INTER-PARTY RELATIONS
AND DEMOCRACY IN BOTSWANA

Angola

Zambia

Kasane

Zimbabwe

Maun

Namibia

Ghanzi

Francistown

Selebi-Phikwe

Mamuno

BOTSWANA

Serowe

Mahalapye

Molepolole

GABORONE

Kanye

Tshabong

South Africa

Onalenna Doo Selolwane
Victor Shale

EISA

Promoting Credible Elections and
Democratic Governance in Africa

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PREFACE

This research report is a product of the region-wide project entitled 'Strengthening Political Parties for Sustainable Democratic Consolidation and Good Governance in the SADC Region'. Conceived out of recognition of the key role that political parties are expected to play in the democratic process, the project is meant to ensure that political parties are well equipped with the necessary skills to enable them to promote democracy in their countries effectively. The project is also meant to build public trust in political parties.

The project comprises five thematic areas, namely: gender representation in political parties; internal organisational arrangements and functioning of parties; leadership qualities within political parties; conflict and conflict management as well as inter-party relations. The specific objectives of the project are to:

- conduct capacity-building programmes in the areas of gender representation, intra-party and inter-party democracy, outreach activities, conflict management and leadership;
- share information on the comparative experiences of political parties in the SADC region with regard to their functioning, internal democracy mechanisms and organisational arrangements; and
- promote dialogue among parties in order to generate regional and in-country debates on their status.

The project is currently being carried out in Botswana, Lesotho, South Africa and Swaziland and complements earlier EISA initiatives undertaken in these countries in relation to political parties, which included research on democratic consolidation, democratic governance and public outreach programmes. The current project is therefore a continuation of these initiatives and embarks on targeted capacity building and information sharing as the next fundamental step in strengthening political parties for sustainable democracy.

This study was carried out in Botswana with the aim of assessing prospects for opposition party cooperation in that country. Botswana was chosen

for this purpose because it had an expressed need to deal with this particular component, which is in line with the programme's thematic areas.

Political parties in Botswana were eager to build coalitions prior to the 2004 general election. While this cooperation was attempted, it was, however, not effective because the parties were fragmented. After the 2004 general election there was a reinvigoration of efforts by parties to build a strong coalition ahead of the next general election in 2009. The inter-party negotiations paved the way for the parties' effective participation in the country's politics and created room for the equally important citizen participation, since the negotiations involved much intra-party consultation which guided the respective party negotiators.

Through this study EISA was able to (and continues to) carry out capacity building activities in all the thematic areas. It has also been able to provide the urgent technical assistance to political parties in Botswana so as to nurture their inter-party relations.

The study involved both the ruling Botswana Democratic Party and the four major opposition parties, namely, the Botswana National Front, the Botswana Congress Party, the Botswana People's Party and the Botswana Alliance Movement. Veteran politicians in Botswana were also involved in this study.

On behalf of EISA I extend my profound gratitude to the Embassy of Finland in Pretoria for their generous financial support, without which this project would not have been possible. Thanks also go to EISA executive director Denis Kadima for his guardianship throughout this programme. I would also like to thank the authors, Dr Onalenna Selolwane and Victor Shale, for their immense dedication to the study. Thanks also go to colleagues in the EISA Research Department, particularly to Sydney Letsholo, Nkgakong Mokonyane and Maureen Moloi for their many and varied contributions to the project.

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Senior advisor research, EISA
Johannesburg

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LIST OF ACRONYMS

ANC	African National Congress
BAM	Botswana Alliance Movement
BCP	Botswana Congress Party
BDP	Botswana Democratic Party
BLP	Botswana Labour Party
Bosele	United Action Party
BUF	Botswana United Front
BWP	Botswana Workers' Party
BNF	Botswana National Front
BPP	Botswana People's Party
Cosatu	Congress of South African Trade Unions
FPTP	First-past-the-post
MLS	Marx, Engel, Lenin, Stalin Movement
MoU	Memorandum of understanding
MP	Member of parliament
NARC	National Rainbow Coalition
NDF	National Democratic Front
PUSO	United Socialist Party
SADC	Southern African Development Community
SDP	Social Democratic Party

EXECUTIVE SUMMARY

It has become an article of faith that in modern political life, political parties are the legitimate and logical instruments through which the diverse interests of groups within any societal polity should be mobilised to negotiate peaceful coexistence and democratic governance. The failure of these instruments to perform this role in societies outside the Anglo-Saxon cultures in which they were born is too often glossed over as a reflection of certain persisting innate inabilities on the part of the non Anglo-Saxon people on which they were imposed. It is, however, the contention of this report that it is not always helpful to study political institutions born in one culture and grafted on to another by simple reference to their characteristics in the culture of their birth. Rather, it is more useful to acknowledge the historical specificity of their transfer and to examine how this has inter-phased with the new cultural milieu to redefine their characteristics and define future directions for change.

This report is a study on Botswana's political parties and their relations. Specifically, it seeks to examine inter-party relations in order to assess the prospects for opposition party cooperation that could enhance competition for the governing mandate.

The background to this study is that after decades of single party rule throughout the African continent, there has been increasing demand to democratise political practice and to institutionalise accountable governance through, among other things, meaningful competitive elections. In this broad international reflection, concern has also been raised over the fact that even in Botswana where multiparty competition for the popular mandate has been unbroken for four decades under relatively free and fair competitive elections, this has not yet yielded alternations in government.

Against a history of continent-wide authoritarianism, the inability of Botswana's seemingly competitive political system to provide a change of government in the context of increasing and persistent national income disparities, creeping corruption and declining public service delivery has raised questions about the strength and depth of its institutional and

cultural base. This is a concern that has been raised by Western academics as well as by African scholars such as Sachikonye, Matlosa, and Somolekae and Molomo.[1] It is against this background that the scientific analysis of inter-party relations in Botswana is provided.

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INTRODUCTION

Botswana's post-independence history has been characterised by rapid economic growth and matching social change, where a critical urban population has emerged to mobilise sectional interests and compete to influence government policy. This has led to major shifts away from traditional structures of relations between the governing authorities and the governed, towards more liberal dispensations where the governed have increasingly come to make demands on the state. In this changing political atmosphere some citizens have begun to put pressure on political institutions as well as on the state to create more effective representation and more equitable processes for power distribution.

This has been evidenced, for instance, by the nascent private sector's calls to create meaningful space for citizen entrepreneurship. Similarly, agitations by the press for greater freedom of expression and rights to information, by women and youth for greater political representation and participation, and by ethnic minority groups to balance group rights with individual rights, collectively and cumulatively place public pressure on the state and political parties to recognise and accommodate varying interests.

With regard specifically to political parties, the media have provided a voice for public demands on these institutions to reconstitute themselves into meaningful organs for effective competitive politics. The opposition parties have borne the brunt of public criticism for their tendency to fragment the increasing opposition vote through persistent splits. Pressure is also mounting against the ruling party for electoral reforms that would better reflect the increasing disenchantment with its governance performance among certain sections of the populace. This is a significant departure from the earlier decades of the introduction of modern politics in Botswana when issues concerning political parties were debated and decided on almost exclusively by the leaders of political parties.

This study examines the changing political situation and electoral patterns in Botswana to assess the bearing these have on inter-party relations and

on the possibility of building stronger political parties and more competitive elections. It is contended here that the growth and development of these institutions is contingent on the active participation of the electorate in making demands on them, as well as on establishing (through public outreach programmes) a strong culture of public ownership of political parties.[2]

The question, then, is what model of political party relations would work best in the conditions of Botswana? How can political parties help translate current demands for better political representation into meaningful structures and processes for more effective representation? In answering these questions, the report starts with a retrospective examination of the development of political parties from alien institutions to representative agents, and the challenges they had to overcome in developing towards national unity. The report also examines the electoral models that are feasible in Botswana's legal and political context, and interrogates the potential impact of this context on the party system and on inter-party relations in Botswana's multiparty democracy.

IN RETROSPECT: THE CHALLENGES OF OPPOSITION POLITICS IN BOTSWANA

POLITICAL PARTIES: ALIEN INSTRUMENTS OR AGENTS OF REPRESENTATION?

Most political parties on the African continent came into existence towards the end of colonial rule as instruments for the negotiated transfer of government power and within polities that had been moulded by the colonial experience. They were, in one sense, part of the conditional terms on which colonial governments were prepared to hand over power to their colonial subjects. In another sense, however, they were also the available means by which colonised subjects could legally channel their legitimate anti-colonial struggles into coherent political programmes in the fight for independence. The growth and survival of political parties in Africa therefore largely reflect both the contradictions of their origins (that is, as colonial instruments and as agents for freedom) and the extent to which they in fact became institutions over which the African citizenry could claim ownership.

Across the continent, the contradictions of political parties' inception in African societies became clear soon after independence when, having been used to mobilise popular support for the legitimate transfer of power from the departing colonialists, political parties were soon perceived by the post-independence governments as obstructive to nation building and state development. The post-colonial state managers in particular were concerned that in the context where the citizenry was still largely settled in tribal constituencies that had been used in colonial times to facilitate governance based on divide-and-rule tactics, competitive politics could manifest these ethno-tribal affiliations in political parties, thereby potentially perpetuating sub-national divisions inimical to the development of single national identities. In reaction to this perceived threat, most post-colonial governments simply legislated against multiparty competition for government power and replaced these with single party systems.[3]

In Botswana, however, certain factors obviated the need to use legislation to deal with the initial tendencies towards the ethnic characterisations of

political parties. The level of poverty and the relatively minimal colonial administration had meant that most Batswana experienced neither wholesale land dispossession nor had had contact with significant Western industry within the polity to expose them to conditions of direct exploitation that would generate broad-based anti-colonial mobilisation. The white settlers were both numerically and economically too insignificant to attract anti-colonial hostility. At independence, therefore, there was no wealth over which the elites could scramble.

Another explanatory factor must be the fact that while independence was ushered in on the basis of an uncertain national economic status, the discovery of diamonds soon after independence radically enhanced the capacity of the new government to transform the certainty of extreme poverty into hope for a materially wealthy future through judicious distribution of the new national wealth across the territorial boundaries of ethnic communities. Arguably, this meant that the party in power could use national development budgets to purchase moral authority and legitimacy across many ethnic boundaries while the opposition parties, which had no control of such budgets, could not offer meaningful competition.

This imbalance would also later manifest itself across the African continent when most former *de jure* one-party states reinstituted multiparty political systems in the 1990s.[4] But in the context of Botswana, the *de jure* multiparty system – which was *de facto* one-party domination – provided an environment where the citizens would gradually transform themselves from tribal subjects to politically aware national citizens with minimal threat from ethnic-based divisions. This created the possibility, in the long run, for citizens to take over ownership of political parties and hence increase participation in their development.[5]

The current public demands on political parties to transform themselves into more effective organs of competitive elections and on the ruling party for electoral reform, must therefore be seen in the context of an electorate that has increasingly become aware of its critical role in the development of political culture, processes and institutions for enhancing democratic governance and representative politics.[6] That awareness began to emerge

in the 1980s with the appearance of civic organisations which were agitating for sectional interests.

It was also reflected in the shifting patterns of electoral support and political representation. For instance, where the ruling party had formerly enjoyed the monopoly of broad-based national support as opposed to the opposition's regional and often apparently ethnically divided support, the main opposition began to acquire the ethnic diversity of the ruling party in both its parliamentary representatives and the structure of constituency support. As a result the ruling party and the main opposition increasingly began to display similarities in the ethnic composition of their parliamentary candidates, which were drawn mostly from the four most dominant groups – the Bangwato, Bakalanga, Bakwena and Bangwaketse. The ruling party leaders were mostly Bangwato followed by the Bakalanaga, while Bagwaketse led the opposition pack, also followed by the Bakalanga.[7]

In terms of votes, as the ethnic structure of opposition support diversified, the obvious cleavages began to be those based on rural and urban differences. This meant that the ruling party enjoyed mainly rural support while the opposition enjoyed mainly urban support. But even these rural-urban divisions have blurred as rural areas become more urbanised and income inequalities become more clearly class based.

