

The General Election in Lesotho

27 MARCH 1993

The Report of the
Commonwealth Observer Group



COMMONWEALTH SECRETARIAT

1993

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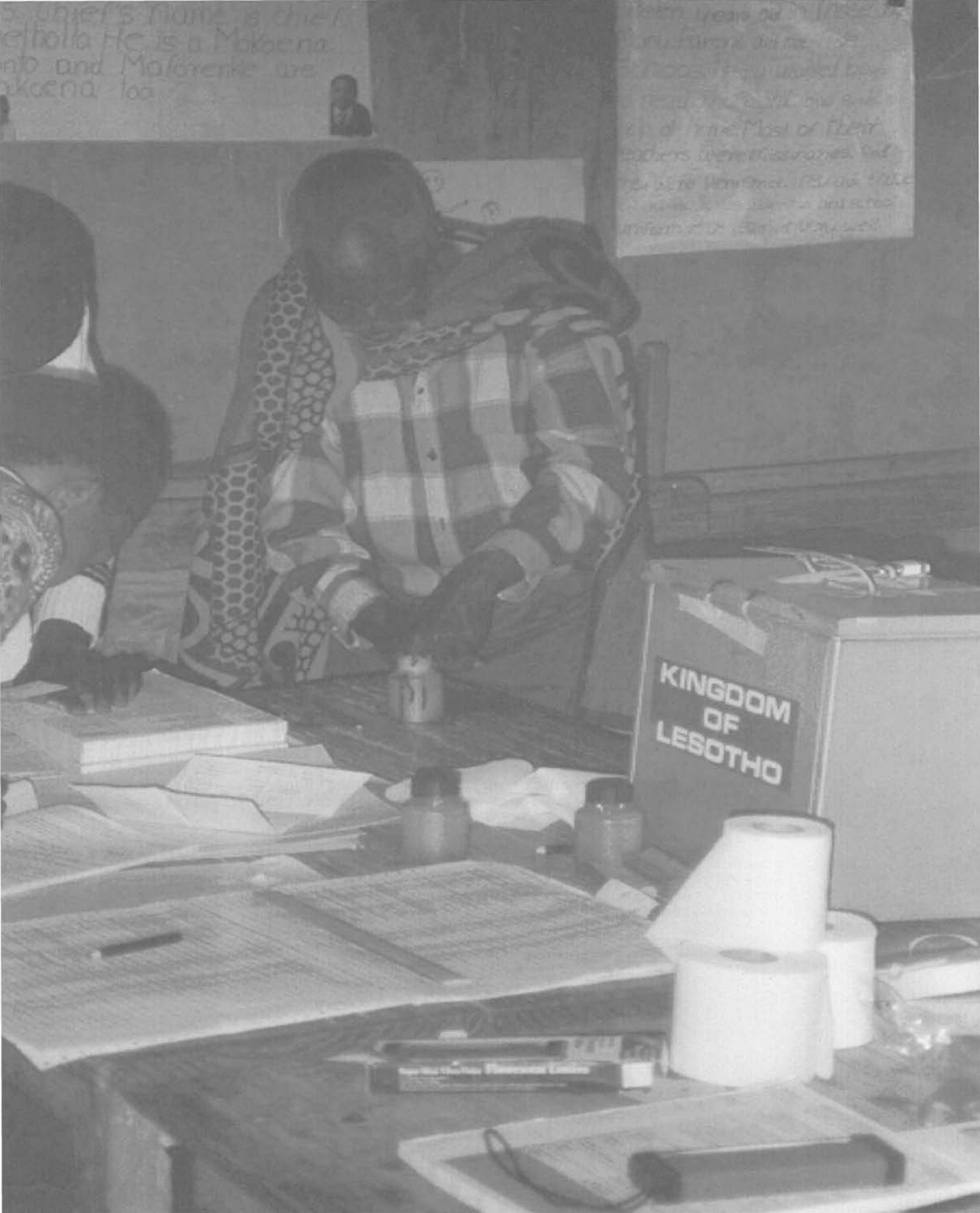
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CONTENTS

	<i>Page</i>
Letter of Transmittal	(vi)
Map of Lesotho	(viii)
Introduction	1
The Observer Group	2
Method of Work	2
1. Political Background	4
Return of HM Moshoeshe II.....	5
The Political Parties	5
2. Preparations for the Election and the Electoral Process.....	7
The Chief Electoral Officer.....	7
Registration of Voters.....	8
The Voters' List.....	9
The Role of the Official Witness	9
Absentee Voters	10
Non-Resident Electors: Lesotho Citizens in South Africa	10
Voter Education	11
The Administrative Framework	12
Training	12
Nominations	13
Supply of Election Materials	13
3. The Campaign	14
Issues of Concern	15
The Role of the Media	17
4. The Poll and the Count	20
Late Opening of Polling Stations	21
Performance of Electoral Officials	22
Adequacy of Voters' List	23
Secrecy of the Ballot	23
Performance of Party Agents	23
Security Presence	24
Conduct of the Count	24
5. Summary of Conclusions.....	26
Acknowledgements	28
Images of the Election	between Pages 29 and 34

ANNEXES

I	News Release of 18 March 1993 Issued after Final Planning Visit to Lesotho	37
II	Composition of the Commonwealth Observer Group	40
III	Arrival Statement of 19 March 1993	45
IV	List of Significant Engagements	46
V	News Release of 23 March 1993 and Schedule of Deployment	49
VI	Observation Notes and Polling Station Check List	51
VII	Eve-of-Poll Statement Issued on 26 March 1993	56
VIII	Interim Statement Issued on 28 March 1993	57
IX	Final Statement Issued before Departure on 1 April 1993	58
X	London Agreed Statement of 5 June 1992	59
XI	Voter Education Sample Leaflet	60
XII	Model of Ballot Paper	61



At Qacha's Nek, voting proceeds as the people of Lesotho go to the polls for the first time in nearly 23 years

Letter of Transmittal



Lesotho Elections

Commonwealth Observer Group

Telephone: (266) 313 111
Fax: (266) 310 104
Telex: 4372

c/o Lesotho Sun Hotel
Private Bag A 68
Maseru
Lesotho

31 March 1993

Dear Secretary-General,

Following the request made to you by the Government of Lesotho which was supported by all the political parties, our Group was constituted by you to observe the general election in Lesotho. We are satisfied that despite a number of logistical difficulties the people of Lesotho were able to record their views freely and fairly. We issued an Interim Statement on 28 March 1993 and now have pleasure in submitting our Report.

