

11. Other vital associations were also barely underway at this time. The Tanzanian Chamber of Commerce, Industry and Agriculture (TCCIA), for example, was newly formed and undergoing internal division. The Tanganyika Law Society, often cited as a powerful civic force for reform, held its initial seminar only in September 1990.
12. Michael Bratton, "Civil Society and Political Transitions", in Harbeson, et. al, *op. cit.*, p. 64.
13. For an excellent case study of this process, see Aili Mari Tripp, *Changing the Rules: The Politics of Liberalisation and the Urban Informal Economy in Tanzania* (Unpublished ms., December, 1993).
14. This draws upon Robert Pinkney, *Democracy in the Third World* (Buckingham and Philadelphia: Open University Press, 1993), p. 104.
15. See Naaman Mkemwa, "The 40 Oppressive Laws" in *Weekly Mail* (Dar es Salaam), August 16-22, 1993, pp. 15-16.
16. Several leading political scientists at the University of Dar es Salaam believe that without Nyerere's intervention, democratic reforms might not have taken place or might have taken place much more slowly.
17. Julius K. Nyerere, *Uongozi Wetu na Hatima ya Tanzania* (Harare: Zimbabwe Publishing House, 1994).
18. Julius K. Nyerere, "Address to the Party National Conference of CCM", February 18, 1992. (Mimeo).

## Legal and Regulatory Influences on Party Competition in Botswana and Zimbabwe

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### Introduction

The Encyclopaedia of Democracy's definition of a country's electoral system addresses only the issue of how the votes of citizens become transformed into legislative office.<sup>1</sup> However, the electoral system also has a significant influence on a country's party system, a fact that has interested many scholars.<sup>2</sup> Whether or not proportional elections generate multi-party systems while majoritarian elections generate two-party systems has been a subject of serious debate ever since Duverger presented his 'laws' in the 1950's. What have been addressed less often by political scientists, however, are the effects that a country's electoral system has on the degree of competition between parties during campaigns, despite the existence of an awareness of such effects. Electoral systems exist to structure competition among parties.<sup>3</sup>

Some argue that an electoral system cannot be constructed or altered to favour certain actors in the struggle for power.<sup>4</sup> This assertion has not gone unchallenged, however. Sartori (1994:27-9) directs sharp criticism toward this view, and points to both methodological shortcomings in the studies drawing such conclusions, as well as examples in which such changes have in fact taken place. Whether or not it is possible to change an electoral system depends, among other things, on the scope of the changes. If it is merely a question of either minor alterations or introducing supplementary laws, legislative majorities are relatively easy to bring about. If, on the other hand, it is a matter of amendment or revision, which of course requires considerable unanimity among the parties, then the situation is significantly different.

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Why are electoral systems changed, and why are such changes attempted? Sartori (1994) argues that changes occur because political actors seek to achieve a short-term advantage in the form of more legislative seats. The political actor with the greatest possibility of exerting such influence is the ruling party, which often enjoys a majority in the legislative assembly.

The question is, then, have the ruling parties in Botswana and Zimbabwe taken advantage of their dominant position in the national assemblies by passing legislation to secure their continued rule, thereby weakening the capacity of the opposition to compete for power, or has the regulatory system treated all parties in a similar manner?

### The Constitution, Regulation, and Internal Rules and Procedures

The overriding criterion for identifying relevant laws and rules is their ability to influence the competitive position of parties during an election campaign. It is possible that an examination of laws and decrees alone will not provide a complete picture, however. A typical example is the *Zimbabwe Broadcasting Act*, which contains the general rules and directives for the ownership and programming content of the state media monopoly. If this was the only source examined here, the analysis would run the risk of being overly simplistic, since the ZBC guidelines for political reporting can be found in an entirely different document - the 1995 *Election Coverage Guidelines* - which is an internal memorandum. Therefore, both the formal legal framework and informal rules and procedures will be examined in this article.

A country's constitution and election laws stake out the boundaries of a party's campaign operation. Here, permissible and forbidden aspects surrounding party struggles for voter support on election day are stipulated. An example in this context is the delimitation of voting districts and the determination of legislative seats. Here it is possible for the ruling parties to structure certain advantages, such as so-called gerrymandering.<sup>5</sup> Either the stronghold of the opposition can be diluted by carving out districts containing areas with strong ruling party support, resulting in the victory of the ruling party for the contested seats, or it can be weakened by simply reducing the number of districts (hence legislative seats) in areas represented by the opposition while increasing the number of districts in regions with ruling party support. The manifestations of these 'techniques' vary, but what they have in common is the intentional manipulation of constituency boundaries on the part of the ruling party intended to favour its own electoral position. Such a practice, however, is not consistent with free and fair elections.