Given the rather myopic political analysis that has dominated the discourse on political developments in Africa and which has tended to interpret ethnic identities as pathologically linked to the political divisions among Africans, it is important to emphasise here that Botswana's political development has entailed an unmistakable transition from ethnic segmentation in opposition party affiliations to more clearly ethnically diverse patterns of affiliation. This negates the assertions made by analysts such as Horowitz, Parson, Du Toit and Molutsi[8] that Botswana's electoral patterns are determined by ethnic demographics.[9]

Most significantly this changing environment has had a bearing on the nature and character of political parties as institutions. The party that took over the reigns of power at independence has been the only one both in

the country and in Africa to have borne the contradictions of being a borrowed, colonial construct and a nationalist mouthpiece – and to have survived without destructive splits for over four decades. This is atypical. What has been more typical is how these contradictions of institutional transference have manifested themselves in the opposition parties where destructive splits have accompanied four decades of institution building. The challenge here has consistently been how to put the opposition fragments back together in order to provide at least a meaningful two-horse race for the governing mandate in Botswana.

THE IMPACT OF ELECTORAL SYSTEMS ON INTER-PARTY RELATIONS
Elections in Botswana since 1965 have been dominated by the Botswana Democratic Party (BDP). This fact has attracted considerable criticism for Botswana even though the country has been inundated with accolades for being the most stable in the Southern African Development Community (SADC) region and on the continent at large.[10] Many observers[11] blame the lack of meaningful competition for political power on the country's constituency-based first-past-the-post (FPTP) electoral model. But, in fact, while FPTP has enabled the ruling party to control a greater share of the governing mandate than is reflected by the share of actual votes, the party has still had an overall electoral majority which has helped sustain its power in the context of a weak, fragmented and disjointed opposition.

This one-party dominance in the face of decreasing actual voter confidence is, however, justifiably seen as denying both representation for almost 50% of the electorate and opportunity for other parties to provide alternative policy programmes. As Matlosa[12] and Selolwane[13] rightly state, Botswana's National Assembly is not broadly inclusive. The election results show marked disparities between actual votes and seats due to the constituency system, which disregards the other parties' votes even if the difference between the first and second party is one vote.[14]

Osei-Hwedie[15] has observed that coupled with questions about the electoral model is the issue of presidential succession. The BDP's three leaders (Khama, Masire and Mogae) have thus been able to take on the Office of the President without due electoral process whereby the people would have a say in who leads the country. The current vice president,

Ian Khama, will also ascend to the presidency in the same manner despite facing some challenges even from within his own party, the BDP.

Aware of the challenges facing them and given the paucity of their numbers in the face of the FPTP electoral system which favours constituency-based competition, three of the six opposition parties formed a pre-election pact to contest the 2004 parliamentary elections.[16] These were the Botswana National Front (BNF), Botswana People's Party (BPP) and the Botswana Alliance Movement (BAM). Despite their collaboration, the three parties did not perform well against the ruling BDP, as will be discussed later. In the context of the FPTP electoral system, the opposition's failure to gain more seats is likely to prevail in the next election even if the parties form an alliance.

A HISTORY OF OPPOSITION PARTY UNITY: FOUR DECADES OF FAILURE

Fragmentation and party splits have been a major feature of political party formations in Africa, but in Botswana those characteristics have historically been confined exclusively to opposition parties. This is possibly another reason why Botswana's ruling party has never seen fragmentation as a threat warranting legislation against multiparty politics in order to mitigate against potential damage to its national appeal. Since party splits have been virtually synonymous with opposition politics, it is also the opposition body politic that has had to deal with the challenges of party unity, while the ruling party has enjoyed the monopoly of broad-based national appeal.

The Bechuanaland People's Party (later the Botswana People's Party) took the trailblazing lead as the country's first national party and was the first party to break up into splinter groups before the first general elections in 1965. The BPP was formed in 1960 under the leadership of Kgalemang Motsete (president), Philip Matante (vice president) and Motsamai Mpho (secretary general) with the agenda of agitating for self rule by 1963 and full independence thereafter. The desire for independence was publicly expressed at the party's first conference in December 1961, as well as by Phillip Matante on behalf of the party at the United Nations in 1962. However, before the end of 1962 the BPP had splintered due to what some

observers have called the personality differences of the party leadership. Party insiders suggest, however, that the split had its roots partly in ideologically motivated rifts in South Africa's African National Congress (ANC), in which some key members of the BPP also had long standing membership, and partly in differences over the management of funds donated to the party for institution building.

Whatever the reason, the split and the ensuing public confrontations and fights not only diminished the organisational strength of the BPP and its capacity to mobilise support, but also undermined its credibility as a new institution for processing public interest and political power. While the BPP was undergoing this self destruction, a new rival, the BDP, was emerging to mobilise as an alternative nationalistic voice for independence.

Much has been written about the BDP and the role of the British colonial administration in its formation, but to dismiss its importance as merely a product of colonial mechanisations against progressive nationalist movements – as some analysts often do[17] – is to grossly underestimate the desires and aspirations of Botswana's nationalist groups. It is important that we problematise rather than gloss over why this party was able to weather the contradictions of its origins intact, while other nationalist parties continuously fragmented and had to regroup persistently in order to survive. For now, however, the focus of this section is on the fact of opposition fragmentation and the long-standing problem of attempts at consolidating electoral gains into a substantive challenge to the BDP monopoly of government power. Fragmentation was appreciated as a problem by the opposition parties long before any parties officially assumed the opposition status. According to former member of the BPP executive committee, Klass Motshidisi,[18] the first person to motivate for reconciliation of the BPP splinter groups was Kenneth Koma on his return from studies abroad. In these earliest attempts at party reconciliation, discussions on possible unity centred around two possibilities which are instructive because of how frequently they would feature in future attempts at reconciliation.

The options were either a merger of the splinter groups or an electoral pact not to compete against one another. The electoral pact would work

under the auspices of an umbrella body (the Botswana United Front [BUF]) to which all the splinter parties would be affiliated. After the talks had failed and the splinter groups had gone to the 1965 elections divided, Koma reconvened fresh talks to negotiate between pact or merger options. When this round of talks also failed, some decided to abandon their factions and to regroup to form the BNF in 1966, thus ironically concretising a party splinter into a fully fledged new party.

This pattern of party split, followed by unity talks, followed by new party formations out of factions has been a recurring theme (for instance in 1969, 1974, 1991, 1999 and 2002) in opposition politics in Botswana. The BNF alone has spawned the following splinters since its own formation: the United Socialist Party (PUSO); the Social Democratic Party (SDP); the Botswana Workers' Party (BWP); the Botswana Labour Party (BLP); the Botswana Congress Party (BCP); and the National Democratic Front (NDF).

Up until the mid 1990s, however, the BNF tended to be the only opposition party making net gains out of splits and regroupings when judged by both the increasing number of electoral constituencies in which it was able to field candidates and the share of votes it garnered.

With such obvious increases in popularity, it has also been the most reluctant of the unity negotiation partners to consider the option of a single party formation as a practical solution to the problem of split votes. The leadership of the smaller partners, however, have been much readier to consider dissolution and regrouping into a single party.

Thus throughout the more than four decades of recurring unity talks, the themes and terms of negotiation have not varied significantly from the 1964 precursor. The most significant of subsequent talks was arguably in 1991 when, at yet another BNF initiative, four opposition parties (later reduced to three) began negotiations on how they could collaborate and reduce competition among themselves. In an echo of the 1960s, the stated objectives of this new round of negotiations were to:

- mobilise and unite all the people of Botswana against the ruling BDP;

- embark on a common programme of action and coordinate activities through various joint structures; and
- form one national organisation to which all the participating parties would affiliate and contest jointly during elections so as to ensure there was no division, and to form a government of national unity if electorally successful.

The negotiating partners (BNF, BPP and the Botswana Progressive Union) considered two main options which were also reminiscent of the 1960s, namely:

- the dissolution of the existing parties and their replacement by a new party; or
- the retention of existing party identities and the creation instead of an umbrella body (the People's Progressive Front) to which the partners would affiliate.

The second option, favoured mainly by the BNF, was adopted and the agreement was named the Unity Charter. The partners committed themselves to developing a common manifesto to harmonise the common policies of the parties and to draft a constitution that would give the umbrella body a legal identity and framework. As with previous attempts, the talks eventually faltered and failed before the defining principle could be tested in the 1994 elections. These were also ironically the elections which saw the BNF make history in terms of its level of electoral support (almost 45%) and the number of parliamentary seats it secured (33% of contested seats).

The BNF, however, suffered major reversals when it underwent one of its historic splits in 1998. This split saw the BNF incur major loses in legislative seats in the 1999 elections when its splinter, the BCP, hived off 13% of the vote and left it with just 27%. In a desperate effort to reduce the damaging impact of the 1998 split, the BNF once again participated in opposition unity talks initiated by a new party, the United Action Party (Bosele). With an unerringly monotonous repetition of the strategies used since the 1960s that had led to spectacular failure, in this round of talks the BNF still favoured the loose alliance under an umbrella body, the Botswana Alliance

Movement (BAM), while the partners seemed to push for much more solid integration.

The partners (Bosele, BNF, Independence Freedom Party and BPP) met formerly in January 1999 and by March that year had signed an agreement in which they committed themselves to contesting the 1999 elections with one symbol and one disc. However, this agreement was not fully honoured and only the smaller parties went to the polls under the alliance banner. The leader of the main alliance party, the BNF, claimed he had signed the agreement without fully appreciating the implications of who he was dealing with.[19]

Unflustered by the failed negotiations, the BNF and other smaller parties began another round of unity talks in preparation for the 2004 elections. The BNF went into this round of negotiations having just had yet another split, which resulted in the formation of the New Democratic Front. While this and the circumstances of the split put considerable pressure on the BNF's credibility as the main challenger to the ruling party, there was even more serious pressure from the threat of its erstwhile splinter, the BCP, which had decimated its support and could also attract the partnership of the smaller parties. The period leading to the 2004 elections thus arguably presented the greatest challenge to opposition unity (with the two significant opposition parties facing off), and this at a time when they had historically the greatest support from the electorate.

Still smarting from the injurious and rather violent split of 1998, the BCP and BNF did not contemplate each other as potential partners even though they in fact held the key to the most meaningful opportunity for opposition unity. The results of the 2004 elections, like those of 1999, would prove just how wasteful inter-opposition rivalry is. The two parties succeeded in splitting the votes once again and gaining no seats, thus giving all advantage to the ruling BDP which, despite its overall decline in actual votes, still won the largest share of parliamentary seats.

In spite of this dismal picture there was a small but very significant victory for opposition unity when the negotiations between the BNF and other smaller partners succeeded. The former umbrella BAM had transformed

itself into a fully fledged political party (somewhat reminiscent of the formation of the BNF), and was among the key players in the fresh unity talks which started informally in 2003. This round of negotiations was momentous because it was the first time in four decades of failed negotiations that the partners (the BPP, BNF and BAM) to a signed contract were able to honour the contract right through to the polls.

It is therefore important to pause before discussing this historic breakthrough to reflect on the possible sources of past failures.

REFLECTIONS ON FOUR DECADES OF OPPOSITION UNITY FAILURE

A recurring theme among Botswana's politicians when trying to explain opposition failure to build a viable challenge to the ruling party is that the political leadership is riven with people whose personal interests are most often placed before and above the common weal. This is the argument, for instance, that the veteran politician Klass Motshidisi uses to explain the failure of the BPP unity talks in the 1960s.

Lack of common weal has also been cited by many political scientists to explain the crisis of leadership in African countries which manifested in authoritarianism and economic mismanagement and which eventually led to the demise of these regimes in the 1980s.

For instance, commenting on the issue of leadership in politics, the former president of Mauritius, Cassam Uteem, regrets that party leaders sometimes become too 'big' for their parties.[20] They treat the party like their private property and unilaterally decide who becomes a candidate for a party leadership position and who gets nominated to stand as a party candidate in general elections.

