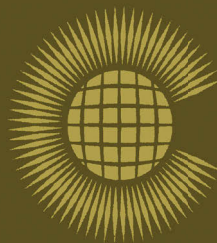


The Lesotho National Assembly Elections

23 May 1998

The Report of the
Commonwealth Observer Group



COMMONWEALTH SECRETARIAT

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Commonwealth Secretariat
Marlborough House
Pall Mall
London SW1Y 5HX
Britain

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Letter of Transmittal



Lesotho National Assembly Elections, 23 May 1998

Commonwealth Observer Group

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Lesotho Sun Hotel
Hilton Road
Maseru
Lesotho

28 May 1998

Dear Secretary-General

We were honoured to receive your invitation to participate in the Commonwealth Observer Group constituted to observe the 23 May 1998 National Assembly elections in Lesotho. We have fulfilled our mandate by observing relevant aspects of the organisation and conduct of the elections, so as to form a judgement on whether the conditions existed for a free expression of will by the electors. As stated in our Report, our overall assessment is that

"this was a credible election. We come away from observing it in no doubt both that the conditions existed for a free expression of will by the electors and that the results of the elections reflected their wishes."

We have pleasure in attaching herewith our final Report. In it we have described in detail the processes we observed, and have made some suggestions which may be worth considering in the organisation of future elections in Lesotho.

It was our privilege to be of service to the cause of democracy, to the Commonwealth and, we hope, to the Basotho people through this Mission.

Yours sincerely

Rt Hon Sir Lynden Pindling KCMG JP
Chairperson

H E Chief Emeka Anyaoku
Commonwealth Secretary-General
Marlborough House
Pall Mall
London
SW1Y 5HX



Mr Kelemedi Bulewa MP



Mrs Margaret Ewing MP



H E Mr Andreas Jacovides



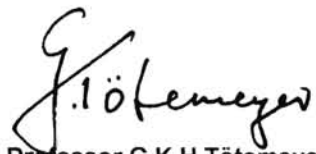
Mr Samuel M Kivuitu



Dr Robert S Merrillees



Ms Elizabeth Solomon



Professor G K H Töttemeyer

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

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.

CHAPTER 1

Political Background

Lesotho has its origins as a nation in the 19th century when King Moshoeshe I rallied the Basotho from ethnic groups scattered in central and southern Africa. At the request of the King, the British declared a protectorate over the mountain Kingdom in 1868. Basutoland, as it was called at the time, was initially administered by Cape Colony, but in 1884, the British took over direct responsibility for the protectorate. It was thereafter administered as a High Commission Territory.

Modern party politics began in 1952 with the founding of the Basutoland Congress Party (BCP) under Dr Ntsu Mokhehle. The BCP advocated full independence from Britain. A legislative council was introduced in 1956, and a Constitution granting limited powers of self-government was adopted in 1959.

The first general election held on the basis of universal adult suffrage took place on 29 April 1965. The elections were won by the Basutoland National Party (BNP, renamed the Basotho National Party after independence), whose leader, Chief Leabua Jonathan, became Prime Minister. The King, Moshoeshe II, became a constitutional monarch and as such Head of State.

Democratic government, however, lasted less than four years. When it appeared as if the main opposition party, the BCP under Dr Mokhehle, had won a majority of seats in the National Assembly in elections held in January 1970, Chief Jonathan declared a state of emergency, suspended the Constitution, and arrested Dr Mokhehle and other leaders of the BCP. The elections were annulled and several people were reportedly killed in disturbances that followed. The King went into exile in The Netherlands.

The King was allowed to return to the country in December 1970 and Chief Jonathan attempted to form a government of national reconciliation. Several BCP members joined the Government. Others, including Dr Mokhehle, however, resisted and were blamed for a coup attempt against Chief Jonathan in 1974. Dr Mokhehle and most of the BCP leadership fled the country. Lesotho effectively became a one-party state.

In July 1985, the Government announced that elections would take place in September, but these were cancelled in August when the opposition parties refused to contest them. It was announced that BNP candidates had been returned unopposed in all the constituencies. The cancellation of the elections raised considerable domestic political opposition. Meanwhile, owing to Chief Jonathan's new policy of support for the ANC and his refusal to sign a non-aggression pact with South Africa, the South African Government imposed a blockade on the border

with Lesotho in January 1986, thus impeding access to vital supplies of food and fuel.

On 15 January 1986, Chief Jonathan was overthrown by troops of the Lesotho paramilitary police under General Justin Lekhanya. The National Assembly was dissolved, and all executive and legislative powers were vested in the King, acting on the advice of a military council. A Cabinet comprising three officers and 17 civilians was also set up. In May 1988, General Lekhanya allowed Dr Mokhehle and several other members of the BCP to return to the country.

In early 1990, conflict developed between General Lekhanya and the King when the latter refused to approve the dismissal of three members of the Military Council whom General Lekhanya accused of involvement in a coup plot. General Lekhanya suspended the King's executive and legislative powers and announced that a return to civilian government would take place in 1992. In March 1990, the Military Council assumed the legislative and executive powers which were previously vested in the King. The King went into exile in Britain.

A few months later, a National Constituent Assembly made up of 108 appointed members was set up to draft a new constitution. The Assembly included members of the Military Council, Council of Ministers, all Principal Chiefs and politicians, including Dr Mokhehle. Between October 1990 and April 1991, it held consultations using the 1966 independence Constitution as its starting point. In September 1991, the Assembly appointed a Constitutional Commission to assess public opinion on the document before it was adopted. The Commission received a substantial number of written submissions and held numerous well-attended public meetings throughout the country. The views expressed were taken into account in the final draft which was eventually published on 5 February 1993.

Meanwhile, in October 1990, General Lekhanya invited the King to return to Lesotho from exile. The King, however, made his return conditional upon the lifting of military rule and the formation, by representatives of the political parties, of an interim government, pending the adoption of a new constitution and the holding of internationally supervised elections. General Lekhanya responded by promulgating an order deposing the King with immediate effect. His son, who became Letsie III, was appointed King in his place by the Military Council. Although he acted as King during his father's exile, Letsie III refused to be crowned – on the grounds that his father was alive, able and willing to discharge his responsibilities as a monarch.

General Lekhanya was removed as Chairman of the Military Council on 30 April 1991 in a palace coup led by another member of the Council, Colonel (later General) Elias Ramaema. Although General Ramaema repealed the law banning political parties, tensions continued to rise in the country following an unsuccessful attempt to overthrow his regime and restore General Lekhanya. Tension rose further in April 1992 when Moshoeshe II announced his intention to return to the country from exile in defiance of the wishes of the Military Council.

The Commonwealth Secretary-General used his good offices to promote dialogue in London between the former King and General Ramaema, which led to the return of Moshoeshe II to Lesotho in July 1992, and paved the way for multi-party elections in March 1993.

The 1993 Elections

In March 1993, the draft constitution drawn up by the Constituent Assembly was adopted, to come into effect upon the election of the National Assembly and the appointment of a Prime Minister.

The elections to the National Assembly took place on 27 March 1993. The BCP under Dr Mokhehle swept to power, winning all 65 seats and gaining 54 per cent of the vote as against the BNP's 16 per cent. Ten other parties shared the remaining 30 per cent of the vote. Dr Mokhehle was sworn in as Prime Minister in April 1993.

A Commonwealth mission led by the Rt Hon Lord Carlisle of Bucklow observed the March 1993 elections and concluded that despite some administrative problems on the day, the outcome of the elections reflected "a free expression of the will of the people of Lesotho."

The BNP refused to accept the results of the elections and the country remained unstable. In November 1993 and again in January 1994, there were mutinies in the Royal Lesotho Defence Force, ostensibly over pay but also reflecting political differences between supporters of the new government and those of the BNP. In mid-April 1994 the Deputy Prime Minister, Mr Selometsi Baholo, was shot and killed by disaffected troops who also abducted and briefly detained four government ministers. Two emissaries of the Commonwealth Secretary-General helped to promote negotiations between the Mokhehle Government and the army, leading to the end of the mutiny as well as a related strike by police and prison officers.

The 1994 Crisis

Lesotho went into renewed crisis in August 1994, when following the appointment by Dr Mokhehle of a commission of inquiry into the circumstances surrounding the dethronement of

Moshoeshe II, King Letsie III announced the dissolution of the National Assembly, the dismissal of the Mokhehle Government, and the suspension of the Constitution. The army and the police appeared to support the King, but a general strike called by the BCP and the Lesotho Council of NGOs effectively paralysed economic activity in the country in late August.

The Commonwealth Secretary-General worked closely with the Presidents of Botswana, South Africa, and Zimbabwe to promote dialogue between the King and Prime Minister Mokhehle and to restore the elected government.

On 14 September 1994, King Letsie III and Prime Minister Mokhehle signed an agreement, guaranteed by Botswana, South Africa and Zimbabwe. The Mokhehle government was restored and King Letsie III stepped down in favour of his father, Moshoeshe II. The King was killed in a motor accident in January 1996 and Letsie III returned to the throne.

The Formation of the Lesotho Congress for Democracy

In June 1997 Dr Mokhehle decided to resign from the BCP following a long-running dispute within the party about his leadership. He formed a new party – the Lesotho Congress for Democracy (LCD) – taking 40 of the BCP's 64 members of parliament (the BCP having lost one seat through a by-election) with him. Thus, the LCD was able to secure a parliamentary majority and retain its hold on government.

The Prime Minister's actions were challenged as unconstitutional by several groups and individuals in the country, including the BCP. The Government, however, remained in power.