In addition to the Constitution and election laws, other laws can influence the planning and behaviour of political parties during a campaign. The ability of the party to communicate via the mass media is influenced in part by a public broadcasting act, and therefore it ought to be included in a study of this kind. An additional legal area that can exert considerable influence on the opposition's capacity to convey its message to voters is the regulation of party financing. Does state support for parties exist, and if so, is such support extended to the opposition?

The regulatory parameters that will be examined can be divided into three categories. These are:

- Constitutional laws
- Laws and decrees
- Internal rules and procedures

Common to all is that they can affect a party's campaign operations and that the ruling party can, to varying degrees, influence their formation.<sup>6</sup>

In order to provide a framework within which the laws and procedures affecting a party's campaign ideal, strategy and behaviour can be understood, a brief explanation of the structure of election systems in Botswana and Zimbabwe is needed.

### Executive-Legislative Relations

In both Botswana and Zimbabwe, changes in the electoral system have occurred since the countries became independent. Both have introduced a presidency with great authority. For example, the president acts as the head of state, government, and the armed forces in both countries.<sup>7</sup> In both cases the president is personally responsible for appointing and dismissing cabinet members. However the parliament is able, through a vote of no confidence, to dissolve the government - a power which the parliament in Zimbabwe has well.<sup>8</sup>

Presidential elections, however, operate according to two different principles. Since 1990, presidential and parliamentary elections in Zimbabwe no longer occur at the same time. This is a result of an extension of the presidential term of office from five to six years, while the parliamentary term remains at five years. In neighbouring Botswana, the terms of office for both institutions are identical. Another difference is the way in which a president is selected.

In Zimbabwe he is elected directly, while in Botswana he is elected by the parliament. The candidate receiving an absolute<sup>9</sup> majority among the newly elected MPs assumes the presidency!

In Botswana, the president is dependent upon parliament not only for his selection, but for his term of office as well, for the presidential term is directly linked with that of parliament. In other words, if a president chooses to dissolve the legislative assembly and call for new elections, he is placing his own position at some risk.

### Parliamentary Elections in Zimbabwe and Botswana

The similarities between the two countries' parliamentary election systems are numerous. Both apply the principle of 'first past the post', which means that the candidate receiving the most votes wins the seat. Both countries also have single-member districts.

Over the years, the size of parliament has varied in both countries. The parliament of Botswana expanded the number of electoral seats from thirty one at the time of independence to the current forty, while the corresponding increase in neighbouring Zimbabwe was from one hundred to one hundred and twenty seats.<sup>10</sup> This does not account for all of the parliamentarians, however, as there are an additional four in Botswana, and thirty in Zimbabwe, who possess full voting rights.<sup>11</sup> In the former case, the parliamentary majority selects four members. In addition, even the president has voting rights as an *ex-officio* member of parliament.<sup>12</sup> In Zimbabwe, the thirty additional MPs are directly or indirectly appointed by the President.<sup>13</sup> As a result, only a maximum of 80 per cent and 91 per cent of parliament is truly subjected to electoral competition in Zimbabwe and Botswana respectively.

Official explanations of the ruling party advantage differ between the two countries. In Zimbabwe, ZANU-PF justifies the system by referring to traditional imperatives and a need to obtain an ethnically balanced parliament, which the president should support through his right to appoint members. In Gaborone, the extra seats are justified by the need of parliament to broaden its competence base, which takes place by having the elected assembly complemented by a few well-educated individuals. During the first legislative periods, educational levels were indeed low among both the vast majority of the population as well as the ruling elite, but significant changes

have taken place over the past thirty years. Today there is no shortage of well-educated citizens in Botswana.<sup>14</sup>

### Electoral Law and the Election Process

Both Botswana and Zimbabwe have comprehensive regulations surrounding the campaign operations of political parties and individual candidates. The primary source is the countries' election laws. To clarify the relevant legal passages, they will be presented in the same chronological order in which they affect the campaign operations of political parties.<sup>15</sup>

Before voters can go to the polls, the country must first be divided into voting districts, a process carried out by a delimitation commission in each country.<sup>16</sup> Because both countries use a majoritarian electoral system with single member districts, the pattern of sub-division can have direct consequences on the election results.