Our Group was warmly welcomed by the people of Lesotho. As we were repeatedly told, our very presence gave them additional confidence in their expressed determination to exercise their democratic rights. The election produced a remarkable outcome, with one political party, the Basutoland Congress Party (BCP), winning all 65 seats. Yet even in defeat the other parties reaffirmed their continuing commitment to the democratic process; and all the parties were unanimous in their view that the Commonwealth presence had contributed both to the success of the election and to the prospect of a smooth transition to civilian rule.

May we say how honoured we are that we were invited to be present at this most important juncture in Lesotho's history as a sovereign independent country. We thank you for enabling us to extend the hand of friendship to a fellow member of the Commonwealth family.

Carlisle of Bucklow

The Rt. Hon. Lord Carlisle of Bucklow, QC
Chairman

H.E. Chief Emeka Anyaoku
Commonwealth Secretary-General
Commonwealth Secretariat
Marlborough House
LONDON SW1



Dr Dinanath Gajadhar



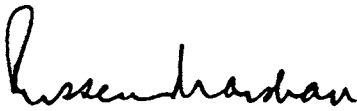
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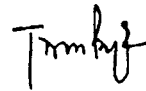
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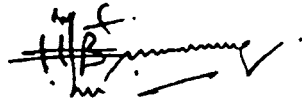
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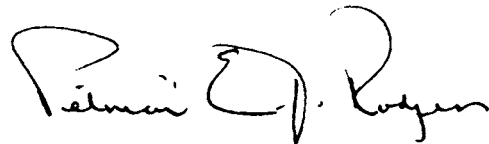
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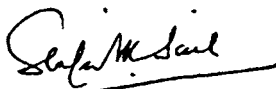
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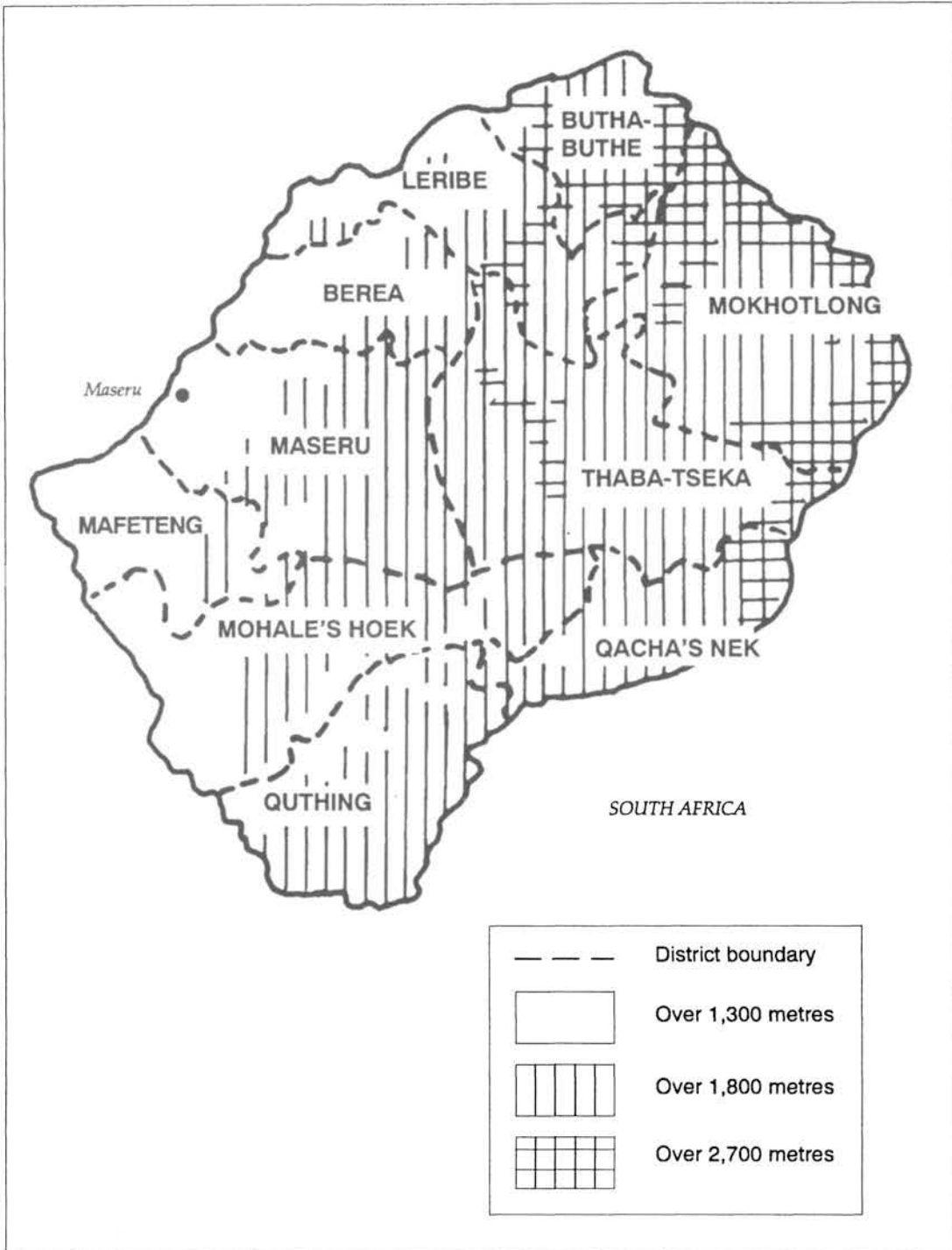


Mr S.K. Singh



Mr David M. Zamchiya

Map of Lesotho



Introduction

A Commonwealth role in the return to multi-party democracy in Lesotho effectively began at the Commonwealth Heads of Government Meeting in Harare, Zimbabwe, in October 1991. Discussions took place there between the Secretary-General of the Commonwealth, Chief Emeka Anyaoku, and the Head of Government of Lesotho, Major-General Elias P Ramaema, Chairman of the Military Council. As a result, on 15 November 1991 a formal invitation was addressed to the Secretary-General from the Government of Lesotho for the Commonwealth to provide technical assistance in the transition from military to civilian rule, and to observe the multi-party election which would form a fundamental component of that transition. Originally planned for mid-1992, the election was subsequently announced for 28 November 1992. However, this had to be postponed due to serious errors in computerisation of the voters' list. The election was finally held on 27 March 1993.

Commonwealth technical assistance focused on the preparations for and conduct of the election to come. It included the provision by the Commonwealth Secretariat of an elections adviser and a legal draftsman, and the identification of a Chief Electoral Officer funded by the British Government.

