are regular if they are periodic and defined by a specific date or period(SADC, 2015:ii). The legal framework should specify intervals at which elections are to be conducted or stipulate a date on which elections will be conducted. The interval for Botswana elections has been stipulated as five years in the Constitution. The country has consistently conducted regular elections since independence; however the election day is not specific. As already alluded to earlier, determination of the date for National Assembly elections is the sole prerogative of the president.

b) Free and Fair Elections

Free elections are attained when "*Fundamental human rights and freedoms are adhered to during electoral processes, including freedom of speech and expression of the electoral stakeholders; and freedom of assembly and association; and that freedom of access to information and right to transmit and receive political messages by citizens is upheld; that the principles of equal and universal adult suffrage are observed, in addition to the voter's right to exercise their franchise in secret and register their complaints without undue restrictions or repercussions*" *(SADC 2015:iii).* The principle of freeness of elections addresses the environment within which they are conducted. In addition to the electoral environment where the above-mentioned fundamental rights are guaranteed, the environment should enable voters to cast their votes without intimidation or threat of violence (African Union, 2013:12).

Elections are considered fair when *"electoral processes that are conducted in conformity with established rules and regulations, managed by an impartial, non-partisan professional and competent Electoral Management Body (EMB); in an atmosphere characterised by respect for the rule of law; guaranteed rights of protection for citizens through the electoral law and the constitution and reasonable opportunities for voters to transmit and receive voter information; defined by equitable access to financial and material resources for all political parties and independent candidates in accordance with the national laws; and where there is no violence, intimidation or discrimination based on race, gender, ethnicity, religious or other considerations specified in these SADC Principles and Guidelines Governing Democratic Elections" (SADC, 2015:iii).*

It is good electoral practice to make deliberate efforts towards levelling the playing field. Access to resources and the type of electoral system have a bearing on the performance of competing political parties and as such impinge on the fairness of the electoral process. The amount of resources a political party has at its disposal determines the coverage and reach of that political party. Hence the visibility and reach of a political party are important variables in the performance of that party. As Schikonye (n.d.)argues, the size of funding determines the number of campaign staff a party can employ, the number of vehicles it can use to reach voters in urban and rural areas, and the amount of advertising it can deploy on radio, television and in the press (Schikonye, n.d.:3). Political party funding and legal regulations to ensure equitable access to the media have been identified as methods to improve the fairness of political

competition. In Botswana political parties do not receive funding and the resourcing of political parties is also not regulated. This has created a big resource disparity between the ruling party and opposition parties translating into an uneven field. Because the ruling BDP is well resourced, it has been the only party that fielded candidates in all constituencies. None of the opposition parties has been able to field candidates in all constituencies. International electoral observers have also repeatedly expressed that the public media tends to give the ruling party more media coverage. Political leaders in Botswana are also predominantly male. The country does not have any affirmative action laws to increase representation by female political leaders, minorities and people with disabilities.

Procedures, rules and norms used in an electoral system influence the outcome of elections. For example, the type of political system determines the representation of parties in government. With a FPTP or Single Member District system the number of seats acquired is inconsistent with the percentage or proportion of votes acquired. This system usually benefits the incumbent party to the disadvantage of the opposition party. For example, in Botswana the ruling BDP occupies 37 of the 57 parliamentary seats whereas the opposition occupies 20 seats. This is despite the fact that the opposition garnered a combined popular vote of 50.5% in the 2014 elections whereas the ruling party attained a 46.7% popular vote (Mogalakwe, 2015).During the 1998 elections in Lesotho, the then ruling party, Lesotho Congress for Democracy (LCD), gained 60.7% of the vote against a combined popular vote of about 39.3%which translated into 79 of the 80 for LCD seats and only 1 seat for the Basutoland National Party (BNP) (Matlosa,1998). Measures to ensure a level playing field for all stakeholders may include regulations to prevent the use of public resources or incumbency in a manner that disadvantages other stakeholders and regulation of political party funding, a legal framework that compels stakeholders to declare their funds and public funding of political parties.

Delimitation of district boundaries should be regulated to prevent gerrymandering. Delimitation is an important factor in the outcome of elections, particularly in FPTP systems. For fair delimitation practices, the process should be guided by principles of representativeness; equality of voting strength; independent, impartial boundary authority; transparency; and non-discrimination (ACE Electoral Network, 2013).Electoral district boundaries should be drawn to reflect representation of its constituents. This means that district boundaries should be drawn such that constituents have an opportunity to elect candidates they feel best represent them

(ACE Electoral Network, 2013). Communities of interest may be drawn from geographical situations, religion, race or language. Districts should be comparatively equal in population to enable a relatively equal ratio of voters to elected representative for each district. This is to ensure that all voters are able to cast a vote of equal weight (ACE Electoral Network, 2013). The legal framework should ensure appointment of an independent and impartial delimitation authority and also ensure that the recommendations of the boundary authority are not subject to modification or veto by the government or by the legislature (ACE Electoral Network, 2013). The delimitation process should be conducted in a transparent manner. Methodologies and procedures of the process should be clearly established and publicised in advance and the process should also afford stakeholders to give input to the boundary authority (ACE Electoral Network, 2013). The delimitation process is thus an important determinant of the fairness of the electoral process especially in a single member constituency system like Botswana. The number and size of constituencies are determined by the delimitation process.

c) Transparency of the Electoral Processes

SADC Principles and Guidelines Governing Democratic Elections defines transparent elections as those that are operated in an open, clear, visible, and unhindered manner (SADC, 2015:iv).Transparency of the electoral system eliminates confusion about the mechanisms of the electoral processes and increases stakeholders' trust in the results produced by the election. Perception of transparency of the process is attained when processes and procedures of the electoral system are known to both voters and political parties and candidates well in advance (The ACE Electoral Network). The electoral process is also perceived to be transparent when party agents, domestic observers and international electoral observers are allowed to observe the electoral process. Botswana fares well in this aspect in that domestic observers, party agents and international electoral observers freely observe elections in the country. The IEC provides civic and voter education to improve stakeholders' knowledge about electoral processes.