Prior to parliamentary elections in both countries, opposition groups criticized the way in which members of the Delimitation Commission were selected. Since the appointment and discharge of commission members must be approved by the president, their non-partisanship could be questioned. It is believed by some that in the past the commission was partisan, but no such criticism can be directed against their actions in the 1995 parliamentary election.<sup>17</sup>

The actions taken by the Delimitation Commission in Botswana also appear, in this context, to have been non-partisan. Prior to the 1994 election, the number of voting districts increased from 34 to 40. Four were completely new seats created in the country's largest cities where the opposition had its greatest stronghold (Gaborone + 3, Francistown + 1). Thus, district delimitation favoured the opposition Botswana National Front in the 1994 election, not the ruling party.<sup>18</sup>

Once the seats have been assigned, parties can hold primary elections and prepare candidate tours. To avoid having too many candidates, both Botswana and Zimbabwe have introduced monetary and administrative requirements for parliamentary candidacy. Upon registration, the presumed candidate must pay a fee and obtain a certain number of signatures from registered voters in the actual district. This implies that resource-poor parties seldom field candidates in all districts, which was indeed the case in both countries.

In Botswana, where the public sector is comprehensive, there are additional constraints on candidacy. Civil servants are not permitted to run for political office, which must be regarded as a serious restraint on political freedom since a large number of people are excluded from the political arena through this law.<sup>19</sup> Yet another requirement that excludes a fair number of people from active political activity in Botswana is the language requirements: the candidates must have a command of the English language.<sup>20</sup> The reason behind this is that parliamentary debates are conducted in English, and legislative propositions and budgets are written in English. Thus, none of the national laws are accessible through any of the vernacular languages.

For a party and its candidates to successfully carry out a campaign, they must collect money, formulate a campaign message, and train campaign workers. All of these activities are time consuming. In an election system characterized by regular intervals, where new elections are rarely called, as for example in Norway and Sweden, it is possible for political parties to prepare for a campaign. Systems in which the head of government can decide to call an election at any time place great demands on the capacity of opposition parties - they must be continuously ready to carry out a campaign. The prime example is Great Britain, where the ruling party can use opinion surveys to decide the most opportune timing for an election. Both Botswana and Zimbabwe have enacted their election laws in the same way.<sup>21</sup> The election-calling privilege, therefore, extends certain advantages to the ruling party because it has more time to prepare for a campaign.

### **Campaign Costs**

The primary objective of regulating campaign costs is to avoid a situation in which the most resource-rich parties can buy electoral victory by spending large amounts of money on television and radio advertising, extensive door-to-door campaigns, and 'personal' letters to important voter groups. By regulating how much politicians, parties, and party-related organizations can spend during a campaign, the authorities attempt to stave off such a development.

As in Great Britain, the electoral laws of both Botswana and Zimbabwe distinguish between the campaign costs of individual candidates and parties. The candidate's costs are regulated, but the parties can spend an unlimited amount of money on the party's campaign.

Candidates for parliament in Botswana are allowed to spend up to USD 7,000. Their costs must be reported within 90 days after the opening of the

new parliament. If a candidate does not report his campaign costs, the newly-elected MP can be forbidden to take his seat in the parliament of Botswana. The Supervisor of the Elections is responsible for seeing that MPs meet this obligation.<sup>22</sup> However, no such control was imposed in connection with the 1994 elections. By contrast, there are no restrictions for the parties, as long as it is not a question of direct support to individual candidates.

Parliamentary candidates in Zimbabwe face much greater legal restrictions. According to the electoral law, individual candidates can only spend the equivalent of USD 125. As in Botswana, however, Zimbabwean political parties can support candidate campaigns indirectly by providing them with material, by organizing political meetings or rallies, and by purchasing advertising in the party's name. In spite of this, the ruling party in Zimbabwe decided that all parliamentary candidates should receive a cash contribution of USD 750, which was announced in the country's largest daily newspaper without generating any reaction from the county's election authorities.<sup>23</sup>

Thus, election laws do not place any limits on how much parties can spend during a campaign. Nor do the responsible election authorities in the two countries monitor parties' and candidates' activities to ensure that laws regulating the costs of individual candidates are followed. Such a situation favours the parties with the most resources at the expense of those with less. The extent to which this has practical implications for a party's campaign preparations can only be determined after examining the rules surrounding party financing. If the differences between the parties' resources are great, and the parties can in fact spend an unlimited amount of money during a campaign, then the competitive status of the resource-weak parties will be negatively affected because they are less likely to be able to communicate with voters.