In response to the invitation to observe the general election, an initial planning mission from the Secretariat was sent to Lesotho by the Secretary-General from 3–6 March 1992. In accordance with usual practice, its purpose was to confirm that Commonwealth observers would be welcome, to identify issues for resolution before a credible election could be held and to determine the modalities for the operation of an observer group. Contact was made with the Government, with all political parties and other interested groups, and with officials who would be responsible for the organisation and conduct of the election. The mission subsequently reported to the Secretary-General that there was universal support for a Commonwealth observer group, which was seen by many as having the potential to make a constructive contribution to the success of the transition. The mission also drew attention to the pivotal role of an effective and credible registration process, the critical need for an independent electoral commissioner and an election commission, the right to free assembly by political parties, and the importance of access to the news media by those parties.

A second planning mission took place from 17–22 January 1993 to review the preparations for the election with the Government, the Chief Electoral

Officer and electoral officials, and the political parties. A final planning mission visited Lesotho from 13–16 March 1993 to ascertain in discussions with the Government and all the parties concerned that conditions would permit free and fair elections and a smooth transition to a stable democratic government thereafter. A news release issued as a result of this last mission is at *Annex I*.

The Observer Group

By 19 March 1993, our Group of 11 Observers and seven Secretariat support staff had all arrived in Maseru, the capital of Lesotho, to begin on-the-ground preparations for observing the election. Before arriving in Lesotho, we had been briefed in London on the previous day by the Secretary-General, who had emphasised to us the importance of our task in observing Lesotho's proposed return to multi-party democracy after 16 years of one-party rule followed by seven years of military rule. The composition of the Group, including information about the Observers, is set out in *Annex II*.

The Secretary-General outlined to us in London our terms of reference, which were as follows:

The Group is established by the Commonwealth Secretary-General at the request of the Government of Lesotho and supported by all the major political parties. It is to observe relevant aspects of the organisation and conduct of the election in accordance with the law of Lesotho. It is to consider the various factors impinging on the credibility of the electoral process as a whole and determine in its own judgment whether the conditions exist for a free expression of will by the electors and if the result of the election 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 judgment 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 such elections.

The Group is to submit its report to the Secretary-General, who will forward it to the Government of Lesotho, to the leadership of the parties taking part in the election and thereafter to all Commonwealth governments.

Method of Work

On arrival in Lesotho, we issued our Arrival Statement which is at *Annex III*. Shortly after, the Group paid a courtesy call on the Minister of Finance and Acting Minister of Foreign Affairs, The Hon Abel Thoahlane. Immediately thereafter, we began a full programme of meetings arranged by an advance team of Commonwealth Secretariat staff who had arrived in Lesotho prior to the main group. From Saturday 20 March until the evening of Tuesday 23 March, we met the leaders or representatives of all political parties, were briefed by the Chief Electoral Officer on preparations for the election, received a delegation of church leaders, and had discussions with other groups and individuals concerned with the election. On Wednesday 24 March, the Chair-

man and three members of the Group paid a courtesy call on the Head of Government and Chairman of the Military Council, Major-General Ramaema. The substance of these discussions and consultations is reflected as appropriate in succeeding chapters. A schedule of our engagements is at *Annex IV*.

Very early on Wednesday 24 March 1993, we divided into eight two-person teams and deployed to locations throughout the country. A news release and a schedule of these deployments are at *Annex V*. In seeking to achieve national coverage of the election by these eight teams, the nature of our task was determined both by the concentration of population in the western plains of Lesotho and by the mountainous terrain of the eastern two-thirds of the country. Despite its relative isolation and topography, this mountain region contains up to one-quarter of Lesotho's population and a similar proportion of the 65 electoral constituencies. Five of our eight teams were thus deployed in the western sector of the country and three in the mountains. While movement in the former was relatively easy (though not always so), travel in the latter, even in four-wheel drive vehicles, was both difficult and slow.

The stationing of observer teams throughout the country for almost three days before polling day on 27 March enabled the Group as a whole to make contact with relevant and concerned electoral officials, district and law enforcement officers, chiefs, candidates and party leaders at regional and local levels, and to visit almost all of the 65 electoral constituencies. In conducting our activities in the days before and on polling day, we focused our attention on various aspects of the election process guided by our observation notes and polling station check list (see *Annex VI*). Often, on many of the rural roads ours were the only vehicles in sight. All of our vehicles carried the distinctive blue and yellow Commonwealth logo, which was also printed on the pockets of our blue shirts, and on our arm bands, all of which became trademarks of our presence. We often stopped to chat with the villagers in their isolated hamlets. We received magnificent support from the relevant authorities in Lesotho, the fullest co-operation from electoral officials at the many polling stations we visited, and a warm welcome from the people of Lesotho wherever we went. (An eve-of-poll statement issued on 26 March is at *Annex VII*.)

We visited almost 300 polling stations on polling day and witnessed the count at 16 stations. On the basis of this coverage we issued an Interim Statement (*Annex VIII*) on 28 March stating our satisfaction with the conduct of the poll and the ability of the people of Lesotho to freely and fairly express their will.

While the Chairman and two members of the Group stayed behind to witness the transfer of power to the newly elected Government of Lesotho, the rest of the Group left Maseru on 1 April after finalising its full Report. A final statement issued before departure is at *Annex IX*.

CHAPTER 1

Political Background

Modern party politics in Lesotho began in 1952 with the founding of the Basutoland Congress Party (BCP) by Dr Ntsu Mokhehle, its present leader. The Basotho National Party (BNP), headed by Chief Leabua Jonathan, was founded later in the same year and these two parties have, since then, dominated the political scene. Basutoland's first general election was held on 29 April 1965 when it attained full self-government. The BNP won the majority of seats in the new Legislative Assembly and Chief Jonathan became the country's first Prime Minister. Moshoeshoe II, Paramount Chief since 1960, became King. Following a constitutional conference in London in June 1966, Basutoland became independent as Lesotho on 4 October 1966.

Democratic rule in Lesotho was short-lived, lasting only for the life of that first Parliament. Chief Jonathan staged a coup in January 1970 when early results of the country's second general election showed the BCP winning. He declared a state of emergency, suspended the Constitution and arrested Dr Mokhehle and other leaders of the BCP. The election was annulled and the Assembly prorogued. Chief Jonathan ruled by decree until 1973 when an interim National Assembly was appointed to draw up a new Constitution. The state of emergency ended in July of that year.

Political instability and economic deterioration under Chief Jonathan's rule eventually led to a military coup in 1986. Troops of the Lesotho paramilitary force, led by Major-General Justin Lekhanya, deposed the Jonathan Government. The new regime established a Military Council, headed by General Lekhanya. The National Assembly was dissolved and executive and legislative powers vested in the King, acting on the advice of the Military Council.

In April 1988, five political parties appealed to the Commonwealth, the Organisation of African Unity (OAU) and the South African Government for the restoration of civilian rule. In the following month Dr Mokhehle, after 14 years in exile, was allowed to return to Lesotho for peace talks, together with other members of the BCP. In early 1990, General Lekhanya promised that a return to civilian government would take place in 1992.

