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ACKNOWLEDGEMENTS

The African Union Election Observation Mission (AUEOM) would like to express its appreciation to the Government of the Republic of Botswana and the Independent Electoral Commission (IEC) for extending an invitation to the African Union (AU) to observe the 2019 General Elections and for their assistance throughout the duration of the mission.

The AUEOM wishes to express its gratitude to the Head of Mission, H.E. Fatoumata Jallow Tambajang, former Vice President and Minister of Women’s Affairs of the Republic of The Gambia for her leadership of the Mission.

The AUEOM acknowledges the contribution of all its 30 observers drawn from 17 AU Member States who were deployed on Election Day to 169 polling stations spread throughout the 20 Constituencies within Botswana, for their diligent commitment in reporting on the electoral processes.

The AUEOM also appreciates the commitment of its technical team from the African Union Commission (AUC) and the Electoral Institute for Sustainable Democracy in Africa (EISA).
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>ACDEG</td>
<td>African Charter on Democracy, Elections and Governance</td>
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<tr>
<td>AfCHPR</td>
<td>African Court on Human and Peoples’ Rights</td>
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<td>AP</td>
<td>Alliance of Progressives</td>
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<td>APC</td>
<td>All Party Conference</td>
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<td>AU</td>
<td>African Union</td>
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<td>AUC</td>
<td>African Union Commission</td>
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<td>AUEOM</td>
<td>Africa Union Election Observation Mission</td>
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<tr>
<td>BCP</td>
<td>Botswana Congress Party</td>
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<td>BDP</td>
<td>Botswana Democratic Party</td>
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<td>BESNET</td>
<td>Botswana Electoral Support Network</td>
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<td>BMD</td>
<td>Botswana Movement for Democracy</td>
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<td>BOCRA</td>
<td>Botswana Communications Regulatory Authority</td>
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<td>BPF</td>
<td>Botswana Patriotic Front</td>
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<td>BTV</td>
<td>Botswana Television</td>
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<td>CSOs</td>
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<td>EISA</td>
<td>Electoral Institute for Sustainable Governance in Africa</td>
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<td>EMB</td>
<td>Election Management Bodies</td>
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<td>FPTP</td>
<td>First-Past-the-Post</td>
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<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<tr>
<td>ID</td>
<td>Identity Document</td>
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<tr>
<td>JSC</td>
<td>Judicial Service Commission</td>
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<td>MPs</td>
<td>Members of Parliaments</td>
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<td>PAM</td>
<td>Pre-Election Assessment Mission</td>
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<td>PLC’s</td>
<td>Party Liaison Committees</td>
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<td>PLWDs</td>
<td>People Living With Disabilities</td>
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<td>SADC</td>
<td>Southern African Development Community</td>
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<tr>
<td>STOs</td>
<td>Short-Term Observers</td>
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<td>UDC</td>
<td>Umbrella for Democratic Change</td>
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EXECUTIVE SUMMARY

The Republic of Botswana held General Elections on 23 October 2019. These were the 12th consecutive independence and, therefore, represent the consistent efforts made by Botswana to hold credible, transparent and peaceful elections.

At the invitation from the Government and the Independent Electoral Commission (IEC) of Botswana, the African Union Election Observation Missions (AUEOM) was deployed to observe the General Elections from 18 - 29 October 2019. The Mission represents AU’s efforts to promote transparent and credible elections and deepening of democratic governance in Africa within the context of the African Charter on Democracy, Elections and Governance (ACDEG).

Following its deployment, the AUEOM held consultations with key stakeholders and directly observed pre-election activities and Election Day operations. Based on its consultations and direct observation of the process, the AUEOM issued a Statement of its preliminary observations on 25 October 2019 highlighting its key preliminary findings and conclusions on the conduct of the elections as well as offering recommendations for immediate action by stakeholders concerned.

This report presents the AUEOM’s overall and final assessment of the 23 October 2019 elections in Botswana. It contains detailed findings and recommendations for improvement of future of elections in the country.

a. Summary of Key Findings

Despite the internal division within Botswana Democratic Party (BDP), a party that has ruled the country since independence in 1966, the 2019 elections, arguably the country’s most competitive, provided the ruling party with the opportunity to continue consolidating gains by obtaining 38 seats out of 57. This was an increase from 37 seats obtained in the last election in 2014.