d) Credible Elections

According to the definition by the SADC Principles and Guidelines Governing Elections, an election is credible when the *"electoral processes enjoy considerable support and confidence of the citizenry and international or regional community, leading to mutually agreeable results from competing entities that participate actively in the electoral process"* (SADC, 2015:*ii).* Credibility is based on the stakeholders' perceptions of the process. Electoral institutions and mechanisms gain credibility when they are coupled with a positive judgement of process and

51

its outcome by all stakeholders. Generally electoral stakeholders in Botswana have high levels of trust in the electoral process.

e) Peaceful Elections

The SADC Principles and Guidelines Governing Elections define peaceful elections as follows: *Electoral processes are punctuated by calm; are undisturbed and untroubled by violence or intimidation; are conflict free and generally exude an atmosphere where all citizens are free and unhindered to express their right to vote; are able to offer themselves without intimidation for election, communicate freely their electoral choices; and enjoy freedom of assembly and association* (SADC, 2015: *iii).*The environment within which the electoral processes conducted equally has a bearing on the integrity and credibility of the process and thus legitimises or de-legitimises the process.

4.2.2.2 Electoral Integrity

The SADC Principle and Guidelines' objective is to *enhance electoral integrity by providing the basis for comprehensive, accurate and impartial observation of national elections; and sharing of experiences and information among member states about democratic developments.* Electoral integrity ensures ethical administration of the elections implemented through the institutional structure, autonomous and professional electoral management bodies and other authorities involved in election administration. Electoral integrity is premised on the principles of transparency, accountability and accuracy in electoral administration, as well as the ethical behaviour of key players able to contribute to maintaining integrity. An active and educated electorate, effective and responsible political parties and candidates, and objective national and international election observation also upholds electoral integrity.

4.2.2.3 Electoral Justice

The other objective of the principles and guidelines is to *promote electoral justice and best practices in the management of elections and mitigation of election-related conflict.* This can be attained by rule of law, strong, independent and objective systems for the timely adjudication of electoral disputes. The key challenge with Botswana's electoral justice system is that the legal framework does not include special courts or mechanisms for electoral conflicts. As a result electoral related grievances are processed through the normal court procedures resulting in delays.

4.2.2.4 Gender Balance and Equality; Ethnic and Religious Diversity in Governance and Development

One other objective is that of "*Encouraging Gender Balance and Equality; Ethnic and Religious Diversity in Governance and Development.*" This principle aims to ensure gender parity in respect of political representation. It also seeks to inculcate a culture of inclusion of minorities in political leadership positions. In the context of Botswana, the under representation of female candidates has continuously been flagged. Botswana has not signed the SADC Protocol on Gender. The country does not have any systematic methods of increasing the ability of females, minorities or the marginalised to compete for political positions.

4.2.3 Regional Electoral Principles, Best Practices and Norms

SADC Guidelines and Principles for Governing Elections have explicitly stipulated the below as principles for conducting and promoting democratic elections and hence commits member states to upholding them:

- full participation of all citizens in democratic and development processes;
- ensuring that all citizens enjoy fundamental freedoms and human rights, including freedom of association, assembly and expression;
- ensuring that the date or period of elections is prescribed by law. The date or period of elections shall be based upon the legal framework and applicable constitutional provisions;
- taking all necessary measures and precautions to prevent corruption, bribery, favouritism, political violence, intolerance and intimidation;
- promoting and respecting the values of electoral justice which include integrity, impartiality, fairness, professionalism, efficiency and regularity of elections;
- promoting necessary conditions to foster transparency, freedom of the media, access to information by all citizens and equal opportunities for all candidates and political parties to use the state media;
- guaranteeing an environment of open contest with no undue exclusion and restrictions on anyone to vote as well as the right of eligible and qualified citizens to stand as candidates in any election;
- encouraging regular reviews of the participation of citizens in the diaspora in national elections;

- uphold and guarantee the impartiality and independence of the judiciary, the Electoral Management Bodies (EMBs) and all other institutions;

- ensuring that voter education capacitates and empowers all eligible citizens, as well as fostering ownership of the electoral process and the democratic political system;

- ensuring the acceptance of the election results by all electoral stakeholders as have been proclaimed to be free, fair, transparent, credible and peaceful by the competent and independent national electoral authorities in accordance with the respective laws of the land;

- Condemning and rejecting unconstitutional change of government and non-acceptance of results, after due process, as announced by the legally competent authorities.

Since the framework commits member states to the above, they will be used as a yardstick to assess the impact of international electoral observation on Botswana's Electoral Governance, Systems and Processes (see section 4.2.4 below).

4.3 International Election Observation Missions Assessments: Botswana Elections 1999-2014

This section summarises key findings of international elections observation mission reports by ECF-SADC and SADC-PF from 2004 to 2014. The aim is to discern key issues identified and highlighted by international observation missions during this time frame. Botswana has conducted three elections between the period 2004 and 2014; as such the time period affords an opportunity to observe an entire electoral period and also presents an opportunity to evaluate implementation of recommendations from one electoral cycle to the other. Issues highlighted by electoral observation missions are assessed using the electoral cycle methodology and also analysed in the context of the SADC Principles and Guidelines Governing Democratic Elections framework.

According to the electoral cycle methodology elections are a continuous process, hence the cycle of general elections conducted in 2004 commenced immediately upon the end of 1999 general elections electoral cycle. In other words, the cycle of the 2004 general elections started immediately upon completion of post-election processes. In the context of Botswana the post-election processes include: electoral audit and evaluation activities, which involve exercises such as carrying out post-electoral review consultations with electoral stakeholders; documenting and disseminating findings of the stakeholder engagements; and compilation and

presentation of the IEC report to the Minister for Presidential Affairs and Public Administration. Other post-election procedures include the appointment of cabinet members and the appointment of other members of the National Assembly, i.e. appointment of specially elected members, the speaker and deputy speaker.

