***Tlhopa Sentle!***

**By-elections in Botswana**

**Charles W. Gossett, California State University, Sacramento**

[**cwgossett@csus.edu**](mailto:cwgossett@csus.edu)

**Kebapetse Lotshwao, University of Botswana**

[**lotshwaok@mopipi.ub.bw**](mailto:lotshwaok@mopipi.ub.bw)

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**Charles W. Gossett, California State University, Sacramento**

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During the last two weeks of October 2008, the usually quiet Village Ward in Gaborone, the capital city of Botswana, was bombarded by trucks equipped with loudspeakers urging the residents to come out and vote in the upcoming by-election for seat on the Gaborone City Council. For the past two months, posters from all three of the major parties had been plastered around the neighborhood. First up were those of the national ruling party, the Botswana Democratic Party (BDP), showing the serious face of its young candidate, Armstrong Dikgafela, on a red and black background. Next to be posted were the placards of the oldest extant, though constantly reconfiguring, opposition party, the Botswana National Front (BNF), urging voters to support its scowling young candidate, “Comrade” Kgaiso Ntime, surrounded by the colors green and gold. Rather late in the game, green and black posters appeared asking everyone to vote for the smiling young Seabelo Thekiso representing the Botswana Congress Party (BCP), a 15-year old opposition party that was originated primarily by dissidents from the BNF. Why all this effort for a city council by-election?

Most political scientists believe that elections are essential, if not sufficient, for democratic governance and the study of elections has provided a basis for political science scholarship since the founding of the discipline. However, attention has been focused overwhelmingly on general elections wherein leaders of the executive branch might change or there is the potential for shifts in legislative power from one party or coalition to another. A few scholars, however, have examined by-elections systematically in Great Britain ([Buck, 1961](#_ENREF_6); [Cook & Ramsden, 1973](#_ENREF_14); [Cowley, 1995](#_ENREF_15); [Katritses, 1942](#_ENREF_34); [Laing, 1950](#_ENREF_36); [Mughan, 1986](#_ENREF_48), [1988](#_ENREF_49); [Norris, 1995](#_ENREF_54); [Pollock, 1941](#_ENREF_61); [Rallings, 1988](#_ENREF_63); [Rasmussen, 2006](#_ENREF_64); [Rush, 1973](#_ENREF_66); [Scammon, 1956](#_ENREF_69); [Stray & Silver, 1979](#_ENREF_74), [1983](#_ENREF_75); [Upton, 1991](#_ENREF_78)), Canada ([Kay, 1981](#_ENREF_35); [Loewen & Bastien, 2010](#_ENREF_39); [Scarrow, 1961](#_ENREF_70)), the United States - where they are called “special elections” ([Gaddie & Bullock, 1997](#_ENREF_24); [Gaddie, Bullock, & Buchanan, 1999](#_ENREF_25); [Nixon & Darcy, 1996](#_ENREF_52); [Sigelman, 1981](#_ENREF_71)), Australia ([Economou, 1999](#_ENREF_19)), Ireland ([Gallagher, 1996](#_ENREF_26)), New Zealand ([Boston, 1980](#_ENREF_3)), and South Africa ([De Wet, Olivier, & Nieuwoudt, 1974](#_ENREF_18)). A few comparative studies have been written, as well ([Feigert & Norris, 1990](#_ENREF_23); [Norris & Feigert, 1989](#_ENREF_55); [Studlar & Sigelman, 1987](#_ENREF_76)). There are also a number of case studies on specific by-elections, including a few African case studies ([Burnell, 2000](#_ENREF_7); [Chikulo, 1996](#_ENREF_10); [Englund, 2002](#_ENREF_22); [Strand, 2005](#_ENREF_73)). The focus of these studies typically falls into one of two camps: 1) a study of whether or not by-elections are reflectors of public mood or predictors of the outcome of the next general election; or 2) a study of whether there are some unique features of the politics of by-elections that allow them to be distinguished from the politics of general elections.