The political and electoral environment remained calm and peaceful throughout the elections despite major developments that preceded the elections as a result of the split and political realignment within the ruling party and the subsequent formation of a breakaway party- BPF; and the realignment within the opposition alliance.
The legal framework for the elections was comprehensive and in sync with international, continental and regional norms for the conduct of democratic elections. Nonetheless, the AUEOM took note of some gaps which include: (a) the lack of provisions for public funding for political parties and candidates; and, (b) the law doesn’t provide any entity with the responsibility to conduct of civic and voter education; (c) lack of laws that provides for advance voting by essential services personnel. Only polling staff are allowed to vote ahead of the polling day.

The AUEOM noted there is a need for the introduction of a legal requirement, for political parties to make provisions for affirmative action to ensure the representation of youth, women and PLWDs in elective positions. The AUEOM noted that while there are legal provisions governing private funding of political parties their enforcement appears to be weak.

The AUEOM noted concerns expressed by stakeholders with regard to Section 34 of the electoral Act that provides the sole prerogative powers in the President of the Republic to announce the date of elections which creates uncertainty.

Four (4) political parties fielded presidential candidates and six (6) political parties, including 23 independent candidates contested the National Assembly seats. For Local Government elections, 1,546 candidates contested for various seats from six (6) contesting parties and 198 from independent candidates.

Voters roll was compiled through three phases- namely, General Voter Registration, First Supplementary Voter Registration and Second Supplementary Voter Registration followed by Roll inspection and Certification. This led to a total registration of 925,478 voters of whom, 505,052 were female (55%) 420,425 were male (45%) and 380,052 (41%) were youth. This figure was a significant increase compared to the 2014 elections, which recorded 825, 582 registered voters.

The AUEOM noted that women were considerably underrepresented in the elections of all the elective positions. Out of 210 Parliamentary candidates, only eleven were women although 55% of registered voters were females. Notably, none of the presidential candidates was a woman. This is a decrease from 2014 in which women constituted 17 out of 192 candidates.

The AUEOM noted that Botswana enjoyed free access to the media which provided coverage and commentary in the run-up to the elections through informing and educating the public about the electoral process. The Mission recognised efforts undertaken by Government to open the media space by lifting the ban on advertising in private media. On Election Day, the AUEOM observed that there were well-controlled queues outside all the polling stations visited throughout the day. Most polling stations were easily
accessible to the voters. However, the long distance between polling stations in rural places was deemed not easily accessible, especially to PLWDs and the elderly. The AUEOM noted with concern, the low presence of citizen observers in most stations visited. Participation of citizen observers is crucial to the reinforcement of the credibility and legitimacy of the electoral process. The layout of the polling stations divided voters into their streams in a manner that protected the secrecy of the ballot and allowed for easy flow of voters. However, in stations with multiple streams, queue control was a major challenge.

The AUEOM noted that ballot reconciliation was done at the polling station at the end of polling. The process was also done in a transparent manner and full view of party agents and observers. The Mission however, noted with regret that Counting did not take place at polling stations level.

The results were transmitted from the constituency and district counting centres to the IEC headquarters for capturing. Results announcements by the IEC for local council votes started filtering through from early hours on 24 October 2019. Parliamentary results were announced from the morning of 24 October 2014. The AUEOM noted with satisfaction that both public and private media announced results as they received them from the IEC.

b. Conclusion

AUEOM concludes that the elections were held in a peaceful and transparent manner, which allowed the electorate to effectively participate in the electoral process and to exercise their political rights. The conduct of the election conformed to international, continental and regional best practices and standards.

c. Recommendations

The AUEOM makes the following key recommendations for improvement of future elections in Botswana: (a) The Government should ratify the African Charter on Democracy, Elections, and Governance; the 2003 Protocol to the African Charter on Human and Peoples Rights, relating to the Rights of Women (Maputo Protocol), the 2006 African Youth Charter. allocate the legal responsibility of conducting civic and voter education to the IEC with appropriate funding; The National Assembly should enact laws that provide for public funding of political parties, strengthen the regulations governing private funding of political parties, regulates the conduct of civic and voter education, enhances participation of women, PLWD’s in political and public life in future elections which comply and adhere to international standards; The Independent Electoral Commission must ensure that the final Voters’ Roll is subject to checks of its inspection
and verification to enhance transparency, accuracy and validation in to give the opportunity to all registered voters to vote on elections day; and review the votes counting procedure to ensure that counting of votes and posting of results at the polling stations to avoid logistical and operational challenges in the transfer of ballots to counties centres; and Political parties should adopt affirmative action measures aimed at increasing participation of women, youth and PLWDs in decision making structures.
I. INTRODUCTION

At the invitation of the Government of the Republic of Botswana and the Independent Electoral Commission (IEC), the Chairperson of the African Union Commission (AUC), H.E. Moussa Faki Mahamat, deployed the African Union Election Observation Mission (AUEOM) to the country’s General Elections held on 23 October 2019. The Mission was headed by H.E. Fatoumata Jallow Tambajang, Former Vice President and Minister of Women’s Affairs of the Republic of The Gambia.