The 1998 National Assembly Elections

Twelve political parties and 30 independent candidates were to contest the 80 seats in the National Assembly. The race was dominated by the three main parties: the LCD, now led by Professor Pakalitha Mosisili following the retirement earlier in the year of Dr Mokhehle, aged 78, after a long political career; the BCP, led by Mr Molapo Qhobela, a former Minister of Justice; and the BNP, led by Mr Evaristus Sekhonyana, a former Minister of Finance.

The other contesting parties were:

- Christian Democratic Party
- Kopanang Basotho Party
- Lesotho Educational Party
- Lesotho Labour Party/United Democratic Party Alliance
- Marematlou Freedom Party
- National Independent Party
- National Progressive Party
- Popular Front for Democracy
- Sefate Democratic Union.

CHAPTER 2

The Electoral Framework and Preparations for the Elections

The Constitution

The present Constitution of Lesotho came into force on 2 April 1993. It provides for a Parliament consisting of the King, the Senate and the National Assembly. The Senate comprises the 22 Principal Chiefs and 11 other Senators nominated by the King in accordance with the advice of the Council of State. Unless sooner dissolved, Parliament continues for five years from the date when the two Houses first meet after dissolution. There is also a provision which requires that general elections be held within three months after dissolution of Parliament.

Eligibility to vote in general elections is based on universal adult suffrage for citizens who have reached the age of 18. The 1998 elections were the first since the age of eligibility was lowered to 18, under the National Assembly Election Order 1992, as amended.

The Independent Electoral Commission

An Independent Electoral Commission (IEC) was established in September 1997. The Commission derives its existence and authority from the Constitution. Further relevant provisions are contained in the National Assembly Election Order 1992 and subsequent amendments.

The IEC is made up of a Chairman and two other Commissioners. They are appointed by the King on the advice of the Council of State for a term of six years. That term may be renewed once.

The Constitution states that “the Electoral Commission shall not, in the performance of its functions, be subject to the direction or control of any person or authority.” The independence of the IEC is further reinforced by constitutional provisions which state that its funds shall be provided by Parliament and charged on the Consolidated Fund.

The Constitution and the National Assembly Election Order require that the Commission and its members perform their functions impartially and independently, in good faith and without fear, favour or prejudice. During their term of office the members of the Commission are ineligible for nomination or appointment to any other public office and are not allowed to give support to or oppose any party or candidate participating in an election, or in any manner place in jeopardy their independence, impartiality or the integrity of the IEC.

The members have security of tenure and can be removed only by the King on the recommendation of a judicial tribunal for inability to exercise their office or for misbehaviour.

The IEC is responsible for the organisation, conduct and supervision of elections. Its functions include:

- the preparation of the voters' register;
- the registration of political parties;
- the demarcation of electoral boundaries; and
- voter education.

Man on horseback . . . a Commonwealth observer greets an elector in the Highlands. Although the Independent Electoral Commission tried to ensure that polling stations were located as close as possible to the people, some voters still had to walk or ride for several hours



The IEC is further responsible for monitoring legislation relating to elections and referenda and the establishment of committees to assist it in carrying out its functions. It must appoint 10 area election officers.

The current Chairman of the IEC is Mr Sekara Sam Mafisa, a lawyer. The other members of the Commission are Mr Letjea Qhobela, formerly Chairman of the Public Service Commission, and Mr Moriee Khaebana, a former Clerk of the National Assembly.

At the time of these elections the IEC was supported by 150 staff at its headquarters in Maseru and at its area offices. The chief executive of the IEC is the Director of Elections, who is appointed by the Commission. The present Acting Director is Mr Mphasa Mokhochane.

Liaison with the political parties is assisted by the nomination of two representatives per party who are charged with maintaining contact with the IEC. Meetings between the IEC and the parties are held at the request of either side.

Voter Registration

The Director of Elections is required to establish and maintain a general register of electors derived from applications for registration and setting out the elector's name, address, sex and date of birth and identifying number. Citizens of Lesotho who are 18 years old are, unless disqualified under the Constitution, required to apply to be registered as electors for the constituency where they originate, ordinarily reside or are employed. Political parties contesting an election have the right to monitor the registration of electors through designated representatives assigned to specific registration centres. Members of the public are entitled to inspect the provisional register and the political parties are entitled to receive copies as soon as practicable, in both cases without charge.

After its creation in September 1997, the IEC undertook a complete re-registration of voters, first to take account of the new requirement for a Voter Identification Card bearing the photograph of the elector, and second the lowering of the minimum age of voting from 21 to 18 years. Voter registration commenced on 5 January and ended on 10 March 1998. As at that date, 836,000 people had registered – estimated by the IEC as 75 per cent of those eligible. The registration details were held in the IEC's computer system.

The National Assembly Election Order provides that immediately after the dissolution of the National Assembly or when it appears that a general election is to be held the IEC is required to prepare a provisional version of the general

register and to ensure that this, or an extract relating to the area concerned, is published within each electoral area. The provisional voters' list was displayed from 14 to 19 April 1998 at the registration centres.

Other Categories of Voters

The National Assembly Election Order makes provision for electors who by reason of their duties on election day, or employment by the Government of Lesotho overseas, are unable to vote in the constituency in which they are registered, to vote as absent electors. Provision was made for election officials, security and defence personnel and others who would be involved in polling day duties to vote on 19 May.

Registration of Political Parties

The National Assembly Election Order provides that no political party can endorse a candidate for election unless it is registered with the IEC. Parties do not qualify to be registered unless their membership is voluntary and open to all citizens of Lesotho without discrimination. An application for registration must be accompanied by a declaration signed by not less than 500 members of the party whose names appear on the general register of electors.

Demarcation of Electoral Boundaries

The National Assembly elections of 1998 were to be contested in 80 constituencies, containing roughly equal numbers of persons of voting age, an increase of 15 on the number contested in 1993. Constituency boundaries were redrawn by the IEC prior to these elections. The IEC is required to review constituency boundaries at intervals of not less than eight nor more than 10 years, and may order their alteration in light of that review. Provision is also made for the IEC to carry out such a review and to make alterations to boundaries after a census.

Nominations

A general election of members of the National Assembly is held on a day fixed by proclamation directed to the Commission. The Director of Elections is required to publish *inter alia* a notice specifying the date on which nomination of candidates is to close, and a place in each constituency where a nomination court is to consider nominations.

The National Assembly Election Order sets out the procedure for nominating candidates for election. It provides *inter alia* that returning



Airborne . . . a Lesotho Defence Force aircraft (top) delivers election equipment to a district capital prior to election day: the supplies were then taken to the IEC area office for sorting (centre), before LDF helicopters (bottom) ferried the repackaged kits to officials waiting at remote polling stations

officers are not to accept nominations of candidates for election unless they are proposed and seconded by two persons whose names appear on the electoral list for that constituency. Candidates are required to sign a statement consenting to nomination. Candidates of a political party must be certified by that party. A representation of the party's registered official symbol is also required. There is a like requirement for independent candidates.

Where there are two or more candidates nominated a deposit of M200 must be lodged on behalf of each candidate. That deposit is forfeited if an unsuccessful candidate receives less than 10 per cent of the votes cast.

Voter Education and Training

The IEC is charged, under the National Assembly Election Order, with the promotion of voter education through the media and other appropriate and effective means. Accordingly, it carried out an extensive voter education campaign by radio and television and the print media from soon after its establishment, and distributed educational posters in Sesotho as well as in English to convey information about

the process. Samples of such posters are reproduced as *Annex VIII*. However, the staff resources allocated by the IEC to voter education were stretched, and the IEC was unable to field voter education teams to go into towns and villages to engage directly with the people on, for instance, the method of voting. The Lesotho Council of NGOs and the churches also both organised voter education programmes.

It was apparent that the IEC had provided ample training for election officers. It also undertook training first at political party level and then with prospective candidates and their agents. It organised one-day workshops for the parties and prospective candidates to discuss the electoral laws and process. It also instituted a field-training exercise before nomination day and provided a manual to assist them.

Assistance

The IEC received assistance from a number of countries and international organisations including the Commonwealth, which provided two technical experts and one legal adviser, and the United Nations Development Programme.

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 gazetting 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

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.

CHAPTER 4

The Poll and Count

The first votes in the 1998 National Assembly elections were cast on Tuesday 19 May by 'Absent Electors' who had registered as such in advance. These were election officials, security and defence personnel and others who would be involved in polling day activities and would therefore be absent from their place of registration on 23 May. Our seven teams were deployed across the country that morning and were able to see this special voting, in 13 constituencies.

The voting usually took place at Returning Officers' offices. In some cases it was delayed, either because party agents were not present or because political parties objected that it should not start while the High Court was considering (eventually unsuccessful) legal action by three political parties which were trying to postpone the 23 May National Assembly elections.



19 May . . . 'Absent Voting' day, when some of those – including election officials and security personnel – who would be working elsewhere on 23 May itself were allowed to vote in advance, usually at the constituency Returning Officers' offices

We were struck by the complexity of the process and the variation of procedure. In some places the voters' completed ballots (which were first placed inside one and then into a second envelope) were placed in ballot boxes, in others in large manila envelopes, in still others in plastic bags and at one polling station on the floor behind the Presiding Officer. But the process occasioned no complaints from the candidates and party agents who were present. At the end of the 'Absent Voting' the ballot papers were taken to secure IEC accommodation and later sent to the relevant constituencies for counting with the main election day ballot papers.