A third type of by-election study has emerged in the past few years. In some of the recent literature on the HIV/AIDS pandemic in Africa, by-elections have caught the attention of researchers who hope to see in them a critical clue about the impact of the disease on the development of democratic practice on the continent more broadly ([de Waal, 2006](#_ENREF_17); [Patterson, 2006](#_ENREF_58)). In particular, scholars working with the Institute for Democracy in South Africa (Idasa) and the Centre for Social Science Research (CSSR) at the University of Cape Town in South Africa, have completed a number of case studies that look at the impact of HIV/AIDS on several different aspects of the electoral process and on the governmental institutions in which elected officials work ([Chirambo, 2008](#_ENREF_12); [Chirambo & Steyn, 2009](#_ENREF_13); [Sachs, 2002](#_ENREF_67)). By-elections have been a particular focus in their studies of South Africa, Zambia, Malawi, Kenya, Namibia, and Zimbabwe. In general, they have found that the number of by-elections has increased since 1984 when the HIV/AIDS pandemic is generally considered to have begun in southern Africa. This finding is, of course, just showing the existence of a correlation between an increase in the prevalence of the disease and an increase in the number of by-elections, particularly those caused by the death of the incumbent. Since specific medical documentation on each death is not public information and widespread stigma encourages surviving family members to not identify the cause of death as AIDS, it is impossible to isolate HIV-related deaths from other deaths due to disease. What seems odd, however, is that the oldest continuous democracy in Africa which was often cited as a country with one of the highest HIV prevalence rates in the world, namely Botswana, is not included among these case studies.[[1]](#footnote-1) This raises the question of whether or not the patterns observed in these other countries can also be found in Botswana.

This paper will begin to explore these questions, first by providing some information on the political and public health environments in Botswana and the possible role by-elections play in the politics of the nation. The next section will describe the methods used to gather data and an analysis of the by-elections that have occurred in Botswana since the election of the first Legislative Assembly in 1965 and the first local Councils in early 1966, both before the actual granting of independence on September 30, 1966 through the general election of 2009. Finally, we will explore the relevance and applicability of hypotheses that have been developed with respect to the relationship between AIDS and by-elections in the context of Botswana politics. Specifically, two hypotheses developed by the team of Idasa researchers will be examined (Chirambo 2008, p. 8)

H1: Increased deaths amongst elected representatives will be financially demanding on the state as by-elections mount in countries employing

Single Member Plurality (SMP) systems.

H2: Weaker parties are likely to lose policy influence as they fail to recapture seats that are declared vacant following deaths amongst their elected representatives.

Further, two corollary hypotheses are implied, though not specifically identified as such, by this earlier research:

C1 to H1: The number and proportion of vacancies on elected bodies due to the death of an incumbent will increase as the prevalence of HIV/AIDS increases in a country.

C2 to H2: The party in power nationally will be more successful in both retaining its own seats that become vacant due to death of an incumbent as well as picking up seats from vacancies resulting from the death of an opposition party member.

**Background**

Despite the arguments of serious critics (([K. Good, 1992](#_ENREF_27), [1994](#_ENREF_28), [1996](#_ENREF_29), [1997](#_ENREF_30); [K. Good, and Ian Taylor, 2008](#_ENREF_31)), many, if not most, observers see Botswana as a successful case of democratic political and economic development in Africa ([Charlton, 1991](#_ENREF_8); [Hillbom, 2008](#_ENREF_33); [Legwaila, 1993](#_ENREF_37); [Leith, 2005](#_ENREF_38); [Maundeni, 2005](#_ENREF_42); [Polhemus, 1983](#_ENREF_60); [Samatar, 1999](#_ENREF_68); [Sokhulu, 2004](#_ENREF_72)). Likewise, there have been numerous studies of political parties and elections in Botswana ([Charlton, 1993](#_ENREF_9); [Danevad, 1995](#_ENREF_16); [Election Study Group, 1986](#_ENREF_21); [Macartney, 1971](#_ENREF_40); [M. Molomo, 2000](#_ENREF_43); [M. G. Molomo, 2000](#_ENREF_44); [Nengwekhulu, 1979](#_ENREF_50); [Osei-Hwedie, 2001](#_ENREF_56); [Parson, 1975](#_ENREF_57); [Polhemus, 1983](#_ENREF_60); [Wiseman, 1998](#_ENREF_79); [Young & Cohen, 1979](#_ENREF_81)). It is not our purpose here to revisit all of those studies, but rather to examine a specific electoral phenomeno – i.e., by-elections - and the relationship between them and the AIDS crisis experienced by Botswana in the late 20th and early 21st centuries.

**The Political Role of By-Elections**

In 1985, Botswana officially identified its first case of HIV infection and the disease quickly gained a strong foothold; in 1996 the annual number of deaths from AIDS exceeded 5,000 in a country of about 1.7 million people at the time ([World Health Organizaiton, 2008](#_ENREF_80)). The number of deaths each year climbed steadily until reaching about 18,000 in 2002 and 2003. In 2004 a major health campaign was launched to deliver anti-retroviral drugs to HIV-positive Batswana which succeeded in reducing the annual number of deaths to below 10,000 in 2006 and approximately 5,800 in 2013, although there is concern that the number of deaths may be climbing again. ([Botswana, 2009](#_ENREF_4)) (UNAIDS, n.d.) What has continued, however, is the high prevalence rate of HIV infection among the population, currently around 25% of the population between the ages of 15-49. This rate places Botswana at the second highest prevalence rate in the world, after Swaziland ([Gossett, 2010](#_ENREF_32)). While studies have definitely shown an impact on society in Botswana – including economic development ([BIDPA [Botswana Institute for Development Policy Analysis], 2000](#_ENREF_2); [Econsult, 2006](#_ENREF_20); [Thurlow, 2007](#_ENREF_77)), personal income ([Rajaraman, Russell, & Heymann, 2006](#_ENREF_62)), health ([AbT Associates, 2000](#_ENREF_1)), agriculture and food security ([Ngwenya & Mosepele, 2007](#_ENREF_51)), business ([Rosen, 2004](#_ENREF_65)), public administration ([Gossett, 2010](#_ENREF_32)), and education ([Chilisa, Bennell, & Hyde, 2001](#_ENREF_11)) – systematic attention to the impact on politics has not been a subject of study to date.