The AUEOM comprised 30 observers drawn from the Pan-African Parliament (PAP), African Ambassadors accredited to the African Union (AU), Election Management Bodies (EMBs), independent electoral and governance experts and Civil Society Organizations (CSOs) from 17 AU Member States.¹ The Mission was supported by technical staff from the African Union Commission (AUC) and Electoral Institute for Sustainable Democracy in Africa (EISA).

The AUEOM was observed the elections in line with relevant AU instruments for democratic elections. These Instruments include; the AU/OAU Declaration on the Principles Governing Democratic Elections in Africa (AHG/Decl. 1 (XXXVIII); the African Charter on Democracy, Elections and Governance (ACDEG-2007) which came into force on 15 February 2012; and the African Union Guidelines for Election Observation and Monitoring Missions – adopted in July 2002. Other relevant national, regional and international standards for election observation, such as the Southern African Development Community Principles and Guidelines Governing Democratic Elections (SADC); and the Declaration of Principles for International Election Observation and its accompanying Code of Conduct- endorsed by AU in 2005 as well as the legal framework for the conduct of elections in Botswana.

The objectives of the AUEOM were to: (i) provide an accurate, impartial and objective assessment of the preparations, quality and conduct of 23 October 2019 General Elections; (ii) assess the extent to which the elections complied with international, continental, and regional principles for democratic elections which the country has ratified as well as in compliance with the legal framework of Botswana; (iii) based on findings, offer recommendations for improvement of future electoral progressions and contribute to the consolidation of peace and stability in the country and the Southern

¹. The countries represented included; Ethiopia, Ghana, Kenya, Liberia, Libya, Malawi, Mozambique, Nigeria, Rwanda, Sahrawi Republic, Seychelles, Sierra Leone, South Africa, Tanzania, The Gambia, Uganda and Zimbabwe.
Africa region over-all; (iv) demonstrate the African Union’s solidarity and support for the country’s democratic and electoral processes.

Prior to the deployment of the AUEOM, the AUC deployed a Pre-Election Assessment Mission (PAM) made up of six (6) election experts from 25-29 August 2019 to assess the country’s preparedness for 2019 General Elections.\(^2\)

The AUEOM organised a two-day pre-deployment briefing and orientation for its observers from 21-22 October 2019 on election observation methodology and code of conduct. The observers were also briefed on the political and security issues relating to the elections, legal framework, election dispute resolution mechanisms, state of preparedness for the elections by the IEC and other stakeholders, the role of CSOs, women, youth, the media and Persons Living with Disabilities (PLWDs) in the electoral process.

As part of its methodology, the leadership of the AUEOM also held meetings with electoral stakeholders, including the IEC, political parties and candidates, security agencies and Government officials and other international election observer groups.

On Election Day, the AUEOM used hand-held tablets to collect and transmit observation data in real-time and observed the opening, voting and closing procedures in a total of 169 polling stations spread across 20 constituencies\(^3\) representing 70% in urban and 30% in rural areas.

The AUEOM released its Preliminary Statement that reflected the AUEOM’s assessment of the 2019 General Elections up to the close of polling on 23 October 2019, during a press conference held at the Gaborone International Convention Centre (GICC).

This final report presents the AUEOM’s overall findings and assessment of the 2019 General Elections. It provides analysis of the AUEOM observations, findings and recommendations for improvement of future electoral processes based on the principles and standards for the conduct of elections.

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\(^2\)The PAM made several findings covering the political context, the legal framework, the preparedness of the Independent Electoral Commission (IEC), voter registration, political parties and candidates, party and campaign finance, role of the media, civic and voter education, role of civil society organisations, election security and election dispute resolution amongst others. It recommended, inter alia, that the AU should deploy a short term election observation mission to observe the 23 October 2019 General elections.

\(^3\)The Constituencies visited included; Gaborone Central, Gaborone North and Gaborone South, Francis Town, Lobaste, Maun, Kasane, Kanye, Palapye and Selebi-Phikwe.
II. PRE-ELECTIONS FINDINGS

(a) Background and Context

The Republic of Botswana\(^4\) is a landlocked country in Southern Africa and gained its independence on 30 September 1966. Since then it has held 12 uninterrupted multiparty elections.