All other voters had their opportunity to cast their ballots four days later, on Saturday 23 May, except in one constituency where the death of a candidate caused a postponement. Voting therefore took place in 79 constituencies at 2,237 polling stations, some of which were very



'It's around here somewhere' . . . Commonwealth Observer Kelemedi Bulewa (centre), assisted by his team's interpreter and driver, plans his election day itinerary: the observers visited as many polling stations in as many constituencies as possible, generally staying for around 15 minutes at each

large and had to be sub-divided into several separate sub-stations. King Letsie III declared the day a national holiday to make it as easy as possible for electors to participate. In three polling stations in Leribe voting in fact continued on Sunday 24 May.

Our teams had spent the period from 19 to 23 May familiarising themselves with conditions in their areas and meeting local representatives of the IEC, the political parties, NGOs, churches and other observers. Everywhere we devised deployment plans that would give us a balanced picture of election day. In the mountainous parts of the country, in which we had been encouraged by the IEC and the parties to be present, our teams ensured that their visits to polling stations would include remote rural locations as well as those in the more heavily populated and more easily accessible urban areas.



Drop-in centre . . . Elections Commissioner Moriee Khaebana oversees the airlifting of teams of election officials to distant and otherwise inaccessible polling stations



Election day . . . 6.50 a.m., 23 May: a polling station Presiding Officer shows the empty ballot box to electors before voting starts – the transparency of the process was one of the points on which observers congratulated the IEC

There had been considerable advance preparation for polling day. Election officials had gathered at IEC offices days in advance for deployment to polling stations which were sometimes inaccessible, even for four-wheel drive vehicles. In the Highlands, Lesotho Defence Force helicopters had to be used to deliver polling station equipment and teams to the most remote locations. In most cases both officials and equipment were in place by the day before the poll.

There had been fears that a winter election would be marred by bad weather and only weeks before snow had cut off at least one major town in the Highlands and made road conditions treacherous. Parts of the Highlands were still

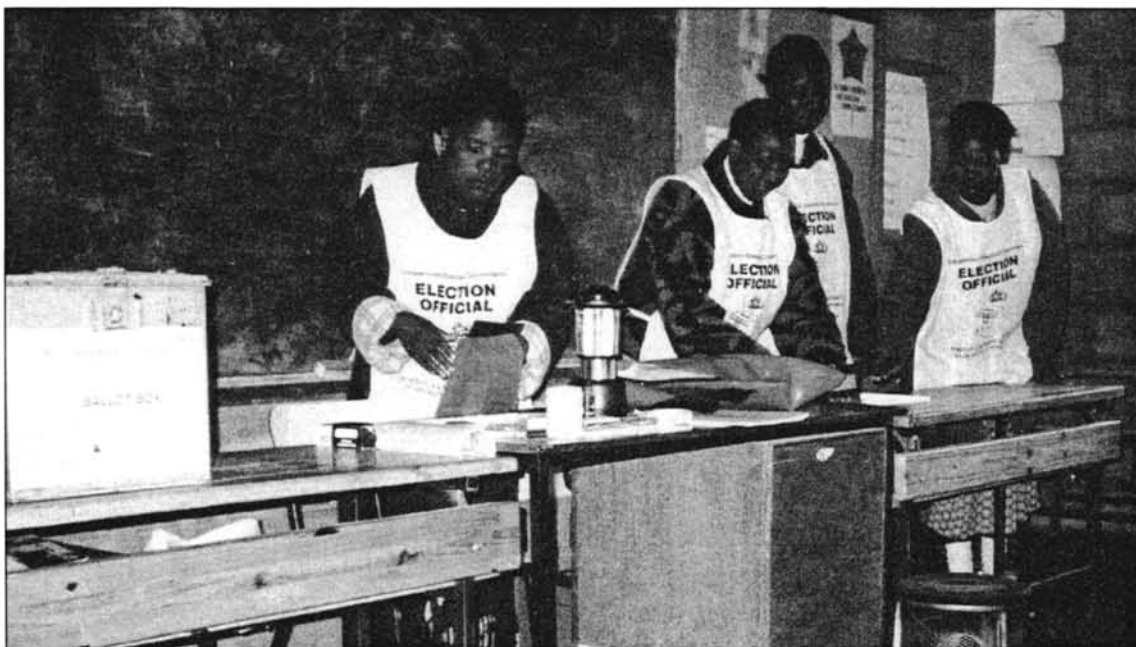
covered in snow on voting day and it was cold in the morning and evening. But the weather was good during the day.

Most polling stations opened on time at 7 a.m. and our teams were in place beforehand to observe the opening procedure. Security officers, election officials and voters were also there well in advance – sometimes, despite the low winter temperatures, having slept at the polling station overnight to be sure that they would be on time (and to guard the polling station materials). Where polling stations opened late the reason was sometimes that officials and materials had not arrived, but also in some cases because party and candidates' agents were late.

Voters were present early in large numbers – the IEC was later to announce a turnout figure of 70 per cent. The opening procedures were generally carried out correctly, the main point of interest to the sometimes lengthy queues of waiting voters being the demonstration by the Presiding Officer that the ballot box was empty. The official seal was then placed on the side of the box in full view of the party and candidates' agents. Often the local traditional leader was present as an 'official witness' to assist in cases of disputed identity (she/he also often voted first). In some cases the voting was preceded by prayers.

Our teams then moved on to visit as many polling stations in as many constituencies as possible, generally staying for around 15 minutes and sometimes revisiting particular polling stations later in the day.

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The opening . . . 7 a.m., 23 May and everything is ready: after this the voting began and further photographs were banned; the election officials impressed with their adherence to the prescribed procedures – they were mostly young, but had clearly been well trained and knew their respective roles



Women were often in the majority among those waiting to vote and insisted vociferously that they would cast their ballot for the candidate of their choice; most of the election staff we encountered were also women

All the polling stations we saw were indoors. Often there was little space and the room was dark, even amidst the blaze of the daytime sun. Buildings used included schools, community halls, churches, cinemas, co-operatives and farm buildings but voting also took place in specially erected tents. The IEC had told us that they had made efforts to ensure that the stations' location would be as close as possible to the people, but in some rural areas we heard complaints that voters had to walk or ride on donkeys or horseback for several hours to reach their polling stations.

We found no evidence that any category of voters had been deterred from exercising their franchise or had been pressurised in any other way.

Women were often in the majority among those waiting to vote and insisted vociferously that they would vote for the candidate of their choice. Most of the Presiding Officers and election staff we encountered were also women. Despite the lowering of the voting age to 18 we were surprised at the relatively small proportion of young voters, but older voters were much in evidence and, in common with the blind, the illiterate and those with disabilities, were assisted and treated with consideration.

The voting procedure itself was quite complicated and while most voters we spoke to in the queues told us that they were familiar with it, all were nevertheless advised by officials at the time of the collection of their ballot paper and many needed lengthy explanations.

Voters were let into the station one by one or sometimes in small groups (the system worked

most efficiently in the latter case, but there was a drawback in admitting voters in groups in that it allowed less time for assistance to each individual). The voter's fingers were checked for traces of the IEC's indelible Indian ink, which would indicate that she/he had voted already, and her/his Voter Identification Card was checked. The voter's name was crossed off the register, her/his number was entered on the counterfoil and the ballot paper was stamped. The Presiding Officer then detached the ballot paper from the counterfoil and folded it so only the top showed.

The method of voting – a mark in the box next to the candidate's name, party and symbol (see sample ballot paper at *Annex XII*) – was then explained. The voter took the paper into the voting compartment, made her/his mark with the pencil provided and returned the re-folded paper to the Presiding Officer, who detached the top portion above the fold. The voter then had her/his finger marked with the indelible ink, placed the ballot paper in the ballot box and was free to leave. Although in some polling stations the whole process was completed quickly it often took around five minutes, sometimes more. We noted that some voters were reluctant to use the pencil provided to mark the ballot paper, seemingly in the belief that the pencil mark could be erased or would fade.

In cases where voters were not on the register but held valid Voter Identification Cards, their names were added to the register by the Presiding Officer and they were allowed to vote. This was also a slow process. We observed that voters who

had not brought their Voter Identification Card often brought a passport as proof of identity and that this was accepted. The official witness could also verify the identity of those without identification documents.

Several aspects of this process concerned us. The ballot paper was, in our view, unnecessarily complicated: this made it difficult for the voter to understand and prolonged the process. The ballot boxes were small, so that after a while it required some effort by the voter to insert the completed paper. Bottlenecks often developed as one voter waited for her/his paper to be issued while the second counterfoil was detached from that of the previous voter. The Presiding Officer was responsible for several of the key elements of the procedure, again slowing the process (while other officials were in our view under-employed). And some of our Observers saw that during the explanation of the voting method by the Presiding Officer the first of the candidates' names was sometimes visible to the voter, which some voters may have taken as a suggestion that it was for this candidate that their vote should be cast.

Above all, the process was slow. This was partly due to the cumbersome voting procedure and partly to the need for a sometimes lengthy explanation of it to be given to almost every individual voter. While the IEC and its election officials are to be commended for their thoroughness and for ensuring that those who needed an explanation received one, we were surprised that so many voters needed so much explanation on the day itself. This suggests that there should have been more intensive and extensive voter education on the voting method in advance of election day. It might also have helped had posters explaining the voting method been on display at polling stations.

The impact of this soon became clear. In many places there were only a few voters waiting to cast their ballot by the closure and some polling stations were deserted by mid-afternoon. Elsewhere, however, it was not uncommon to encounter voters who had been present at their station since before the opening but had still been unable to vote by mid-afternoon.