As used in Botswana, the term “by-election” refers to any election for a legislative or local council seat that takes place on a day other than the day set aside for the general election. Since 1965, the year before independence, Botswana has held ten general elections. With the exception of separate elections for the Legislative Assembly in 1965 and the elections for local government councils in 1966, both parliamentary and local government elections have been held simultaneously in the elections of 1969, 1974, 1979, 1984, 1989, 1994, 1999, 2004, 2009, and 2014. Although Botswana is a parliamentary democracy and, theoretically, could call for a parliamentary election at any time the ruling party should desire or if there should ever be a vote of “no confidence” in the government, the one party dominance of the Botswana Democratic Party (BDP) has meant that, in practice, all of these elections have taken place almost exactly five years after the previous election, with the exception of the 1969 election which was about four and one-half years after the elections in the colonial period. A 1966 law requires that elections for local government councils be held whenever elections for the National Assembly are held ([Botswana, 2010](#_ENREF_5)). All parliamentary and local council elections in Botswana are based on single member districts which are geographically-based, contested on a partisan basis, where a plurality vote determines the winner, and, using Chirambo’s terminology, would be a “Single Member Plurality” system. ([Chirambo, 2008](#_ENREF_12)) At the parliamentary level the districts are referred to as “constituencies;” at the local level, each district is known as a “polling district” or “ward,” the terms being used interchangeably; incumbents of these elected positions are referred to as MPs and Councillors, respectively. This electoral system, commonly referred to in the literature as a “first past the post” or FPTP system, has been in place since the first elections in Botswana. There have been some discussions about moving to a system based at least partially on the proportional representation system, though this discussion is primarily being driven by the poor performance Botswana has demonstrated in trying to reach an internationally agreed upon goal to have women comprise at least thirty percent of elected officials. The fact that the ruling party continues to benefit disproportionately from the current system (by achieving a far higher percentage of the seats in parliament than its percentage of the overall vote in the general election) suggests that the current system is unlikely to change soon ([Danevad, 1995](#_ENREF_16); [K. Good, 1996](#_ENREF_29); [K. Good, and Ian Taylor, 2008](#_ENREF_31); [Maundeni, 2005](#_ENREF_42); [M. G. Molomo, 2000](#_ENREF_44); [Sokhulu, 2004](#_ENREF_72); [Wiseman, 1998](#_ENREF_79)).

When a seat in either Parliament or a local council becomes vacant, a by-election may be called. For Parliamentary vacancies, the call for a by-election is made by the Speaker of the House; for by-elections for vacancies on local councils, the Minister of Local Government makes the request of the Independent Electoral Commission. What recently became apparent, however, is that it there is no definite date in the law which is said to be too close to the next general election such that it a by-election would not be required. It appears that this issue did not arise until 2009 when, beginning in January, the IEC announced that insufficient time and resources were available to hold by-elections for local council seats that might become vacant before the October general election. ([Mosikare, 2009](#_ENREF_45))

Although by-elections are occasionally called because of errors in the electoral procedures (e.g., keeping polls open too long or not long enough) or in order to break tie votes, by far, the most common reason for calling a by-election is that an incumbent elected official has vacated the seat either voluntarily or involuntarily. Voluntarily vacating the office is usually through resignation or, in some political systems, though not in Botswana, by ‘crossing the aisle’ and changing party affiliation. A special type of ‘resignation’ occurs when an elected official is selected for service in another governmental role which disqualifies him or her from serving as a ‘regular’ member of the body. Thus, in Botswana, parliamentary by-elections were caused on three occasions by the elevation of a Member of Parliament to the Presidency; two are the result of MPs being appointed to ambassadorial posts; and one because the incumbent was appointed the senior justice on the Customary Court of Appeals. For local government bodies, such vacancies may occur when an elected official simply takes a job with the central government which makes him or her ineligible for continued service, as was the case in the example opening this article when the incumbent councillor took a position with the Attorney General’s office. Involuntarily vacating the office occurs through death or removal for a violation of rules or eligibility requirements, such as being convicted of a crime and/or the loss of status as an ‘eligible voter’ which is often a qualification needed to serve in elected office.