### **State Financing of Parties**

In a democratic election process, the responsible authorities strive not only to monitor how much politicians spend on the campaign, but also whose money is spent. By limiting organizational, individual and corporate contributions to a party's election campaign, they try to avoid a situation in which certain individual donations will be able to exert too much influence over the policies that would be implemented after an eventual electoral victory.

One way to avoid a dependent relationship between the party and the donor is to limit the size of the contribution. In Botswana and Zimbabwe, each contribution to a candidate that exceeds USD 4 in the former case and USD 1 in the latter must be reported. However, since no restrictions apply to the parties, this stipulation is largely irrelevant.<sup>24</sup>

Another way to avoid a dependency situation between party and donor is through state party financing. This can take several forms. In some countries, the state has chosen to subsidize different campaign activities (e.g. free postage and broadcast time), while in others financial support is extended directly to party headquarters.

State funding of Tswana and Zimbabwean party campaign operations differ in one dramatic way. In the former case, there are no state subsidies, while in the latter they are extensive. However, the difference in the access to the subsidies between ruling and opposition parties is considerable in Zimbabwe.

When the ruling party decided to introduce state support for political parties in 1992, the largest opposition party occupied only two seats in Parliament. In order for a party to qualify for portions of the annual support of USD 4.5 million, they had to hold a minimum of fifteen parliamentary seats. The result was that the ruling party, ZANU PF, received the entire amount every year. Given the currently divided state of the opposition in Zimbabwe, the present ruling party will continue to receive an annual sum of USD 4.5 million for the foreseeable future.<sup>25</sup>

At first glance, USD 4.5 million may not seem to be a striking amount, but in Zimbabwe it is an enormous sum of money. Taking into consideration the cost of living in Zimbabwe and the US, ZANU PF's state party support would be equal to approximately USD 195 million.<sup>26</sup> This can be compared to the USD 150 million that the three largest parties received in federal party support in connection with the world's most expensive campaign: the 1996 American presidential election. Yet another difference that ought to be emphasized is that American political parties only receive this money during an election year, while in Zimbabwe this funding is paid annually.

#### Broadcast Regulations in Zimbabwe and Botswana

Broadcasting in both Botswana and Zimbabwe is dominated by the state media apparatus: The Zimbabwe Broadcasting Corporation (ZBC), and

Radio Botswana (RB). In Zimbabwe the ZBC exercises a *de jure* monopoly, while in neighbouring Botswana there exists a *de facto* monopoly in radio broadcasting, since the government has never approved applications for broadcast licenses to operators other than Radio Botswana.

ZBC and RB have, according to the directives from their owners, the task of informing, educating, and entertaining the inhabitants of their respective countries. The owners of both organizations are the respective states. In Zimbabwe, however, the President not only appoints the ZBC board members, including its director, but he can also dismiss them. The state-run broadcast in Botswana is connected organizationally to the government. RB belongs to the Department of Information and Broadcasting, which is part of the Ministry for Presidential Affairs and Publicity.

When there exists a close connection between the ruling party and the state media, there is a risk that the media's content during a campaign will be affected, either in the sense that the ruling party exerts pressure or that the media exercises self-censorship. This organizational form - the public service corporation - does not necessarily imply that the integrity of journalists and editors is universally compromised. Swedish Radio and the BBC are but a few examples illustrating that it is possible to combine state control and independent news monitoring.

Previous studies suggest, however, that the ruling party in Zimbabwe has on several occasions taken advantage of its power position in order to influence the content of statecontrolled media.<sup>27</sup> Even if some scholars have observed that the ruling party in Botswana generally does not avail itself of the state media apparatus to increase its chances for re-election, President Masire, nonetheless, features disproportionately in news broadcasts. In addition, there are certain indications that the government has tried to influence RB's internal operations.<sup>28</sup>

#### Internal rules of the State Broadcast Media

In today's established democracies, political parties try to communicate with the media in three ways. First, politicians strive for extensive and positive publicity. Second, the party conveys its campaign message by purchasing advertising time, and third, party representatives participate in debates.

