

Summary and Conclusions

The Commonwealth Secretary-General was invited by the Chairman of the Independent Electoral Commission (IEC) of Lesotho to send observers to the 23 May 1998 National Assembly elections to cover the election campaign, the operations of the IEC, and the conduct of the polls. After verifying that the major political parties in Lesotho supported the presence of Commonwealth Observers, through the dispatch of an Assessment Mission, the Secretary-General agreed to constitute a Commonwealth Observer Group, under the leadership of the Rt Hon Sir Lynden Pindling, former Prime Minister of The Bahamas.

The Group comprised eight Observers drawn from a range of Commonwealth countries and included serving Members of Parliament, senior electoral officials and senior diplomats. The Observers were supported by a team of six staff from the Commonwealth Secretariat.

The Group was briefed by the Secretariat prior to its arrival in Lesotho and was preceded by an Advance Team of Secretariat staff. It arrived in Lesotho on 15 May and departed on 28 May 1998. During the lead-up to the elections it met with a wide range of political leaders, election officials, non-governmental organisations, media, church and civil society representatives. The Observers were able to witness the final rallies held by the three main political parties in Maseru on 17 May.

The Observers divided into seven teams, and deployed throughout the country on 19 May. On polling day, our teams were active in observing the opening of the polls, the voting process throughout the day in 41 constituencies, as well as the closure and counting procedures. We consider that these arrangements and activities enabled the Group to gather sufficient first-hand information to fulfil its mandate.

On the evening of 23 May, the Chairperson issued an Interim Statement on behalf of the Group recording our initial impressions. The statement commended the work of the IEC and the enthusiasm of the many election officials, party agents and local observers who participated in the electoral process. It concluded that, overall, conditions existed for the free expression of will by the electors of Lesotho and that the result of the 23 May poll reflected the wishes of the people, a view which the Group endorses in this Report.

The Group commends the establishment of the IEC as a viable and genuinely independent election management and supervisory body.

This was a significant step forward. The Group is conscious that the Commission would have preferred more time in preparing for these elections. Especially given its tight timetable and resource constraints, we consider that the IEC was successful in enhancing the impartiality and transparency of the electoral process.

At the same time, we think that there are still a number of areas for improving the electoral system:

- In particular, we query the format of the ballot paper which requires the removal of a section of the paper after the voter has marked her/his ballot. This seems an unnecessary step, and we observed that on voting day it contributed in no small part to the slow processing of voters and to the pressure on presiding officers. The slow processing itself was a factor which inconvenienced and discouraged many voters.
- The number of steps required for the casting of ballots within polling stations should be reduced so as to expedite the process.
- A more comprehensive programme of voter education in advance of polling day, particularly focusing on the mechanics of voting, would help to ensure faster voting.
- While we applaud the transparency of the arrangements we observed for the counting of the votes there would seem to be scope for reducing the duration of the proceedings.
- In regard to 'Absent Voting', while we agree with the need for such a system, we noted inconsistencies in the procedures observed in different constituencies, and suggest that the IEC needs to ensure that standard procedures are followed.
- Specific provision could be made to facilitate voting by the large number of Basotho who work in neighbouring South Africa.

We are concerned at the paucity of resources at the disposal of the IEC. Given the importance of ensuring the effective functioning of the democratic process, we recommend that the basic human and material resources of the IEC be strengthened. There is a need, for instance, for larger ballot boxes, portable lighting for polling stations, and more effective transportation of materials to remote areas.

The Group took careful note of various allegations made concerning irregularities in the compilation of the electoral register, and the non-availability of the provisional register to political parties prior to its finalisation. We followed with interest the applications made in

this regard to the Lesotho High Court prior to the elections. The Group shares the view of the Court that these matters should not have delayed the conduct of the elections as scheduled.

Given the time available, we consider the IEC performed commendably in compiling a new register. We would nevertheless suggest that in future more time be allowed for the scrutiny of the provisional register by interested parties, and that copies be provided to the political parties by the IEC, in accordance with the law.

We also commend the mechanism established under the law for consultation between the IEC and the political parties, and feel that such a mechanism might be extended to the period between elections to improve co-operation and mutual understanding.

We noted no restrictions on freedom of expression or assembly. We are aware of concerns by the national media over access to polling stations, but do not believe the Press had been unduly prevented from carrying out its functions in this respect.

We were impressed by the competence and commitment of domestic NGOs and various branches of civil society which demonstrated their support for democracy through their involvement in these elections. Such commitment is essential to a democratic culture.

We were also pleased with the high level of participation by women, both as voters, and in various official capacities.

It is our view that these elections have marked a further important step in the consolidation of democracy in Lesotho; this was shown above all in the absence of conflict in the campaign period and during the elections themselves, and in the high turnout of voters. This is clear evidence of the consolidation of multi-party democracy in Lesotho.

In this respect, however, we are concerned that the electoral system in Lesotho has not brought about multi-party representation in Parliament. A system providing for some parliamentary seats on the basis of proportionality might in our view be worth considering as a means of further strengthening multi-party democracy.



The Commonwealth Observer Group . . . (front row from left) Robert Merrillees, Kelemedi Bulewa, Sir Lynden Pindling (Chairperson), Elizabeth Solomon, (back row from left) Samuel Kivuitu, Professor Töttemeyer, Andreas Jacovides. Margaret Ewing (inset) joined the Group after this photograph was taken