**FINDINGS**

In the period between March 1965 when the first elections for the Legislative Assembly were held and January 2014, which was the last by-election held before the October 2014 general elections, there were 25 parliamentary by-elections and 176 local council by-elections. Botswana’s Parliament, the National Assembly, is relatively small. At inception it included only 31 seats but was increased to 32 seats for the 1969, 1974, and 1979 elections, rising each subsequent decade to 34 (1980s), 40 (1990s), and 57 (2000s and 2010s). During the entire period, 1965 through 2014, only 25 parliamentary by-elections were required to fill empty seats in that 44 year period. Because this number is so small, the likelihood of finding patterns seems quite remote. This led the authors to see whether looking at local government councils might provide a larger number of cases and it did. Local governments (District Councils and Town Councils), with the exception of the first local elections in 1966, are held simultaneously with parliamentary elections. As with parliamentary seats, the number of seats available was set once each decade: 165 (1960s), 176 (1970s), 254 (1980s), 406 (1990s), and 490 (2000s and 2010s). During this period, there were 176 by-elections for vacancies in local government bodies. It is these 176 cases that form the core of our analysis, although relevant information about the 25 parliamentary by-elections will be brought in throughout the study. Details of the methods used to identify the by-elections, the participants, and the voting results can be found in Appendix A.

In order to test the hypotheses and their corollaries, we need to look first at the reasons that caused the vacancies in parliament and local government councils over time and second at the relative success of both the ruling party and the opposition parties in retaining or gaining seats in the by-elections that are held.

Parliament. Looking first at vacated parliamentary seats (Table 1), we do observe that over the past forty years, death has been responsible for ten (40%) of the vacancies. However, six resignations for personal reasons, three resignations to take up other official posts, three resignations for men who ascended to the presidency collectively mean that twelve (48%) of the vacancies were voluntary while one (4%) for a criminal conviction and two vacancies created by election day irregularities (8%) were involuntary. Another way to look at this is that three of vacancies due to death occurred before the first case of HIV/AIDS was identified (i.e., before 1984), and while, as Chirambo (2008) noted, it is impossible to rule out complications from HIV/AIDS as the cause of the four deaths that occurred between 1989 and 2005 on the basis of (or lack of) publicly available information, all four men were political figures with at least twenty years of service to their parties, and thus other diseases related to aging were perhaps as likely to have contributed to their deaths. Of the resignations, only the first one in 1965 was identified as related to ill health; the others were all to accept other jobs outside of government.

**Table 1: Causes of Vacancies/By-Elections in the Botswana National Parliament, 1965-2014**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Parliament** | **Death** | **Resig- nation** | **Govern-ment**  **Appt** | **Succeeded to Presidency** | **Convic-tion** | **Election Irregulari-ties** | **Total** |
| 1965-69 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| 1969-74 | 0\* | 0 | 1 | 0 | 0 | 0 | 1 |
| 1974-79 | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| 1979-84 | 1 | 0 | 0 | 1 | 0 | 0 | 2 |
| 1984-89 | 1 | 0 | 1 | 0 | 1 | 1 | 4 |
| 1989-94 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| 1994-99 | 2 | 0 | 1 | 1 | 0 | 0 | 4 |
| 1999-04 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| 2004-09 | 1 | 2 | 0 | 1 | 0 | 0 | 4 |
| 2009-14 | 3 | 1 | 0 | 0 | 0 | 0 | 4 |
| Total | 10 | 6 | 3 | 3 | 1 | 2 | 25 |

\*One MP died shortly before the 1974 General Election, but no by-election was held.

Next we can examine the extent to which the by-elections led to shifts in the political balance of power in Parliament. Of the 23 vacancies not caused by election irregularities (meaning no incumbent was replaced), 18 were in seats held by the BDP and all but one of these seats were retained by the BDP following the by-elections; the most recent by-election resulted in BDP losing the seat to the BCP.. Of the five seats initially held by the Botswana National Front (BNF) which became vacant, four were retained by the BNF and one was lost to the BDP as a result of the by-election, although the vacancy that caused the by-election in that case was not due to the death of the incumbent, but to a voluntary resignation. The loss took the BNF from 12 seats down to 11 of the 57 elected members in the 2004-2009 Parliamentary session.

Local Government Councils. We have information on 176 vacancies on local government councils. Of these, we were unable to identify information as to the reason for the vacancy in three cases, so Table 2 describes the reasons for 173 of the vacancies we identified as occurring on Botswana District and Town Councils between 1966 and 2014.

