

## The Campaign and the News Media

### The Campaign

Although nominations took place on 20 April the election campaign officially began a month earlier, on 21 March 1998. This was also before the official gazettement of the new constituency boundaries. So the campaign began without any officially recognised candidates and without clarity as to where one constituency stopped and another started. A number of parties complained that this was an unsatisfactory state of affairs and that it hampered them in their campaigning.

Nevertheless, it did not prevent party leaders from touring the country in the first four weeks of the official campaign period, holding rallies and meeting the people. Several, often lengthy, manifestos had been produced by nomination day.

Most attention was attracted by the three big parties – the ruling LCD, the BCP (from which the LCD had split in June 1997) and the BNP (which had formed the first post-independence government). There were 12 registered parties in all (see *Annex IX*), three of which had been represented in the outgoing National Assembly (LCD, BCP and the Sefate Democratic Union), and 30 independents. Altogether 438 candidates contested the 80 constituencies. Only the LCD, BCP and BNP contested all constituencies.

We were able to observe the very end of the campaign, when on Sunday 17 May the LCD, BCP and BNP held their concluding rallies in the capital, Maseru. All were well attended, although we judged the LCD's to be the largest. At each there was a relaxed atmosphere, with dancing, marching and singing as well as speeches. A religious element was in evidence at these and other occasions during the campaign. All the rallies were peaceful. Supporters from each party passed each other on the way to and from their meetings without incident. Similarly good-natured contact between party supporters was noted when rallies were held in the regions. Indeed, one major feature of the campaign as a whole was the apparent absence of hostility between the party supporters and the candidates on the ground.

We noticed that both the BCP and the LCD used the same party colours, in line with a court judgement. We have no grounds to believe that the voters were misled.

In the final days of campaigning, which was banned in the 48 hours immediately prior to the polling day, we also saw and heard speaker vans in Maseru and some of the places to which we were deployed. Some posters were also in

evidence, flags flew over party offices and we were sometimes greeted by party supporters displaying party symbols (for instance, the 'V' for victory sign of the BNP). However, we were all impressed by the general calm and quiet in the final days of the campaign. There was indeed little in the way of outward signs that an election was imminent.

So far as we could see all the parties were able to campaign freely, in line with the provisions of the electoral law, which guarantees unhindered freedom of expression during the campaign and prohibits any criminal proceedings against anyone for opinions held or statements made or published during the campaign. Equally, we received no complaints of breaches of the provision that all public facilities which are let out on a commercial basis should be made available to all political parties and candidates.

The conduct of candidates and their parties during the campaign was governed by a Code of Conduct (*Annex X*) first issued in 1992. We have no grounds for believing that this was breached in any serious way in the period before we arrived in Lesotho and observed no contraventions of it while we were in the country.

Among the Basotho we met there was general agreement that the campaign was peaceful and orderly and that both the national leaderships and their local candidates had conducted themselves responsibly.

That is not to say that there were no sharp words. Some of the sharpest, indeed, were directed within. One of the most high-profile aspects of the campaign period featured internal rows within the LCD, BCP and BNP as to who their constituency candidates should be. In four constituencies (Mafeteng, Bothe, Matsieng and Roma) the disputes were not settled by nomination day and the courts were brought in. In one High Court action the leadership of the LCD unsuccessfully attempted to debar their own Minister of Education as the LCD candidate for Mafeteng. These matters were all resolved before polling day.

Several parties complained that the LCD was making use of official vehicles and other resources for campaign purposes, a charge which was denied by the LCD. The ruling party was also accused of using its incumbency to influence voters. In early May the Government announced new pay and grading structures for all public servants, including civil servants, teachers, health service personnel, members of the security forces, chiefs, and others, under which it was believed

that most would be better off. Extra subsidies were also promised to farmers. Coming a matter of weeks before election day these announcements provoked the other parties to allege that the Government was attempting to buy votes.

Campaign finance also became a source of complaint, with the smaller parties, without access to the more substantial resources available to their three large rivals, complaining that in order to campaign effectively they needed more state funding, in addition to the M11,000 to which each party was entitled. This was not forthcoming.

As for the campaign issues, all parties promised jobs and economic development, and a number focused in particular on education and the reduction or elimination of school fees – a major issue among all Basotho. Much of the campaign rhetoric, however, stressed the particular personal qualities of the party leaders, their superior management abilities, their honesty and their determination to promote the interests of the people.

Among the most prominent features of the campaign period, however, were attacks by some of the parties on the IEC and its conduct of the elections.

The competence of the IEC was called into question following the discovery in April of a quantity of registration forms in a river in Kolonyama constituency. The IEC acknowledged that these forms had been lost when a vehicle was stolen, but stated that the forms were not the originals and that there was nothing suspicious about this incident.

Several parties complained that they had not been able to obtain copies of the provisional voters' register, though they were entitled to be given a hard copy by the IEC. Furthermore, the IEC had shortened the period for the provisional register's public display in the constituencies and that as a result voters had not had sufficient time to study it.

There were also complaints that the register was flawed. In particular, there were claims that the register contained the names of many 'phantom voters', that there was serious under-registration of Basotho miners working in South Africa, and that the registration of numerous voters with the same, and obviously improbable birthday, for example 1 January, was evidence of serious irregularities in preparations for the elections.

The BCP, BNP and the Marematlou Freedom Party decided to petition the High Court to

postpone the elections on the grounds that the alleged irregularities were so serious as to compromise the elections. They based their case on two main claims, first that the reduction in the period for inspection of the provisional register was improper, and second that the IEC's failure to provide them with printed copies of the register as soon as practicable had denied the parties their legal right. The IEC admitted that requests had been made for copies of the provisional register and that it had not been able to provide printed versions. In his judgement on 20 May, the Chief Justice found that the IEC had been correctly accused of committing an irregularity in failing to supply the parties with their copies of the register.