In Zimbabwe, the ZBC decides the extent of permissible political advertising. The Election Coverage Committee (ECC) was created prior to the 1995

parliamentary election in order to address issues surrounding the ZBC's campaign coverage. This organization consisted of ZBC directors and had the task of monitoring ZBC's political reporting during the election, including both news coverage and political advertisements.

The ECC had very extensive authority. Among other things, it could change the content of a party's advertisement and air it at a time other than that originally scheduled, without having to inform the party beforehand. If the advertisement contained insulting expressions or dubious statistical information, the ECC had, furthermore, the right to edit them out or, alternatively, cancel the broadcast entirely.<sup>29</sup>

The ECC was established because of the advertisements (ads) run by ZANU PF during the 1990 campaign. One of the ruling party's television ads contained a coffin that was lowered into the ground as a voice said AIDS kills. So does ZUM - Vote ZANU PF. The ZBC's leadership felt that the ruling party had gone too far and therefore created the ECC, which can serve as a sign of ZBC's relative independence.

Prior to the parliamentary election, the ECC decided that parties running in at least fifteen districts would receive thirty minutes of free air time on TVI, Radio 1, Radio 2, and Radio 4, while parties with fewer candidates would receive five minutes on each channel.<sup>30</sup> This constituted a state subsidy of USD 134,000. In addition, all parties were invited to take part in a political debate the day before the election, which has now become a tradition in Zimbabwe.<sup>31</sup>

The situation in Botswana was the direct opposite. Here, parties could neither convey their respective messages via advertising, since this was forbidden, nor could they debate their positions on important issues, since political debates did not occur. Thus all that remained was RB's news reports, for which there existed no written rules. The producers could therefore be seen as working under considerable freedom. Whether or not the producers applied self-censorship in order to insure their future employment is however unclear.<sup>32</sup>

## Conclusions

Before the campaign gets off the ground, the competitive capacity of the opposition is usually already affected. The laws, decrees and internal rulings stipulating the number of legislative districts/seats, campaign financing and

state subsidies to political parties are just a few aspects of the disadvantages and advantages of the opposition and ruling parties respectively.

Other aspects are the rules and practices of actors affecting communication between parties and voters, in particular those of the state media apparatus.

Prior to the 1994 and 1995 elections in Botswana and Zimbabwe respectively, commissions were appointed to study the changes that would be necessary for voter redistricting to conform to electoral laws. This updating followed stipulated rules, and no party was unduly advantaged. The same applies to the demand profile for parliamentary candidacy. In Botswana, the demands are particularly rigid. The laws exclude a large segment of the population from running for office, but they are the same for all parties. This, however, is not the case in terms of the regulations surrounding party and candidate financing or the practices surrounding their implementation.

Only candidates are required to report who their contributors are and how much each person and organization has given to the campaign. On the other hand, political parties can receive unlimited amounts of money from different interest groups. From an informational perspective this is not necessarily negative. It could, in fact, be advantageous not to have any limits on party campaign spending, since this could help to increase voter familiarity with the parties and their policies. However, the absence of a limit on campaign spending can have very negative consequences from the point of view of fair competition. As long as parties have similar resources, they can compete under the same conditions, but when large differences exist between parties in this regard, and campaign costs are *de jure* or *de facto* unregulated, then the competition for power can be negatively affected. Established parties with well-developed financing operations are advantaged at the expense of younger parties, usually opposition parties, with more limited resource bases. Whether or not the competitive capacity of Tswana and Zimbabwean opposition parties are disadvantaged cannot be determined until the resource bases of both the ruling and opposition parties have been mapped out.

By contrast, state financing of political parties in Zimbabwe is formulated in a way that unilaterally favours the ruling party. By taking advantage of their legislative powers, the ruling party created *The Political Finance Act (1992)* in such a way that it received, in the Zimbabwean context, an enormous economic advantage over the opposition. This can have very serious

consequences for the opposition parties' ability to realize their campaign ideal in actual practice. In Botswana, state funding for parties does not exist.