**Table 2:** **Causes of Vacancies in Botswana District & Town Councils, 1966-2014**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Councils** | **Seats** | **Death** | **Resignation** | **Conviction** | **No Winner** | **Total** |
| 1966-69 | 165 | 3 | 15 | 0 | 1 | 19 |
| 1969-74 | 165 | 6 | 10 | 0 | 0 | 16 |
| 1974-79 | 176 | 6 | 6 | 0 | 0 | 12 |
| 1979-84 | 176 | 4 | 1 | 0 | 2 | 7 |
| 1984-89 | 254 | 10 | 1 | 0 | 0 | 11 |
| 1989-94 | 254 | 8 | 0 | 2 | 2 | 12 |
| 1994-99 | 406 | 18 | 1 | 0 | 0 | 19 |
| 1999-04 | 406 | 28 | 0 | 0 | 1 | 29 |
| 2004-09 | 490 | 29 | 1 | 0 | 2 | 32 |
| 2009-14 | 490 | 13 | 1 | 1 | 1 | 16 |
|  | 2492 | 112 | 35 | 2 | 8 | 173 |

Unlike the case of the Botswana Parliament, there is a clear pattern among the vacancies caused in local government councils that indicates that death has become, in recent years, almost the exclusive cause of by-elections at this level of government. Another way of looking at this is simply to look at the percentage of all councillors who died in office (Figure 1); we note that this rate was increasing but peaked in the 1999-2004 period and began to decline in the 2004-2009 period which is consistent with the widespread availability of antiretroviral therapies and with the pattern of deaths identified in Botswana generally. ([Gossett, 2010](#_ENREF_32)).

**Figure 1: Deaths as a Percentage of Total Membership on Botswana District and Town Councils, 1966-2014**

With respect to the impact of the increasing number of by-elections on the balance of political power among the parties at the local government level, we look first at the overall trend and then examine a couple of cases more closely. We have party data for both the councillor vacating the seat and the winner of the subsequent by-election for 160 cases. (We are also excluding the by-elections that were essentially re-runs of the general election.) Of these, 124 vacancies occurred in seats held by the ruling BDP, of which they retained 107 seats following the by-election with the Botswana National Front and the Botswana Congress Party basically splitting the gains made by opposition parties in these contests. Of the 34 vacancies that occurred in seats originally held by one of the opposition parties, the BDP picked up 12 seats, mostly at the expense of the BNF. (Table 3) However, after aggregating all these races, the BDP suffered a net loss of seven seats over a forty-five year period.

**Table 3: Changes in Party Strength on Local Government Councils**

**Following By-Elections, 1966-2014**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **By-**  **Election Won By→**  **Seat Held By↓** | **BDP** | **BPP** | **BNF** | **BCP** | **Other** | **Total Vacancies Defended** |
| BDP | 107 | 2 | 7 | 8 | 2 | 126 |
| BPP | 2 | 6 |  |  |  | 8 |
| BNF | 9 |  | 13 | 1 |  | 23 |
| BCP | 1 |  |  |  |  | 1 |
| Other |  |  |  |  | 2 | 2 |
| **Total By-Elections Won** | 119 | 8 | 20 | 9 | 4 | 160 |

We can further refine this analysis by looking at only those vacancies caused by the death of the incumbent (120 cases) and dividing them into two periods – 1) 1965-1989 which is the pre-AIDS crisis era; and 2) 1990-2014 which is a period during which the disease was widespread throughout the society. Although there was some shifting of parties in particular seats, the ruling BDP did not make any gains in total seats in the pre-AIDS period and once AIDS began having a large impact on the population, the BDP lost more seats than it gained as a result of by-elections (from 72 seats to 63 seats). (Tables 4 and 5) The beneficiary of these losses was the Botswana Congress Party (BCP) which gained eight of the seats lost by the BDP, losing only one. The Botswana National Front gained the same number of seats that it lost.

**Table 4: Changes in Party Strength: Council By-Elections Due to Death, 1965-1989**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Won By → | BDP | BNF | Other | Total |
| Held By ↓ |
| BDP | 22 | 1 | 1 | 24 |
| BNF | 1 | 1 |  | 2 |
| Other | 1 |  | 1 | 2 |
| Total | 24 | 2 | 2 | 28 |

**Table 5: Changes in Party Strength: Council By-Elections Due to Death, 1989-2009**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Won By→ | BDP | BNF | BCP | Other | Total |
| Held By ↓ |
| BDP | 56 | 6 | 8 | 2 | 72 |
| BNF | 6 | 11 |  |  | 17 |
| BCP | 1 |  |  |  | 1 |
| Other |  |  |  | 2 | 2 |
| Total | 63 | 17 | 8 | 4 | 92 |

These of course are aggregate figures representing all District and Town Councils which ranged from a total of 12 councils in the 1965-69 period to 14 different councils in 2014,. It is possible that there were power shifts on individual councils. Table 6 shows the councils that lost members because of death.