Although they continued to wait quietly and patiently as the day went on, the electors did so with increasing concern. Voters in rural areas explained to us that with a long walk home and children to attend to they would soon have to give up and return home without casting their ballots. There were still some long queues at the end of the day and, since the IEC allowed voters who were in the queue at 5 p.m. to cast their ballots even after that time, voting in some places went on into the hours of darkness.

The main complaint we heard from voters concerned the length of time it took for them to be processed. The Chairman of the IEC was later to say that he too had been concerned at the slowness of the voting procedure.

There were some other shortcomings. We came across several ballot boxes that were not properly sealed. In a few cases the voter's number on the register and that on their Voter Identification Card did not match. At one polling station near the border our Observers noted with concern that the number of voters who were not on the register but did have valid Voter Identification Cards and were allowed to vote, in line with the procedure noted above, was relatively large. Sometimes the polling station layout was such that party and candidates' agents were not able to see the process clearly. Some polling stations ran out of ballot papers and a number were affected by other shortages. Polling station radios sometimes did not work.

A few stations were very late opening: in one Highlands constituency we saw polling station teams being airlifted to inaccessible areas as late as noon on polling day itself. There were variations in the way in which election officials explained the voting procedure. In a very few polling stations election officials and agents showed a lack of respect for voters who had difficulty in following the procedure correctly, in others there was an overly informal atmosphere. We were not convinced that all party and candidates' agents were fully aware of their responsibilities and rights.

But generally the poll went smoothly and none of the difficulties noted above undermine the integrity of the process taken as a whole. Although, as noted above, some polling stations were without all the necessary materials, most were well equipped. While we encountered one which was chaotic, they were generally well organised.

The register and Voter Identification Card system seemed to work well – a major achievement. In only a relatively few cases were officials unable to find voters' names on the register. The overwhelming majority of electors were both on the register and in possession of a valid Voter Identification Card.

Everywhere the voting compartment itself was correctly positioned and well screened so that secrecy was maintained. We found no evidence – nor even allegations – of intimidation, personation, multiple voting or fraud, organised or otherwise. Everywhere the queues of voters were orderly and calm. We saw no violence.

In almost all cases we were impressed by the election officials' adherence to the prescribed procedures. They were mostly young people, but

had clearly been well trained and knew their respective roles. With a few exceptions, they were prepared to explain the process at length to ensure that voters understood. Where necessary they made improvised arrangements with initiative and imagination, and always with the agreement of the party agents. Presiding Officers were usually well in control of their station.

The security personnel – generally police, supported by special constables – were efficient, courteous and discreet and present at almost all stations we visited. The police were usually unarmed. The Lesotho Defence Force was held in reserve and no soldiers were on duty at polling stations.

Party and candidates' agents were present at all the polling stations we visited, though not the agents of all the candidates. They made no complaints when asked whether they were satisfied with the process. So far as we are aware, with only a few exceptions candidates behaved properly and the parties appear to have adhered to the Code of Conduct and to have desisted from campaigning on voting day.

The day ended with the closure – at which, where we were present, the proper procedures were followed – and the counting of votes, which took place in the polling stations themselves following the completion of the closure formalities and necessary rearrangements.

The counting process was time-consuming, but orderly and commendably thorough and transparent. Party agents were issued with tally sheets and instructed in their use. After breaking the official seals on the ballot boxes in view of the party agents, the polling station officials emptied the boxes, unfolded the ballots, displayed each paper in turn to the agents, announced the party or candidate for which the vote had been cast and usually placed the ballots in individual piles for each party or candidate. Great care was taken to consult party agents in cases of disputed papers where the intention of the voter was not immediately clear. Rejected ballots – surprisingly few in number – were placed in a separate envelope.

At the end of the count, after agreement with the party agents on the figures, an announcement was made by the Presiding Officer to those waiting outside. The ballot papers were then securely sealed in official envelopes, the concluding formalities were completed (again usually properly, so far as we could see) and the result communicated to the constituency Returning Officer. She/he would then compile all the results from the polling stations in her/his constituency and make the appropriate

announcement. The Returning Officer was also sent all ballot papers from each of the individual polling stations following each count.

Lighting was often a problem. Where there was no electricity counting had to take place by candle or lamplight: some counts were delayed while lighting arrangements were made or improved. Sometimes, in an effort to speed up the process, the display of the ballot paper was overly rapid. But again, there were no complaints from party agents and, at the counts we saw, the procedures were followed carefully.

Altogether, we visited 105 polling stations in 41 of the 79 constituencies in which voting took place on 23 May, and observed nine counts. There were also some 400 domestic observers from Lesotho NGOs and the churches and 150 international observers, from eight international organisations and 14 countries. This ensured a presence in every constituency. While international observers had the advantage of mobility and gave priority to short visits to as many polling stations as possible, domestic observers were present at particular polling stations for much longer periods, sometimes all day. All observers were accredited by the IEC and issued with a Code of Conduct (see *Annex XIII*).

We came across no cases of election officials preventing access to properly accredited observers. Our own experience was one of a warm welcome from voters everywhere and, with only two exceptions, friendly co-operation from security personnel and election officials. Equally, we had no reports of observers interfering in the process and most seemed to have been well briefed on the procedures. The arrangements for the co-ordination of observers on the day worked well and there appeared to be little duplication. The Commonwealth Observer Group co-operated with other observers, both international and domestic, and benefited from their reports. We were especially pleased that there were so many domestic observers and hope that this can be built on for the future.

Our overall assessment is that this was a credible election. We come away from observing it in no doubt both that the conditions existed for a free expression of will by the electors and that the result of the elections reflected their wishes.

No election is perfect and there are ways in which Lesotho's poll and count process can be improved for the future. Some organisational improvements need to be made and arrangements for these can, we are sure, be easily put in place for next time. Problems arising from shortages of materials might be alleviated by issuing polling



Amidst the blaze of afternoon, voters wait patiently in the early afternoon sun: the procedure was complex and some voters had to wait a long time before being admitted to the polling station, but the observers found that "there was an impressive air of serenity and seriousness at almost all the polling stations we visited"

stations with, for instance, more ballot papers and other back-up supplies (e.g., bottles of the indelible ink). Additional helicopters would help. We noted that South Africa's offer to provide such aircraft was not taken up: a helicopter per district would allow the most rapid response when, for instance, serious shortages of materials become apparent.

There are other matters to which the IEC will want to give attention in planning for next time. But two stand out: the complexity of the voting procedure; and the slow pace in processing the voters.

Streamlining and simplifying the procedure would be a valuable end in itself. In our view there is little if any rationale for having a detachable portion of the ballot paper which must be removed after the voter has marked her/his ballot. This procedure was a major cause of delay within the polling stations and added considerably to the workload of the Presiding Officer. Elimination of this step would further remove the need for the lengthy process of folding and re-folding the ballot paper. A more comprehensive programme of voter education in advance of polling day, focusing on the mechanics of voting, would also help to ensure faster voting on the day.

Despite the organisational and other shortcomings noted above the IEC acquitted itself well and should be commended both for its preparations and for its arrangements on the day. Indeed, given the time available to prepare for the elections and the difficult conditions in the more remote parts of the country, it might have been expected that there would be more difficulties on election day.

We must end by congratulating the Basotho people. They made these elections work – turning out in large numbers, often after travelling long distances; waiting patiently at the polling stations, sometimes for a considerable time; and respecting the procedures both in the letter and the spirit. There was an impressive air of serenity and seriousness at almost all the polling stations we visited and everywhere we went on election day. Our observations left us in no doubt as to the depth of the people's commitment to their democracy.

On the day the Observer Group left Lesotho, 28 May 1998, the results of the National Assembly elections were LCD 78 seats, BNP one seat, with the election in one constituency (which had been postponed due to the death of a candidate) to be held later in the year.

Acknowledgements

Our mission could not have been accomplished without the assistance and support of many people. We are especially grateful to the Chairman of the Independent Electoral Commission and his fellow Commissioners, and to IEC staff throughout the country. They went out of their way to assist us in our work and were extremely helpful, despite the many pressures on them during the election period.

We also wish to thank the political parties, the Lesotho Council of NGOs, the Christian Council of Lesotho, representatives of the media, the Commonwealth High Commissioners in Maseru and the other international and domestic observers, whose briefings and co-operation greatly assisted us in our work.

We wish to extend our appreciation to the Commonwealth Secretary-General, Chief Emeka

Anyaoku, for his support and for giving us the opportunity to serve the Commonwealth in promoting its democratic principles.

It is a special pleasure for us to record our gratitude to all the members of the Commonwealth Secretariat support team led by Mr Jon Sheppard. Their industry, dedication and efficiency made an indispensable contribution to the success of our mission. We are also indebted to our drivers and interpreters, without whose local knowledge we could not have fulfilled our mandate.

Above all, we have been particularly touched by the hospitality of the people of Lesotho who warmly welcomed us wherever we went. We wish them well in consolidating democracy in their beautiful country.

ANNEX I

Composition of the Commonwealth Observer Group

The Rt Hon Sir Lynden Pindling, KCMG, JP (Chairperson – The Bahamas)

Sir Lynden was Prime Minister of The Bahamas between 1968 and 1992. He is widely acclaimed as father of the nation, having led The Bahamas to independence in 1973. He retired from active politics in 1997 after serving 41 years as a Member of Parliament – the longest of any parliamentarian in The Bahamas. Sir Lynden trained as a lawyer at the University of London and was called to the English Bar at the Middle Temple in January 1953 and to The Bahamas Bar in August the same year. He was Chairman of the 1985 Commonwealth Heads of Government Meeting in The Bahamas, which adopted the Nassau Declaration that laid the foundation for Commonwealth sanctions against South Africa. Sir Lynden holds honorary doctorates from Howard University, the University of Miami, Bethume-Cookman College, and Fisk University. He was made a member of the Privy Council in 1976 and was knighted in 1983.