But exactly why lack of common weal or public interest should be a peculiarly African malaise has not been convincingly interrogated or explained. Political scientists have referred in this regard to another equally problematic African malaise called tribalism or primordial ethnic attachment. This argument presupposes that other societies in the world are somehow immune from self-interest and are therefore more likely to act altruistically.

Such an assumption flies in the face of both recorded history and other major currents in economic, political and sociological analysis, which have underscored how self-interested individuals in fact react to the self-interest of others to mould their own survival strategies. Adam Smith's 18th century theory of the market's hidden hand which pulls buyers and sellers together is arguably undergirded by the notion of self-interest. Similarly, Karl Marx's theory that the profit motive drives the capitalist to exploit workers while perpetually improving the technological base for production, is a case of self-interest which advances human societal capacity to gain mastery over nature and increase total material output. Advanced capitalist societies did not reach the level of industrial development and capacity for mass production and consumption because the capitalists were altruistic.

In reviewing the political situation in Botswana we must therefore ask why self-interest would manifest itself in the apparent failure of opposition unity on the one hand, but on the other hand see the ruling BDP consolidate its membership and stay in power without damaging splits. In the case of the BDP, the attraction of the party for a number of elite groups (white settlers, traditional authorities, educated commoners, etc.) was that it initially promised (and later actually delivered) a materially richer citizenship than most had enjoyed under colonial rule. It continued to attract an ever increasing circle of supporters from both the rapidly increasing educated population joining the public service and the rising number of rural people benefiting to varying degrees from targeted development programmes and social services provision. As long as the economy maintained rapid, sustained rates of growth such as Botswana experienced for more than two decades of the post-independence era, this formula worked to create a congruence of self-interests that kept electoral support and the pool of political candidates in healthy flow. Simply put, there was a lot at stake in the offerings of the BDP, and its supporters appreciated which side their bread was buttered on.

In contrast, the opposition parties started on a footing which alienated a critical mass of elites, such as the chiefs and some of the educated locals who grew disenchanted with the socialist rhetoric. As such they failed to attract enough diverse counter-balancing self interests to mitigate against even the slightest incidences of conflict. Consequently there was, and

continues to be, a tendency for the smallest skirmishes to acquire a disproportionately large significance. Without command of resources such as is given by incumbency in government, the rate at which opposition parties could attract support from, and therefore create, a critical mass of people with a vested interest in a successful, strong alternative to the BDP, was much more drawn out. Hence the tendency for conflicts within the leadership to erupt into spectacular break ups with nothing materially lost. That purchase has, however, been dwindling as an increasing number of self-interested groups have emerged to demand more accountability on the part of opposition parties. This then brings us to a second possible explanation for opposition unity failure, namely, the missing role of the voting public.

Political parties ideally function optimally under conditions where they represent particular interests. But as borrowed institutions, political parties in Botswana were initially mainly reflecting the interests of a rather narrow base of elites because most citizens lived under conditions where their productive activities were not sufficiently socialised to develop mechanisms of articulating common interests.

Participation in political parties in Botswana tended to be rather superficial, with the leadership determining the content and structure of party programmes. The minimal involvement of the population meant that few demands were put on the leadership for accountability. In the opposition camp this resulted in petty, abstract ideological quarrels with little material basis and hence little substance over which to negotiate. The debacles of the 1960s are a case in point.

The Matante faction of the BPP, for instance, was apparently fed with rumours[21] that the ANC and the South African refugees in Botswana intended to use the party as a front to prepare their covert guerrilla activities against the apartheid regime. One of the key sources of such rumours, Petrus Pudiephatshwa, submitted that he had been the one to advise Matante about this ANC plot and to name people in the party who had been compromised with offers of personal gain in return for ousting Matante from power, thereby paving the way for an ANC take over. Thus, when the party executive committee demanded accountability

over funds donated to the party, this created an opportunity for a cocktail of accusations and counter accusations about misappropriated funds and plots of leadership coups, which resulted in open confrontation and an eventual party split. The conflict remained exclusively a fight within the leadership involving only a few followers[22] and there has never been any attempt to account properly to the general membership. The public's demand for accountability from parties was to surface only way in the future.

With little vested interest in successful negotiations other than the abstract ideal of toppling the ruling party, and against a background in which the general populace and membership of the political parties made no demands on the parties, negotiations for party unity remained largely in the hands of a limited number of people in the leadership of opposition parties. There were, however, other ideologically motivated factors at play, which most analysts tend to underplay.

As already noted, some of the founder members of the BPP were members of the African nationalist parties in South Africa where they were gainfully employed. The BPP leaders were therefore often informed by the ideological splits in the South African nationalist movements which revolved around two key issues, namely:

- Are white settlers also African citizens whose equality to rights must be guaranteed?
- Do the borders of nationalist struggles end at the political borders created by colonial exigency, or was it the case, in the language of Kwame Nkrumah, that the liberation of one African country was just the beginning of the liberation of the whole continent into one pan-African state?

The issue of the borders of the nationalist struggle was obviously at play in the BPP contestations where Batswana on the one hand had dual membership of Botswanan and South African political parties (or had enjoyed membership of South African parties where they were domiciled) and, on the other, sought to forge a narrow nationalist agenda for their country.

There was, however, no ambiguity in the BDP camp. The party recognised its nationalist boundaries as being exclusively within the political borders of Bechuanaland (later Botswana) and sought to nurture a political programme which spoke primarily to the interests of this citizenry (including white settlers). In the opposition bloc, conflicts in the early decades often inter-phased the pan-African commitments with the narrowly nationalist ones in both the accusations relating to the intentions of rivals and the articulation of internal political strategies. This inter-national–national tension in opposition politics has also been reflected in disagreements and splits over their affiliation to either Chinese or Soviet forms of Marxist ideology.[23]

All the above factors interplayed to create a generally disabling environment for constructive opposition unity negotiations. At a more practical level there were also a number of factors that undermined the chances of success. One of these was the fact that the partners persistently went into negotiations with the sole goal of unseating the BDP. The details of their respective aspirations were not always clearly articulated and acknowledged to inform the negotiations, thus creating room for misinterpretation of goal and intent. A typical example relates to just how close they wanted to get in their partnership: while the BNF has consistently indicated a preference for a loose alliance in which all the partners would maintain their individual identities, there has been a tendency for the other partners to include working relations that would effectively bring them too close for the BNF's comfort.

A case in point is the 1992 BAM alliance. While understood to be an alliance, it also called for the use of one disc and one banner, which the BNF membership rejected even though their president had signed the agreement. The issue of just how close they should get, or what makes for adequate closeness, has been a source of contention and negotiation failure. The problem was further compounded by the fact that these negotiations invariably commenced too close to the election year to accord adequate consultations with the respective party membership between negotiations.

In the end, the two significant lessons that can be drawn from the list of failed negotiations attempts are that:

- consultations with the party membership are critical to the negotiation process and cannot be addressed only after agreements have been signed; and
- the intentions and objectives of the partners must be stated unambiguously so that everybody is clear on what they are committing to.

Arguably, some of these lessons were brought to bear on later negotiations, discussed below. The outstanding question, however, is still about the nature of inter-party relations beyond consolidating the opposition votes. When the votes have been successfully consolidated, what happens to cooperation in parliament? Would the partners maintain unity or can the smaller parties be wooed by the BDP into a cooperative deal through, for instance, a cabinet position or two? This has in fact happened in other countries such as Zambia where the ruling Movement for Multiparty Democracy has appointed opposition members of parliament (MPs) to ministerial positions, thereby destabilising the opposition?[24] What would hold the partners together? This point is revisited later.

FROM PROTOCOL OF ELECTION PACT TO OPPOSITION UNITY BY 2009?

The year 2004 will go down in history as the first general election year when some fragments of Botswana's opposition parties contested the elections with a functioning electoral pact. The contract was specifically restricted to elections and did not consider relations once the partners were in parliament.

As we examine these exploratory moves towards cooperation, it is important to bear in mind that public pressure on opposition unity is not just for the consolidation of supporting votes but for the development of a credible and viable alternative government. The critical question in this review, therefore, is just how close these initial attempts at cooperation are to achieving these goals.

The first two cooperative attempts (namely, the Protocol of Election Pact and the Memorandum of Understanding) were successfully concluded and implemented, making them amenable to review. The third attempt (that is, negotiations for 2009) started in February 2006 and had collapsed by October 2006, thus leaving no tangible outputs to review except perhaps in terms of the processes leading to the beginning of negotiations and the eventual collapse of the talks.

THE PROTOCOL OF ELECTION PACT AND THE 2004 ELECTIONS

The Protocol of Election Pact was signed in Francistown on 13 September 2003 by the leaders of the BNF, BPP and BAM. This agreement bound the signatories to a partnership in which they would work together to avoid opposition vote splitting that had in the past enabled the ruling BDP to win elections. In determining which of the partners would contest which constituency in the coming elections, the Protocol parties used their performance in the 1999 election as a guide to their respective strengths. They also agreed, however, that where the partner with the strongest previous constituency support no longer had a strong and credible candidate for that constituency, they could request other Pact members to select a candidate to run on the eligible partner's ticket. The partners further

agreed that they may refrain from fielding a candidate against a non-Pact opposition candidate if they all so agreed.

Although starting with a rather ambitious statement of intent to remove the BDP from power and offer the electorate an alternative government, the whole tenor of the Protocol of Election Pact was that of caution and much more modest goals. It was more a set of tentative first steps towards building mutual trust among the signatories than bold steps towards developing a government in waiting.

Given the long history of failed attempts involving particularly the two oldest parties in the partnership (the BNF and BPP), and the obvious fact of the missing key player in opposition negotiations (the BCP), there was merit in modesty and pragmatism. The Protocol was clearly geared at demonstrating to partners and observers alike that the opposition had matured to the point where the parties could carry negotiations to a successful conclusion without reneging on commitments to the process and / or the final agreements. Since the agreement was carried through to the elections, it offers for the first time in opposition history an opportunity to assess the merits and practicalities of opposition cooperation in terms of the stated objective of reducing split votes. It is also an indicator by which to measure the credibility of the parties as possible candidates to be entrusted with the mandate to govern.

Overall, the gains in terms of minimising split votes were very modest. In at least two constituencies (Francistown and Maun), the partners failed the test of non-competition and votes were split to the detriment of the Pact. Also, in virtually all the constituencies entrusted to the smaller partners none delivered a constituency seat for the partners. This was perhaps to be expected given that the negotiations started too late to afford consistent cross-party support for candidates, and also because a major player in this game (the BCP) was not part of the agreement and therefore succeeded in splitting a fair proportion of the votes.

But the merits of opposition cooperation can also be measured in terms of other, perhaps less tangible, dividends. A critical one is that of credibility, which is essential for developing voter confidence in the political parties

as potential candidates for state power. This is particularly true for Botswana's opposition parties as they have never been tested in the practical challenges of governing a country. On the contrary, the opposition has built a reputation for injurious conflicts and fragmentation and an apparent readiness to walk away from problems instead of solving them conclusively. Such behaviour does not accord well with candidature for running the affairs of the state where the option to walk away is not on the cards. The successful management of the Protocol commitments thus provided the first step towards undoing the opposition's self-inflicted damage.

As a test of credibility, the successful conclusion of the Protocol was particularly significant because the partners were up against a rival party with a track record of performance that is better than many of its peers in Africa in terms of the management of both state affairs and its own internal affairs. The credibility of the opposition thus has to be earned rather than accidentally acquired as a windfall from the bad governance practices of the ruling party. By upholding the commitments of the Protocol right up to the elections and beyond, the Pact members demonstrated to a sceptical voting public that they had made a break with the legacy of reneging on processes and agreements. This was a small beginning requiring continuous reinforcement for electoral pay-off, but its significance cannot be overstated.