A few months later, a National Constituent Assembly made up of 108 appointed members was set up to draft a new Constitution. Between October 1990 and April 1991 the Assembly, which included members of the Military Council, Council of Ministers, all Principal Chiefs and politicians, including Dr

Mokhehle, held consultations using the 1966 independence Constitution as its starting point. In September 1991, the Assembly appointed a Constitutional Commission to assess public reactions to 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.

While the Assembly was still sitting in April 1991, General Lekhanya was deposed in a coup led by Colonel (later Major-General) Elias Phitsoane Ramaema, second in seniority to General Lekhanya in the Military Council. He pledged to carry through General Lekhanya's promise to hold a multi-party election by June 1992. In mid-May 1991 he announced the repeal of the 1986 law which had banned party political activity. At the same time, he promised that the Lesotho military would not contest the election and announced that foreign observers would be invited to monitor the election process.

Return of HM Moshoeshoe II

A factor impacting on the political environment in Lesotho was the exile to London in March 1990 of HM King Moshoeshoe II. He was subsequently deposed by the Military Council in a decree issued in November 1990 and his eldest son was sworn in as HM King Letsie III.

Difficulties between HM Moshoeshoe II and the Military Council intensified in May 1992 with the former's determined efforts to return to Lesotho against the expressed wishes of the Government.

On 5 June 1992, talks were held in London under the auspices of the Commonwealth Secretary-General between HM Moshoeshoe II and the Chairman of the Military Council, Major-General Ramaema, to reach agreement on a basis for the former's return to Lesotho. Previously, the Commonwealth Secretariat had assisted in the establishment of a Joint Committee in Maseru charged with considering matters connected with the situation.

In the London Agreed Statement of 5 June (text is at *Annex X*) it was agreed that the early return to Lesotho should proceed in a manner that would enhance the prospects for greater peace, stability and national reconciliation. It was recognised that this objective implied the continuation in office of the existing administration and the protection of the integrity of the ongoing process of democratisation leading to national elections. HM Moshoeshoe II subsequently returned to Lesotho on 20 July 1992. HM King Letsie III remained in office.

The Political Parties

Following the lifting of the ban on party political activity, 17 parties registered with 12 eventually participating in the election. The race was essentially

between the two main parties, the BNP and the BCP. Both parties had candidates nominated for each of the 65 seats in the new National Assembly. The third main party was the royalist Marematlou Freedom Party. The 12 parties which took part in the election were:

Basotho National Party (BNP) led by Mr Rets'elisitsoe Sekhonyana, former Finance Minister in General Lekhanya's Military Government;

Basutoland Congress Party (BCP) led by its founder leader, Dr Ntsu Mokhehle;

Hareeing Basotho led by Mr Khauta Khasu;

Kopanang Basotho Party led by Ms Limakatso Ntakatsane;

Lesotho Educational Party led by Mr M Pitso;

Lesotho Labour Party led by Mr P Majoro;

Liberal Party of Lesotho led by Mr Paul Mollett;

Marematlou Freedom Party (MFP) led by Mr Vincent Malebo, former Minister of Information and Broadcasting in General Lekhanya's Military Government;

National Democratic Party led by Mr Joseph Bereng Bereng;

National Independent Party led by Mr Antone C Manyeli;

Popular Front for Democracy (PFD) led by Mr Rakali Khits'ane;

United Party led by Mr Makara Sekautu.

CHAPTER 2

Preparations for the Election and the Electoral Process

From 1986, the Military Council exercised the normal legislative powers of the State through the issue of Orders. In early 1990 the Military Council, having declared its intention to return the country to parliamentary democracy, set in motion the process for drawing up a new Constitution. The Council also issued the National Assembly Election Order 1992, which provided for the registration of voters and conduct of the election of members to a National Assembly.

The Chief Electoral Officer

The National Assembly Election Order 1992 and its amendments, augmented by subsidiary legislation in the form of legal notices, provided the principal legislative framework under which the election was organised and contested. A critical feature of this legislation was the establishment of an independent office of Chief Electoral Officer whose functions included, among others, the registration of electors, the preparation and maintenance of an electoral list for each constituency and the conduct of elections for members of the National Assembly. Two significant improvements regarding the office of the Chief Electoral Officer were introduced by the National Assembly Election (Amendment) Order 1992 which enabled the Chief Electoral Officer to appoint committees to assist or advise him or her in the performance of the functions of the office. It also required the Chief Electoral Officer to provide the Presiding Officer at each polling station with the relevant extract of the certified electoral list for the polling district concerned instead of the electoral list for the whole constituency.

It had been feared that because no elections had been held since 1970, there would be formidable difficulties, particularly in the absence of an established and functioning Election Commission. Sole responsibility for the preparations for the election devolved on the Chief Electoral Officer who was appointed in terms of Section 3 of the National Assembly Election Order 1992. The current Chief Electoral Officer, Mrs Joycelyn Lucas, who took office in January 1993, is the Chief Electoral Officer of Trinidad and Tobago serving under a British Government technical assistance programme. Her predecessor in office was Mr Noel Lee, the Director of Elections of Jamaica. Everyone with whom we had discussions spoke in the most complimentary terms about both these officers. It appeared that on Mr Lee's arrival during the last half of 1992, great

uncertainty prevailed as to how the election that had been promised would be delivered. Mr Lee immediately set to work to construct machinery for delivering a credible election. Soon after his arrival, he took a valuable initiative to establish an Advisory Committee of political party representatives.

The Committee, which met regularly on a weekly basis and at which all 17 registered political parties were initially represented, achieved the dual purpose of initiating unprecedented dialogue among the political parties and of serving as a bridgehead for contact between the Electoral Office and the political parties. Through these regular meetings, it was possible to keep the political parties informed about the progress being made with the preparations for the election and to assess their reactions to developments. Thus, within a relatively short period of under one year, and from a position of great uncertainty, it had not only become possible but also realistic for the political parties and electors to expect the Chief Electoral Officer to deliver the usual range of electoral services, including:

- compilation of an acceptable register of voters;
- appointment and training of Returning Officers, Presiding Officers and other election officials;
- establishing procedures for the nomination of candidates;
- determining the number of polling districts and stations within each constituency;
- establishing procedures for the conduct of the election;
- voter education;
- preparing the ballots; and
- supervising the counting.

It was recognised by an overwhelming majority of the political parties that the work of Mr Lee and Mrs Lucas was outstanding.

Registration of Voters

Registration of voters for the election first commenced in December 1991 and was set to be completed in April 1992. Following complaints, a decision was taken to extend the period for registration which recommenced on 1 August and continued until 31 August 1992. The cut-off date for preparation of the voters' list was extended to 31 December 1992. As a result, those who had come of age between August and December and had registered were eligible to vote.