In line with the constitution of Botswana, President Ian Khama stepped down as Botswana president on 31 March 2018 after serving two-five year terms, making way for the then vice president, Mokgweetsi Masisi, to serve as president until the 2019 General Elections.\(^5\)

Since independence, Botswana has been ruled by the Botswana Democratic Party (BDP), although the country is a multiparty democracy with the existence of other political parties. The 2019 General Elections provided the ruling party with the opportunity to continue consolidating their past gains and traditions by gaining majority of seat in both the National Assembly and Local Council elections.

The 2019 General Elections were arguably the country’s most competitive, due to the fact that the BDP faced internal disagreements in the lead up to the election following the political split resulting in the formation of BPF and the realignment within the opposition alliance, the United Democratic Congress (UDC).

In April 2019, the Government repealed the Electoral Act of 2016 which sought to introduce the electronic voting system and an increase in nomination fees. This was welcomed by opposition political parties and some members of CSOS who were opposed to the introduction of electronic voting due to suspicions and lack of broad public consultations. As a result, the 2019 elections were conducted based on the same Electoral Act used for the 2014 General Elections. However, the AUEOM noted that the scrapping of the new Act affected other progressive amendments that the IEC had introduced in the law including the formalisation of Party Liaison Committees (PLCs) and, counting of results at polling stations.

\(^4\) A country of about 582,000 square kilometers in size, situated at the centre of the Southern African Plateau at a mean altitude of 1,000 meters above sea level. It borders the Republic of South Africa, Namibia, Zambia and Zimbabwe.

\(^5\) See Constitution of Botswana 1966, Sections 47, 49, 50. If a vote of no confidence in the government is passed by the Parliament, unless the President resigns, Parliament is dissolved (Section 92).
Overall, the AUEOM noted that the political environment was generally peaceful and calm and conducive to an open competition between political parties and candidates.

(b) Legal and Regulatory Framework

The legal framework for the 2019 Elections included the 1966 Constitution of Botswana (as amended), the 1969 Presidential Elections (Supp. Provisions) Act (as amended), the 1968 Electoral Act (as amended), the 1965 Local Government Act (as amended), and the 1987 Referendum Act (as amended). Other regulatory frameworks for the election are the Code of Conduct for Political Parties and Candidates, the Code of Conduct for Observers, the Code of Ethics and Conduct for Media during Elections and the Broadcasting Election Code of Conduct.

The Constitution of Botswana recognises and guarantees political and human rights. It also guarantees fundamental freedoms that are essential for democratic elections such as those of association, assembly, movement and expression and provides principles for the conduct of elections, including: the conduct of periodic elections; universal adult suffrage; the establishment of an independent electoral body; and the holding of elections in an efficient manner.

The AUEOM noted that Botswana’s legal frameworks were generally in line with international, continental and regional norms and standards for the conduct of democratic elections. The AUEOM however took note of the following gaps/weakness in the country’s legal framework, including: the absence of legal provisions that provides for public funding for political parties and candidates; lack of laws that regulate the manner and procedure of conducting civic education; lack of laws that promote the participation of minority groups such as women, youth and People Living Disability (PWDs) in political and public life. The AUEOM also noted concerns expressed by stakeholders with regard to the prerogative powers vested in the president of the country to announce the date of elections.6

Based on its assessment of the legal and regulatory framework for the 2019 General Elections, and notwithstanding the gaps needed to be addressed for future election, the AUEOM is of the view that the legal and regulatory framework were generally in line with international, continental and regional norms and standards for the conduct of democratic elections.

6 See Section 34 of the Electoral Act.
(c) The Electoral System

The electoral system\(^7\) is an important element of the electoral process as it is the mechanism by which the votes cast are translated into political mandate and also ensures that the electorate can hold their elected representatives accountable. States are, however, obligated under international law to ensure that their choice of electoral system(s) allow(s) for inclusiveness, transparency and equal suffrage besides the upholding of fundamental rights and freedoms.\(^8\)

Botswana uses the first-past-the-post (FPTP) system to elect the 57 members of the National Assembly and the 490 member of the Local Council for a five-year term. In addition to the 57 members six (6) special seat are reserved in the National Assembly and 113 seats are specially nominated councillors.\(^9\) The Constitution of Botswana provides for the indirect election of a president and the popular election for the National Assembly and Local Councils. After the National Assembly Elections, the presidential candidate of the political party with most seats in Parliament is automatically elected as president and is chosen by the National Assembly for a five-year term. For the special seat in the National Assembly, the President and the Attorney General occupy two of them. The remaining four (4) seats are filled by a vote by the incoming National Assembly. Both the President and newly elected members of the National Assembly may nominate candidates.