At a more practical level the Protocol tested the viability and efficiency of the strategy adopted in terms of formulating the distribution of electoral constituencies among the partners. Given the limited timeframe they had to negotiate and the exploratory nature of the cooperation, the idea of using the 1999 elections as a gauge of electoral performance was probably the most pragmatic option on which to base decision-making. Nonetheless, it was a strategy which assumed that four years after the last elections, the structure of party support would not have altered significantly. The weakness of this assumption was probably demonstrated by the failure to wrest any seats from the BDP, and the loss of some that had been in opposition hands. The smaller partners lost all the seats that had been entrusted to them to contest. Tables 1 and 2 demonstrate the opposition parties' performance in the 2004 district and parliamentary elections.

The 2004 elections saw the BDP winning 11 of the 14 districts and town councils. It had an overwhelming majority in the Central District Council where it won 127 seats against the 11 combined seats of the opposition parties (BAM, BCP and BNF). In the few councils where the opposition showed a majority, there was little difference in numbers between the BNF and the BDP, as reflected in the table. While the BDP used to be dominant mainly in the rural areas, its support now transcends the rural boundaries, as seen in the case of the Gaborone City Council allocation of seats. The figures in Table 1 suggest that opposition parties still have much work to do to make an impression at the local government level before they can hope to pose a serious challenge to the BDP at constituency level.

Table 1: Total seats won per council in 2004 district elections

Councils	BAM	BCP	BDP	BNF	BPP	IND
Central District Council	1	6	127	4	0	1
Francistown City Council		2	16			
Gaborone City Council		3	11	16		
Ghanzi Distric Council			13	7		
Jwaneng Town Council				7		
Kgalagadi District Council			13	9		
Kgatleng District Council		5	10	8		
Kweneng District Council		2	47	17		
Lobatse Town Council			4	8		
North East District Council			16	0	3	
North West District Council	8	5	31	1		1
Selebi Phikwe Town Council		5	9			
South East District Council		3	12	5		
Southern District Council		1	26	23		1
Total	**9**	**32**	**335**	**105**	**3**	**3**
Percentages	1.85	6.57	68.79	21.56	0.62	0.62

Source: IEC Botswana, Elections Report, 2004 [online]. Available at http://www.gov.bw/elections04/iecreport.pdf.

Table 2 shows that the BNF won a total of 12 constituency seats but lost the very important Selebi Phikwe West Constituency seat where its leader contested. The other signatories performed poorly despite the fact that they had placed their candidates in constituencies where they believed they had strong support. They were defeated by the BCP whose votes exceeded all the Protocol partners' (BPP and BAM) votes combined.

Table 2: Botswana 2004 parliamentary election results

Political party	Number of votes	% of votes	Number of seats	% of seats
Botswana Democratic Party (BDP)	213 308	52	44	**77.2**
Botswana National Front (BNF)	107 451	26	12	21.0
Botswana Congress Party (BCP)	68 556	17	1	1.8
Botswana People's Party (BPP)	7 886	2	Nil	0
Botswana Alliance Movement (BAM)	11 716	3	Nil	0
National Democratic Front (NDF)	3 237	1	Nil	0
Marx, Engel, Lenin, Stalin Movement (MLS)	121	0	Nil	0
Independents	104	0.	2	0
Total	412 379	100	57	100

Source: IEC Botswana, Elections Report, 2004 [online]. Available at http://www.gov.bw/elections04/iecreport.pdf.

A further example of the weakness of the 2004 election strategy was that instead of allowing the partners' members to indicate their preferred candidate through, for instance, joint primary elections, the candidates were often imposed on the voting members who displayed their displeasure by withholding their support.[25] This issue raises the fundamental question: who should be the final arbiter of the constituency candidates to represent the partners – the party leadership or the supporters? It is a question that is not lost to the partners: it will demand the attention of negotiators and will challenge their negotiation skills as well as the parameters for opposition cooperation. As a lesson in pragmatism, this issue has afforded the Protocol members an opportunity for deeper reflection on the complexities of cooperation.

Unlike any of the previous negotiation processes, the Protocol had a provision for review of the agreement and related practices immediately after the 2004 elections. The post-mortem results were intended to inform amendments to the contract. This is significant because, generally, the opposition had never systematically reviewed their past attempts at cooperation so as to learn from their mistakes. Even in the process of data gathering for this report it was obvious that members were giving personal opinions on why previous negotiations had failed rather than reflecting on the outcomes of a collective review.

Although modest in its goals, the Protocol was framed with the future clearly in mind vis-à-vis the expansion of its membership and cooperation in elections after 2004. Arguably, it was framed as a work in progress to be reviewed over time. Paragraph 7.2 of the Protocol of Election Pact captures this sentiment succinctly when it states that:

> The parties shall review the agreement after the 2004 general elections *with a view of taking any further steps* as seen fit to improve, reduce or enhance the terms and conditions of this Protocol [emphasis added].

The lessons learned from the Protocol so far are not restricted to the activities of the participating partners or the contents of their agreement and include the issue of non-participation, particularly of the BCP. First, the absence of the BCP probably ensured a reduction in tension that might have derailed the negotiations, given both the relative negotiating strength of the party and the outstanding grievances that had not been discussed and owned since its break-away from the BNF. Second, the absence of the BCP demonstrated the party's sizeable ability to split the opposition vote and thus help maintain the ruling party's advantage. Third, it put the BCP in the public spotlight for focusing on building its own organisational capacity at the expense of the public's demands to consolidate the opposition vote.

The Protocol experience also gave non-party members of the public the opportunity to intervene in intra-party discussions. They were able to highlight the dual position of political parties and remind leaders of the

responsibilities of parties as both public institutions and membership organisations. Here, the importance of listening to the voices of vested interests operating outside party structures has been emphasised.[26] Another lesson can be drawn from the BCP's unwillingness to join the alliance due to the lateness of the negotiations. The BCP's stand underlines the critical need for these processes to be initiated well ahead of elections so as to allow adequate time for reflection and broad-based consultation to enhance membership support and ownership.

Given all these intangible but significant dividends, the Protocol has underscored the merits of opposition party cooperation for the consolidation of votes. While the signatories have indicated general satisfaction with this trial run at cooperation, some outstanding issues have not been sufficiently addressed and are potential sources of misunderstanding.

The main outstanding issue relates to the signatories' lack of a common understanding of the Protocol's status after the 2004 general elections. Some of the signatories seemed to believe that the Protocol's mandate ended with the 2004 elections and the informal verbal review that took place soon thereafter. But the Protocol of Election Pact itself is unambiguous about the life span of its agreement. Paragraph 3.1 of the Protocol states, for instance, that:

> The parties have established an Electoral Pact for the purpose of contesting the 2004 general elections and *any others that would be coming following signature of this Protocol* [emphasis added] …

Although paragraph 7.2 states that: 'The parties shall review the agreement after the 2004 general elections with the view to taking any further steps as seen fit to improve, reduce or enhance the terms and conditions of this Protocol', paragraph 8.1 clearly specifies that: 'This Protocol shall not be varied or *amended except in writing* and signed by all parties.'

The parties have acknowledged that the review envisaged in paragraph 7.2 did take place and that an informal verbal agreement was made to continue in principle;[27] however, no written amendments were ever made,

as provided for by paragraph 8.1. Instead, the signatories went on to sign a different agreement which included a new partner, the BCP.

There has thus been some uncertainty as to which document, and therefore which partnership, now pertains. This uncertainty was exemplified during the Bodibeng ward by-elections, which the partners lost. The BCP believed that BAM (which had the prerogative to field a candidate but did not have anyone strong enough) wanted to support a BCP candidate[28] but was persuaded by the BNF to favour a Pact partner. BAM's take on the matter[29] suggests that its preference from the beginning had been for a BNF candidate and that it had never contemplated a BCP candidate. BAM members did, however, confirm the BCP position that their understanding of the Protocol was that the contract would end with the 2004 elections unless otherwise replaced by a new mandate. This case illustrates that there was an obvious need for closure in relation to the Protocol to determine whether it was a live document that could still be amended or one that had expired and had been overtaken by events.

THE INTER-ELECTIONS MEMORANDUM OF UNDERSTANDING

After the 2004 elections the opposition parties engaged in systematic intra-party consultations to build internal consensus regarding inter-party cooperation and the acknowledged need for collective responsibility to consolidate their increasing electoral support. In marked contrast to previous failed negotiations where the leadership ran ahead with the process without taking their membership with them, the new phase of cooperation talks was based on a commitment to a broad-based internal consultative process linked to a second-tier process of inter-party negotiations. The quality and depth of the intra-party consultations was determined to a large extent by the resource position of each party, with the better resourced parties able to undertake both broad-based and in-depth consultations with their membership.

Drawing strength from the relative success of the Protocol of Election Pact as an example of cooperation, the opposition parties entered into an inter-election pact officially signed as a Memorandum of Understanding (MoU). The initial signatories on 15 August 2005 were the BCP, BNF and BAM, with the BPP adding its signature in 2006. In many ways the MoU

document carried the same basic principles and terms of engagement as the earlier Protocol, but was specifically limited to by-elections occurring between 2005 and 2009. For instance, it used previous general election results to determine which partner was eligible to contest the by-election of a specific constituency or ward. However, where the Protocol was less cautious about its life span, the MoU spelled out clearly that it was an interim measure and that the contents of its agreement should not be construed as a model for future negotiations. Thus, unlike the Protocol, the MoU did not contain any embedded problems of closure by promising to be the beginning of something to be defined only later.

Arguably, the MoU was meant to allow the BCP to commit to the principles of the 2003 Protocol. Although it was drawn up and signed rather hastily as a result of the sudden death of a BNF MP, the MoU is a testament to the parties' shared commitment to the principle of consolidating opposition votes. The BCP, for instance, had already started consultations with its own membership to draw guidance and support for the principle of inter-party cooperation and possible terms of engagement with other parties. The MoU thus came at an opportune time in relation to on-going consultation processes and must therefore be seen not just as a quick response to an emerging situation but as a by-product of a process that had already started and was gaining momentum.

This was clearly indicated by the BCP's lack of hesitation in throwing its weight behind the BNF in October 2005 to ensure that the latter did not lose the Gaborone West North by-election to the ruling party in a constituency where opposition rivalry had the greatest potential to split votes.[30] Three other by-elections have been held (in the Bodibeng, Ramotswa Central and Bobirwa North councils) in which the opposition partners successfully rallied behind one another. Although the BPP was not a signatory to the MoU in the first year of its life, the party committed to its principles and supported the signatories. Similarly, the NDF, while also not a signatory, endorsed the spirit of opposition cooperation in a position paper on that theme.

A major achievement of the MoU is that it brought together the two key opposition parties (BNF and BCP) with the most significant electoral

support and therefore the greatest capacity to inflict serious electoral injury on one another and on the collective. The immediate benefit of this cooperation was that with the assistance of its allies, the BNF not only managed to retain the Gaborone West North constituency seat, but was able to bring the BNF's leader, Otsweletse Moupo, into parliament where he assumed the position of leader of the opposition. This victory cleared up any potential conflict between the BNF leadership and the MPs in terms of the latter's subordination to the leader of the party.[31] The absence of Moupo in parliament and the likely tension that this would have caused in the long run could have jeopardised the critical role that the BNF had to play in the opposition Unity Talks.

Like the Protocol before it, the MoU was still primarily a tentative step to test modest terms of engagement and to enable the parties to reflect without the pressure of looming general elections. To that end it was particularly important for the BCP which, unlike its partners, had not had the opportunity from the Protocol to practise negotiating and managing agreed commitments.

The by-elections conducted under the MoU in its first 12 months of existence were generally perceived by the signatories to be a success in terms of limiting split votes and enabling the parties to build rapport and trust prior to negotiations for the 2009 elections. Each successful execution of this contract added considerably to the credibility of opposition cooperation and of the parties themselves. However, the MoU's potential to deliver on confidence building was curtailed at the start of its second year of existence when a breakdown in the negotiation talks for the 2009 general elections led to the partners abruptly reneging on the MoU as well.

The MoU was supposed to serve as a bridge while the opposition partners, having consulted their respective members for a mandate to negotiate, began the more challenging process of inter-party negotiations for terms of engagement regarding the 2009 elections and after. Unlike the Protocol which dealt with general elections where votes could translate into additional or lost seats, the implementation of the MoU put significantly less pressure on the contracting parties. It was nonetheless important for its demonstration effect and to enhance the credibility of the parties.