Registration took place at designated registration centres but provision was made for registration to be carried out at the homes of the electors in exceptional cases.

The registration process did not seem to have been a controversial issue and we did not, in our discussions with the political parties and other interested

groups, hear any suggestion, nor did we receive any complaints, that it had been other than satisfactory.

The Voters' List

Following the completion of the registration exercise in August 1992, a computerised voters' list was prepared. However, this list was found to contain serious flaws which led to the postponement of the general election to March 1993. In the meantime, the delimitation of the new constituency boundaries was proceeding apace pursuant to Section 35 of the National Assembly Election Order 1992. It was explained to us that it was necessary for the registration of voters to be completed before the delimitation of the constituency boundaries could begin. This was to enable the Boundaries Commission to take into account the distribution of population as required by law in order to arrive at evenly populated constituencies.

By the time the delimitation exercise was completed, however, a new voters' list had been published with the result that when the constituency boundaries were eventually gazetted in January 1993, some voters found that their names no longer appeared on the list for the polling district in which they now resided. Accordingly, it became necessary for further revisions of the published list to be made. Subsequently, it was announced in a gazette notice of 18 January 1993 that the postponed election would be held on 27 March 1993.

A third list containing 736,902 names was eventually published and accepted by all the political parties to be as accurate as was possible in the circumstances. Indeed, we were struck by the determination and commitment of all the political parties to have an election, and it was emphasised to us on many occasions that they were not going to be deflected or distracted from this endeavour. All in all, it seemed to us that an overall national electoral roll of nearly 750,000 voters in a population of only 1.8 million reflected a very good registration figure. The final certified list was made available to the political parties on 8 March 1993 and we were told by the Chief Electoral Officer that although advertisements had been posted at legally designated places inviting applications for corrections, few such applications were received.

The Role of the Official Witness

In spite of the large number of voters on the electoral roll, it was recognised that the possibility still existed of some names being omitted from the final list. We were assured by the Chief Electoral Officer that, following complaints by a number of political parties, she had issued instructions to all Presiding Officers that in such cases, provided the voter produced a voter registration certificate showing that he or she was registered to vote at that particular station together with an appropriate document of identification such as a passport or driver's licence, his or her name would be added to the voters' list and he or she would then be allowed to vote. Where voters were able to produce their registration

certificates but not documents of identification, they would be allowed to vote provided they were identified by the Official Witness, who was usually a village headman or some other person in a similar position from one of the villages comprising the polling district concerned. For this purpose there was an Official Witness present in every polling station. As we were to observe subsequently on election day, this arrangement worked extremely well except in a few isolated cases where the Presiding Officers were reluctant to allow persons whose names were not on the voters' list to vote. Further reference is made to this in Chapter 4.

Absentee Voters

Separate voting arrangements were made for certain categories of persons who were registered as electors but who, by reason of the nature of their employment, were not able to vote at their normal polling station on polling day. These included election officials; candidates and their agents; military personnel; police officers who would be on election duties; and public officers employed abroad in the service of Lesotho, and their families.

Provided such persons applied to vote as absentee voters, they were allowed to vote prior to election day, and two separate days were set aside for this purpose. Special Presiding Officers were appointed to take the poll at designated polling stations, and the voting procedure was the same as that followed on election day. We were able to observe voting by absentee voters at a number of polling stations and were satisfied that this was conducted in accordance with the law. We were similarly satisfied that the arrangements that were made for the security of the ballot boxes were satisfactory. This extended to Presiding Officers and party agents sleeping at the polling stations to guard the boxes until election day. We were also satisfied that the arrangements made for the mixing of the absentee voters' ballots with the regular ballots at a designated polling station in the individual absentee voter's constituency were adequate to ensure the secrecy of their votes.

Non-Resident Electors: Lesotho Citizens in South Africa

A very large number of Lesotho citizens are employed in South Africa, mainly in the mines. Their remittances contribute more than 50 per cent of the gross national product (GNP) of Lesotho. The Employment Bureau of Africa (TEBA), the Maseru-based arm of the South African Chamber of Mines, which recruits labour in Lesotho for the registered mines of South Africa, gave the Group an official figure of 92,000 Lesotho citizens working under contract in the mines. Much higher figures were sometimes claimed by other sources. It was estimated that some 75–80,000 of such citizens employed in the mines might have registered to vote. To the miners must be added other Lesotho migrant workers, for example, those working on farms.

Considerable efforts were devoted by the Lesotho authorities to making special arrangements for the return of migrant workers to vote in the election.

On the advice of the South African Government, the Government of Lesotho contacted the South African Chamber of Mines and also South Africa's National Union of Mineworkers (NUM) who were able to negotiate permission for the release of the great majority of the workers. A delegation of the NUM visited Maseru at election time to protect the interests of their members, and to observe the election. The Commonwealth Observer Group held discussions with these representatives, who explained that permission to return depended on the management of the individual mines. Most had agreed to the release, but often the workers had to work extra shifts to compensate. Some would have lost pay or incurred costs by returning to vote.

The Lesotho Government had made special arrangements with the South African Government to allow border posts to remain open for 24 hours a day over three days, 26–28 March, to enable these migrant workers to return to vote. One political party expressed concern to the Observers that some mine managers were unwilling to release their workers, ignoring a circular from the South African Chamber of Mines which had requested that miners be allowed to return home to vote.

The Commonwealth Observer Group sought to establish whether these arrangements were working and that Lesotho citizens were in fact returning to vote. The border crossings were open when we visited them and there was evidence of substantial numbers crossing on the day preceding the poll. On polling day itself the border crossings were quiet and the waiting fleets of taxis found few passengers. Since a great number of voters, who presumably included some returned workers from South Africa, arrived at the polling stations long before they opened, the lack of activity at the border on polling day was not surprising: the workers would have already arrived in Lesotho. At one polling station in western Lesotho where the queue was particularly long, it was explained to members of our Group who visited the polling station that some men were becoming restive due to the delay because they had undertaken to return to their place of work in South Africa on the same day. A substantial number of the men queuing to vote in towns along the western border were wearing mining helmets.

Despite the concerns stated above, in general the political parties believed that everything possible had been done to enable the workers to return to cast their votes. Though there was no accurate figure available, we found it reasonable to believe that substantial numbers did in fact return to vote. We were satisfied that, under all the circumstances, considerable effort had been made to ensure that the democratic right to vote of these citizens had been respected. We also found no evidence of any pressure on them concerning their return on the part of any political party.