Individuals nominated as presidential candidates during general elections are declared as duly elected when their party obtain 50% plus one of seats seats in the National which is equivalent to 29 seats. Under the Constitution, a president is elected for five years\(^10\) and is eligible for re-election once.\(^11\)

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\(^7\) There are numerous universally accepted electoral systems including first-past-the-post, proportional representation and mixed majoritarian systems. The Botswana Constitution, Electoral Act (Cap 02:09), Referendum Act (Cap 02:10), Societies Act (Cap 18:01), Local Councils Elections Act (Cap 40:03), and Local Government (District Councils) Act (Cap 40:01), embodied the first-past-the-post electoral system for the 2019 General Elections.

\(^8\) UN, ICCPR, Art. 2(2); AU, AfCHPR, Art. 1.

\(^9\) Besides the President and the Attorney General, as ex officio members, the National Assembly is composed of 57 members elected from single-member constituencies and 6 specially elected members.

\(^10\) See 1966 Constitution of Botswana, Section 58, 91, Schedule.

\(^11\) See 1966 Constitution of Botswana, Section 32. Equally, all presidential candidates must be over 30 years of age and is elected by the National Assembly after each parliamentary election.
The AUEOM noted that the electoral system is balanced. However, the FPTP system is not amenable to broad-based representation and inclusion of women, the youth and PWDs. For the 2019 Elections, out of 210 parliamentary candidates, only eleven (11) were women even though 55% of registered voters were females and none of the presidential candidates was a woman. This figure is below the recommended threshold under the AU parity Principle enshrined in its Constitutive Act, article 29 of the African Charter on Democracy, Elections and Governance and the SADC Protocol on Gender and Development.

(d) Electoral Management and Preparations

An independent and impartial election management body is critical for ensuring the integrity of the electoral process and the advancement of electoral rights. The Constitution of Botswana establishes the IEC with mandate is manage general and local council elections and referenda. The IEC comprised seven (7) members appointed by the Judicial Service Commission (JSC) for a period of 10 years, including the chairperson (at the level of a High Court judge) and the deputy chairperson (who must be a legal practitioner) and five (5) other members appointed by the JSC from a list of persons recommended by an All Party Conference (APC).

The IEC has powers to make own decisions provided those decisions are made by a quorum of 4 members including the Chairman. The AUEOM noted however, the Secretary to the IEC is directly appointed by the President and criteria for such an appointment is not stated in the Constitution.

The IEC has the responsibility to decentralise its functions by setting up offices in all the 57 constituencies. In preparing for the elections, the IEC recruited 21,900 polling staff; established 2,260 local polling stations in 57 constituencies, 36 polling stations in diaspora and 490 polling districts.

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12 In a political environment, FPTP enables voters to clearly express a view on which party they think should form the next government. FPTP is ideally suited to a two-party system and generally produces single-party governments. Single-party governments by and large don’t have to rely on support from other parties to pass legislation.

13 There was poor representation of women candidates for most of the elective seats for the 2019 General elections.

14 Article 17 (1) of the African Charter on Democracy, Elections and Governance underscores the importance of independent and impartial national electoral bodies responsible for the management of elections. Article III of the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa AHG/Decl.

15 The IEC is established under Section 65(A) of the Constitution and vested with the responsibility to prepare, conduct and supervise elections, register voters, conduct and supervise voter education, undertake boundary delimitation, accredit observers and receive and consider complaints.

16 Sections 65A (a-c) of the Constitution.

17 Ibid

18 Section 5(1) of the Electoral Act mandates the Commission to establish polling stations outside Botswana in line with section 67 of the Constitution.
AUEOM noted that IEC organised regular consultations and updates on the electoral process with electoral stakeholders and enjoyed their trust. The AUEOM commends the efforts made by the IEC to increase trust and confidence of the citizenry in the electoral process through regular consultative meetings held with all electoral stakeholders during the entire electoral process.

(e) Voter Registration

Voter registration is essential in promoting the advancement and inclusiveness of the voting process without undue hindrance. It also contributes to enhancing the credibility of the electoral process and fulfilment of a country’s international obligations for democratic elections.\(^\text{19}\) Section 7 to 16 of the Electoral Act of Botswana regulates all processes of voter registration requirements, including disqualifications, registration of non-residents citizens and inspection of the voters’ roll.

The IEC conducted the general voter registration from 3 September 2018 to 11 November 2018. This was followed by first and second supplementary registration exercises from 17 December 2018 to 31 March 2019 and from 15 to 18 April 2019 respectively. This was followed by roll inspection and certification. At the end of the registration, 925,478 voters (505,052 female (55%) 420,425 male (45%) and 380,052 (41%) youth) had been registered. This figure represented an increase compared to the past registration exercise during which 825,582 voters were registered.