In the context of the electorate's demands for increased pressure for political maturity, it is important that the process and factors leading to the breakdown in opposition party negotiations and contracts be examined more carefully so that lessons can be learned to improve democratic governance and plural politics in Botswana in the future.

TOWARDS 2009: THE 2006 UNITY TALKS AND DILEMMAS

As noted earlier, any meaningfully challenge to the ruling party's dominance hinges on opposition cooperation between the BNF and BCP, which together command 42% of the popular vote. In practical terms, therefore, opposition unity is essentially a question of whether and how the BNF and BCP can consolidate their support to challenge the ruling BDP.

The 2005 MoU was the closest these two parties had come to working together since their break-up in 1998. The challenge was now to translate this new spirit of cooperation into a practical strategy to capture the popular mandate. The second issue was to determine whether the two parties' purpose for cooperating was to offer an alternative government in the near future or simply a stronger opposition.

To fully appreciate what was at stake for the two parties and the challenges they had to face to negotiate terms of cooperative engagement for general elections in the 2006 Unity Talks, we must begin by examining the legal environment that determines their range of choices. To that end it is important to note firstly that the constitution of Botswana does not provide for a president who is directly elected by popular mandate. Instead, the voters elect parliamentary candidates whose popular support is automatically also a vote for the president, which each of these candidates would have indicated as their choice when they registered their own candidature.

Second, at this stage in the procedure for presidential elections, unless the parliamentary candidate is standing in a constituency which is unopposed, that candidate can only choose a presidential candidate with whom he/she shares a voting colour and symbol. The specific provision is in paragraph 32(3)(c) of the Botswana constitution which states that:

> Where the Parliamentary election is contested in any constituency a poll shall be taken in that constituency at which the votes shall be given by ballot, and for the purposes of that poll any parliamentary candidate who declared support in accordance with paragraph (a) for the particular Presidential candidate shall use the same voting colour and symbol, if any, as may have been allocated under any law for the time being in force in Botswana to that Presidential candidate for the purpose of the Presidential election.

This constitutional provision is significant for opposition party negotiations and vote consolidation in relation to the selection of a president. Since the presidential choice is tied to parliamentary elections, it means that the parties can only pool their support if both their preferred presidential candidate and all their parliamentary candidates share the same voting colour and symbol. To comply with this constitutional provision, the opposition parties' negotiation talks must centre on how they could effectively have one voting colour and symbol. This could be achieved either by forming a new party to which they would all affiliate, or by using the colour and symbol of one partner for all the partners as affiliates. We shall come back to this point.

The qualification for president is that more than half the elected MPs must have nominated the presidential candidate in the run up to the general elections. However, if after the general elections more than half the MPs do not support one presidential candidate, then the elected members of the National Assembly must elect a president by secret ballot not more than 14 days after it had been determined that no one had qualified for president under the provisions of section 32 of the constitution.

The import of this constitutional provision for opposition party cooperation is that the partners could aim collectively to win 51% of the parliamentary seats so that there is no qualifying president immediately after the general elections. This would potentially force into effect the provisions of section 35(5) of the constitution, which only require election by secret ballot by elected MPs and does not stipulate that electing members must have the same voting colours and symbols as their presidential nominee.

Thus, when the opposition parties officially commenced inter-party negotiations in February 2006 towards a working relationship for the 2009 elections, the choice of cooperative models was effectively between a union that would give them a presidential candidate in terms of section 32(3) of the constitution, or an agreement that could give them a coalition government under the provisions of section 35(5) of the constitution. Each negotiating team brought to the table a number of options that had been discussed fairly substantively in their respective parties throughout 2005. We can now examine these options in the light of the constitutional provisions.

The BCP intra-party consultations examined the following options:

- staying alone
- nationwide election pact
- regional election pact
- cooperation under an umbrella body
- total unity.

The majority of the BCP members favoured total unity in the long run and an umbrella body in the short- to medium-term. They brought an umbrella model and an election pact to the inter-party negotiating table.

The options considered by BAM members included the following:

- electoral pact
- total merger
- umbrella body
- affiliation to one of the other partners.[32]

The majority of BAM members indicated a preference for affiliation or an umbrella body.

The BPP also considered four options:

- election pact
- umbrella body
- group membership or affiliation to another party
- total unity.

Their favoured options were an election pact or an umbrella body.

The BNF membership was categorically against a total merger involving the disbanding of parties.[33] Their first preference was the affiliation of other parties to the BNF and their second choice was an electoral pact.

In the context of Botswana law, the nomenclature of an umbrella body means the formation of a new political party to which all cooperating parties would affiliate without disbanding. In terms of other African models it is similar to the Kenyan National Rainbow Coalition (NARC) which consists of the National Alliance of Kenya and the Liberal Democratic Party (see Appendix 4), and to South Africa's Democratic Alliance formed in 2000, which at its inception comprised the Democratic Party, the New National Party and the Federal Alliance.

However, the track record of umbrella body formations in Botswana has been that the new party takes on a life of its own without necessarily bringing the dividends of a stronger opposition. It could be argued, though, that the weakness of this option in the past perhaps stemmed from the limited time given to selling the idea to the voting members of existing parties. This cooperative model would certainly meet the requirements of section 32(3) of the constitution if the affiliated members won the popular mandate. The umbrella model option was either first or second choice for three of the negotiating parties in the 2006 talks (it was the BCP's first preference). An alternative with the same capability in terms of the requirements of section 32(3) would be the affiliation model, whereby the cooperating parties affiliate to one of the partners. Its nearest likeness in Africa is the tripartite alliance followed by South Africa's ANC and its alliance partners, the South African Communist Party and the Congress of South African Trade Unions (Cosatu) (even though Cosatu is not a political party). Despite being in an alliance, the three partners still pursue their individual interests and they have been known to differ on certain issues.[34]

Only the BNF actually tabled this option as a preference at the 2006 opposition Unity Talks in Botswana. None of the other members found it favourable because they believed it would give all advantage to the BNF

and would make it look like they had merged into that party when their members had ruled out the merger option for the foreseeable future. The South African tripartite alliance model illustrates, however, that the smaller partners do not need to merge with the larger party and can in fact continue to retain their identity. In the Botswana case though where the BCP commands 17% of voter confidence against the BNF's 26%, the gap between them is perhaps too narrow to make the kind of affiliation that the South African ANC enjoys with its smaller partners readily attractive to the BCP.

The third option that the negotiating partners considered could only be brought into play in the event of the general elections not producing a qualifying president. In local terminology, this cooperative model is referred to as an election pact. This model was used in the 2004 general elections under the auspices of the Protocol of Election Pact as well as in by-elections since August 2005 under the MoU dispensation. Until July 2006, all the negotiating parties had picked this model as either a first or second preference; however, the BNF withdrew its initial support for this option and in the same stroke removed the only area where all the parties had some consensus.

The BNF's withdrawal raises the question of just what it was that the opposition parties were negotiating over. Since the Unity Talks were targeting the 2009 general elections, what were the parties aiming to achieve in 2009 through negotiated cooperation? If the target was to consolidate their electoral support for the purposes of taking government office in 2009, their choice – in the context of both the legal framework and the political climate – was to form a strong alliance through affiliation either to a brand new party (ie. the BCP's umbrella option) or an existing one (ie. the BNF's affiliation option). If, however, the aim of consolidating electoral support was primarily to strengthen their parliamentary opposition and then to negotiate a coalition government after the elections if the opportunity arose, then an election pact would have been the most practical option. This option has the added advantage of being the first model to be honoured by signatories right into the elections.

It is not clearly evident from either the intra-party consultative processes of 2005 or the actual inter-party negotiation process of 2006 that the

opposition parties had thoroughly interrogated their aims and had come to the negotiating table with a defined goal. On the contrary, it would appear that the goal was not stated in specific terms and therefore allowed room for various interpretations by the negotiating teams.

The lack of a specific goal can be read from a number of factors. For instance, the fact that the BNF first tabled and subsequently withdrew the pact model as an alternative option a few months later, suggests that the initial tabling was made without serious consideration regarding strategic implications and outcomes. Similarly, those parties that tabled the pact model as their first choice could not have had the same strategic goal for 2009 as those tabling the competing affiliation models – umbrella body (ie. to a new party) and affiliation (ie. to existing party) – because the latter implies different goals and therefore would require fundamentally different strategies for goal attainment.

Furthermore, in the case where the affiliative options were tabled as alternative models against the pact model, it is not clear that the parties necessarily understood that they were in fact tabling a choice between either going all out to win the governing mandate in 2009 or gunning for a stronger opposition presence in parliament in 2009.

In reality the choice between government power and opposition is not the prerogative of parties but lies with the voting public. Political parties can only use past electoral support to gauge how much voter support they can reasonably expect to win, and then prioritise their strategy in terms of which of the desired outcomes is more likely than the other on the basis of a realistic analysis of the strength of their support. This would entail asking simple questions like the following:

- In the current circumstances, how feasible is it to win the governing mandate in 2009 and what form of affiliative union (the pact model is not suitable here) would best achieve this goal?
- If the goal of winning the mandate is not seen to be practically achievable by 2009, what model of cooperation could maximise parliamentary opposition support by that date?

The current circumstances here include, at one level, the ability of parties to win the support of their members for their decisions and therefore ensure their guaranteed electoral support. At another level it means either enhancing the opportunistic support of a non-affiliated voting majority or / and considerably increasing the size of their membership. Either way, there are clear suggestions that the voting public favours the emergence of an alternative government and therefore could increase electoral support to a credible candidate.

In the end, the negotiations involving the key players – the BNF and BCP – officially came to an abrupt end three days before the 40th anniversary of Botswana's independence. Most observers point an accusing finger at the BNF for reneging on the pact model it had initially supported as a second alternative, thereby causing a stalemate which led to the total collapse of the talks. While this is essentially correct, it is clear that the negotiating parties broke off their talks before reflecting exhaustively on the options. This is indicated by the fact that the BPP, having been the keenest on the pact model, has since indicated that this model is unstable and that the remaining partners should consider total merger using the BPP name as a base. The BPP argues that:[35]

> The alternative of registering a completely new party by the three opposition parties has the immediate effect of:
>
> (i)   Going through the inconvenient and cumbersome process.
> (ii) The possible worsening of the splitting of the opposition vote if some of the people insist on remaining in their old parties.
> (iii) Increasing the number of opposition parties in the country.

The arguments in support of using the BPP as a base are similar to those made by the BNF when it motivated support for its affiliation proposal using the BNF as a base, particularly the principle that the cooperating partners need to utilise an existing party as a base to capitalise on the history of a familiar 'brand'.

4

THE FUTURE AFTER THE COLLAPSE OF THE 2006 UNITY TALKS

When the 2006 Unity Talks ended in September 2006, the situation of opposition unity was practically where it had been in 2004 with regard to the composition of the partners and the working model of cooperation. In terms of composition, the structure was, as then, one major opposition party and two smaller partners. The only change was that the BNF had switched places with the BCP and was now the outsider. Both the MoU and the new talks were supposed to have carried the success of the old Protocol of Election Pact to higher ground in terms of consolidating and enhancing opposition electoral support. Clearly, the collapse of the new talks was disappointing in the light of increased voter demand for vote consolidation.

For the remaining partners, the election pact model is still on the table after the exit of the BNF. Ironically, if the three remaining partners back the BPP's latest proposal of a merger, the merger (or its less radical alternative of affiliation) would have to be based on the strongest of these partners (namely, the BCP) in order to win the endorsement of the BCP supporters. This would potentially boost the BCP's total support from the 2004 level of 17% of the vote to 22%, thus considerably narrowing the gap between the BCP and the BNF.

The main advantage of having the Unity Talks collapse so far in advance of the general elections is that unlike all previous attempts, it still gives Botswana's voting public and the parties themselves time to reflect on both the weaknesses of the recent negotiations and on the general feasibility of future cooperation.