**Table 6: Total Deaths of Councillors by District and as (Percentage of Total Council Members)**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | 09-14 | 04-09 | 99-04 | 94-99 | 89-94 | 84-89 | 66-84\* |
| Central | 5  (3.6%) | 8  (5.7%) | 11 **(10.4%)** | 6  (5.7%) | 2  (3.3%) | 1  (1.7%) | 2 |
| *Francistown* | 1  (5.3%) |  | 1  (6.7%) | 1  (6.7%) |  | 1  (6.3%) | 1 |
| *Gaborone* | 2  (6.7%) | 2  (6.7%) |  |  |  |  | 1 |
| Ghanzi |  |  | 2 **(11.1%)** | 2 **(11.1%)** |  |  | 4 |
| *Jwaneng* |  |  |  |  |  |  |  |
| Kgalagadi |  | 2  (9.1%) |  |  |  |  |  |
| Kgatleng |  |  |  | 1  (4.8%) |  |  | 2 |
| Kweneng | 1  (1.5%) | 5  (7.6%) | 2  (4.1%) | 2  (4.1%) | 2  (4.0%) | 1  (2.0%) | 3 |
| *Lobatse* |  |  |  | 1  (9.1%) |  | 1  (9.1%) |  |
| North East |  | 1  (5.3%) | 1  (5.9%) |  |  |  |  |
| North West |  | 5 **(10.9%)** | 3  (7.5%) | 3  (7.5%) | 1  (2.5%) | 2  (5.0%) | 1 |
| *Selibe-Phikwe* | 1  (7.1%) | 1  (7.1%) | 4 **(28.6%)** | 1  (7.1%) |  |  |  |
| South East | 1  (5.0%) | 1  (5.0%) | 2 **(10.0%)** |  |  | 2  **(14.3%)** | 2 |
| Southern | 2  (3.8%) | 4  (7.7%) | 2  (4.7%) | 1  (2.3%) | 3  (7.0%) | 2  (4.7%) | 2 |
|  | 13  (2.7%) | 29 (5.9%) | 28 (6.9%) | 18 (4.4%) | 8  (3.1%) | 10  (3.9%) | 18 |

\*Note: Percentages for 1966-84 not included since that represents different councils over time. Names in italics represent Town Councils, all others are District Councils

While the Central District in recent years has had the highest number of deaths, that Council had 140 members since 2004, and 106 members in the 1990’s, making it by far the largest council in the country (and larger than the National Parliament by about 2.5 times). Still, the Central District Council did suffer a 10% vacancy rate due to deaths between 1999-2004, and both the North West and South East Districts reached that figure recently, as well. By far, the council that suffered the most serious impact from deaths of councillors was the Selibe-Phikwe Town Council in the 1994-1999 period when over one-fourth of the members died in office. Still, neither the number nor percentage of deaths indicates whether or not a political shift in party control took place on any of the councils. For that we needed to look at the relative share of the seats held at the beginning and end of each five year council session on each of the councils that experienced a by-election because of a councillor’s death. However, Table 7 indicates that never once since 1984 has a party lost its position as the majority elected party on a council as the result of a by-election necessitated by the death of a councillor (a separate check of the impact of all by-elections, regardless of cause reveals the same result in this time period). Perhaps the only significant changes were the two occasions when the BDP was able to move from 50 percent of the council seats to a majority of 50 percent plus one seat.

**Table 7: Party Control Changes Resulting from By-Elections Caused by Death of a Councillor, 1984-2014**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | # Districts with a Vacancy due to Death (Total Deaths) | No Change BDP/Opp Balance | BDP Majority Loses Seats/Keeps Control | Any Majority Party Loses Seats/Loses Control | BDP Majority Gains Seats | BDP Minority Gains Seats | BDP Plurality Gains Majority |
| 2009-2014 | 7 (13) |  |  |  |  |  |  |
| 2004-2009 | 9 (29) | 2 | 5 | 0 | 0 | 1 | 1 |
| 1999-2004 | 9 (28) | 2 | 7 | 0 | 0 | 0 | 0 |
| 1994-1999 | 9 (18) | 5 | 1 | 0 | 0 | 2 | 1 |
| 1989-1994 | 4 (8) | 4 | 0 | 0 | 0 | 0 | 0 |
| 1984-1989 | 7 (10) | 7 | 0 | 0 | 0 | 0 | 0 |

It needs to be noted here, however, that the central government, through the Ministry of Local Governments (the name varied at different points) is able to appoint additional voting members to any of the councils and usually does so to ensure that there is always a BDP voting majority on each council, although the ostensible purpose is to ensure that there are members with the right kinds of skills on each council.