Voter Education

We were particularly impressed by the standard and result of the voter education programme carried out by the Electoral Office. This took the form of posters and advertisements in newspapers and on radio, both in English and

in Sesotho, encouraging people to vote and providing details of how to vote. A sample leaflet is at *Annex XI*. One particularly catchy advertisement which was found in many public places proclaimed: 'Your vote is your power'. The success of the voter education programme was clearly reflected in the high turnout of 72 per cent at the election and in the very small number of spoilt ballot papers. Political parties also contributed to voter education during their campaigns in the villages, through radio broadcasts and at rallies (*pitsos*). In some areas we were told that traditional leaders, too, had been involved in voter education. Generous funding from a number of donor countries also contributed to the success of the voter education campaign.

The Administrative Framework

While the Chief Electoral Officer had sole and complete charge of the arrangements for the election, much of the work on the ground was done by other senior and lower-ranking government officials and civil servants who were harnessed to assist in administering the election.

Lesotho is divided into ten administrative districts which serve as the primary decentralised administrative subdivisions of the Government. Each district is headed by a civil servant as District Secretary, who was appointed to serve as District Electoral Officer for the election. The primary function of the District Electoral Officer was to act as a liaison between the Chief Electoral Officer and Returning Officers and other election officials in the field. In particular, the District Electoral Officers were responsible for collecting election materials from the central Electoral Office and disbursing them to Returning and Presiding Officers within their districts. Each of the ten administrative districts was divided into constituencies which returned one member each to the National Assembly, and each constituency comprised a number of polling districts. In turn, each polling district had a polling station, to which as many as 18 villages might be assigned to vote.

However, while some co-ordination between the Electoral Office and other government personnel was necessary and appeared to have been taking place, the level of involvement of the District Electoral Officers varied from district to district. We were told that in some cases District Electoral Officers, or their deputies, were involved in the training of other election officials. Some of our members had the opportunity to observe a demonstration of a mock election-day polling station in action which was organised by a Deputy District Secretary in her capacity as District Electoral Officer. Its success gave us great cause for optimism.

Training

Against the background of our knowledge of an absence of a corps of officials with any experience of running an election, we took the earliest possible opportunity to ascertain what arrangements were being made to ensure that the election would be conducted smoothly.

We were made aware that the Chief Electoral Officer had carried out some training of senior electoral officers who were in turn to train the lower echelons of electoral officers. It was therefore no surprise to us that the overwhelming majority of electoral officers performed their election duties efficiently and with complete impartiality. Nevertheless, we were concerned to see in some constituencies on polling day itself that there was unevenness in the level of competence, particularly among District Electoral Officers and Presiding Officers and in the consistency with which the rules were interpreted. We found that in some constituencies basic training was still being conducted right up to the day before the election. This factor inevitably reflected adversely on the standard of performance of some electoral officials, but these were a small minority. The vast majority performed creditably and sensibly, and candidates and their agents pronounced themselves satisfied. They accepted that where discrepancies occurred these were not as a result of bias in favour of or against any particular party.

Nominations

Nomination day was set by the Legal Notice issued by the Chief Electoral Officer for 28 January 1993. Although we were not able to observe the nomination process, we were told that this duly took place on the appointed day with little controversy. The only complaint we heard was from the MFP and was explained to us by the Chief Electoral Officer as the result of a misunderstanding which was subsequently cleared up. One party alleged that their nominations were unfairly rejected. We checked this allegation with the Chief Electoral Officer and found that it was not substantiated. We were informed that no nominations were unopposed and in one constituency there were as many as seven candidates. We did not receive any complaints nor did we hear of any suggestions of pressure or intimidation of any kind which prevented anyone from being nominated as a candidate. In all, 241 candidates, including 23 women, were nominated to stand in the 65 constituencies; seven of these were independents.

Supply of Election Materials

We had been informed by the Chief Electoral Officer of her expectation that adequate supplies for the efficient conduct of the election would be delivered to each polling station by the night before polling day. To ensure the security of the supplies, arrangements had been made for election officials to sleep at the polling stations and for the police to maintain a round-the-clock guard at stations. This would enable polling stations to open on time. We were also advised that roving electoral officers would regularly patrol stations assigned to them to see that supplies which were running short at any station would be promptly replenished. However, on polling day serious shortcomings in the supply of election materials led to delays in the opening of the poll at many stations. This aspect of the process is dealt with in greater detail in Chapter 4.

CHAPTER 3

The Campaign

Given the turbulent political history of Lesotho, it was noteworthy that campaigning by political parties was free of violence and intimidation, although there were a few reports of what appeared to be minor incidents. Officials, traditional leaders and the parties themselves seemed to have striven for a peaceful campaign. The Commonwealth Observer Group came across instances where District Electoral Officers had summoned meetings of candidates in order to defuse tension in areas with an alleged potential for violence and intimidation. They seemed to have been successful in doing so. There were also indications that the Chiefs, as the traditional leaders of the Basotho people, and the churches had played a role in creating an environment for a campaign free of violence. In addition, the leaders of all the major parties both at national and district levels stressed their desire for peaceful political activity. There were no apparent constraints on freedom of speech and assembly. The candidates and party supporters were able to express their views in an unrestricted manner.

The methods used for political campaigning in Lesotho had a distinctly indigenous flavour. They reflected the highly personalised nature of the Basotho culture, which places emphasis on the transmission of important statements in group gatherings. As a result, *pitsos* or rallies were the most prominent instrument for spreading the political messages of the various parties. These *pitsos* were held both at the national and local levels. The local *pitsos* were particularly important. In addition, candidates and their party activists undertook a significant amount of house-to-house canvassing.

Members of the Observer Group attended a number of *pitsos* of the political parties. They were present at the national rally of the BCP on 20 March. This was a spectacular affair, with songs from the choirs of the different regions, and a display of the horsemanship for which the Basotho are justly famous. The Observers also attended two rallies of the BNP held on the same day in the north and south of the country, where the party leader arrived by helicopter to address the gatherings. A few other well-organised rallies were encountered by some of the Observers when visiting the constituencies before polling day. During absentee voting, an election officer had ordered one such party rally to be moved from the proximity of the polling station, claiming that it would disturb proceedings; the rally was held further away without incident. These local rallies, in particular, were very lively, with music and

dancing and a great deal of atmosphere, and with party supporters waving flags and wearing scarves in party colours.

However, by the standards of many other countries, the last stages of the election campaign were extremely quiet. When our eight teams of Observers were deployed throughout the country to cover the last three days before polling, many of us were surprised at the absence of election fever. Placards, banners and posters were few and far between, and T-shirts with political slogans were rare. There was, however, the occasional advertisement for a candidate in the newspapers, and a few vehicles in both town and countryside displayed party colours and posters. In most districts, we saw no *pitsos*, no posters, no party flags flying on vehicles, no campaigners shouting through megaphones from the back of pick-up trucks.