So far, public concern and desire for opposition cooperation has been based more on anecdotal evidence popularly reflected in newspapers than on a systematic survey soliciting public opinion. The extent to which the desire for opposition unity or cooperation is shared by most of the electorate is therefore not clear.

Since the large majority of voters are not officially registered members of any political party, it would be useful to gather their opinions and assess how they would potentially translate their desired outcomes into electoral support. This might greatly influence the context within which future inter-party negotiations are conducted. It is also important to study the opinions of the party members since there is no scientifically reliable information on how the majority of these party members perceive the importance of opposition party cooperation, or the implications of the various models for the future structure of their parties.

The situation is not helped by the fact that none of the opposition party leaders have demonstrated any outstanding leadership qualities in guiding debate and discussion on the available strategic choices or the possible goals. For instance, long before the talks officially collapsed, BNF leader Otsweletse Moupo and other members of the BNF executive committee were already making public statements that effectively rendered the negotiating teams superfluous.

Dr Elmon Tafa, for example, chose the commencement of the intra-party negotiations to make public observations on the impotence of inter-party cooperation in enhancing opposition support. Exactly why this rather lopsided analysis had to be made in newspapers rather than discussed in intra-party consultations and inter-party negotiations was not clear. It could, however, be construed as an attempt by a senior member of the BNF to dissuade the general members from accepting the principle of negotiation which the majority had already sanctioned and on which basis the BNF had sent a negotiating team to engage with other parties.

The BCP also demonstrated a penchant for media attention by making public pronouncements on every minor point of disagreement with the BNF from very early on in the negotiation process. Instead of the leadership giving a balanced report on what the various models represented in terms of viable strategy alternatives, or even enlightening the public on the restrictions on the choice of affiliation model imposed by the constitution, BCP publicity secretary Dumelang Saleshando was often too ready to suggest that if the talks collapsed, the culprit should be sought somewhere in the BNF ranks.

Botswana will go to the polls in 2009 for the tenth time since the 1965 general elections, marking an uninterrupted record of multiparty electoral competition. However, while the voters may be uncertain about which MPs their votes will send back to parliament, and hence to the executive, they know that the Office of the President already has an occupant who is merely marking time.

It is a fundamental contradiction to the principle of elections that the most important office in the whole process of popular elections – and the one that carries the executive power to determine the composition of the cabinet and therefore the daily management of state affairs – is settled before voters even cast the first vote. While this state of affairs can be blamed on the system of presidential elections that the constitution provides for, it is also facilitated by ineffective opposition politics (in spite of increasing shares of the popular vote) and the constituency-based winner-takes-all parliamentary election system, which creates a wide margin between the share of votes and the share of parliamentary seats that determine the presidential candidate. In this context, opposition unity is crucial for narrowing the gap between votes cast and seats won, and therefore for enhancing greater representation of the increasing number of voters who are disenchanted with the ruling party. The form of opposition unity taken does, however, have consequences for political stability and therefore needs serious debate and reflection.

As observed earlier, a model of cooperation which ushers into parliament a number of opposition parties that can use their collective strength to force presidential elections based on section 35(5) of the constitution can only lead to a coalition government. And the record of coalition governments worldwide is political instability deriving from the disproportionate power that the smaller coalition partners have to bargain for concessions from the bigger parties, thus leading them to potentially switch allegiance. This is the likely scenario of an effective election pact if it wins the electoral support of all its partners.

A cooperative model that brings one decisive winner into parliament offers much more political stability, if it succeeds. As indicated earlier, there are two viable alternatives within this model for Botswana. One option is

cooperation based on the affiliation of cooperating parties to one new party through which they enter parliament (the BCP's 'umbrella' option). The other is cooperation based on the affiliation of cooperating parties to one of their partners (the BNF's 'affiliation' option). While they both offer equal stability in government, the challenge is in winning support for one of them in order to make it a viable model. The latter option gives the BNF greater advantage as the party on which cooperation is based. The practical question, though, is whether the partners can negotiate a viable executive coalition that can bring tangible benefits to the other partners, particularly the BCP which commands a sizeable support base that is not significantly lower than the BNF's. The umbrella option basically sends all cooperating partners to the starting line in terms of building a new party and selling it to the voters. While the entity of this umbrella model is usually euphemistically termed a 'body', in terms of the law it can only contest the elections as a registered political party and therefore needs to be recognised as such.

To conclude then, public pressure and the challenging political situation in Botswana are factors urging the opposition parties to return to the negotiating table. And when they do, many of the issues raised here will have to be revisited with honesty and maturity to allow for informed debate and meaningful negotiations.

NOTES

1   Sachikonye L, 'The Functioning and Funding of Political Parties in the SADC Region'. Paper presented at the International IDEA conference, Towards Sustainable Democratic Institutions in Southern Africa, Gaborone, Botswana, 8-10 May 2002; Matlosa K, 'Review of Electoral Systems and Democratization in Southern Africa'. Paper prepared for the international roundtable on the South African Electoral System, Cape Town, 9-19 September 2002; Molomo M & Somolekae G, 'Sustainable Electoral Democracy in Botswana'. Paper presented at the International IDEA conference, Towards Sustainable Democratic Institutions in Southern Africa, Gaborone, Botswana, 8-10th May 2002.

2   For public outreach programmes see Kadima D, Matlosa K & Shale V, *Enhancing the Effectiveness of Political Parties in the SADC Region Through Public Outreach Programmes: Focus on Botswana, Lesotho and Zambia*. EISA Research Report No. 29, Johannesburg, 2006.

3   For Southern Africa see Selolwane O, *Gendered Spaces in Party Politics in Southern Africa: Progress and Regress Since Beijing 1995*. United Nations Research Institute for Social Development Occasional Paper 13, Geneva, 2006.

4   For these imbalances see Matlosa, 'Review of Electoral Systems and Democratization in Southern Africa', op cit; Sachikonye, 'The Functioning and Funding of Political Parties in the SADC Region', op cit; Selolwane, *Gendered Spaces in Party Politics in Southern Africa: Progress and Regress Since Beijing 1995*, op cit.

5   Selolwane O, Equality of citizenship and the gendering of democracy in Botswana, in Edge W & Lekorwe M, *Botswana: Politics and Society*. Hatfield: JL van Schaik, 1998; Selolwane O, Civil society, citizenship and women's rights in Botswana, in Sharin R (ed), *International Perspectives on Gender and Democratization*. Basingstoke and London: Macmillan Publishers, 2001; Selolwane, *Gendered Spaces in Party Politics in Southern Africa: Progress and Regress Since Beijing 1995*, op cit.

6   Selolwane O, 'Ethnic Structure, Inequality and Governance of the Public Sector: Botswana Case Study'. Paper presented at the UNRISD international conference, Ethnic Inequality and Public Sector Governance, 25-27 March 2004, Riga, Latvia; Selolwane, *Gendered Spaces in Party Politics in Southern Africa: Progress and Regress Since Beijing 1995*, op cit.

7   Selolwane, 'Ethnic Structure, Inequality and Governance of the Public Sector: Botswana Case Study', op cit.

8   Horowitz DL, *A Democratic South Africa? Constitutional Engineering in a Divided Society*. Berkeley, Los Angeles and Oxford: University of California Press, 1992; Parson J, *Botswana: Liberal Democracy and the Labour Reserve in Southern Africa*. Colorado: Westview Press, 1984; Parson J, The peasantariat, politics and democracy in Botswana, in Cohen R & Goulbourne H (eds), *Democracy and Socialism in Africa*. Colorado: Westview Press, 1991; Du Toit P, *State Building and Democracy in Southern Africa: Botswana, South Africa and Zimbabwe*. Pretoria: HSRC, 1995; Molutsi P, Political parties and democracy in Botswana, in Molomo MG & Mokopakgosi BT (eds), *Multi-party Democracy in Botswana*. Harare: Sapes Trust, 1991; Molutsi P, Elections and electoral experience in Botswana, in Edge W & Lekorwe M (eds), *Botswana: Politics and Society*. Hatfield: JL van Schaik, 1997.

9   See Selolwane, 'Ethnic Structure, Inequality and Governance of the Public Sector: Botswana Case Study', op cit.

10   Somolekae G, *Political Parties in Botswana*. EISA Research Report No. 27, Johannesburg, 2005.

11   Matlosa K, *Electoral System Reform, Democracy and Stability in the SADC Region: A Comparative Analysis*. EISA Research Report No. 1, Johannesburg, 2003; Somolekae, Political Parties in Botswana, 2005.

12   Matlosa, *Electoral System Reform, Democracy and Stability in the SADC Region: A Comparative Analysis*, op cit.

13   Selolwane, Civil society, citizenship and women's rights in Botswana, op cit.

14   Interview with Motsei Madisa-Rapelana at the BCP headquarters.

15   Osei-Hwedie B, Strengthening parliamentary democracy in Southern Africa: Botswana, *South African Journal of International Affairs* 12(1), 2005.

16   This is often the only option for opposition parties in a similar situation. See Kadima D (ed), *The Politics of Party Coalitions in Africa*. Johannesburg: EISA/KAS, 2006.

17   See Maundeni Z, Majority rule, life presidency and factional politics in Botswana, in Edge W & Lekorwe M (eds), *Botswana: Politics and Society*. Hatfield: JL van Schaik, 1997.

18   Interview at the Motshidisi residence, Palapye, 11 February 2006. Interview with BPP national treasurer Kumbulani Williams at Gaborone Sun Hotel, Gaborone, 7 February 2006, also acknowledged Koma's initiative.

19   In an interview conducted with Matlhomola Modise (BAM executive secretary) and Dennis Alexander on 18 February 2006 at the Alexander homestead in Gaborone, the BAM members suggested that the BNF pulled back after signing apparently because the BNF leader had not fully consulted his party on the details of the agreement. This was corroborated by Akanyang Magama (BNF secretary general) in an interview at the Gaborone Sun Hotel on 8 February 2006. In an interview with the former BNF leader, Kenneth Koma acknowledged that he had signed before studying the personalities of the people he was dealing with, and that he pulled out when he understood their true natures.

20   Uteem C, Address on the opening of the EISA workshop, Political Parties and Democratic Governance in the SADC Region, 21-22 February 2006, Sunnyside Park Hotel, Johannesburg.

21   Interview with BPP veteran and former miner Petrus Pudiephatshwa at his home in Botshabelo, Selibe Phikwe on 12 February 2006.

22   It is interesting that as a self-proclaimed source of information on an ANC plot, Petrus Pudiephatshwa, who was not a member of the executive committee at the time, is still confident some 40 years later that the fight was not over lack of probity but because of the ANC plot. He firmly believes that the funds Matante was accused of not accounting for were deposited in a party bank account in Francistown and the expenditure sanctioned by the executive committee. But historian Jeff Ramsay has indicated that the money was deposited into Matante's personal account. Klass Motshidisi, who was in the executive, also attests that the party did not have any bank account at the time.

23   Pudiephatshwa has submitted, for instance, that the BPP (Matante faction) rejected

Koma's overtures for party reconciliation because they believed he wanted to stage a communist takeover of the party.

24   For a comprehensive discussion on the Zambian situation, see Simutanyi N, *Parties in Parliament, the Relationship between Members of Parliament and their Parties*. EISA Occasional Paper No. 36, Johannesburg, 2005.

25   Interviews with Matlhomola Modise (BAM), Dennis Alexander (BAM), Akanyang Magama (BNF) and Kumbulani Williams (BPP).

26   Minutes of the meetings between the Committee on the Enhancement of Democracy in Botswana and representatives of opposition parties.

27   Interviews with Kumbulani Williams (BPP), Akanyang Magama (BNF), and Matlhomola Modise and Dennis Alexander (BAM).

28   Interviews with Motsei Madisa-Rapelana, BCP headquarters in Gaborone, 6 February 2006.

29   Telephone interview with Dennis Alexander, 1 April 2006.

30   Interviews with Motsei Madisa-Rapelana (BCP deputy general secretary), Kumbulani Williams (BPP), Matlhomola Modise and Dennis Alexander (BAM), and Akanayng Magama (BNF). The Rapelana interview was carried out on 6 February 2006 at the BCP headquarters in Gaborone in the presence of the party's executive secretary, Morwadi Morwadi.