The remaining state subsidies are, however, more evenly distributed. Certainly, the smaller opposition parties in Zimbabwe do not receive as much free air time as the larger parties, but parties need to run candidates in only fifteen of the one hundred and twenty voting districts to receive the maximum time allotment. In this way, the competition between the larger opposition parties and the ruling party is not negatively affected by the state media subsidies in Zimbabwe. Neither the ruling party nor the opposition are given this opportunity in neighbouring Botswana.

The structure of the state media apparatus, on the other hand, has caused its non-partisanship to be questioned, which in turn can influence a party's views about which communication channels they consider to be available to them during a campaign. Despite the absence of extensive content analysis of the media's campaign coverage in both countries, the opposition has previously questioned the independence of both the RB and the ZBC. However, changes can occur within a five year legislative period: the government can declare that state media shall be independent, or a new leadership can appear with different visions. Therefore, the attitudes of campaign strategists toward media independence must be evaluated prior to each new election. Only then is it possible to determine whether the media's proximity to certain parties affects their own and other parties' campaign strategies and campaign behaviour.

Both the Botswana and the Zimbabwean Constitutions favour the ruling party by virtue of the fact that not all of the legislative seats are contested through general elections. In Botswana the ruling party receives four 'bonus' seats in addition to the voting rights of the President. The advantages of the ruling party are even greater in Zimbabwe, where the President can control twenty percent of the seats in Parliament. Despite the fact that the occupants of these 'bonus' seats do not represent voting districts, they have the same privileges as the rest of the MPs. In practice, then, these MPs constitute an important resource pool for the ruling party - at the expense of the state budget rather than the party's campaign coffers. Thus, incumbents have used their legislative powers in order to make it more difficult for a robust opposition to emerge, and this is particularly obvious in the Zimbabwean case.

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### Notes

1. 'The sets of methods by which citizens elect their representatives', *The Encyclopaedia of Democracy*, Vol. 11, p. 412.
2. Vernon Bogdanor and David Butler, (eds.), *Democracy and Elections* (Cambridge University Press, Cambridge, 1983); Maurice Duverger *Political Parties: Their Organization and Activities in the Modern State* (Methuen, London, 1954); Arend Lijphart, (ed.), *Parliamentary versus Presidential Government.* (Oxford University Press, Oxford, 1992).
3. In his study, Katz does not include an analysis of inter-party competition. Instead, he focused on the electoral system's effects on competition within parties, among other things (Richard S. Katz *A Theory of Parties and Electoral Systems* (Johns Hopkins University Press, Baltimore, 1980), p. xi).
4. Dieter Nohlen, 'Changes and Choices in Electoral Systems', in Arend Lijphart and Bernard Grofi-nan, (eds.), *Choosing an Electoral System: Issues and alternatives* (Praeger, New York, 1984).
5. John C. Courtney, Peter MacKinnon and David E. Smith, (eds.), *Drawing Boundaries. Legislatures, Courts, and Electoral Values* (Fifth House Publishers, Saskatoon, 1992).
6. David Butler, 'Electoral Systems', in D. Butler, H. Penniman and A. Ranney *Democracy at the Polls* (American Enterprise For Public Policy Research, Washington D.C., 1981), p.24.
7. See *The Constitution of Botswana* (Government Printer, Gaborone), chapter I.; Welshman Ncube and Shephard Nzombe, 'Continuity and Change in the Constitutional Development of Zimbabwe', in Preben Kaarsholm, (ed.), *Cultural Struggle & Development in Southern Africa* (Villiers Publishers, London, 1991), p. 177.
8. See, for instance, *The Constitution of Botswana* §32[ 1 ], §92; Ncube and Nzombe, *Continuity and Change*, pp. 177-8. If a vote of no confidence is raised against the President, and the required number of MPs support it, the President can dissolve Parliament, dismiss the cabinet, or resign.