The AUEOM commended IEC for these efforts to ensure that most eligible voters were registered to participate in the election. Despite the efforts by IEC, on Election Day, the AUEOM noted that some voters did not find their names on the voters roll in a number of stations visited.\(^\text{20}\) This was confirmed by the IEC during one of its media briefings on 23 October 2019. The Mission noted that efforts were made by the IEC to ensure that affected voters were allowed to vote.

(f) Voter Education

Voter education establishes a critical component in electoral cycle by guaranteeing that potential voters are issued with essential information to successfully exercise their rights to vote and are additionally empowered with confidences in the electoral process. Civic

\(^{19}\) OAU/AU Declaration on the Principles Governing Democratic Elections in Africa, Section IV(2).

\(^{20}\) It is the mission’s view that an accurate Register of Voters is an important tool in improving the efficiency of IEC as all logistical arrangements.
and voter education is not provided for in the Electoral Act. However it was well managed by the IEC and may have contributed to increased in total number of registered voters and high voter turn out.

The AUEOM noted the low involvement of CSOs in civic and voter education during the 2019 Elections. Some members CSO's the AUEOM consulted mentioned that they were not able to support civic and voter education due to funding challenges.

The AUEOM commends the IEC for the high voter turnout during Election Day- a clear indication that although the law is silent on who is to carry out civic and voter education and possible stakeholders to partner with, IEC filled the gap. According to the final results announced, the total valid votes were 772,208, representing 84% voter turnout.

(g) Political Party/Candidate Registration and Nomination.

Section 35 of the Electoral Act states that ‘every candidate shall be nominated by a proposer, seconder and not fewer than seven other persons as supporters; the names of such proposer, seconder and supporters shall be on the electoral roll for the constituency for which the candidate seeks election’. The nomination of candidates opened on 26 September 2019. Four political parties fielded presidential candidates\textsuperscript{21}, six (6) political parties and 23 independent candidates contested for National Assembly seats.\textsuperscript{22} For Local Council elections, 1,546 candidates from six (6) political parties and 198 independent candidates contested. The AUEOM found out that the nomination and registration of candidates for national assembly and local councils were conducted peacefully.

(h) Electoral Campaign and Campaign Finance

Campaigns started on 30 August 2019 and closed at midnight 22 October 2019. They were guided by the Code of Conduct for Political Parties. The Mission Noted that campaigns proceeded in a peaceful atmosphere, with parties and candidates being able to campaign freely in all constituencies without restrictions. The campaign was highly competitive with numerous rallies and meetings across the country.

\textsuperscript{21}They were; Alliance for Progressives, Botswana Democratic Party, BPF and Umbrella for Democratic Change.

\textsuperscript{22}These were, Alliance for Progressives (AP), Botswana Democratic Party (BDP), Botswana Movement for Democracy (BMD), Botswana Patriotic Front (BPF), Real Alternatives Party (RAP) and Umbrella for Democratic Change (UDC).
The AUEOM commends the holding of presidential debate organised on 16 October 2019 at the national level, which further enhanced public participation. It specifically commends the initiative to convene debates for female candidates. The civil society-led debates were held on 16 October and 21 October 2019 respectively. The AUEOM however noted media reports of isolated incidents of personal attacks and hate speech by some candidates.

The AUEOM noted that while private funding for political parties and independent candidates is an accepted practice, the overall lack of public funding of political parties and campaign financing exposes the electoral process to undue influence of money thereby creating an uneven electoral playing field. The AUEOM also received concerns from various stakeholders regarding private funding of political parties which has the potential to compromise the level playing field.

(i) Participation of Women and Minority Groups

Active and equal participation of women, youth and minority groups in elections emphasises the foundational basis for the advancement of democracy through enhancement of equality in political representation and decision making, creation of essential conditions for active participation of women in decision-making and electoral processes and ensures gender equality in representation at all levels.

Botswana is a signatory to and has ratified a number of international and continental standards that seek to promote and enhance active and equal participation of women and minority groups in governance and elections. The AUEOM however noted that women were considerably underrepresented in the 2019 General Elections and all the elective positions. Out of 210 Parliamentary candidates, only nine (9) were women and none of the presidential candidates was a woman. AUEOM further noted that the youth and PWDs were poorly represented as candidates. The AUEOM commends Botswana implementing one of its recommendations in 2014 on the need to sign the SADC Protocol on Gender and Development on 11 May 2017.