31   In many cases where the leader of the party is not in parliament, this invariably leads to serious intra-party tension.

32   Interview with Matlhomola Modise and Dennis Alexander, Alexander homestead, Gaborone, 18 February 2006.

33   Interview with Akanyang Magama (BNF).

34   Habib A & Taylor, Political alliances and parliamentary opposition in post-apartheid South Africa. In KAS Seminar Report No 2, *Opposition in South Africa's New Democracy*. KAS: Johannesburg, 2001; Kadima, *The Politics of Party Coalitions in Africa*, op cit.

35   Interview with K. Williams at the Gaborone Sun Hotel.

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APPENDICES

APPENDIX 1

**QUESTIONNAIRE: INTER-PARTY RELATIONS AND DEMOCRACY
IN BOTSWANA**

1.0　GENERAL INFORMATION

Date of interview ....

Name of researcher(s) ....

Name of party / coalition:
Name of interviewee:
Gender of interviewee:
Position in the party / coalition:
Phone numbers:
Email:
Address:

2.0　PARTIES AND THE PARTY SYSTEM

1. How many parties exist and are registered in Botswana?

2. How many are represented in parliament?

3. How many parties are not represented in parliament?

4. What are the strengths and weaknesses of Botswana's democracy? (explain)

5. What are the main roles and functions of political parties in advancing Botswana's democracy? Provide examples.

6. Do you think that political parties in Botswana are promoting or inhibiting democracy in Botswana? How?

7. In what way do you think you are contributing to Botswana's democracy?

8. What is the role of a ruling party in a democracy?

9. What is the role of opposition parties in a democracy?

10. What distinguishes you from other parties in Botswana?

11. What is the role of smaller parties in the political system? Are they performing their role properly? If yes, how and if no, why?

12. Are you in regular contact with the electorate? How? At which times?

Additional comments

3.0　ELECTIONS AND THE ELECTORAL SYSTEM

13. Does your party always take part in all elections?

14. How has your party fared in the general elections since independence?

15. What do you think contributed to the party's performance?

16. Do you think you could get better results than what you have received in the previous elections? If yes, how would you ensure this?

17. Has your party ever boycotted elections and if so why?

18. Please describe the electoral model in use in both general and local government elections in Botswana?

19. What are the consequences of the electoral model used in general and local government election systems on the party system in Botswana?

20. What is the impact of the electoral system on parties' participation in elections and governance?

21. How effective are political parties in representing the interests of their constituencies? (explain)

22. If they are effective, explain how?

23. If not, what do they have to do to be effective? (elaborate)

24. Is there need for electoral system reform in Botswana? (explain)

25. If so, what would be your suggestions?

Additional comments

4.0   INTER-PARTY RELATIONS

26. How do big political parties relate to small parties in the country's political system? Explain.

27. Do you think there is a viable opposition in the Botswana political system?

28. How can the relationship between the ruling party and opposition parties best be described?

29. How has that relationship helped develop democratic governance in Botswana?

30. In parliament, how does the ruling party relate to opposition parties?

31. Have the opposition parties been able to influence major policy reforms in parliament? Which ones – economic, social or political?

32. What is the history of party coalitions in Botswana?

33. Explain the nature and magnitude of political party coalitions in the country?

34. What have been the major strengths and weaknesses of past party coalitions in Botswana?

35. What, if any, alliances/cooperation does your party have with other political parties in the country? (e.g. common election platform)

36. If there is cooperation with other parties, which are those parties?

37. Is there a formal cooperation agreement between your party and any other parties? If yes, what is the form of the agreement? If not, have there been any attempts? What is the progress?

38. If the agreement is informal, how do the alliance partners work?

39. What have been the results of the agreement, if any?

40. What are the views of the party members on party collaboration?

41. What options do parties outside parliament have for collaboration?

42. Which, if any, sister parties from other countries does the party have contact with?

43. Do you find the current state of inter-party relations in Botswana satisfactory? If yes, explain. If no, what are the steps to be taken for improvement?

44. How does the electoral model in use encourage/discourage inter-party collaboration?

Additional comments

APPENDIX 2
THE 2003 PROTOCOL OF ELECTION PACT

PROTOCOL OF ELECTION PACT

1.0   PREAMBLE

1.1   **WHEREAS**, three political parties being the **BOTSWANA ALLIANCE MOVEMENT (BAM), BOTSWANA PEOPLES PARTY (BPP)** and **BOTSWANA NATION FRONT (BNF)** (hereinafter all referred to as the "parties" or "election pact partners") concerned about the tendency of the opposition political parties to split the opposition vote during national elections, thus enabling the **BOTSWANA DEMOCRATIC PARTY (BDP)** to win such elections.

1.2   **AND WHEREAS** pursuant to the foregoing principle, where an election pact partner is identified with a certain constituency or ward, it is the election pact partner that selects the candidate, but in cases where the partner lacks a strong and credible candidate, the qualifying pact partner could request other pact partners to select their own members to run on the qualifying/ eligible partner's ticket.

1.3   **AND WHEREAS**, the opposition parties now agree to form an election pact in order to remove the BDP from power and accord the voters an alternative government.

IT IS NOW ANNOUNCED TO ALL AND WITNESSETH AND EVERYONE OF THE PARTIES HEREIN STATE, AGREE AND DECLARE THAT:-

2.0   MEMBERSHIP

2.1   The signatories to this PROTOCOL are: -

Botswana National Front	(hereinafter the "BNF")
Botswana Peoples Party	(hereinafter the "BPP")
Botswana Alliance Movement	(hereinafter the "BAM")

2.2   The parties agree to be bound by this Protocol.

3.0   WORKING RELATIONS OF PARTIES

3.1   The parties have established an Electoral Pact for the purpose of contesting the 2004 general elections and any others that would be coming following signature to this Protocol, and have allocated the Parliamentary Constituencies and Council Wards throughout Botswana in terms of Schedules A and B hereto.

3.2   The parties agree that they will not oppose each other or field opposing and competing candidates both at constituency or ward level.

3.3   The parties determine that they must build smooth working relations and mutual trust among members, and to this end agree not to make provocative and inflammatory statements against one another, and that a defaulting member may be penalised in terms of clause 6.1, and that under no circumstances should or may the wronged member retaliate.

3.4   Parties agree to organise and take part in joint activities to build mutual trust, arrange a common election agenda and harmonise matters to be addressed as campaign issues.

3.5   The parties agree that, where necessary, the pact members may agree not to field a candidate to compete and oppose a non election pact member who is in the opposition, subject to agreement by all parties to the election pact.

4.0   NATIONAL ELECTION PACT COMMITTEE (N.E.P.C.)

4.1   It is agreed that a national election pact committee shall be formed for the coordination, control and guidance of the business of the election pact.

4.2   The composition, powers, duties and tenure of the Committee shall be determined by the parties.

5.0   PRESIDENTIAL CANDIDATE

5.1   The parties agree to field one presidential candidate.

6.0   MISCONDUCT AND BREACH

6.1   All the parties agree that the present process of election pact partnership shall not be reversed, but a misconduct and breach clause in the spirit of the pact, procedural matters for laying of complaints and responding thereto, correctional measures and/or penalties, shall be provided.

7.0   LEGAL FORCE

7.1   This agreement shall upon each party appending its signature hereto have legal force and each party shall be bound accordingly.

7.2   The parties shall review the agreement after the 2004 general elections with a view to taking any further steps as seen fit to improve, reduce or enhance the terms and conditions of this Protocol.

8.0   AMENDMENT AND VARIATION

8.1   This Protocol shall not be varied or amended except in writing and signed by all the parties.

9.0   DECLARATION

9.1   This declaration shall be signed by the Presidents of each of the parties to the election pact or their duly authorised nominees before two witnesses.

9.2   I, the undersigned, **OTSWELETSE MOUPO**, in my capacity as the President of the Botswana National Front do **this day** 13 of September **IN THE YEAR OF OUR LORD TWO THOUSAND AND THREE (2003)** at Francistown, on behalf of myself, the Botswana National Front and all the members of the Botswana National Front bind myself, the Botswana National Front and the general membership of the Botswana National Front to this Protocol, to which **I and the BOTSWANA NATIONAL FRONT** shall comply and which I consider to be binding on my conscience in the spirit of the pact.

Signature: _____

As WITNESSES   FULL NAMES   ADDRESSES
1.   _____ _____   _____
2.   _____ _____   _____

9.3   I, the undersigned, **BERNARD BALIKANI**, in my capacity as the President of the Botswana Peoples Party do **this day** 13 of September **IN THE YEAR OF OUR LORD TWO THOUSAND AND THREE (2003)** at Francistown, on behalf of myself, the Botswana Peoples Party and all the members of the Botswana Peoples Party bind myself, the Botswana Peoples Party and the general membership of the Botswana Peoples Party to this Protocol, to which

I and the BOTSWANA PEOPLES PARTY shall comply and which I consider to be binding on my conscience in the spirit of the pact.

Signature: _____

As WITNESSES   FULL NAMES   ADDRESSES
1.   _____ _____   _____
2.   _____ _____   _____

9.4   I, the undersigned, **EPHRAIM LEPETU SETSHWAELO**, in my capacity as the President of the Botswana Alliance Movement do **this day <u>13</u> of <u>September</u> IN THE YEAR OF OUR LORD TWO THOUSAND AND THREE (2003)** at <u>Francistown</u>, on behalf of myself, the Botswana Alliance Movement and all the members of the Botswana Alliance Movement bind myself, the Botswana Alliance Movement and the general membership of the Botswana Alliance Movement to this Protocol, to which **I and the BOTSWANA ALLIANCE MOVEMENT** shall comply and which I consider to be binding on my conscience in the spirit of the pact.

Signature: _____

As WITNESSES   FULL NAMES   ADDRESSES
1.   _____ _____   _____
2.   _____ _____   _____

SCHEDULE A

1.0   The allocation of constituencies shall be as follows:

1.1   Botswana National Front

(a)   Gaborone South, Gaborone North, Gaborone West South, Gaborone West North, Gaborone Central, South East North, Kgatleng East, Kgatleng West, Lobatse, Mogoditshane, Ngwaketse South, Ngwaketse West, Kanye North, Kanye South, Barolong, Kgalagadi South, Kgalagadi North, Gantsi North, Gantsi South, South East South, Mahalapye West, Mahalapye East, Palapye, Shoshong, Tswapong South, Tswapong North, Serowe North East, Serowe North West, Serowe South, Mmadinare, Boteti North, Boteti South, Moshupa, Letlhakeng West, Letlhakeng East, Kweneng East, Molepolole North,

Molepolole South, Kweneng South East, Kweneng South, Tonota South, Selibe-Phikwe East, Selibe-Phikwe West.

(b)   South East South – The BNF will field the President of BAM.

1.2   Botswana Peoples Party

(a)   Tati East, Tati West, Francistown East, Francistown West, Tonota North and Bobirwa.

1.3   Botswana Alliance Movement

(a)   Maun East, Maun West, Chobe, Ngami, Okavango, Nata-Gweta, Nkange and Francistown South.

2.0   The allocation of wards will coincide with the allocation of constituencies or as may be agreed otherwise, and such agreed wards shall be listed and included in this agreement as Schedule B.