9. When parliamentary candidates register their candidacy, they usually stipulate which presidential candidate they are supporting. However, the prospective MPs are not required to make such a declaration (*The constitution of Botswana* # 32 [3a]).
10. Staffan Darnolf, *Botswana: En studie av politiska partiers aktiviteter och massmediernas rapportering under valkampanjen 1994* (Goteborgs universitet, 1995); Jonathan N. Moyo, *Voting for Democracy. Electoral Politics in Zimbabwe* (University of Zimbabwe Publications, Harare, 1992); James H. Polhemus, 'Botswana Votes: Parties and Elections in an African Democracy', *The Journal of Modern African Studies*, 21 (1983), p. 415.
11. During the 1950's, the Rhodesian government made it very difficult for the black population to participate in the political arena. In order to register as a voter one needed a formal education and a certain level of wealth. As a result of these requirements, only 560 black citizens were registered out of a total 62,000 in 1956. Prior to the elections preceding independence in 1980, the black population was excluded from the franchise. Therefore, it was obvious that the constitution needed thorough revision before the independent state of Zimbabwe could be proclaimed. In the Lancaster House agreement, which outlined the provisions of the new constitution, representatives of the liberation movements had to accept that the white community was guaranteed twenty percent of the seats in the new parliament for the next seven years (Moyo, *Voting for Democracy*, p.45). Thus, not until the parliamentary and presidential elections of 1990 was the constitution amended, and the 'white and the common roll' were merged. Hence, for the first time, voters could cast their ballots within a single voter register, and candidates who received most votes were elected, irrespective of the colour of their skin.
12. *The Constitution of Botswana* §58[1], §58[2b]. Several scholars have disregarded the fact that the President also has a vote in (Patrick P. Molutsi, 'The Ruling Class and Democracy in Botswana', in John D. Holm and Patrick P. Molutsi, (eds.), *Democracy in Botswana. The Proceedings of a Symposium held in Gaborone, 1-5 August 1988*, (Macmillan, Gaborone, 1989), p. 105; Monica Stjemström, *Länder i Fickformat: Botswana och Namibia* (Utrikespolitiska Institutet, Stockholm, 1995).
13. The Zimbabwean President appoints twelve members of Parliament. In addition, the eight Governors of the country's provinces, who are appointed by the President, are also members of Parliament. The remaining ten seats are selected by the Chief's Council. However, members of this council have to be approved by the President and they can therefore be expected not to disagree with him.
14. Liisa Laakso, *Moments of Democracy, Structures of Oppression. State Constraints for Democratisation in Zimbabwe* (University of Helsinki, Unpublished Licentiate Thesis, 1994); F. Morton and J. Ramsay, (eds.), *The Birth of Botswana. A History of the Bechuanaland Protectorate from 1910 to 1966* (Longman, Gaborone, 1987); Thomas Tiou and Alec Campbell, (3<sup>rd</sup> edition), *History of Botswana* (Gaborone, Botswana, 1994). In a current affairs program on ZBC-TV I, the ruling party's spokesman, Foreign Minister Shamuyarira, said that ZANU PF would consider the President's 'free' mandates. This statement turned out to be of no value. When the President was interviewed shortly before election day in April 1995, he made it clear that no such amendments were being considered. Instead, he claimed that the opposition's assertions regarding an uneven playing field in Zimbabwe was just an excuse for low voter support among the opposition parties.
15. *The Zimbabwean Electoral Act* furnishes the President with unusually extensive powers for multi-party elections: 'Notwithstanding any other provision of this Act but subject to subsection (2), and the subsection (4) of section 61 of the Constitution, the President may make such statutory instruments as he considers necessary or desirable to ensure that any election is properly and efficiently conducted and to deal with any matter or situation connected with, arising out of or resulting from the election' (*Zimbabwe Electoral Act* § 15 1 [11]). Statutory instruments include, among other things: 'suspending or amending any provision in this Act within which any other law insofar as it applies to any election' (§151[2]). The Electoral Act can, in other words, only be regarded as a guiding tool for the President, since he has the authority to revise the Electoral Act without any consultation. The President can, for instance, postpone elections or annul election results. In Botswana, the President has no such authorities.
16. Botswana and Zimbabwe use similar rules when delimiting constituency boundaries, although some differences exist. Both countries apply: (1) a quota based on the country's and the districts' population. In addition, the national Delimitation Commissions must consider: (2) the level of infrastructure; (3) population density; (4) administrative boundaries. In Botswana, the districts' quota is determined by the number of *seats* in Parliament. The Botswana Delimitation Commission's colleagues apply a formula in which the number of registered voters is divided by districts. However, discrepancies from the fixed quota are not allowed to exceed twenty percent in Zimbabwe. No such requirement exists in Botswana.
17. Just four days prior to election day in 1990, the Delimitation Commission redrew five districts. According to an analysis conducted by Jonathan M Moyo, these alterations unilaterally benefited the incumbent party, ZANU PF (Moyo, *Voting for Democracy*, pp. 48-49).
18. During an election year, the responsible election authority usually organizes a number of voter registration campaigns. This was also the case before the most recent parliamentary elections in the countries under examination. However, these activities were plagued by administrative problems. On election day, it was discovered that voters who had passed away years ago were still on the voter register, while others, who had registered, could not find their names on the roll. Unclear guidelines as to what identification documents voters were required to produce in the polling stations added to the confusion.
19. John D. Holm, 'Elections and Democracy in Botswana', in John D. Holm and Patrick P. Molutsi, (eds.), *Democracy in Botswana, The Proceedings of a Symposium held in Gaborone, 1-5 August 1988* (Macmillan, Gaborone, 1989), p. 195.