**DISCUSSION**

The purpose of this study was to examine the applicability of two arguments put forth by others about the impact of the HIV/AIDS epidemic on political life and elections in the specific context of Botswana politics. The claims and their corollary arguments were: first, that deaths would become an increasing cause of vacancies on elected governing legislative bodies (parliaments and councils), and second, that one consequence of such increasing number of vacancies would be a shift in the relative political strength of opposition parties *vis a vis* the dominant governing party.

Because the number of vacancies is very small, it is difficult to conclude either that the increasing prevalence of HIV/AIDS and the rising national death rate due to the disease generally, has had any significant direct impact on the National Parliament. The few deaths that did occur were never identified as HIV-related and the BDP’s majority has always been so large that even if all the vacancies occurring in a given parliamentary session had been caused by HIV-related deaths, there would not have been a shift in power.

With the greater number of cases at the level of local government councils it should be possible to get a clearer idea of the impact, if any, the HIV/AIDS pandemic has had on political life and power. First, there is a clear trend showing that in the last twenty years death has become by far the most important cause of vacancies on local government councils. This would seem to support Corollary 1 to the first hypothesis. And given that in 2008 it was estimated that each by-election would cost the government approximately 153,000 pula (US $18,900), it was a cost to government ([Maroba, 2008](#_ENREF_41)) it is probably technically correct to say that the increased number of vacancies due to death has increased the cost to government of holding by-elections. However, two factors should be noted. First, as a percentage of all council seats, there were proportionally fewer by-elections in the 1999 to 2014 period than there were in the 1965 to 1974 period, although many more of the by-elections were due to death in the most recent period. Second, in early 2009, the Independent Election Commission decided that it would not hold any by-elections prior to the October general election; during that period, however, five vacancies occurred, all due to death. Money was saved, but there may have been a cost in terms of some citizens not being represented for a period of time. The IEC argued that there were both insufficient time and resources to conduct by-elections while preparing for the general elections and the Minister of Local Government and Lands concurred. (["No More Bye-Elections," 2009](#_ENREF_53); [Piet, 2009](#_ENREF_59)) We have been unable to find evidence of any Council vacancies occurring in the months before the 2014 election that might have occasioned a need for a by-election.

However, incomplete data, both from within Botswana and comparative data from other countries, suggests caution in interpreting the findings. One cause of this hesitation comes from our reading of the newspaper accounts of the resignations that occurred in the early years of independence. It seems that this new formal legislative structure (i.e., district and town councils), with its own set of rules, required many Batswana citizens elected to public office to make adjustments that they had not anticipated. Whether it be cases of misunderstanding, such as in one of the first by-elections which resulted from a member of the Francistown Town Council stating “I withdraw” in the course of a debate and then having the clerk announce that this constituted a resignation, (["Mr. Podiephatshwa Denies Resignation: But Town Clerk Says It Was Valid," 1966](#_ENREF_47)) or from realizations that one could not be both a civil servant and elected official simultaneously, or that one’s opportunity to do business with a council on which one served was restricted by conflict of interest laws, a seemingly disproportionate number of councillors chose to resign. It is not unreasonable to think that twenty years after independence, given the regularity of elections and stability of political institutions, that most citizens now have a pretty good idea of what being an elected local councillor entails. Those who chose to stand for election after 1984 generally knew what to expect and, thus, did not leave office on their own volition very often. To see if this analysis is reasonable, however, it would be useful to examine the experience of other legislative bodies – were there more resignations and voluntary departures in the early years of existence that declined over time as the entire process got institutionalized and the role of local elected official was better understood? Another possible explanation for why deaths have become so prominent in recent times is that many of the councillors who are dying have been councillors for many years and they are just dying of “old age” after long years of service or that older people are running for the council seats. To understand this better, it would be helpful to have data on the ages of councillors which is not currently available for Botswana. A possible approach is to try to trace the deceased councillors back through each election cycle to get a sense of the length of their service as a proxy for age.

The second hypothesis and its corollary address the issue of political competition between parties. Hypothesis Two predicts that the weaker parties will continue to get “weaker” and have less policy influence because they will fail to recapture seats that they lose when their incumbent members die. The corollary to this suggests the dominant party will be able to both retain any seats held by its incumbents who die and pick up seats vacated by the death of opposition office holders. Again, the Parliamentary data is too limited to allow us to say much about this. Only two parliamentary by-elections caused a seat to change parties, one did result in gain by the dominant BDP but the second one resulted in the BDP losing a seat.

At the local government council level, however, there was greater frequency of parties gaining and losing seats in by-elections, but at this level, it was the dominant political party that ended up losing seats to opposition party candidates overall during the 1984-2009 period, although never were losses such that they affected which party controlled any council. However, when examining individual councils (rather than all councils), there were two occasions when the BDP was able to move from having exactly half the seats to gain majority status by gaining one seat following the death of an opposition party member. In a few instances, when BDP councillors were in the minority on a council, the death of an opposition councillor did allow the BDP to pick up a seat, although this did not bring them out of minority status on those councils. Saying that this evidence supports either Hypothesis 2 or Corollary 2 would be making too much of limited findings that tend slightly in their direction.