APPENDIX 3
MEMORANDUM OF UNDERSTANDING (BAM, BCP, BNF, BPP)

MEMORANDUM OF UNDERSTANDING
Entered in to by and between

BOTSWANA ALLIANCE MOVEMENT
(Hereinafter referred to as "**BAM**")

AND

BOTSWANA CONGRESS PARTY
(Hereinafter referred to as "**BCP**")

AND

BOTSWANA NATIONAL FRONT
(Hereinafter referred to as **"BNF"**)

WHEREAS: The Botswana Alliance Movement (BAM), Botswana Congress Party (BCP) and the Botswana National Front (NF), constitute three political formations in the Republic of Botswana;

WHEREAS: The parties hereto are desirous of building a stronger foundation as opposition parties, in the forthcoming by-elections and subsequent by-elections;

REALISING: That such mutual arrangement is needed to enable us to work together to preserve and protect our struggle for genuine democracy, economic independence, social justice, human rights and peace;

RECOGNISING: That continuing cooperation in the forthcoming by-election and subsequent by-elections will strengthen our commitment to party-to-party relationships and working to increase the understanding of Botswana about the social, economic and political problems confronting our country, we commit BAM, BCP and the BNF to the following;

a) That between the years 2005 and the next General Elections in 2009, where a by-election (may it be local or parliamentary) is to be held in Botswana, the contracting Parties (i.e. BAM, BCP and BNF) shall not contest against each other.

b) That the party with the highest votes in the 2004 general elections in any particular ward and/or constituency as the case may be shall have the right to field its candidate.

c) That without derogating from the matters set out at (b) above any of the Contracting Parties may in any constituency or ward where a by-election is scheduled to be held and, where they are entitled to field a candidate for any by-elections in terms of (b) above, be at liberty to approach any other contracting party for purposes of fielding its candidate(s) in any ward and/or constituency as the case may be.

d) That there shall be the Contracting Parties' By-Elections Joint Committee, which shall be responsible for overseeing the implementation of this Agreement, including but not limited to coordinating interparty collaboration and joint campaigns. The committee shall be responsible for the selection of candidates in the circumstances contemplated by (a) below. The composition of the By-Elections Joint Committee shall be as determined by the Contracting Parties hereto.

e) That in the circumstance where none of the Contracting Parties had fielded candidates in the 2004 general elections, the parties' By-Elections Joint Committee shall have the absolute right to decide which one amongst the Contracting Parties should contest.

f) That this Agreement shall come into force and be binding on the signatories hereto from the date of signature. If any of the parties identified herein refuses and/or defers its signature, and/or is unable to so sign, such occurrence shall not in any way affect the validity of this Agreement and obligations and rights following therefrom in relation to those parties that have signed this Agreement.

g) In any of the by-elections which may take place between the 2005 and 2009 national elections, the parties shall strive to work in collaboration to engender mutual understanding and respect to fight the BDP and its social injustice and undertake to desist from any

actions whatsoever which undermine the contents and the spirit of this memorandum of understanding.

h)   For the avoidance of doubt, the Contracting Parties acknowledge, confirm and/or agree that this Agreement is not, and shall not be construed as laying the basis for a future cooperation model between and amongst the Contracting Parties. To that end, the Contracting Parties collectively and/or individually reserve the right, should negotiations on opposition parties' cooperation beyond the scope of this Agreement (i.e. beyond by-elections) commence, to suggest any model and form of cooperation during such negotiations.

i)   In the event of any agreement being reached by the Contracting Parties as regards opposition parties' cooperation beyond by-elections before the year 2009, such agreement shall take precedence over this Agreement.

We affirm these principles and resolve to move forward with positive and constructive working relationship.

"We shall triumph"

 EPHRAIM SETSHWAELO
For and on behalf of BNF

_____

Date: _____

GILSON SALESHANDO
For and on behalf of BCP

_____

Date: _____

OTSWELETSE MOUPO
For and on behalf of BNF

_____

Date: _____

APPENDIX 4

NATIONAL RAINBOW COALITION (NARC) MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE NATIONAL ALLIANCE PARTY OF KENYA (NAK)
AND
LIBERAL DEMOCRATIC PARTY – LDP (RAINBOW)

22ND OCTOBER 2002

We, leaders and representatives of the National Alliance Party of Kenya (NAK) and the Liberal Democratic Party – LDP (Rainbow):

Recognising that a unified front from the opposition is the key to winning the next general election and therefore saving Kenya from total economic, social, cultural and political collapse;

Recognising the need to promote national reconciliation and reconstruction and the need to work together towards bringing about meaningful political and economic changes in the country;

Sharing a common vision for a prosperous and well managed Nation;

Committed to placing the interests of the Kenyan people above all personal and political considerations;

Noting that a democratic and legitimate government is one based on popular support and founded on the basis of participatory democracy;

Convinced that there is urgent need to complete the on-going comprehensive people driven constitutional review process which reflects the interests and aspirations of Kenyans;

Having engaged in and completed full and frank deliberations;

Hereby do pledge through this memorandum of understanding to bind ourselves to the principles set herein and to attain the objectives contained hereto as follows:

OBJECTIVES OF THIS MEMORANDUM

1. To establish a coalition between the National Alliance Party of Kenya and the Liberal Democratic Party – LDP (Rainbow) to be known as "National Rainbow Coalition" (NARC) for the purpose of winning the next general election.

2. To form a government of National Unity.

3. To adopt a common slogan, symbol and campaign strategy for the next general elections.

4. To formulate a post-elections action plan.

5. To design and implement a programme for the economic, social, cultural and political recovery of Kenya.

6. To develop mutual trust and respect between contracting parties.

7. To commit the leadership of the contracting parties to an undertaking that they will be bound by the electoral pacts, nominations, sharing of power and the programme of recovery.

8. To commit the leadership and members of the contracting parties to desist from issuing any statements or engaging in any activities that may disrupt or otherwise undermine the National Rainbow Coalition.

9. To commit the leadership and members of the contracting parties to unity and mobilisation of support for the National Rainbow Coalition.

10. To commit the National Rainbow Coalition to the democratic principles of openness, tolerance, dialogue, conciliation, and consensus building in the implementation of this memorandum of understanding.

<u>GENERAL PRINCIPLES OF THIS MEMORANDUM:</u>

1.   That the name of the political party created by this agreement is the "National Rainbow Coalition". Its acronym shall be NARC.

2.   That both parties, the National Alliance Party of Kenya and the Liberal Party of Kenya – LDP (Rainbow) enter into this agreement as two equal partners.

3.   That the equality of partnership shall be reflected in the power-sharing arrangement in the Cabinet of the NARC Government.

4.   That the summit of the cabinet of the NARC government shall be equitably distributed between members of the two contracting parties on the basis of a formula agreed upon by the contracting parties.

5.   That the composition of the summit of the NARC cabinet shall be a transitional arrangement to facilitate a government of National Unity in the spirit of the New Constitution.

6.   That the National Rainbow Coalition adopt a symbol derived from the symbols of the contracting parties.

7.   That the National Rainbow Coalition shall adopt a formal set of nomination procedures that will apply to all candidates. Both contracting parties shall have representation in all the relevant structures for the nomination process.

8.   That the National Rainbow Coalition shall present one presidential candidate during the next general elections.

9.   That the National Rainbow Coalition shall present one parliamentary candidate in every Constituency, and one civic candidate in each of the local authority wards, to run in the next general election against other candidates for the same positions.

10.   That the National Rainbow Coalition shall have a common manifesto that shall reflect the common policy positions and government structures of the contracting parties.

11.   That the National Rainbow Coalition commits itself to the adoption and entrenchment of the new Kenyan Constitution and the new constitutional order provided therein within six months of winning the next general election.

SIGNED ON THIS DAY, TUESDAY 22ND DAY OF OCTOBER 2002.

TITUS MBATHI   *DENIS KODHE*
CHAIRPERSON   CHAIRPERSON
NATIONAL ALLIANCE PARTY   LIBERAL DEMOCRATIC PARTY
OF KENYA (NAK)   LDP – (RAINBOW)

SIGNED ON THIS DAY, TUESDAY 22ND DAY OF OCTOBER 2002

Hon. MWAI KIBAKI MP.   *Hon. RAILA AMOLLO ODINGA MP.*
Hon. M. KIJANA WAMALWA MP.   *Hon. S. KALONZO MUSYOKA MP.*
Hon. CHARITY KALUKI NGILU MP.   *Hon. GEORGE SAITOTI MP.*
Hon. KIPRUTO ARAP KIRWA MP.   *Hon. MOODY AWORI MP.*
PRINCIPLES & REPRESENTATIVES   PRINCIPLES & REPRESENTATIVES
NATIONAL ALLIANCE PARTY   LIBERAL DEMOCRATIC PARTY
OF KENYA (NAK)   (RAINBOW)

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PRINCIPLES & REPRESENTATIVES   PRINCIPLES & REPRESENTATIVES
NATIONAL ALLIANCE PARTY   LIBERAL DEMOCRATIC PARTY
OF KENYA (NAK)   (RAINBOW)

ABOUT EISA

Promoting Credible Elections and
Democratic Governance in Africa

EISA is a not-for-profit and non-partisan non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of relevant government departments, electoral management bodies, political parties and civil society organisations operating in the democracy and governance field throughout the SADC region and beyond. Inspired by the various positive developments towards democratic governance in Africa as a whole and the SADC region in particular since the early 1990s, EISA aims to advance democratic values and practices and to enhance the credibility of electoral processes. The ultimate goal is to assist countries in Africa and the SADC region to nurture and consolidate democratic governance. SADC countries have received enormous technical assistance and advice from EISA in building solid institutional foundations for democracy. This includes: electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; and enhancing the institutional capacity of the election management bodies. EISA was formerly the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is currently the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

VISION

Promoting credible elections and democratic governance in Africa.

MISSION

EISA's mission is to strengthen electoral processes, good governance, human rights and democratic values through research, capacity building, advocacy and other targeted interventions. The organisation services governments, electoral commissions, political parties, civil society organisations and other

institutions operating in the democracy and governance fields throughout Africa.

VALUES AND PRINCIPLES

Key values and principles of governance that EISA believes in include:
- Regular free and fair elections
- Promoting democratic values
- Respect for fundamental human rights
- Due process of law / rule of law
- Constructive management of conflict
- Political tolerance
- Inclusive multiparty democracy
- Popular participation
- Transparency
- Gender equality
- Accountability
- Promoting electoral norms and standards

OBJECTIVES

- To nurture and consolidate democratic governance

- To build institutional capacity of regional and local actors through research, education, training, information and technical advice

- To ensure representation and participation of minorities in the governance process

- To strive for gender equality in the governance process

- To strengthen civil society organisations in the interest of sustainable democratic practice, and

- To build collaborative partnerships with relevant stakeholders in the governance process.

CORE ACTIVITIES

- Research
- Conferences, seminars and workshops
- Publishing
- Conducting elections and ballots
- Technical advice
- Capacity building
- Election observation
- Election evaluation
- Networking
- Voter / civic education
- Conflict management
- Educator and learner resource packs

PROGRAMMES

EISA's core business revolves around three main programmes namely: Conflict Management, Democracy and Electoral Education; Electoral and Political Processes; and Balloting and Electoral Services.

CONFLICT MANAGEMENT, DEMOCRACY AND ELECTORAL EDUCATION

This programme comprises various projects including voter education, democracy and human rights education; electoral observation; electoral staff training; electoral conflict management; capacity building; course design and citizen participation.

ELECTORAL AND POLITICAL PROCESSES

This programme addresses areas such as technical assistance for electoral commissions, civil society organisations and political parties; coordination of election observation and monitoring missions; working towards the establishment of electoral norms and standards for the SADC region and providing technical support to both the SADC-ECF and the SADC-ESN.

BALLOTING AND ELECTORAL SERVICES

The programme enhances the credibility and legitimacy of organisational elections by providing independent and impartial electoral administration, management and consultancy services. The key activities include managing elections for political parties, trade unions, pension funds, medical aid societies, etc.

EISA'S SPECIAL PROJECTS INCLUDE:

- Local Government, which aims to promote community participation in governance; and
- Political Parties, which aims to promote party development at strategic, organisational and structural levels through youth empowerment, leadership development and development of party coalitions.

EISA'S SUPPORT SERVICES INCLUDE:

- Research
- Publications
- Library
- Information and Communication Technology (ICT).

EISA PRODUCTS

- Books
- CD-ROMS
- Conference proceedings
- Election handbooks
- Occasional papers
- Election observer reports
- Research reports
- Country profiles
- Election updates
- Newsletters
- Voter education manuals
- Journal of African Elections
- Election database

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