Mr Kelemedi Bulewa, MP (Fiji)

Mr Bulewa is a lawyer by training and has been a Member of the Fiji Parliament since 1992. He served as a member of the Joint Select Committee of Parliament on the amendment of the 1990 Fijian Constitution. He was also a member of the Select Committee on Consequential Amendments to Legislations, which drafted the 1998 Electoral Act under which general elections will be conducted. He served as Attorney-General and Minister of Justice from 1992 to 1996.

Mrs Margaret Ewing, MP (Britain)

Mrs Ewing is currently Parliamentary Leader of the Scottish National Party at Westminster. She has served as a Member of Parliament for a total of 16 years – first entering Parliament in 1974 and then being elected for a second time in 1987. She holds a Master of Arts degree in English and History from the University of Glasgow and a Bachelor of Arts (Honours) degree in Economic History from Strathclyde University, and has worked in education as a principal teacher in special educational needs.

Ambassador Andreas J Jacovides (Cyprus)

Mr Jacovides studied law at the University of Cambridge, in the Inns of Court, London, and at

Harvard Law School. He is presently accredited as Ambassador and Special Adviser with the United Nations and is engaged in several other professional and philanthropic activities.

Mr Jacovides has served as Ambassador to the UN in Vienna and in New York, the United States (twice) and Germany, in addition to several other non-residential accreditations and as Permanent Secretary in the Ministry of Foreign Affairs, in a distinguished 37-year career with the diplomatic service of Cyprus. He has represented Cyprus at numerous international conferences, including the UN Conference on the Law of Treaties and on the Law of the Sea and at six Commonwealth Heads of Government Meetings. He was also a three-term member of the UN International Law Commission. He served on the Committee on the Future of the Commonwealth in 1990 and 1991 and on the Commonwealth Committee on the Vulnerability of Small States in 1997.

Mr Samuel M Kivuitu (Kenya)

Mr Kivuitu is currently the Chairman of the Electoral Commission of Kenya. He was appointed to the Commission in 1992 and served as Vice-Chairman between 1996 and 1997. Mr Kivuitu holds a Bachelor of Laws degree from the University of London and has been a member of the Law Society of Kenya since 1965. He served as a State Counsel in Kenya between 1964 and 1966 and as a resident magistrate between 1966 and 1968. He was elected a Member of Parliament in 1969 and for a second time in 1983, serving a total of 10 years. He has represented Kenya at several international conferences and was a member of the United Nations observer mission to the elections in South Africa in 1994.

Dr Robert S Merrillees (Australia)

Dr Merrillees is a distinguished former diplomat who has served as his country's Ambassador to Israel, Sweden and Greece, among others. He was also Australia's Permanent Delegate to UNESCO in Paris. He holds a Bachelor of Arts degree from the University of Sydney and a PhD from the University of London, and has specialised professionally as well as academically in the Middle East. He has also had extensive involvement with the United Nations and its specialised agencies, the Commonwealth, particularly Commonwealth Heads of Government Meetings, and the Cambodian

peace process. He is the author of numerous publications on the archaeology of the Levant, especially Cyprus, and is a Fellow of the Australian Academy of the Humanities and the Society of Antiquaries of London.

Ms Elizabeth Solomon (Ghana)

Ms Solomon is a member of the Electoral Commission of Ghana. A former nurse educator, she went on to study law and worked for many years as a legal adviser with the Ghana State Insurance Corporation. She has done considerable work in promoting women's participation in public life through the Ghana branch of the International Federation of Women Lawyers, of which she has been a leading member for many years. She represents the Federation on her country's National Council for Women in Development. She was a member of the United Nations observer mission to the elections in South Africa in 1994 and also served on the Commonwealth Observer Group to the general election in St Kitts and Nevis in 1995.

Professor G K H Töttemeyer (Namibia)

Professor Töttemeyer is Professor of Political and Administrative Studies at the University of Namibia. Between 1991 and 1997 he was a member of the First and Second Delimitation Commissions of Namibia, which subdivided the country into constituencies, local authority areas and wards. He also served as Director of Elections from 1992 to 1998. He is currently Chairperson of the Preparatory Committee of the Southern African Development Community Electoral Commissions Forum.

Secretariat Support Staff

Mr J P Sheppard	<i>Team Leader</i>
Mr Christopher Child	<i>Assistant to Observers</i>
Mr Reginald Addo	
Amegatcher	<i>Assistant to Observers</i>
Dr Victor Pungong	<i>Assistant to Observers</i>
Mrs Betty Champion	<i>Administrative Officer</i>
Mrs Beatrice Morgan	<i>Secretary</i>

ANNEX II

Arrival Statement of 16 May 1998



Lesotho National Assembly Elections, 23 May 1998

Commonwealth Observer Group

Tel: (266) 313111
Fax: (266) 310104 or
310615

Lesotho Sun Hotel
Hilton Road
Maseru
Lesotho

ARRIVAL STATEMENT BY THE COMMONWEALTH OBSERVER GROUP

We are here to observe the National Assembly Elections, in response to a request from the Independent Electoral Commission of Lesotho to the Commonwealth Secretary-General, Chief Emeka Anyaoku, and following advice by a Commonwealth Assessment Mission in April that there would be broad support for the presence of Commonwealth Observers.

As a team of Observers, we are serving in our individual capacities and not as representatives of the countries, governments or the organisations to which we may belong. Our mandate is to observe all relevant aspects of the organisation and conduct of the elections in accordance with the laws of Lesotho and, at the end, make an independent assessment as to whether the conditions existed for the people of Lesotho to freely express their will through the polls.

We have no executive role. Our function is to observe the process as a whole and form an impartial judgment on the credibility of the exercise. On completion of our task we will present a report to the Commonwealth Secretary-General, who will in turn make it available to the government of Lesotho, the political parties which contested the elections, and thereafter to all Commonwealth governments.

In carrying out our mission, we will remain in close touch with the Electoral Commission. We look forward to being briefed by them on the preparations in hand. We hope to have meetings with representatives of political parties, non-governmental organisations and other interested groups. We intend to travel throughout the country, both before and on polling day and to observe the counting of votes.

We are honoured to be here as guests in your beautiful country and greatly look forward to our mission.

Maseru
16 May 1998

ANNEX III

Schedule of Engagements

Saturday 16 May

- | | | | |
|------|---|------|---|
| 1130 | Arrival Press Conference, Lesotho Sun Hotel, Maseru | 1115 | Christian Council of Lesotho: The Rev Ishmael Mqhathazane (General Secretary), Mr Thabang Mothbeli and Ms Hilda Chakela |
| 1530 | Briefing by Independent Electoral Commission (IEC): Mr Sekara Mafisa (Chairman), Mr Moriee Khaebana (Commissioner) and Mr Mphasa Mokhochane (Acting Director) | 1210 | Commonwealth High Commissioners: HE Mr Peter Smith (British High Commissioner) and HE Mr M J Ndlovu (South African High Commissioner) |
| 1930 | Chairperson's Dinner for Observers and guest of honour Mr Sekara Mafisa | 1415 | Other international observers: Ms Marie Meegan (Irish Government) and Mr Eric Happel (National Democratic Institute) |

Sunday 17 May

- | | | | |
|------|--|-------------------------|--|
| 0900 | Lesotho Congress for Democracy: Mr Kelebhone Maope, Mr Sephiri Motanyane and Mr Notshi Molopo | 1600 | Deployment Briefing |
| 1025 | Basotho National Party: Mr Evaristus Sekhonyana (President) and Mr Jerry Letsie (Executive Committee Member) | 1830 | Chairperson's Reception |
| 1120 | National Progressive Party: Mr Justice Ntlhabo (Secretary-General) and Dr Francis Makoa (Publicity Committee) | Tuesday 19 May | |
| | Observation of LCD, BCP and BNP concluding rallies, Maseru | 0730 | Deployment, observation of 'Absent Voting' |
| 1715 | Popular Front for Democracy: Mr Nqosa Mahao (Chairman, International Relations) and Mr Karabo Tihabeli (candidate) | Wednesday 20 May | |
| 2015 | Marematlou Freedom Party: Senator Vincent Malebo (Leader) | 1100 | Courtesy call by Chairperson on HM King Letsie III, Maseru |

Monday 18 May

- | | |
|------|--|
| 0915 | Representatives of Radio Lesotho: Mr Khahliso Lesenya (Editor, News), Mr Lereko Phatela (Senior Reporter) and Mr Peter Potjo (Reporter) |
| 0945 | Lesotho Council of NGOs: Ms Limakatso Mokhothu (President), Ms Puleng Lenka (Voter Education Co-ordinator), Ms Seabata Motsamai, Ms Bodil Mathiasen and Ms Malikeleli Mokhothu |

ANNEX IV

Deployment Statement of 19 May 1998



Lesotho National Assembly Elections, 23 May 1998

Commonwealth Observer Group

News Release

The Commonwealth Election Observers today deployed from Maseru to outlying districts of Lesotho. From now until Election Day on 23 May 1998 the Observers will become familiar with conditions relating to the election throughout the country. On election day the Observers will travel widely, visiting polling stations to observe their opening, the conduct of the electoral process and the count. The Commonwealth Observers will be co-operating with electoral officials, party representatives and with domestic and other International Observers.