4.3.1 Pertinent Issues: 2004 Parliamentary and Local Government Elections

Pre- Election Phase

a) Delimitation of constituency boundaries

Before the 2004 parliamentary and local government elections, Botswana conducted a population census in 2001, a process that led to the delimitation of constituency boundaries which in turn resulted in an increase in the number of parliamentary seats from forty to fifty seven. The SADC-PF international mission indicated that BNF, one of the opposition parties, deemed the delimitation process unfair as most new constituencies were created in the ruling party strongholds. In their written submission, the BNF indicated that the average population density in constituencies was 35 000 whereas constituencies were delimited with an average population density of 15 000 in BDP strongholds (SADC-PF International Election Observation Mission Report, 2004). Issues raised by the opposition party are important for several reasons. The delimitation of boundaries is an essential pre-election period process, particularly in the context of a single member constituency or FPTP system like in Botswana. The process has a bearing on the number and distribution of constituencies which in turn influences the distribution of constituency seats. Concerns raised by the opposition imply a lack of trust in the process by some political parties, who are essential stakeholders in the process. It also implies the perception that the process was not in compliance with fundamental international norms of delimitation, i.e. the principles of representativeness; equality of voting strength; independent, impartial boundary authority; transparency; and non-discrimination (ACE Electoral Network, 2013). It is in cognisance of the above that observation of the delimitation process or verifying concerns raised is an important activity of international observers.

b) Appointment of commissioners

As mentioned in chapter 3, according to Section 65A Section 3 of the Constitution, members of the IEC other than the chairperson and the deputy are appointed by the JSC from recommendations by the all-party conference. "However sub section 2 authorizes JSC to proceed with the appointment of commissioners at its own discretion, whether or not all

political parties participate in the all-party conference or if the conference fails to reach an agreement on all or any number of proposed members" (EISA, 2005:9). In 2004, the main opposition parties walked out of an all-party meeting arranged for the proposal of candidates for commissioners. Opposition parties opined that the boycott was as a result of the government's disregard of the issues they raised with regards to public funding of political parties, the introduction of proportional representation and the IEC's independence. International electoral observation mission reports reviewed reflected the matter. SADC-PF report commendably highlighted the issue as a challenge and went forth offering guidance on how it can be addressed. The recommended solution for the above challenge as per SADC-PF norms and standards for elections in the SADC region is that:

> "*commissioners should be selected by a panel of judges set up by the Chief Justice or the equivalent, on the basis of the individual's calibre, stature, public respect, competence, impartiality and their knowledge of elections and political development processes. The selection of commissioners should be done in consultation with all political parties and other interested stakeholders. The selected commissioners are to be approved by Parliament"* (SADC Parliamentary Forum Norms and Standards for Elections in the SADC Region: 9).

Although the EISA report recommends that the all-party mechanism should be, it does not offer guidance on how it can be done. The commission and commissioners are essential stakeholders in the electoral process, and the commission and its commissioners play an important role in determining the credibility of the electoral process. It is also important to note that the credibility and legitimacy of the electoral process are derived from the stakeholders' perceptions of the process and are not necessarily based on the actual or technical strength or credibility of the institutions themselves.

a) Media coverage

Observation reports reflected that the opposition parties perceived media access to be unbalanced, an allegation that was verified by a media review study undertaken by the Media Institute of Southern Africa (MISA). The study analysed election coverage from 17 September to 15 October 2004 and it indicated that the BDP received the highest media coverage at 41% followed by BCP, BNF, NDF, BAM and MELS at 28%,8.6%,2.6%, 1.8% and MELS with 1.3% respectively (SADC-PF, 2004:17). Access to media has a bearing on the fairness of the

electoral process and equitable access to the media is one of the principles of best electoral practices. Most missions observed that government media gave more coverage to the ruling party and the SADC-PF report advised that guidelines to promote equal access should be established. EISA highlighted access to media and public resources as one of the areas that needs improvement and recommended that Botswana abide but the principle of equitable access to public media and other public resources.

Election Phase

    a) International observers recommended regulation of the date of elections so that it may be known in advance.

    b) It was also recommended that counting should be done at the polling and not the constituency level.

Other general observations by EISA and SADC-PF observer missions were that the FPTP electoral system did not provide a balanced gender and political representation. A review of the electoral system to balance it was recommended. Both missions also recommended equitable use and access to public resources.

4.3.2 Pertinent Issues: 2009 Parliamentary and Local Government Elections

Pre-Election Phase

    a) The political campaigns and inability of opposition to field candidates in all constituencies put the spotlight on the limited electoral competition in Botswana primarily resulting from an uneven playing field due to unfair competition between the well-resourced ruling party and an opposition with limited resources.

    b) Advance voting by police officers and election officers had to be cancelled due to errors on ballot papers which could not be corrected in time to allow the process of advanced voting to proceed. This destabilised the electoral process because some of the election officers left their positions so that they would be able to vote. IEC had to recruit and train new election officer to replace those who had left very close to election day. Despite this obstacle elections were administered well.

Election Phase

Observers recommended the use of translucent instead of the metal ballot boxes as it is common practice. The SADC-PF and ECF SADC observer missions recommended continuous and

adequately funded voter education by the IEC. Reports from both observer missions indicated party funding, use of state resources and women's participation in electoral processes as issues that cut across the electoral process. Reports from both observer missions recommended improved participation of women, people with disabilities and minorities. The reports also recommended political party funding for improved electoral competition and regulation of public media coverage of political party candidates to reduce perceived media bias.

4.3.3 Pertinent Issues: 2014 Parliamentary and Local Government Elections

Pre-Election Phase

The SADC election observer mission engaged with various stakeholders as one of the mission's pre-election assessment methods. Stakeholders expressed that they had to travel long distances to inspect the voters' roll. It also emerged that IEC did not have sufficient funds to conduct adequate civic and voter education. Concern that the state media is perceived to be biased was raised in both ECF-SADC and SADC observer mission reports. SADC election observer mission report also highlighted that there was a perception that the ruling party used government resources for election campaigning.

Election Phase

The SADC mission observed that measures to prevent double voting need to be strengthened and recommended the use of indelible ink or scanning of identity documents as possible solutions. The mission also observed that ballot boxes were sealed with IEC and party agents' seals. ECF-SADC recommendations discouraged the use of party agents' seals on ballot boxes. Reports from both observer missions cited the under representation of female candidates, and the improved use of introduced Braille ballots for inclusion of the visually impaired.