It seemed there were a number of reasons for the absence of many of the more ostentatious forms of campaigning seen in other countries. The reasons included cultural factors combined with the financial constraints confronting political parties. Probably the experience of previous aborted elections and the memories of 1970 in particular resulted in a degree of caution and self-censorship among the electors. They seemed somewhat reluctant to discuss politics or to express their preferences prior to the election, except in the supportive atmosphere of the rallies.

The ultimate indicator of the success of the campaign, however, was the enthusiasm with which the people of Lesotho responded on the day itself to the challenge of holding a multi-party election, after a lapse of more than 20 years. This was reflected in the high turnout recorded, particularly in the remoter areas of the country where the terrain is extremely difficult.

Issues of Concern

While the draft Constitution and the consultative process by which it was prepared may have gained increasing acceptance over the period of its evolution in 1991 and 1992, we were soon made aware of widespread concern about an insertion into the draft in late 1992 by the Military Council of provisions relating to the establishment of a Defence Commission. Under the provisions, the Commission would be chaired by the Prime Minister but otherwise would comprise the six senior representatives of the law enforcement, defence and security agencies. The major responsibility of the Commission would be for appointments to and the discipline of the uniformed forces. But as it also had power in the exercise of its functions to give orders to public servants and could act in the absence of the Prime Minister as Chairman, fears were expressed to us that the Commission might effectively be beyond the control of Parliament. This matter was raised with us in our contacts and discussions not only with the political parties but also in our discussions with church leaders and many others.

We raised the matter during a courtesy call on the Chairman of the Military

Council, Major-General Ramaema, who explained that the provisions had been designed to prevent perceived misuse of power by civilian governments. He emphasised that the provisions were not entrenched and that a new Parliament could deal with them as it saw fit.

Notwithstanding these reassurances, the fears and concerns expressed to us were very real. We were thus heartened to learn that, on the very eve of the election, the Military Council had reacted to sustained representations from leaders of political parties, church leaders, representatives of foreign governments and others, by introducing an amendment to the particular provision concerning control over the public service which would prevent the Commission from acting in the absence of the Prime Minister as Chairman. This last-minute action by the Military Council was well received, and to some extent may have assuaged broader fears expressed about the original motives behind the introduction of the Defence Commission provisions by the Council.

In this context, we detected in many quarters a persistent unease as to the genuineness of the declared intentions of the Military Council to transfer power to a freely elected civilian government and to return the army to barracks. The oft-stated view put to us was that the period before the election and polling day itself were likely to be peaceful enough but that the transition period immediately after the election was full of uncertainty and would need to be carefully monitored and nurtured. As an Observer Group, we can only record here the emphatic assurances given to us by Major-General Ramaema and echoed by the members of the Military Council whom we met. We were repeatedly assured of the military's determination to hand over the running of the country to the civilians, leaving the military free to focus on its more traditional role of ensuring the security and integrity of the nation.

This unease as to what might happen after the election appeared to be fuelled by widespread but unsubstantiated rumours of hidden caches of arms and ammunition, and of the military training outside Lesotho of forces which might destabilise an incoming government. We found no evidence at all to support these rumours, but to us they were symptomatic of the pressing need after the election to promote at all levels an enduring climate of peace, stability and national reconciliation. We felt that only in this way would the ghosts of 1970 be finally laid to rest.

A further issue brought to our attention by our interlocutors, including the churches and some political leaders, was that of the office of the King. The view was put to us that HM Moshoeshoe II's exile to London and subsequent deposition by the Military Government were acts of injustice which would need to be addressed. It was emphasised to us that this issue and the election itself were separate matters, and that the election needed to be got out of the way first. But the issue had impacted on the election campaign and it was hoped that the incoming government would resolve the issue as a matter of priority.

Against the background of our previous comments on the need to promote peace, stability and national reconciliation after the election, we fully support

the commitment of the three major political parties, made just prior to our arrival in Lesotho, to resolve all such unresolved issues as a matter of priority when the newly elected Parliament comes into operation.

A related matter which it was feared might mar the peaceful run-up to polling day was the suspension by the Military Council with effect from 18 March 1993 of four of the 22 Principal Chiefs of Lesotho, one of them the son of HM Moshoeshoe II and younger brother of King Letsie III. The suspension was reportedly related to their involvement in the efforts by King Letsie and his supporters to hold a convention on 12 March about the office of the King, efforts which were ultimately abandoned in the face of implacable opposition from the Military Council. In the end these fears did not materialise, but this action by the Military Council in its last days in office was seen by some to be both provocative and unnecessary.

During the election campaign many rumours circulated in Maseru, some touching upon and exaggerating issues outlined above. We came to appreciate that 'the Kingsway rumour' – so named after Maseru's main thoroughfare – is a regular feature of Lesotho life.

The Role of the Media

The climate of the Lesotho election had its own character distinct from that of elections in the more news-dominated cultures of some other countries. Lesotho has a daily radio service and a limited daily television service, but no daily newspaper. Nevertheless, during the period of the election campaign the people of Lesotho had at their disposal a range of weekly and other newspapers which was substantial given the size of the population. These papers conveyed a wide variety of viewpoints on the political parties and the issues in the national life.

Most of these papers are published in the Sesotho language. Two weeklies, *Lesotho Today* in English, and *Lentsoe la Basotho* (or *Voice of the Basotho*) in Sesotho, are published by the Government. There is also the official Lesotho News Agency servicing the Government press and other clients inside and outside Lesotho. The political parties publish their own weekly newspapers: the BCP issues *Makatolle* (or *Revealer of Secrets*) and the BNP *Mohlanka* (or *Servant*). Another weekly newspaper, published in English as *The Morning Star* and in Sesotho as *Mphatlalatsane*, largely reflects the views of the MFP on the controversial issue of the monarchy. The PFD also publishes its own newspaper, *Sechaba* (or *The Nation*). The weekly English-language *The Mirror* and the Sesotho *Mo'Africa* (or *The African*) might be described as independents.

The Sesotho-language press includes two church newspapers, the Roman Catholic weekly *Moeletsi oa Basotho* (or *Adviser of the Basotho*) and the Lesotho Evangelical Church fortnightly *Leselinyana la Lesotho* (or *Little Light of Lesotho*). The religious press also comprises other publications in Sesotho and English. Among these, the quarterly magazine *Litsoakotleng* (or *Food Provision*), providing information relevant to rural life and development, and produced by the

Christian Council of Lesotho, has a substantial readership in the countryside.

None of these papers has a large circulation, though the Sesotho-language press reaches a larger readership than that in English. Moreover, despite Lesotho's relatively high literacy rate, the influence of newspapers is probably greatest in Maseru and the other urban centres along the country's western border, although the Sesotho-language press is also influential in the countryside.

