

Introduction

The Lesotho National Assembly elections of 23 May 1998 were the second national level elections held in the country since the reintroduction of multi-party politics in 1993. The first National Assembly elections following that transition took place in March 1993.

The invitation to the Commonwealth to send observers for the 1998 elections was issued by the Independent Electoral Commission of Lesotho on 27 February 1998. On 3 April 1998, the Commonwealth Secretary-General wrote to the Independent Electoral Commission welcoming the invitation and advising that he would send an Assessment Mission to consult with the major political parties, non-governmental organisations (NGOs) and other groups with an interest in the elections in order to confirm their broad support for a Commonwealth observer presence. The mission would also make an initial assessment of the practical arrangements that would need to be made to facilitate the work of Commonwealth Observers.

Accordingly, two officials of the Commonwealth Secretariat visited Lesotho from 14 to 18 April 1998. They met with representatives of the major political parties, and other organisations and groups with an interest in the elections. The mission came to the conclusion that there was broad support in the country for a Commonwealth Observer Mission.

The context for the Secretary-General's positive response was set by:

- the Commonwealth's commitment to the promotion of its fundamental political values set out in the 1991 Harare Commonwealth Declaration and reinforced by subsequent Commonwealth Heads of Government meetings, most recently that held in Edinburgh in October 1997. These principles include 'democracy, human rights, the rule of law and just and honest government';
- the long-term involvement by the Commonwealth in encouraging and assisting the democratic process in Lesotho.

The Observer Group and its Terms of Reference

It was in this context that the Secretary-General invited our group of eight Observers supported by six staff from the Commonwealth Secretariat, to observe the 1998 Lesotho National Assembly Elections. This was the twenty-fifth observer group organised by the Commonwealth since the October 1989 meeting of Commonwealth Heads of Government in Kuala Lumpur, Malaysia, at

which it was agreed that member states could benefit from an election observer facility, as a means of strengthening democratic processes and institutions. The composition of the Group, which was led by the Rt Hon Sir Lynden Pindling, a former Prime Minister of The Bahamas, is set out at *Annex I*.

The Terms of Reference of our Group were incorporated in the Secretary-General's letter inviting each of us to participate in the mission and were as follows:

The Group is established by the Commonwealth Secretary-General following a request from the Independent Electoral Commission of Lesotho. It is to observe relevant aspects of the organisation and conduct of the elections in accordance with the laws of Lesotho. It is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgement whether the conditions exist for a free expression of will by the electors and if the result of the elections reflects the wishes of the people.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of the elections.

The Group is to submit its report to the Commonwealth Secretary-General. It will be forwarded to the Government of Lesotho, to the leadership of the political parties taking part in the elections and thereafter to all member governments of the Commonwealth.

Method of Work

Our Group assembled in Johannesburg, South Africa, on Thursday 15 May 1998 and was briefed by the Director of Political Affairs in the Commonwealth Secretariat, Mr J P Sheppard, who was also Head of the Secretariat support team. We left Johannesburg on the same day, arriving in Maseru early in the evening. The following day we issued an Arrival Statement (*Annex II*) at a press conference and began a series of briefings, starting with a briefing by the Independent Electoral Commission, led by its Chairman, Mr Sekara Mafisa.

Thereafter, and until our deployment to the various regions of the country, we met with representatives of all the main political parties contesting the elections, the Lesotho Council of

NGOs, the Christian Council of Lesotho, media representatives, and other international observers. We were also briefed by Commonwealth High Commissioners in Maseru.

On Wednesday 20 May 1998, our Chairperson and Mr Sheppard paid a courtesy call on King Letsie III. They also had a meeting on the same day with the Chairman of the Independent Electoral Commission to discuss a number of procedural issues requiring clarification. Our schedule of engagements is at *Annex III*.

Our Group was divided into six teams of two, plus one person operating alone. On Tuesday 19 May 1998 we were deployed throughout the country. Details of our deployment and a statement issued by our Chairperson on deployment are at *Annex IV*.

On deployment and prior to polling day, our teams travelled extensively throughout their designated areas in order to familiarise themselves with local conditions, assess the state of preparedness for the poll and observe the last days of the campaign. They visited 41 constituencies and met with election officials, district and law enforcement officers, chiefs, clergymen, teachers and candidates. They also talked to a cross-section of ordinary people in the towns and villages that they visited. Our teams made a special effort to visit some of the most mountainous and isolated parts of the country where travel, even in four-wheel drive vehicles, was difficult and hazardous. In many of these

places, our vehicles, with the distinctive blue and yellow Commonwealth logo, were the only ones in sight. Everywhere we went we received whole-hearted support from the relevant authorities and election officials and were given a warm welcome by the people of Lesotho.

On polling day, our teams witnessed the opening of polling stations (scheduled for 7 a.m.) and their closure (scheduled for 5 p.m.) at several locations throughout the country. Throughout the day, we visited 105 polling stations at random, inspecting polling arrangements, and consulting with Presiding Officers, election officials, party agents and voters. We also observed the counting of the ballot at nine polling stations in the evening. In conducting our activities in the days before and on polling day, we were guided by our observation notes and polling station check list, which are reproduced at *Annex V*.

Throughout polling day, our teams reported regularly to our central office in Maseru. On the basis of our observation, our Chairperson issued an Interim Statement (see *Annex VI*) on the evening of 23 May, expressing our assessment of election day. This statement was issued after the closure of the polls and before the outcome was known.

A Departure Statement was issued on 28 May 1998 and appears at *Annex VII*. The Group left Maseru later that day after finalising its Report to the Secretary-General.