Since their arrival in Lesotho on 15 May, the Observers have held a series of meetings with the Independent Electoral Commission, the political parties, media representatives, NGOs, Church and other representatives of civil society. The Observers have witnessed the voting process for electoral and security officials on 19 May.

The Observer Group has been deployed as follows:

Maseru	Sir Lynden Pindling Mr Jon Sheppard	Chairman
Maseru/Leribe	Mr Andreas Jacovides Mrs Betty Champion	
Butha-Buthe/Leribe	Mr S Kivuitu Dr Victor Pungong	
Mophale's Hoek	Dr Merrillees Ms Elizabeth Solomon	
Qacha's Nek	Mr Kelemedi Bulewa Mrs Margaret Ewing	
Thaba-Tseka	Prof G K Töttemeyer Mr Reginald Addo Amegatcher	
Mokhotlong	Mr Christopher Child	

19 May 1998
Maseru

ANNEX V

Observation Notes for Poll and Count and Check List for Polling Station Visits

OBSERVATION NOTES FOR POLL AND COUNT

PART A

The Observers may focus particular attention on the following aspects of the conduct of the elections:

The Campaign

1. Balance of TV/radio election coverage.
2. The procedure for the allocation of time to political parties on radio and television.
3. Print media: nature of coverage and extent of access by the political parties.
4. The tone and content of material put out by the political parties, access to printing facilities.
5. The conduct of political meetings/rallies.
6. The conduct of house-to-house canvassing of voters.
7. Nature, scale and effectiveness of voter education by the Independent Electoral Commission and others.
8. Activities/measures to encourage the participation of women.
9. Access to funds and sources of funds.

The Poll

1. The location of polling stations.
2. Distances travelled by voters to polling stations, particularly in rural areas.
3. The length of time voters wait to cast their votes.
4. The steps taken to ensure that the secrecy of the ballot is assured.
5. The performance of electoral officials at the polling stations visited.
6. The procedure followed at the opening of the poll.

7. The adequacy or otherwise of facilities at polling stations and their state of readiness.
8. The procedures in place to ensure proper security of ballot papers, ballot boxes and official seals.
9. The general atmosphere at the polling stations visited.
10. Availability of adequate supplies, e.g., ballot papers, official stamps and stamp-pads, indelible ink, etc.
11. Arrangements to facilitate voting by women.
12. Access of party agents to polling stations.

The Count

1. Inspection of seals.
2. The process of reconciling the number of people who voted with the number of ballots cast.
3. The determination of invalid ballots.
4. The conduct of electoral officers.
5. The facilities for parties to witness and verify the count and overall transparency.
6. Access by domestic and international observers.

PART B

Questions that may be put:

Before Polling Day

1. Was the Voters' Register compiled in a satisfactory way? Were people missed out? Were the names of dead people or 'phantom voters' included?
2. Who are the election officials? How were they chosen? Are voters confident that they will be impartial?

Report of the Commonwealth Observer Group

3. Is the person in the street satisfied with arrangements? Will he/she vote? If not, is he/she afraid to do so? Were there any attempts to discourage/encourage the participation of women and were they effective?
4. Have all parties been able to campaign freely? Has the campaign been free of intimidation, etc? Have all parties had full access to the mass media?
5. Is there freedom to advertise and distribute posters, leaflets, etc?
6. Is only one person at a time being allowed into the voting booth?
7. How long are voters waiting to vote? If a long time, are some being put off?
8. Will all parties be represented at polling stations throughout voting and count? Are party polling agents adequately trained and vigilant?
9. Will observers have free access to all stages of the process?

On Polling Day

1. Before polling starts, are the ballot boxes empty? Are they properly sealed?
2. Are all procedures being adhered to?
3. Are all parties represented at polling stations? Are they satisfied with the process?
4. Are voters apparently voting freely? Are they enthusiastic? Do they talk freely? Do they exhibit signs of fear or intimidation?
5. Do voters understand the procedures properly? If not, are the procedures being explained fully and impartially? Are attempts being made to suggest how voters should vote?
10. Is the security presence effective/oppressive?
11. Is anyone voting without an ID card?
12. Does the turnout indicate that women have been deterred from voting?

The Count

1. Are the boxes kept safe until opened? Are all parties present at opening?
2. Does the number of used ballot papers tally with the record of those who voted?
3. Are the papers counted properly? Are counting agents present? Are they satisfied with the result?

ANNEX VI

Interim Statement of 23 May 1998



Lesotho National Assembly Elections, 23 May 1998

Commonwealth Observer Group

News Release

INTERIM STATEMENT BY THE RT. HON. SIR LYNDEN PINDLING, CHAIRMAN OF THE COMMONWEALTH OBSERVER GROUP

The Commonwealth Observer Group was constituted by the Commonwealth Secretary-General to observe the process of the 1998 Lesotho National Assembly elections. The Group consists of eight individuals with considerable experience in political affairs and electoral matters, supported by six staff from the Commonwealth Secretariat. The Group arrived in Lesotho on 15 May 1998, and since that time has been thoroughly briefed by the Independent Electoral Commission, political parties, media representatives, NGOs, Church and other representatives of civil society. We have also closely consulted with other international and domestic observers. From 19 May, the Group has been deployed in seven teams throughout the country, and has taken particular care to familiarise itself with conditions in both urban and rural areas.

Prior to 23 May, the Group was made aware of a number of complaints concerning the preparations for the elections. We followed with interest the proceedings of litigation in the Lesotho High Court, and have noted the decision of that Court that the issues brought before it did not warrant delaying the election from taking place on schedule.

On Election Day, the Commonwealth Observers visited many polling stations across the country, including in the most remote areas. We observed the opening of the polls, the conduct of the voting, and the counting process. At the time of issuing this statement the results of the ballot have not yet been announced.

Overall, we have found there is much reason to commend the work of the Independent Electoral Commission, especially given the time constraints under which it has been operating. The efforts of the many electoral officials, party agents and local observers, often working in difficult conditions, are also to be applauded. We have inevitably found some instances where logistic and organisational problems exist, and in our final Report we will make some recommendations which may assist in the conduct of future elections. By and large, however, it is clear that the electoral process has functioned well.

We were mandated by the Commonwealth Secretary-General to determine whether in our judgement the conditions existed for a free expression of will by the electors and if the result of the elections reflects the wishes of the people of Lesotho. We do not consider that the essentially technical problems we have encountered are of such a magnitude as to have prevented a free expression of the will of the people.

Most of all, we were impressed with the calm and peaceful atmosphere which prevailed throughout Lesotho during the election period, and with the attitude of responsibility with which the people and the key political players have approached the elections. This, we believe, is worthy testament to the establishment of a democratic culture in Lesotho.

Maseru
23 May 1998

ANNEX VII

Departure Statement of 28 May 1998



Lesotho National Assembly Elections, 23 May 1998

Commonwealth Observer Group

News Release

DEPARTURE STATEMENT BY SIR LYNDEN PINDLING CHAIRMAN OF THE COMMONWEALTH OBSERVER GROUP

The Commonwealth Observer Group left Lesotho today after a two-week visit to observe the National Assembly elections held on 23 May 1998. The Chairman of the Group, the Rt Hon Sir Lynden Pindling, said on departure that the Group had fulfilled its mandate to consider the various factors impinging on the credibility of the electoral process as a whole, and had formed the judgement that the conditions had existed for a free expression of will by the electors. Consequently, as he had said on election night, the Commonwealth Observer Group considered that the result of the elections did reflect the wishes of the people of Lesotho.

Sir Lynden said he recognised that some of the candidates and political parties did not accept the outcome of the ballot, and may take legal action to challenge the election results. "I am aware that the laws of the Kingdom of Lesotho make adequate provision for the hearing of such complaints", Sir Lynden said, "and I am confident that the Courts will give their decision based on the substantial merits of the case. I urge all parties to respect the due legal process in these matters."

Sir Lynden expressed the Commonwealth Observer Group's appreciation for the welcome extended to it by the people of Lesotho during their stay in the country. He stressed that members of the Group had all been most impressed by the demonstrated commitment of the Lesotho people to the democratic process.

"The Group has completed its Report to the Commonwealth Secretary-General", Sir Lynden said. "Our Report contains a number of suggestions on the electoral process which we hope will be of use to the Government, the Independent Electoral Commission, and other political players in Lesotho. The Report will be available to all those parties with whom the Commonwealth Observer Group had contact, as soon as possible."