**Appendix A**

Initially, we went to the Independent Electoral Commission (IEC) in Gaborone which produces a report following each by-election showing the candidates, their party affiliation, the number of votes received, and the voter turnout for that constituency. Unfortunately, their reports do not include any biographical information on the candidates (e.g., age or gender), nor do they include information about why the by-election had to be called. In addition, the IEC only has records for elections it was responsible for conducting and it only came into being in 1998 ([Mozaffar, 2002](#_ENREF_46)); the previous election official positions, Supervisor of Elections (for general elections and parliamentary by-elections) and Supervisor of Local Government Elections (for by-elections for the local councils), were abolished. The official records of the earlier election officials are not yet publicly available. Thus, we had to find another source of information about the earlier by-elections. We identified these earlier by-elections by reviewing each issue of the *Botswana Government Gazette*, the weekly publication that government uses to make all official announcements and give any public notices required by law. Typically, the Supervisor of Elections or the Supervisor of Local Government Elections would issue a writ calling for a by-election that set a date for both filing papers to contest the election and for the election itself should more than one candidate file papers to compete. Usually at the same time, the official would publish a notice of the appointment of a Returning Officer for the by-election, that is, designate the person with whom the candidacy papers must be filed. If, as on several occasions, no one filed to compete in the by-election, then the appropriate officer would have to issue a new writ calling for an election with new filing and voting dates specified. If only one person filed the necessary papers, then he or she would be declared the winner and there would be no need for a vote. However, if two or more people filed, then the appropriate official would have to publish an announcement of who the polling officers would be for the election and the location of polling places. In the early years, the appropriate official also published a notice of election returns identifying the winner of the by-election by name, though not with party identification. For some reason, the practice of publishing information about the winner of the election was discontinued prior to the establishment of the IEC. The IEC continues to publish the writs of election and the appointment of returning and polling officers in the *Gazette,* but they don’t publish the winner’s name either. Nevertheless, from this primary source, we created a master list of by-elections that were called.

One flaw in the methodology described above became apparent as we were finishing the data collection. Simply by following the local news, we learned of five newly-vacated local government council seats (all due to death) in early 2009 for which no by-election was called, because the IEC deemed them as occurring “too close” to the upcoming general election,. It is possible that similar situations arose in the months just preceding each general election so we then did a manual search through all copies of the *Botswana Daily News* in each period between the last known by-election and the subsequent general election to see if we saw any reports of any other elected seats being vacated (for any reason) which did not lead to a by-election. We did not uncover any so we are reasonably confident in our count of actual by-elections held. Although we may be undercounting the number of vacancies that occurred on the councils; we are, however, certain, that there were no parliamentary vacancies that were not subsequently filled by a by-election.[[2]](#endnote-1)

With this master list of by-elections, both from the IEC (post-1998) and our self-generated list from the *Gazette,* we began to review local newspapers, principally the *Botswana Daily News* (a government-owned paper), although it was often incomplete; we then sought additional details from one or more of the private newspapers that began emerging in the 1990s (*Mmegi, The Botswana Guardian, Echo, The Standard*). For most races, we could determine the name and party of the person vacating the seat from the official election report of the preceding election. We attempted to gather the following information for each by-election: reason the by-election was called; the name, gender, age, and party of the incumbent vacating the position; the names, genders, ages, and parties of the candidates running in the by-election; the final vote totals for each candidate; and the percentage voter turnout. We were generally successful in finding the reason for the by-election; names, parties, and genders of the former incumbents; the names and parties of the candidates in the by-election; and the final vote totals for each candidate in the by-election. We had much less success in getting information about anyone’s age and most people’s gender (in Botswana, many names are gender neutral and a person with a name such as “Lebogang” or “Mpho” is almost equally likely to be a man or a woman). In some cases, however, we did assign a gender when one of the names was clearly a male or female English name, such as John or Susan.

Because we are dealing with a “population,” i.e., we are including all by-elections in Botswana, the use of sample statistical procedures would be inappropriate so most of the statistical information used in this study is descriptive rather than inferential.

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1. The introductory essay in the collection indicates that they had planned to include Botswana, but for unexplained reasons, the study was not completed (Chirambo 2008). [↑](#footnote-ref-1)
2. In 1994, sitting MP Peter Mmusi, while running for re-election, died shortly before election day. The vote in that constituency was postponed while the BDP identified a new candidate to stand for that seat. We are treating that delayed election as the first by-election of that Parliamentary cycle. [↑](#endnote-ref-1)