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23 As a good electoral practice, this is provided for in section III (g) of the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa. This speaks to the necessity of a legal framework being in pace within Member States to regulate public funding of political parties and campaign financing in order to enhance level playing field in elections. The AUEOM received concerns from various stakeholders regarding private funding of political parties which they claimed has the potential to compromise the level playing field.

24 As a good standard, this has been embodied in Articles 29 and 31 of the African Charter on Democracy Elections and Governance (ACDEG).

25 Specific reference is the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), 1997, and the 1991, Beijing Declaration and Platform for Action (BPFA), SADC Protocol on Gender and Development and other relevant SADC Protocols that Botswana may have ratified or answerable to.
(j) The Media

Freedom of the press when satisfactorily regulated contributes to the realisation of democracy and good governance as it enhances the flow of information and ensures checks and balances through the creation of space for information sharing, and political discussions. 26 These actions enhance democracy, transparency and accountability on the electoral process.

Freedom of expression is enshrined under section 12 of the Constitution of Botswana. Further, the 2008 Media Practitioners Act and the 2019 Code of Conduct for Private Broadcast Media (BOCRA) provided for general guidelines and regulations during elections.

The AUEOM noted that Botswana enjoyed free access to the media which provided coverage and commentary in the run-up to the 2019 General Elections through informing and educating the public about the electoral process. The AUEOM takes notes of efforts undertaken by Government to open up the media space by lifting the ban on advertising in private media.

Although the AUEOM received concerns about hate speech and misinformation that was circulated particularly through the social media platforms. The AUEOM recognises that it was difficult for the concerned authorities to restrict the use of social media to propagate hate speech due to lack of a legal framework to effectively control the vice.

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26. OAU/AU, Declaration on Principles Governing Democratic Elections, Sec. 3(d); UN, ICCPR, Art. 19.
III. ELECTION DAY OBSERVATIONS

a) Opening of polling

The AUEOM observed opening procedures at 10 polling stations across 10 Constituencies. The AUEOM noted that 95% of the polling stations opened on time, at 06h30. The IEC staff followed the required opening procedures and guidelines. The AUEOM noted that the Botswana Police were present inside and outside the polling station and acted professionally. The AUEOM observed that there were well-controlled queues outside all the polling stations visited before and during the opening process and noted that materials were delivered in advance in most polling stations visited.

b) Voting

The AUEOM noted that most polling stations were easily accessible to the voters. However, some polling stations were not easily accessible, especially to PLWDs and the elderly. The AUEOM commends the IEC for providing voter register to party and candidate agents to double-check voters’ identification against the list before voting. The layout of the polling stations divided voters into their streams in a manner that protected the secrecy of the ballot and allowed for easy flow of voters. However, in stations with multiple streams, queue control was a major challenge. The AUEOM also noted with concern, the low presence of citizen observers in most stations visited. Participation of citizen observers is crucial to the reinforcement of the credibility and legitimacy of the electoral process. The AUEOM commends the IEC for its efforts in providing voter information on Election Day, including pasting names and symbols of the contesting parties and independent candidates outside or inside the polling stations.

c) Closing and Counting

The polls closed on time at 1900 in seven of the ten (10) stations observed, while it remained open for an average of 30 minutes in the remaining 3 stations to allow voters in queues to cast their ballots. The AUEOM noted that ballot reconciliation was done at the polling station at the end of polling. The process was also done in a transparent manner and full view of party agents and observers.

The AUEOM also noted that counting of ballots did not take place at the polling stations. After the closing of the polling station, ballot boxes were sealed (parties were allowed to
add their own seals) and then transported in the company of the other electoral staff, the police, party agents and election observers and were handed over to Returning Officers at the district’s counting centre in the case of local council elections and to the constituency counting centres were they were handed over to Returning Officers for counting of the parliamentary ballots. This affected the speedy counting of votes.

The IEC staff properly followed the closing and counting procedures in most of the polling precincts observed. They correctly counted and consistently ascertained the validity of ballots, according to IEC’s procedures. The AUEOM commends the IEC and political parties for deploying large numbers of women and youth as polling officials and party agents. The AUEOM further noted the decision by the IEC through a press statement to postpone elections in Boseja-Flowertown Polling District on account of the omission of one of the participating political parties from the ballot paper.
III. POST-ELECTION OBSERVATION

Following the announcement of final results, the immediate post-election environment was peaceful and calm indicating a culture of tolerance in the post-electoral period

a) Transmission and Announcement of the Final Results

The AUEOM noted that votes were counted, and the results ascertained\textsuperscript{27}, and the Returning Officer certified the results by endorsement on the writ the return of the candidate elected and declared the results by reading aloud the certified endorsement for the elected candidates. Finally, the Returning Officer returned the writ. The results from the constituency and district counting centres were transmitted to the IEC headquarters for capturing.