4.4 Botswana's National Electoral Review Initiatives 2004-2014

Botswana has proactively initiated rigorous and systematic national initiatives to consistently review its electoral processes. The stakeholders' evaluation workshop and performance audits of the IEC are mechanisms through which it reflects on the performance of its processes. The stakeholders' evaluation workshop has been conducted after every election since 1999.Through this process the IEC engages objective and independent assessors to reflect on its performance. Stakeholder workshops are conducted by the IEC and are a platform through

which the commission engages key electoral stakeholders such as political parties, civil society, media, and academics to get direct feedback on their perceptions of the electoral process.

The stakeholder workshop has been an important platform for key players to channel their input about the electoral process. This is a commendable exercise that opened engagement on key electoral matters such as public funding of political parties, the role of the media in elections and equitable access to the media. The stakeholders' workshop primarily serves to evaluate the past election through engagement of stakeholders. It helps give the IEC stakeholders' perspective of the electoral processes.

The performance audits are a more rigorous and systematic approach towards assessing the electoral performance. Through this system, detailed recommendations for the improvement of the electoral process and practices have been outlined and a matrix for tracking implementation of the recommendations developed. Below are the recommendations outlined by performance audits and a tracking of their implementation. The 1999 performance audit recommended a review of the legal framework to revise the electoral act to:

a) regulate resolving electoral disputes
b) set the electoral date
c) put the delimitation of boundaries under the control of the IEC

Only the first recommendation was implemented; the IEC is awaiting a political decision to implement the other two.
.
Review of IEC Act to include:

a) secretary and staff of IEC to be employees of IEC as opposed to public servants
b) appointment and tenure of commissioners
c) IEC to monitor and ensure access to the state media

The process was initiated as Cabinet has instructed the Attorney General's Chambers to draft the IEC Act that incorporates the above. The recommendations for a legal review to bring the delimitation of boundaries, appointment of commissioner's, IEC Secretary, IEC under IEC mandate; monitor and ensure access to state media were repeated during the 2004 performance audits and are still not implemented. The 2004 observer reports also recommended actions to improve the efficiency of voting processes such as introducing area-specific ballot papers that

59

make it easy to trace cast ballots, e.g. serial numbers of ballot books assigned to polling stations and referencing of documentation enables tracing. All recommendations that did not require political decisions were implemented. As such recommendations that require legal review to bring the delimitation of boundaries, appointment of commissioners, IEC Secretary, IEC to monitor and ensure access to state media are still not implemented.

Key recommendations from the 2009 audit performance include the following:

- Botswana should consider ratifying the African Charter on Democracy, Elections and Governance to enhance its democracy standing
- electoral law to be amended to allow for the president to consult with stakeholders, especially the IEC, before determining the election date.
- consideration to make civic education continuous and extending it to secondary schools
- linking voter registration to the national identification system so that voters can use their national ID cards instead of a separate card
- counting of ballots at polling stations.

Only the recommendation to make civic education a continuous process and extending it to secondary schools has been implemented.

4.5 Key Findings: The Impact of International Electoral Observation

The SADC Principles and Guidelines Governing Democratic Elections articulate objectives for attaining democratic elections and also outline the regional principles for best electoral practices. Reports by international electoral observation mission reports of SADC, EISA, ECF-SADC and SADC-PF of general elections conducted in Botswana from 1999 to 2014 have been reviewed to inform on assessments of Botswana electoral processes. Therefore conclusions can be drawn about the performance of Botswana national electoral governance, practices and processes against regional norms and principles. Most importantly an assessment of whether international electoral observation has had an impact in progressing Botswana's electoral processes towards regional norms and principles can be made.

4.5.1 How Do Botswana's Electoral Practices Fare Against Regional Electoral Principles and Norms?

The following conclusions were drawn from juxtaposing national practices, processes and procedures against regional norms and principles. Regional norms and principles outlined in

the objectives of the Principles and Guidelines Governing Democratic Elections and those listed in section 4.2.2 of this chapter were used as references to arrive at the findings below.

1. **The principle of full participation of all citizens in democratic and development processes**

   Botswana electoral practices allow full participation of all citizens. However, there have been consistent recommendations for a change to the electoral system and the introduction of affirmative action initiatives to improve representation of women. There is also room for improvement with regards to special considerations to ease participation of people with disabilities. The only effort in this regards has been the introduction of Braille for the blind. Although there are no physical or legal impediments to women and people with disabilities' participation, there are structural barriers that limit their participation.

2. **The principle of ensuring that the date or period of elections is prescribed by law. The date or period of elections shall be based upon the legal framework and applicable constitutional provisions.**

   Recommendations have been repeatedly made for a review of the legal framework to ensure that the date of elections is prescribed in the Constitution, or that determination of election date is done in consultation with other electoral stakeholders, especially the IEC. This is still not implemented; determination of the election date is still the prerogative of the president which is a conflict of interest since the president is an interested party in the electoral process.

3. **Promoting the and respecting the values of electoral justice which include integrity, impartiality, fairness, professionalism, efficiency and regularity of elections**

   The unfair benefit of the ruling BDP from public resources, unregulated political party funding, and disregard of recommendations to introduce public funding for political parties have shown a shortfall in adherence to promoting the value of fairness. Partiality of the IEC has also been called to question and recommendations to improve the perception of its partiality have not been implemented. However, generally all stakeholders have confidence in the professionalism, efficiency, and integrity of the country's electoral norms and the administrators of the electoral process.

4. **Ensuring that voter education capacitates and empowers all eligible citizens, as well as fostering ownership of the electoral process and the democratic political system**

The IEC is making headway in this direction; there has been a recent legal review to include civic and voter education among IEC mandate. Improved participation of civil society and other non-government actors in this area will strengthen adherence to this principle.

5. **Gender Balance and Equality; Ethnic and Religious Diversity**

Botswana does not fare well with regards to ensuring gender balance. The country is not signatory to the SADC Protocol on Gender despite repeated highlighting of the under representation of women candidates and representatives. There are no laws to balance the representation. Botswana does not have the legal provision to improve political representation of minorities.