The Chief Justice made no comment on the allegation that the reduction in the time for the public viewing of the register had been contrary to the law, but judged that the one proven irregularity was not sufficiently serious to warrant a delay in the holding of the elections. He dismissed the claimants' concern about the numbers of voters with the same, improbable, birth dates, suggesting that there were alternative explanations for the appearance of these dates – including the nature of the birth registration system in Lesotho – and that they did not necessarily prove that the register was flawed. He found that there were no other causes for believing that the elections should not proceed as planned. He furthermore questioned whether the High Court had the jurisdiction to reach a decision on postponing elections which had been authorised by the King. He advised the parties that they had recourse to a possible remedy after the elections by challenging the results in particular constituencies should they wish. At a hearing on 22 May the parties' appeal was deferred until after the elections.

When we sought clarification from the IEC on the matter of the birth dates, we were told that because voters often did not know their exact birth dates at the time of registration they were allocated a nominal date such as 1 January, etc.

Whether this collection of issues concerning the electoral process itself had any substantial resonance in the country is difficult to judge, but it was certainly a major preoccupation for some of the party leaders from mid-April onwards and dominated much of the campaign period.

Finally, it should be noted that the campaign period featured the publication of a number of opinion polls – none of which corresponded to the actual outcome of the elections.

### The News Media

Lesotho's television and radio services, its news agency and one of its weekly newspapers are state-run. There are a number of privately owned weekly newspapers, but no commercial broadcasting stations. South African SABC TV and radio can also be received in much of the country. There is no Media Commission. The law requires the broadcast media to be neutral in its reporting and comment on the campaign and the IEC is empowered to monitor all news broadcasts to ensure that fair coverage is given to all parties and candidates. Paid political advertising is allowed.

### The Print Media

We were told that the weekly newspapers with the highest circulations were the English-language *Mirror* and *Moeletse, Moafrica, Mopheme* and *Leselinyana La Lesotho*, all of which publish in Sesotho. There were two party newspapers, *Mololi* (LCD) and *Makatolle* (BCP). *Leselinyana La Lesotho* was run by the Lesotho Evangelical Church and *Lentsoe La Basotho* by the state. There were at least four other newspapers.

We heard conflicting accounts of the objectivity and impartiality of the print media.

We are not in a position to comment on the fairness with which it reported the election campaign and related events. However, we did notice when our teams were deployed that few of these newspapers were much in evidence outside Maseru.

We were made aware within a few hours of our arrival in Maseru that the print media was greatly concerned about one aspect of the election arrangements in particular. The IEC had produced a set of *Media Guidelines for Election Day (Annex XI)* to which journalists in the privately owned media objected strongly. At our Arrival Press Conference on 16 May, most of the questions focused on the *Media Guidelines'* provisions, which the Press held to be overly restrictive in that they denied journalists the automatic right to visit any polling station they wanted. Essentially, it appeared that the journalists wanted the same status as observers, who did not have to apply to visit particular stations but had access to them all on production of their official IEC accreditation. There was also a subsidiary issue, which was that the journalists wanted to be able to vote on Absent Voting day, 19 May, so they could travel wherever they wanted on the main voting day, 23 May, and still exercise their right to vote. An advocate was appointed to argue their case with the IEC,

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End of the affair . . . crowds gather near Lesotho's capital, Maseru, before one of the three big rallies at the conclusion of the campaign period: all were peaceful, indeed there was a relaxed atmosphere – with dancing, marching and singing as well as speeches

meetings were held and legal action was threatened, since the journalists argued that the IEC was not empowered to restrict their constitutional rights.

In the end the issue was resolved by an arrangement with the IEC under which journalists would be allowed to apply in writing to be accredited to visit specified polling stations – and they could list as many polling stations as they wanted. Effectively, therefore, they won the freedom enjoyed by observers to go wherever they wanted. But the compromise meant that the IEC still formally retained control over journalists' access to the stations and did not concede them the same status as that enjoyed by observers. Photographers were still barred from taking pictures inside polling stations, as the IEC held that this might infringe the voters' right to secrecy – although we did see pictures on Lesotho TV of at least one party leader voting on election day.

### Broadcast Media

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Our impression is that for the majority of Basotho, and certainly for those outside Maseru, the most important source of news, information and comment is Radio Lesotho. This can be received on AM and FM frequencies in most of the country, although reception is more difficult in the mountainous Highland areas, despite the recent construction of new radio transmitters. Television, which broadcasts for one hour each evening, is gaining in popularity – especially in

the more highly populated lowlands – but is still nowhere near as important as radio and is much more restricted in its national reach.

As with the print media, we were unable to form an independent assessment of the broadcast media's election reporting. We can report, however, that the parties were given substantial access. Each was entitled to at least 30 minutes free time on TV and radio, irrespective of the number of candidates it was fielding. This arrangement also applied to independent candidates. Depending on the date of their registration, the maximum time available to the parties and the independent candidates was two hours, since the access slots came round in cycles. We heard no complaints from the political parties concerning these arrangements.

The IEC was also provided with generous allocations of broadcast time from the time of its establishment in September 1997. This amounted to over two hours in most weeks, rising to much more in the week prior to voting day: the IEC had a total of 330 minutes in the two days immediately prior to voting day. The IEC had editorial control for these periods and used its time to broadcast official announcements and to provide information about election arrangements. But more imaginative use was also made of this opportunity to communicate directly with the electorate: for instance, voter-education drama programmes and phone-ins were also aired. Similar broadcasts were also transmitted on television, but much more use was made of radio.