20. *The Constitution of Botswana* §61-62.
21. When the country's head of government dissolves Parliament, elections must take place within 60 days in Botswana and 66 days in Zimbabwe.
22. 'Within 90 days after the result of an election has been declared, every candidate at that election shall render to the returning officer a true return in such form as the Supervisor of Elections may direct' (*The Botswana Electoral Act 1993* §85).
23. Correspondence with Returning Officers showed that several members of the current Parliament in Botswana have not yet reported their costs incurred during the 1994 election campaign. This is largely due to the fact that the responsible authority for controlling the elected officials' adherence to these regulations has not conducted such an inquiry. If such an inquiry was conducted, some of the MPs could lose their seats in Parliament.
24. *The Herald*, 23 March 1995; interview with Moven Mahachi, ZANU PF's campaign manager, 27 Feb. 1995, Harare.
25. *The Botswana Electoral Act 1993* §83; *The Zimbabwe Electoral Act 1990* § 18.
26. The calculation is based on a comparison of the 1994 GNP/capita of the two countries (USD 26,000 USD.600 x USD 4.5 million = USD 195 million).
27. This financial consideration will be more thoroughly examined when the political parties' organizational capacities are analysed.
28. Staffan Damolf, 'Critics or Megaphones? News Coverage During the Parliamentary Election Campaigns in Botswana 1994 and Zimbabwe 1995', *Democratisation*, 4 (1997); E. T. M. Rusike, *The Politics of the Mass Media. A Personal Experience* (Roblaw Publishers, Harare, 1990).
29. John D. Holm, 'Elections in Botswana: Institutionalisation of a New System of Legitimacy', in F. Hayward, (ed.), *Elections in Independent Africa* (Westview Press, Boulder, 1987), p. 130.
30. Zimbabwe Broadcasting Corporation, *1995 Election Coverage Guidelines* (Harare, 1995) pp. 1-3.
31. Of the political parties that finally ran for office, only three met the requirements and therefore received thirty minutes of free air time. The other four political parties had to be satisfied with five minutes. The cost involved in purchasing one minute during prime time (6.00 PM - 11.00 PM) is as follows: TV 1 \$5,070 ZIM; Radio 1 \$790 ZIM; Radio 2 and Radio 4 \$1,390 ZIM (Telephone interview, Mr. Machacha, Marketing Controller at ZBC, 30 March 1995, Harare).
32. Francis Kasoma, *Communication Policies in Botswana, Lesotho and Swaziland* (University of Tampere, Department of Journalism and Mass Communication, 1992).

## The Scope of Democracy in the Selection of a Presidential or Prime Ministerial Candidate\*

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### Abstract

This article argues the following. Both practice and the exigencies of "high politics", such as the need for stability, have dictated at best a form of guided democracy in the selection of the candidates for the office of Head of State or Government. Direct democracy in such selection is desirable as an ideal of mass participation, and Tanzanian political parties would be playing a novel role in the expansion of the frontiers of democracy were they to opt for it. Whether the ideal can also become practicable is a different matter altogether. Many in reforming systems have found it wiser to democratise selection only gradually, and it is suggested here that the optimal choice might be that of marrying a significant amount of popular participation with the informed guidance of democratic party leaders in the selection of a candidate for the office of Head of State or Government.

### 1. Introduction

In these decades of a heightened push for the expansion and deepening of democracy, there have been calls for the re-examination of procedures, rules and regulations governing the selection of leaders who eventually stand for election to the highest offices in the land - such as those of Head of State and of Government. These calls are now spread more or less worldwide. In Britain, for example, there have been discussions on how to increase the involvement of ordinary party voters in the selection of parliamentary

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