4.6 Conclusion

The electoral environment is Botswana is generally peaceful. Electoral stakeholders generally have high levels of trust in the IEC and electoral processes. However, it is evident there is room for improving conformity to some principles. Deliberate efforts are required to improve the representation of women and minorities. The law should be reviewed to have a fixed election date or ensure that the decision of the election date is not the sole prerogative of the president. Legal reforms are also recommended to improve the autonomy of the IEC. This study has also established that there are too many regional organisations conducting international electoral observation. The SADC secretariat, SADC-PF, ECF-SADC and EISA all have close relations, work together in some aspects and have common objectives in many areas of their mandates. Regional electoral observation would be improved significantly if the above institutions collaborated. The other noteworthy finding from the review of regional international electoral observation reports is that even though methodologies of all regional observing institutions express that the institutions employ the electoral cycle methodology, deployment trends show the contrary. International electoral observation is still focused on events closer to election day, the SADC, SADC-PF, ECF-SADC and EISA missions

CHAPTER FIVE: SUMMARY AND RECOMMENDATIONS

5.1 Introduction

This chapter concludes the research study by providing an overview of each chapter's discussion to show an overall progression in relation to the central research question and also provide an evaluation of the research study. It also provides summarises of conclusions of this research, key recommendations from findings.

5.2 Overview of Chapters

The first chapter provided a background and objectives of the study. It also contextualised international electoral observation in relation to the SADC regionalisation agenda and its institutions. This chapter highlighted that the Organ on Politics Defence and Security Cooperation is an arm of SADC mandated to implement the region's political regionalisation agenda which also includes consolidating, defending and maintaining democracy. This chapter has also depicted that international electoral observation has been identified as one of the methods to achieve regional democracy promotion objectives. As a result SADC Electoral Advisory Council was established as the institution to ensure that electoral observation became an essential part of the regional democratisation process. Whereas, SADC Principles and Guidelines Governing Democratic Elections were developed and updated to provide guidelines for international election observation and also articulate the region's electoral norms and best practices. This chapter also outlined the objectives of this study, which are to gain a deeper understand the practice of international electoral observation and assess if international election observation has aided Botswana's electoral governance and practices to transition towards international best electoral practices.

The second chapter focused on understanding international electoral observation. We learnt that the phenomenon of international electoral observation was itself an international electoral best practice. Inviting observers is perceived as a sign of transparency, therefore international electoral observation serves a dual role. It not only opens the national electoral processes to scrutiny by the international community but also indicates the country's commitment to conducting transparent elections. The other key lesson from this chapter is that there are universal protocols for conduction international electoral observation to ensure that it is done systematically and rigorously. Observers should approach elections as a cycle and hence all phases of the cycle should be observed. Despite the systematisation of international electoral

observation, the study has shown that not all phases of the cycle are observed. Observer institutions in SADC region still focus on electoral events closer to Election Day, SADC observer mission only started introducing deployment of LTOs in 2015 after the updated Principles and Guidelines Governing Democratic Elections were adopted. SADC-PF, ECF-SADC missions have never deployed long term observers to Botswana elections conducted between 1999 and 2014.It can be concluded that in practice, assessments made by international electoral observers are not as rigorous as they ought to be. Key findings will be summarised in the next session.

The third chapter was a political background of Botswana, it also focused on electoral administration and governance in Botswana. This chapter taught us that Botswana needs to make significant progress to improve its conformity to the principles of fair political competition and increasing female representation in political positions. The legal framework also needs to be reviewed to improve the autonomy of IEC and removing revise the procedure for setting the election date to make it more inclusive. It has also come to light that the FPTP system disadvantages an already weak opposition.

Chapter four analysed how Botswana faired with regards to conformity to regional electoral norms and best practices. The chapter also analysed the impact of international electoral observation on national electoral processes.

5.3 Summary of Key Findings

The primary objective of this study was to assess the impact of international electoral observation on Botswana's national electoral. The study looked into whether international electoral observers assisted national electoral processes and practices progress towards SADC electoral norms and best practices as articulated in the Principles and Guidelines Governing Democratic Elections. Below is a summary of the key findings;

    a) Botswana does not have any legal restrictions for the participation hindering participation in the electoral process. However, there is need for deliberate and targeted efforts to improve participation of under-represented segments of the society. Women, minorities and people with special needs are underrepresented in political positions therefore affirmative action should be considered to rectify this. Numerous recommendations have been made by international electoral observers to have this ratified. No law has been made to improve representation of the mentioned groups however Braille has been introduced to improve political participation of the visually

64

impaired. Political parties have not made any deliberate policies to increase the number of female candidates.

b) The election date is not prescribed in the constitution and determination of election date is the sole prerogative of the president. Numerous recommendations have been made by international electoral observers to have this ratified. No action has been taken to this effect.

c) The government media is perceived to give the ruling party more coverage than the opposition parties. Numerous recommendations have been made have this ratifies. During the 2014 elections opposition parties still perceived media coverage by government media to be biased towards the ruling party.

d) The FPTP system disadvantages the opposition, opposition representation in the national assembly is disproportionate to the high opposition popular vote. Numerous recommendations have been made by international electoral observers to change the electoral system to improve representation of women and opposition parties in national assembly. No action has been taken.

e) Lack of government political party funding and unregulated political party funding uneven the playing field.

5.4 Recommendations

The primary aim of this study was to assess if international electoral observation has had any impact on advancing Botswana electoral practices and processes towards SADC electoral norms and best practices. From the findings of this study it is evident that Botswana does not fully satisfy regional benchmarks. This has proved to have negative bearing on representation of opposition parties, and fairness of competition amongst political. From the findings, this study has two types of recommendations. The first recommendations are with regards to improving the efficiency and impact of international electoral observation whereas the others are regarding Botswana's adherence to regional electoral   standards.

5.4.1   Recommendations for Improved International Electoral Observation

1. Key regional institutions conducting international electoral observation need to deploy LTOs to all elections to which they send observer missions. From the review of reports of SADC Secretariat, EISA, ECF-SAD and SADC-PF, the study found out that none of the above observer missions deployed LTOs to Botswana elections conducted between 1999 and 2014.