The AUEOM noted that the results announcement of the local council votes started filtering through from midnight on 23 October 2019. Parliamentary results were announced from the morning of 24 October 2019. The AUEOM noted with satisfaction that both public and private media announced results as they received them from the IEC.

The AUEOM noted that all the results of the 2009 General Elections were released on 26 October 2019. As can be seen in Table 1, the BDP won the elections by a large margin, securing a total of 38 seats out of 57. The BDP increased its number of seats by one from the previous elections in 2014 while UDC retained its official opposition status, winning 15 seats. Yet the party has severely reduced in size considering that it lost 16% of its seats (from 18 seats in 2014 to 15 in 2019). The newly formed BPF followed in third place as the second-largest opposition party in parliament with three seats, while AP trailed the pack with only one seat.

Table 1: 2019 Parliamentary election results

<table>
<thead>
<tr>
<th>Party</th>
<th>Votes</th>
<th>% Votes</th>
<th>Seats</th>
<th>% Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Botswana Democratic Party (BDP)</td>
<td>405,719</td>
<td>52.77</td>
<td>38</td>
<td>64.91</td>
</tr>
<tr>
<td>Umbrella for Democratic Change</td>
<td>279,594</td>
<td>36.37</td>
<td>15</td>
<td>29.82</td>
</tr>
<tr>
<td>Botswana Patriotic Front (BPF)</td>
<td>32,797</td>
<td>4.27</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Alliance for Progressive (AP)</td>
<td>36,482</td>
<td>4.75</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Independents</td>
<td>11,86</td>
<td>1.54</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>766,452</td>
<td>99.7</td>
<td>57</td>
<td>99.99</td>
</tr>
</tbody>
</table>

\textsuperscript{27} See Section 77 of the Electoral Act.
The AUEOM noted the effort by the President Masisi to address inadequate women representation in the National Assembly through the special nominations. Out of the six Presidential nominations, the President nominated four (4) females, increasing the number of female representatives to seven (7).

b) Complaints and appeal

Botswana legal framework provide for election petitions to be heard by the High Court. The petition shall be presented within 30 days of the declaration of results and shall be tried and determined by the High Court within 90 days28.

The opposition, UDC took advantage of the opportunity that the Constitutions and the Electoral Act offered for addressing elections disputes and filed two petitions on 22 November 2019. The UDC is challenging the results of 16 parliamentary constituencies and five council positions won by the ruling Botswana Democratic Party (BDP) on the grounds of suspicion of double voting.

As at 11 December 2019, there are two petitions against the outcome of the concluded general elections and the BDP and IEC filed notice of opposition to the UDC electoral challenge. It is expected that the bench of judges will deliver judgment on points of limine on 23 December 2019.

The AUEOM lauds the decision by the UDC to present their grievances through the legal processes as provided for by the legal framework. This decision contributes to nurturing democracy, not only in Botswana but also regionally.

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28 See Section 69 of the 1966 Constitution (as amended) and Articles 116, 117(b), 121 (1) of the 1968 Electoral Act (as amended).
IV. CONCLUSION AND RECOMMENDATIONS

(a) Conclusion

AUEOM concludes that the elections were held in a peaceful and transparent manner, which allowed the electorate to effectively participate in the electoral process and to exercise their political rights. The conduct of the election conformed to international, continental and regional best practices and standards.

The AUEOM commends the Government and the people of Botswana, the IEC, political parties, candidates and their supporters for their peaceful conduct that was observed before and during polling.

(b) Recommendations

The following recommendations are offered with a view to enhance the conduct of future elections in Botswana:

The Government of Botswana

- Enact laws that provide for public funding and enforce regulations governing private funding of political parties;
- Adopt affirmative action measures aimed at increasing participation of women, youth and PLWDs in decision making structures; and
- Amend the constitution to bring certainty to the date for the country’s General Elections.

The Independent Electoral Commission

- Ensure that names of registered voters are well captured in the voters roll at all polling stations to enable them to exercise their franchise; and
- Review the procedure involving the counting of the votes to allow for counting and posting of results at the polling stations to avoid logistical and operational challenges during the transfer of election materials and counting of votes.

Political Parties
• Take more deliberate steps to adopt affirmative action measures aimed at increasing participation of women, youth and PWDs in decision making structures; and
• Be actively involved in the electoral process, including the deployment of domestic observers during elections.