Maseru
28 May 1998

ANNEX VIII

Independent Electoral Commission Posters

Maikutlo a hau ke ntho ea bohlokoa

Batho ha se metsi
a noka a phallelang
ng'a e le 'ngoe

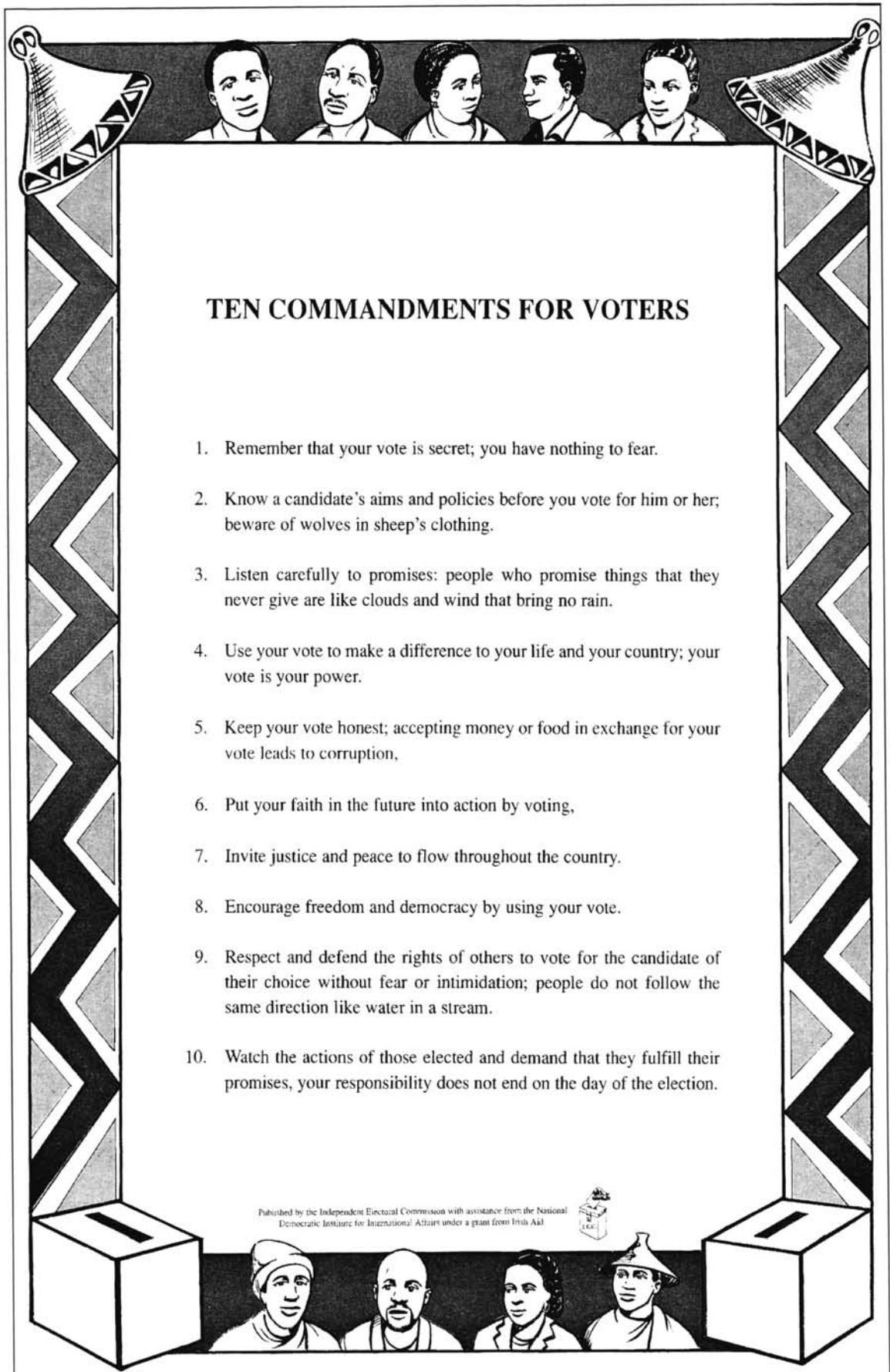
We can all be
friends even if we
vote differently



Hlonepha khetho ea batho ba bang

E phatalalitsoe ke Komisi e Ikemetseng ea Likhetho (IEC) ka thuso ea Mokhatlo oa Machaba oa Puso ea Sechaba (NDI) tlas'a lichelete tsa Mokhatlo oa lithuso oa Ireland






The page is framed by a decorative border. At the top, there are five portraits of candidates (three men and two women) flanked by two traditional Lesotho horns. At the bottom, there are two ballot boxes flanked by four more portraits of candidates (two men and two women). The central text is enclosed in a rectangular frame with a zig-zag pattern on the sides.

TEN COMMANDMENTS FOR VOTERS

1. Remember that your vote is secret; you have nothing to fear.
2. Know a candidate's aims and policies before you vote for him or her; beware of wolves in sheep's clothing.
3. Listen carefully to promises: people who promise things that they never give are like clouds and wind that bring no rain.
4. Use your vote to make a difference to your life and your country; your vote is your power.
5. Keep your vote honest; accepting money or food in exchange for your vote leads to corruption.
6. Put your faith in the future into action by voting.
7. Invite justice and peace to flow throughout the country.
8. Encourage freedom and democracy by using your vote.
9. Respect and defend the rights of others to vote for the candidate of their choice without fear or intimidation; people do not follow the same direction like water in a stream.
10. Watch the actions of those elected and demand that they fulfill their promises, your responsibility does not end on the day of the election.

Published by the Independent Electoral Commission with assistance from the National Democratic Institute for International Affairs under a grant from Irish Aid



LIKHETHO TSE AKARETSANG TSA LESOTHO 1998 MOKHOA OA HO KHETHA



1: Ho hlahloja menoana ea letsoho le letšehali ho netefatsa hore ha u es'o khethe.



2: Hlahisa karete ea hau ea ngoliso, ho hlahloja lebitso la hau lenaneng la bakhethi.



3: Mokhethisi o u fa pampiri ea ho khetha. Mamela ka hloko litlhalosetso.



4: Kena ka lekunutung. Tsoaea ka lebokosaneng le bapileng le letsoao 'moho le lebitso la mokhethoa oa hau.



5: Khutlisetsa pampiri ea ho khetha ho mokhethisi e mennoe 'me eena o tla tlosa karoloana ea eona e ka holimo.



6: Karoloana e ka holimo ea monoana oa bosupa oa letsoho la hau le letšehali e tla tsoaoua ka enke ho bontša hore u khethile.

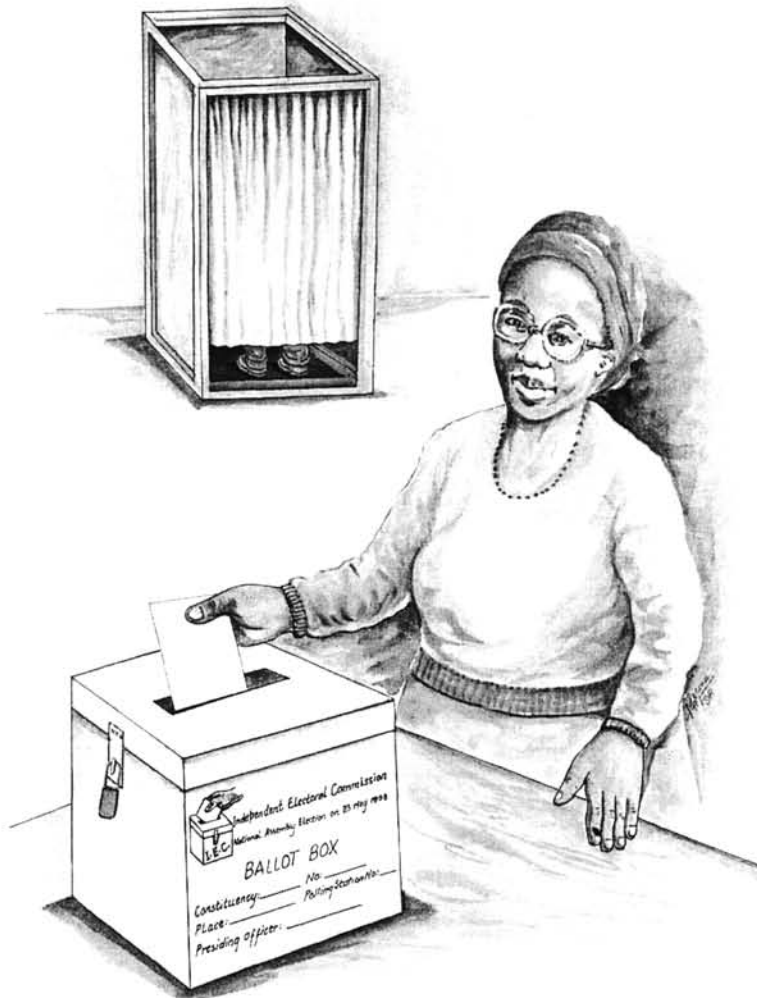


7: Tsela khetho ea hau ka lebokoseng. Ikele ka khotso.

E phatlalalitsoe ke Komisi e Ikemetseng ea Likhetho (IEC) ka thuso ea Mokhatlo oa Machaba oa thuso ea Sechaba ka Sechaba (NDI) tlas'a lichelete tsa Mokhatlo oa lithuso oa Ireland. Artwork: Martin M. Masoabi



KHETHO EA HAU KE LEKUNUTU LA HAU



**Ha ho Motho ea tla Tseba
hore na u Khethile Mang**



E phatlalatswe ke Komisi e Ikemetseng en Likhetho (IEC) ka thuso ea Mokhatlo oa Mochaba oa Puso ea Sechaba ka Sechaba (NND) tlas'a tichelete tsa Mokhatlo oa lithuso oa Ireland Artwork: Martin M. Masobu

ANNEX IX

List of Registered Political Parties

(Number of candidates shown in brackets)

Marematlou Freedom Party	(56)
Sefate Democratic Union	(32)
Basotho National Party	(79)
Lekhotla La Mahatammoho (Basutoland Congress Party)	(78)
Lesotho Congress for Democracy	(79)
National Progressive Party	(27)
Popular Front for Democracy (Khoeetsa ea Sechaba)	(35)
Kopanang Basotho Party	(3)
Lesotho Labour Party/ United Democratic Party Alliance	(8)
Lesotho Educational Party	(2)
Christian Democratic Party	(3)
National Independent Party	(6)