2. From the review of regional institutions observation manuals and guidelines, this study has learnt that the methodology for deployment of long term observation of most observation missions is to deploy LTOs for stretched periods of an average of about one and a half months before and after election day. To improve the efficiency and effectiveness of their long term observation methodologies, observer missions should consider not only deploying LTOs for stretched periods of an average of about one and a half months before and after election day, but should also develop a standby roster of observers available for rapid deployment to observe other pertinent electoral processes such as review of electoral legislation, delimitation of boundaries. These processes are undertaken throughout the electoral process. With the current international electoral observation methodologies processes such as those mentioned above often go unobserved.

3. International electoral observation missions should improve collaboration with domestic observers. This would improve the missions gain detailed context of the elections under observation. A strong collaboration could also assist with the development of mechanisms for continuous monitoring of electoral activities.

4. International electoral observation should include follow up mechanisms to monitor progress of implementation of recommendations.

5. Regional observing institutions such as SADC, EISA, ECF-SADC and SADC-PF should consider collaborating such that instead of sending may small observer missions, they send one big merged observer mission. There are many benefits for this approach. Competition for resources would be reduced and the comparative advantage of each observing organisation would add value to the quality of the merged observer mission. This kind of collaboration would strengthen the capacity of the international observer mission in terms of both the numerical strength and expertise.

5.4.2 Recommendations to Improve Botswana's Adherence to Regional Standards

1. A policy should be developed to formalise and regulate action to improve participation of under-represented groups such as women and people with special needs.

2. The legal framework should be reviewed to stipulate the election date on the constitution and or to ensure that the election date is determined by the IEC.

3. Political party funding should be regulated.

4. Government should introduce financing of political parties to level the playing field.

5. The electoral system should be reviewed to improve representation of political parties.

5.5 Conclusion

Botswana has consistently disregarded recommendations by international electoral observers. It is only recommendations related to technical or administrative aspects of improving electoral processes that have been implemented. Political leadership in Botswana have to not shown the will to make recommended changes that even the playing field, improve representation of women and adopt a fairer political system. Therefore this study concludes that international electoral observation has not had any significant impact in progressing national electoral processes and practices towards SADC electoral norms and best practices

Bibliography

Abbink, J. (2000). Introduction: Rethinking Democratisation and Election Observation. In J. Abbink, & G. Hesseling (Eds.), *Election Observation and Democratization in Africa* (pp. 1-17). London: Macmillan Press LTD.

Abbink, J., & Hesseling, G. (Eds.). (2000). *Election Observation and Democratisation in Africa.* London: Macmillan.

About the EC-UNDP Partnership on Electoral Assistance. (2016). Retrieved Juy 24, 2016, from European Commission, United Nations Development Programme Partnership on Electoral Assistance: http://ec-undp-electoralassistance.org

ACE Electoral Network.(n.d). Electoral Cycle. ACE Electoral Network. Retrieved September 24, 2017, from http://aceproject.org/ero-en/topics/electoral-management/electoral cycle

ACE Electoral Network. (2013). The ACE Encyclopedia: Boundty Delimimitation. ACE Electoral Network. Retrieved September 24, 2017, from https://aceproject.org/ace-en/topics/bd/introduction/bd10

ACE project. (2016, June 25). United Nations Electoral Assistance Division.

African Union. (2013). Election Observation Manual. Addis Ababa, Ethopia: African Union Commission.

Ahmed, A. (2013). *Democracy and the politics of electoral system choice.* New York: Cambridge University Press.

Aniekwe, C. C., & Atuobi, M. S. (2016). Two Decades of Election Observation By the African Union: A Review. *Journal of African Elections, 1*, 25-44.

AU. (2010). *African Union Observer Mission Report On The Organistion And Conduct Of The 2009 ParliamentaryAnd Local Government Elections Held On October 16 2009.*

AU. (2017). *Preliminary Statement African Union Election Observer Mission to The 2017 General Elections in Kenya*. Retrieved September 24, 2017, from https://au.int/en/pressreleases/20170810/preliminary-statement-african-union-election-observer-mission-2017-gene https://au.int/en/pressreleases/20170810/

Bader , M., & Schmeets, H. (2013). Does International Election Observation Deter and Detect Fraud? Evidence From Russia. *Representation, 49* (4), 501-514.

Beigbeder Y. (1994). *International Monitoring of Plebiscites Referenda and National Elections: Self Determination and Transition to Democracy.* Dordrecht: Martinus Nijhoff.

Bjornlund, E. (2004). *Beyond Free and Fair Elections: Monitoring Elections and Building Democracy.* Washington DC: Woodrow Wilson Center Press.

Blatter, J. (2012). Case Study. In *The SAGE Encyclopedia of Qualitative Research Methods* (pp. 68-71). Thousand Oaks: SAGE publications.

Blomfield, A. (2017). 'Kenyan Court Overturns Presidential Election After Ruling It Was Marred By 'Illegalities', *The Telegraph,* 1 September, accessed 15 January, http://www.telegraph.co.uk/news/2017/09/01/kenyan-judge-orders-re-run-presidential-election-due-irregularities/

Botlhale, E., & Selolwane, O. (2016). Botswanna. In O. S. Africa, & Electoral Commissions Forum of SADC Countries, *Election Management Bodies in Southern Africa: Comparitive Study Of The Electoral Commission's Contribution to Electoral Process* (pp. 45-72). Johannesburg South Africa: African Minds.

Botswana, S. (2015). *Anual Report 2014/2015.* Statistics Botswana.

Darnolf, S. (2011). International Election Support:Helping or Hindering Democratic Elections? *Representation, 47* (4), 361-382.

Dewey, J. (1938). *Logic The Theory Of Enquiry.* New Yourk: Henry Holt and Co.

De Jager, N. and Meintjes, C. H. (2013). Winners, Losers and the Playing Field in Southern Africa's 'Democratic Darlings': Botswana and South Africa Compared. *Politikon,* 40:2, 233-253.

Doorenspleet, R. (2005). *Democratic Transitions: Exploring the Structural Sources of the Fourth Wave.* London: Lynne Rienner Publishers.

Dorman S. (2005). Make Sure the Votes Count Nicely This Time: The Politics of Elections and Election Observing in Zimbabwe. *Commonwealth and Comparitive Politics, 43*, 155-177.

Dorman, S. R. (2005). Make Sure They Count Nicely This Time': The Politics of Elections and Election Observing in Zimbabwe. *Commonwealth & Comparative Politics, 43* (2), 155–177.

Dryzek J. (1990). *Discursive Democracy:Politics, Policy and Political Science.* Cambridge University Press.

Dryzek J. (2000). *Deliberative Democracy and Beyond: Liberals, Critics, Contenstations.* New yourk: University Press.

Dryzek J. (1999). Transnational Democracy. *Journal of Political Philosophy, 1*, 31-50.

Dryzek J. (2006). Transnational Democracy in an Insecure World. *International Political Science Review, 27*, 101-119.

ECF-SADC. (2011). *Proposed Guidelines For ECF-SADC Observer Missions: 2011 Elections And Beyond*

EISA. (2016). Retrieved March 28, 2016, from eisa.org.za/index.php/election-calendar/

EISA. (2005). *Parliamentary Election Observer Mission Report: Botswana Parliamentary and Local Government Elections 30 October 2004.* Johannesburg: EISA.

EISA. (2005). Principles for Election Management, Monitoring and Observation in the SADC. Electoral Institute of Southern Africa.

Elklit, J., & Svensson P. (1997). What Makes Elections Free and Fair: The Rise of Election Monitoring. *Journal of Democracy,* 8 (3), 32-46

.EU and UNDP renew partnership on electoral assistance. (2016, April 15). Retrieved July 24, 2016, from United Nations Development Programme: http://www.undp.org

EU. (2008). *Handbook for European Union Election Observation.* European Commission.

GNDEM. (n.d.). Retrieved July 11, 2016, from http://www.gndem.org

Good, K. (1992). Interpreting Botswana's Exceptionality. *Journal of Modern African Suties, 30* (1), 69-95.

Good, K. (1997). *Realising Democracy in Botswana, Namibia and South Africa.* Pretoria: Africa Institute of South Africa.

Gruger, J., & Mathew L Bishop. (2014). *Democratisation: A Critical Introduction* (2nd ed.). New York: Palgrave Macmillian.

Held, D. (2000). *Models of Democracy* (Second ed.). Oxford: Blackwell Publishers.

Held, D. (1995). *Democracy and the Global Order: From the Morden State to Cosmopolitian Governance.* Standford: Standfors University Press.

Hungtington, S. P. (1991). *The Third Wave: Democratazation in Late Twentieth Century.* London: University of Oklahoma Press.

Hyde, S. D. (2007). The Observer Effect in International Politics. *World Politics, 60*, 37-63.

Hyde, S. D. (2012). Why believe International Monitors. In P. A. Gourevitch, D. A. Lake, & J. G. Stein (Eds.), *The Credibility of Transnational NGOs: When Virtue is Not Enogh.* Cambridge University Press.

IDEA. (1999). *The Future of International Electoral Observation: Lessons Learned and Recommendations.* Stockoholm, Sweden: International Institute for Democracy and Electoral Assistance (International IDEA).

Jones, A. (2010). *Globalisation: Key Thinkers.* Malden: Polity Press.

Kadima, Booysen. (2009). *Compedium of Elections in Southern Africa 1989-2009: 20 Years of Multiparty Democracy.* (K. a. Booysen, Ed.) Johannesburg: Electoral Institute of Southern Africa.

Kelley, J. (2008). Assessing The Complex Evolution of norms: The Rise of International Election monitoring. *International Organisation* , 221-55.

Kelley, J. G. (2012). *Monitoring Democracy: When International Electoral Observation Works and Why It Often Fails.* Princeton: Princeton University Press.

Keorapetse, D. (2016, August 19). Democracy Under Siege: Half-Asleep Parliament Makes 5 Laws. *Mmegi* . Gaborone. Retrieved June 26, 2017, from http://www.mmegi.bw/index.php?aid=62396&dir=2016/august/19

Laakso, L. (2002). The Politics of International Election Observation: The Case of Zimbabwe in 2000. *The Journal of Modern African Studies, 40* (3), 437-464.

Laasko L. (2003). *Journal of Modern African Studies, 40*, 437-464.

Lynge-Mangueira, H. (2012). Why Professionalizing International Election Observation Might Not Be Enough To Ensure Effective Election Observation. Stokholm, Sweden: International Institute for Democracy and Electoral Assistance (IDEA). Retrieved July 6, 2016, from http://www.idea.int/democracydialog/upload/why-professionalizing-international

Matlosa, K. (2002). *African Journal of Political Science, Vol 7 (3) pg 129-154*

Matlosa, K. (1998). Governance in Southern Africa: Lesotho Case Study. *Paper Presented to SARIP workshop* . Harare.

Matlosa, K. (2007). *Political Parties in Southern Africa.* Stockholm: International IDEA.

Maundeni, Z. (1998). The Struggle for Political Freedom and Independence. In W. A. Edge, & M. H. Lekorwe, *Botswana Politics and Society* (pp. 118-133). Pretoria: J L van Schaik Publishers.

Milner, H. V. (2011). Globalisztion. In B. Badie, D. Berg-Schlosser, & L. Morlino (Eds.), *International Encyclopedia of Political Science* (pp. 973-983). Thousand Oaks: SAGE Publications.

Misk, J. (2010). Standadizing International Election Observation. *Vanderbilt Journal of Transnational Law* .

Mogalakwe, M. (2015). An assessment of Botswana's Eelectoral Management Body to Deliver Fair Elections. *Journal of Contemporary African Studies, Vol. 33* (No. 1), 105–120.

Mokgala, C. J. (2005). The Relationship Between Kenneth Koma and the Botswana Democratic Party. *African Affairs, 104* (415), 303-323.

Molomo, M. (2005). Electoral Systems and Democracy. In Z. Maundeni (Ed.), *40 Years of Democracy in Botswana* (pp. 29-49). Gaborone: Mmegi Publishing House.