ANNEX X

Code of Conduct for Political Parties and Candidates*

1. The objective of this Code shall be to promote conditions conducive to the conduct of free and fair elections and a climate of democratic tolerance, in which political activity may take place without fear of coercion, intimidation or reprisals.
2. All political parties and other persons bound by this Code shall endeavour to promote its objectives in order to enable free political campaigning and open public debate to take place in all parts of Lesotho throughout the election period.
3. Political parties and candidates further commit themselves –
 - (a) to give wide publicity to this Code;
 - (b) to promote voter education campaigns;
 - (c) to condemn violence and intimidation;
 - (d) to instruct their candidates, office-bearers, members and supporters accordingly; and
 - (e) generally, to affirm the rights of all participants in the election –
 - (i) to express divergent political opinions;
 - (ii) to debate and contest the policies and programmes of other political parties;
 - (iii) to canvass freely for membership and support from voters;
 - (iv) to hold public meetings;
 - (v) to attend public meetings convened by others;
 - (vi) to distribute electoral literature and campaign materials;
 - (vii) to publish and distribute notices and advertisements;
 - (viii) to promote free electoral campaigns by all lawful means.
4. All those bound by this Code in terms of Section 112M (i.e. political parties and candidates) shall, throughout the election period, give effect to the following undertakings and stipulations –
 - (a) to publicly and repeatedly condemn violence and intimidation and to avoid the use of language or any kind of action which may lead to violence or intimidation, whether to demonstrate party strength, gain any kind of political advantage, or for any other reason;
 - (b) to refrain from any action involving coercion or intimidation;
 - (c) to ensure that no arms or weapons of any kind are carried or displayed at political meetings or in the course of any march, demonstration or other event of a political nature;
 - (d) to refrain from publishing or repeating false, defamatory or allegations concerning any person or political party in connection with the election;
 - (e) to co-operate and liaise in good faith with other political parties to avoid, in so far as possible, arrangements involving public meetings, demonstrations, rallies or marches taking place at the same time and venue as similar political events organised by other political parties;
 - (f) to do nothing to impede the democratic right of any political party, through its candidates, canvassers and representatives, to have reasonable access to voters for the purpose of conducting voter education, fundraising, canvassing membership and soliciting support;
 - (g) to avoid plagiarising the symbols, colours or acronyms of other political parties and to discourage and, if possible, prevent the removal, disfigurement or destruction of political campaign materials of any political party;
 - (h) to refrain from offering any inducement or reward to any person in consideration of such person either joining or not joining any political party; attending or not attending any political event; voting or not voting (either at all, or any particular manner); or accepting, refusing or withdrawing such person's nomination as a candidate in the election;
 - (i) to refrain from abusing a position of power, privilege or influence for political purposes, including –
 - (a) incumbent government power such as state facilities and transport; and
 - (b) parental, patriarchal or traditional authority;
 - (j) to avoid any discrimination based on race, sex, ethnicity, class, gender or religion in

connection with the election and political activity;

- (k) in relation to the role of women –
 - (i) to facilitate full participation by women to all public political activities on the basis of equality;
 - (ii) to ensure free access by women to all public political meetings;
 - (iii) to respect the right of women to communicate freely with political parties; and
 - (iv) generally, to refrain from forcing women to adopt a particular political position or to engage in, or to refrain from engaging in, any political activity otherwise than in accordance with their free choice;
- (l) in relation to the Commission –
 - (i) to acknowledge its authority in the conduct of the election;
 - (ii) to ensure the attendance and participation of representatives at meetings by or on behalf of the Commission;
 - (iii) to implement its orders and directions;
 - (iv) to facilitate its rights of access through official monitors or other representatives to all public political meetings or other electoral activities;
 - (v) to co-operate in the official investigation of issues and allegations arising during the election period; and
 - (vi) to take all reasonable steps to ensure the safety of monitors and other representatives of the Commission from exposure to insult, hazard or threat in the course of their official duties;

- (m) to reassure voters with regard to the impartiality of the Commission, the secrecy and integrity of the ballot, and furthermore, that no one will know how any other person has voted;
- (n) to take reasonable steps to discipline and restrain their party office-bearers, employees, candidates, members and supporters from –
 - (i) infringing this Code;
 - (ii) committing any offence in terms of this Act or any other law;
 - (iii) committing any proscribed electoral irregularity; and
 - (iv) contravening or failing to comply with any provision of this Act;
- (o) to establish and maintain effectiveness of communication with the Commission, and with other political parties, at national, provincial and local level, including the exchange of names, addresses and contact telephone and facsimile numbers of party election agents and of other relevant office-bearers and representatives; and
- (p) to accept the final outcome of the election, and the Commission's declaration and certification of the results thereof.

* This appears in the National Assembly Election Order 1992 as 'Schedule 4 – Electoral Code of Conduct'.

ANNEX XI

Media Guidelines for Election Day



KEITHO EA HAU E U FA MATLA
YOUR VOTE IS YOUR POWER

Independent Electoral Commission

Media Guidelines for Election Day

The Independent Electoral Commission recognises the important role that the national and international media play in reporting on the electoral process. At the same time the Commission must consider the privacy of the voter and the secrecy of the ballot on Election Day. These guidelines for media representatives will help to ensure this privacy and secrecy during the electoral process.

1. Media representatives will not be permitted inside polling stations on Election Day unless they have applied to the Independent Electoral Commission and received prior approval in writing. The application must be in writing from the media organisation concerned, and state clearly which polling stations will be visited. If approved, the IEC will issue the required authority to enter the polling station specified.
2. Media representatives will not be permitted into the polling station during the counting process.
3. Media representatives who have permission to visit any polling station will not be permitted to film or photograph a voter in the voting compartment where he/she marks the ballot.
4. Media representatives will not be permitted inside the Returning Office after the close of the polls on Election Day or during the tally of the votes if it continues until the next day.
5. Media representatives may be in the vicinity of the polling station, but are asked to keep in mind that voters are not to be inconvenienced in any way.
6. Media representatives must be impartial in their interviews with voters and must not ask provocative questions.
7. Media representatives must respect the right of the voter not to disclose how he or she is going to vote or how he or she has voted.

ANNEX XII

Sample Ballot Paper

BALLOT PAPER
NO. 1010101

BALLOT PAPER
NO. 1010101

KINGDOM OF LESOTHO
NATIONAL ASSEMBLY ELECTION ORDER 1992
 CONSTITUENCY OF
 IDENTIFYING NO. OF ELECTOR

NATIONAL ASSEMBLY ELECTION FOR THE
 CONSTITUENCY OF
 HELD ON 23/5/98

OFFICIAL MARK
 LETSOAO LA MOLAO

SE KE OA MENA MOLENG ONA






DO NOT FOLD BEYOND THIS LINE

Eia hoko, mokhoe oa ho khetha

Khetha Mokhethoa e le mong ka ho etsa letsoao kapa ka hara lebokose le haufi le lebitso la mokhethoa kapa letsoao la molao la motho eo u mokhethang. Se ke oa ngola letho pampiring eo u khethang ka eona e tla etsa hore ho tsejoe hore ke ee hau.

(Voting instructions, read carefully)

Vote for one candidate by placing a tick or cross or any mark in the blank square next to the name and official symbol of the candidate for whom you wish to vote. Do not write anything on the ballot paper that will enable you to be identified.

CANDIDATES NAME LEBITSO LA MOKHETHOA	POLITICAL ORG. OR IND. MOKHA OA LIPOLITIKI EA IKEMETSENG	SYMBOL LETSOAO	MARK TŠOAEA
KHOHO NTSOAKI	WHITE PARTY		<input type="checkbox"/>
LETIMA MOLLO	RED PARTY		<input type="checkbox"/>
MOHAU SELLO	YELLOW PARTY		<input type="checkbox"/>
THABANG JOSEPH	BLUE PARTY		<input type="checkbox"/>
VAKELE LEOMA	INDEPENDENT EA IKEMETSENG		<input type="checkbox"/>

ANNEX XIII

Code of Conduct for Observers

The object of this code is to ensure that the activities of observers are conducted with integrity. All observers undertake, by signing this code, to act according to the following principles:

1. Observers shall be accredited by the IEC and provided with the necessary identification.
2. Will recognise the authority of the IEC on their conduct as observers, but they are directly accountable to the organisation, governments and inter-governmental organisations that nominated them.
3. Ensure that their conduct conforms to the Electoral Act, the regulations promulgated thereunder, the Code of Conduct for Observers, and the directives of the Electoral Commission or any lawful instructions of any person acting on their behalf.
4. Observers shall report any infringement of the Electoral Act, the regulations promulgated thereunder and the Electoral Code of Conduct to their organisation and the Commission, the presiding officer or any other electoral official as determined by the circumstances.
5. Will not assist any party or candidate in connection with the elections.
6. An observer will not interfere with the secrecy of the voting and counting process.
7. Comply with any direction issued by or under the authority of the IEC regarding the elections, including any request to leave or refrain from entering a particular area or venue, or to depart from a voting or counting station, or any specified area thereof.
8. Apart from their normal reporting duties to their organisation observers shall maintain secrecy concerning any matters affecting voting and counting. The disclosure of any such information would constitute a violation of the Electoral Act.
9. Observers shall identify themselves to any interested person and shall, during the conduct of their activities, wear or display the required identification badges issued by the Electoral Commission to appointed observers and their vehicles.
10. Observers shall not display any party insignia at any time. Shall refrain from carrying, wearing and displaying electoral material or any article of clothing, emblem, colours, badges or other items denoting support for or opposition to any party or candidate or any of the issues in contention in these elections.
11. Observers will not carry or display arms or weapons, cultural or otherwise, during the conduct of their duties and while wearing their official identification.



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