Molomo, M., & Molefe, W. (2005). Voters and Electoral Performance of Political Parties in Botswana. In Z. Maundeni (Ed.), *40 Years of Democracy in Botswana: 1965-2005* . Gaborone: Mmegi Publishing House .

Motsamai, M. (2016, July 26). Electronic Voting on Cards Next Elections. *Daily News* . Gaborone. Retrieved June 26, 2017, from http://www.dailynews.gov.bw/news-details.php?nid=29773

Nivette, N., & Canton, S. A. (1997). *Journal of Democracy, 8* (3), 47-68.

OAU/AU. (2002). Declaration on Principles Governing Democratic Elections in Africa.

Obi C. (2008). International Election Observer Missions and the Promotion of Democracy: Some Lessons from Nigeria's 2007 Elections. *Plitikon, 1*, 69-86.

Obi, C. (2008). International Election Observer Missions and the Promotion of Democracy: Some Lessons fromNigeria's 2007 Elections. *Politikon, 1*, 69-86.

OSCE ODIHR. (2008). *A Decade of Monitoring Elections.* OSCE Office for Democratic Institutions and Human Rights (ODIHR), Office for Democratic Institutions and Human Rights. Warsaw: OSCE Office for Democratic Institutions and Human Rights (ODIHR).

Parry, G., & Moran, M. (Eds.). (1994). *Democracy and Democratisation.* London: Routledge.

Poteete, A. R. (2015). Election note: Botswana's 2014 parliamentary elections. *Electoral Studies, 40* (1), 444-447.

(2011). *Proposed Guidelines For ECF-SADC Observer Missions 2011 Elections and Beyond.*

Ramsay, J., & Parsons, N. (1998). The Emergence of Political Parties in Botswana. In W. A. Edge, & M. Lekorwe, *Botswana Politics and Society* (pp. 134-150). Pretoria: J.L van Schaik Publishers.

Rehfeld, A. (2006). Towards a General Theory of Political Representation. *The Journal of Politics, 68* (1), 1-21.

Ritchie, J., & Lewis, J. (Eds.). (2003). *Qualitative Research Practic: A Guide For Social Science Students And Researchers.* Thousand Oaks: SAGE publications.

Rukambe, J., Nackerdiem, R., Sebudubudu, D., & Turner, J. (2010). *Performance Audit of the Independent Electoral Commission (IEC) in Respect of Botswana.* International IDEA.

S, K. D.

SADC Parliamentary Forum. (2001). SADC Parliamentary Forum Norms and Standards in the SADC region. Windhoek.

SADC. (2015). Principles Governing Democratic Elections . *Principles Governing Democratic Elections* . SADC Secretariat.

SADC. (2013). *SADC Election Observation Mission to the Republic Of Zimbabwe Preliminary Statement* accessed January 12, 2018,from

www.sadc.int/.../FINAL_Preliminary_Statement_of_the_SADC_Election_Observer

SADC. (2004). Principles Governing Democratic Elections. SADC Secretariat.

SADC. (2001). Protocol on Politics, Defeence and Security Cooperatio. Blantyre: SADC Secretariat.

SADC. (ND). SADC Electoral Advisory Council Structure, Rules And Procedures. Gaborone. Retrieved August 11, 2016, from https://www.scribd.com/document/109698840/Seac-Rules-and-Procedures-Final-Doc

SADC-PF. (2004). *Botswana Parliamentary Elections 30 October 2004 SADC-PF Observer Mission Report.* SADC-PF.

Schikonye, L. (n.d.). Towards Susrainable Democratic Institutions in Africa. International IDEA. Retrieved September 24, 2017

Sebudubudu, D. (2006). Election Observation and Monitoring in Botswana. *Journal of African Elections, 5* (2), 165-180.

Sebudubudu, D. (2006). Election Observation and Monitoring in Botswana. *Journal For African Elections* , 165-180.

Sebudubudu, D. (2008). Independent Electoral Commission. In Z. Maundeni (Ed.), *Transparency, Accountability and Corruption in Botswana.* Cape Town: Made Plain Communications.

Sebudubudu, D., & Osei-Hwedie, B. (confirm). Botswana's 2004 Elections: Free and Fair. *Journal of African Elections* , 27-42.

Selolwane, O. D., & Shale, V. (2006). Opposition Politics And The Challenges Of Fragmantation in Botswana. *Journal Of African Elections* , 122-140.

Shale, V. (2007). Opposition Party Alliances and Elections in Botswana, Lesotho and Zambia. *Journal of African Elections* , 91-117.

Taylor, I. (2003). As Good As It Gets: Democratic Development. In H. Melber (Ed.), *Limits to Liberation in Southern Africa.* Cape Town: Human Sciences Research Council.

The ACE Electoral Network. (n.d.). Electoral Systems. ACE Electoral network. Retrieved September 24, 2017, from http://aceproject.org/ace-en/topics/es/

Tilly, C. (2000). Processess and Mechanisms of Democratisation. *Democratisation, 18* (1), 1-16.

Tshosa, O. B. (2006). Elections And Parliamentary Oversight In Botswana. *Journal Of African Elections* , 52-61.

UNDP. (2012). *Evaluation of UNDP Contribution to Strengthening Electoral systems and Processes* . (S. I. Julia Dudnik Stern, Ed.) United States of America. Retrieved June 28, 2016, from http://web.undp.org/evaluation/evaluations/thematic/election.shtml

UNDP. (2013). The Role of UNDP in Providing Democratic Elections in Africa. Retrieved June 27, 2016, from www.undp.org/content/undp/en/home/librarypage/democratic-governance/electoral_systemsandprocesses/supporting_elections_in_africa

UNDPA. (2014). Elections. Retrieved June 25, 2016, from http://www.un.org/undpa/en/elections

United Nations. (2004). *Report of the United Nations Secretary-General on the Rule of Law and Transitional Justice in Conflict.*

van Binsbergen, W., & Abbink, J. (2000). International Election Observtion: Adiscussion on Policy and Practice. In J. Abbink, & G. Hesseling (Eds.). Macmillan Press LTD.

ZESN, 2016. *ZESN Calls for Expeditious Appointment of SEC Commissioners.* Accessed 23 November 2017 at www.zesn.org.zw/...ZESN-CALLS