In many of the rural areas, partly due to the difficulties of newspaper distribution in mountainous terrain, radio is the most influential medium of communication. The only national radio service in Lesotho is the government-controlled Radio Lesotho. Lesotho Television, also government-controlled, is very limited both in its reach, much of the country having no power supply, and in its output, consisting of one hour daily broadcasting mainly in Sesotho with some English-language content. The radio service is in Sesotho except for three brief daily news bulletins in English.

Due to Lesotho's geographical situation, surrounded as it is by South Africa, its citizens also have access to the South African media. South African newspapers are widely available in the towns, and South African television and radio broadcasts are also readily obtainable. Coverage of Lesotho in the South African press during the election campaign was sparse, and the same was probably true of South African television and radio, although there was some coverage of Lesotho in the external service of the South African Broadcasting Corporation (SABC). However, the SABC also has its own service, Radio Sesotho, broadcasting in Sesotho for the benefit of the four million Sesotho speakers living in South Africa, some of them Lesotho citizens working in the mines. Radio Sesotho was said to have broadcast programmes aimed at voter education of listeners in Lesotho. Another outside information source is the BBC World Service, with its relay station in Lesotho giving clear reception.

The Commonwealth Observer Group concluded, from the wide range of the non-governmental press in Lesotho in terms of its political and other affiliations, that no political parties had any difficulty in expressing their views in print to the electorate. It also concluded that, in this situation, the access of any political party to a particular newspaper or media outlet, inside or outside Lesotho, was not likely to have given it undue advantage with the electorate.

Since Lesotho's Military Government was not itself involved in the election nor linked to any political party, its control of radio and television and of its own newspapers was not a factor detracting from the democratic nature of the election campaign. There were no complaints that the Government's Internal Security Act had inhibited freedom of expression during the campaign. Moreover, as part of the preparation for the election, the Government had agreed to allow the political parties access to radio. Both major parties conveyed to the Group their appreciation at being allowed access to state radio, according to one of them for the first time in the history of Lesotho. All the parties declared themselves satisfied with the working of the arrangements for access.

Such problems as there were arose in the area of objective reporting of party political activity. Before the arrival of the Commonwealth Observer Group, one political party had complained of bias of two senior civil servants concerned with broadcasting and had succeeded in having them disciplined. The same party had also complained of bias in the radio reporting of its rallies. However, its complaint was acted upon effectively by the broadcasting authorities, and by the end of the campaign the rallies of both major parties were being adequately reported to their satisfaction. In the Group's view, the initial problems in reporting fairly on party political activities were not due to any systematic political manipulation but to the difficulties of the government-controlled radio service in adjusting to the requirements of democracy. The fact that complaints had been acted upon was commendable, and in keeping with the democratic nature of the political campaign.

CHAPTER 4

The Poll and the Count

Any initial concern we had that the people of Lesotho appeared uninterested in the election was dispelled on polling day when hundreds, and in some places thousands, queued up at their polling stations long before the official opening time of 7 a.m. We saw old women wrapped up in blankets huddled together at the head of queues. Some said they had been there as early as 1 a.m., others at 4 a.m. We saw a man shuffling into the polling station with his paralysed father clasped in his arms; a daughter pushing her disabled mother in a wheelbarrow down a rough mountain road; and several women carrying their elderly mothers on their backs as they made the arduous trek to polling stations. We heard reports of people walking for 10 kilometres from polling station to station until they found their names on the voters' list and were able to vote.

By 7 a.m., a high proportion of the voters were already at polling stations throughout the country, all eager to exercise a right that had been denied them for the past 23 years. This auspicious beginning was unfortunately marred by the failure of numerous polling stations to open on time. Some in the mountainous districts did not open until the next day, a decision taken by the Chief Electoral Officer in the light of events. The delays were due to several factors: late delivery of election material, inadequate transport, shortage of supplies such as indelible ink, official stamps and pads, batteries for integrity lamps and clocks, and missing or wrong voters' registration lists and ballot papers. But once supplies arrived and shortcomings were rectified, the voting process went smoothly, albeit in many instances excruciatingly slowly as cautious and inexperienced polling officials followed every rule in the book. The late opening, the meticulousness of the staff and the high turnout all meant that polling and counting went on well into the night. At numerous polling stations we met voters who had waited in line since 7 a.m. and were still inching forward in the late afternoon and early evening. What impressed us most was the patience, orderliness and quiet dignity that prevailed as the voters waited in the hot sun, going without food and water for as long as 13 hours and then having to trek home in the dark, very often through rough terrain. We did not meet any voter who had left a polling station without voting. Very few complained to us about the lateness and slowness. Many said they had waited for 23 years for this day, so what were a few more hours!

While we had visited nearly all the 65 constituencies and several polling sites in the first three days of our deployment, on polling day itself we covered

almost 300 polling stations, about 17 per cent of the 1,778 stations. Several of these were tents set up in fields and plains to cater for voters from villages where there were no halls or buildings big enough to be used as polling stations. We traversed the length and breadth of our constituencies, along the good roads of the western border towns, up and down unpaved mountain and rural roads that often seemed to lead to nowhere in our search for polling stations in the remote constituencies. We spoke with polling officials, party agents and voters. Many who had cast their ballots were still hanging around the precincts of the polling stations, just to soak up the atmosphere of this long-awaited day. We did not meet anyone who complained about any incident of intimidation, pressure or fraud.

There was, however, some confusion about opening and closing times. Some voters said they had heard on the radio that voting would start at 8 a.m., but we ascertained that this announcement was only for absentee voting conducted on 24 and 25 March. Several voters were also under the impression that polling stations would stay open into the night and therefore took their time to turn up to cast their votes, only to find that stations were already closed and counting was under way. It seemed they had misunderstood the announcement that polling stations would remain open into the night only to benefit voters who were already standing in line at 5 p.m., the official closing time.

Late Opening of Polling Stations

Many polling stations in all districts opened late and some only accessible to supply by helicopter opened the next day. Surprisingly, the problem was particularly acute in Maseru where many polling stations did not open until late in the morning. In certain polling stations ballot boxes were not delivered until mid-morning and in one constituency, where 16 tents had been set up to serve as stations, hardly a single chair or table was in sight. Since this was the largest urban and most developed area in Lesotho, the late delivery of voting material led to allegations in some quarters that this was a deliberate attempt at rigging. At polling stations in other districts, and especially in the mountainous and rural areas, transport was the main problem. Several District Electoral Officers did not receive all the four-wheel drive vehicles promised to them. We were told that Principal Secretaries of the various ministries were supposed to have released government vehicles under their control at the district level for delivery of election material; but a few did not give the orders or gave them too late. With 26 March, the day before polling day, declared a public holiday to enable voters to go home to vote, many drivers could not be found to make up the missing numbers. In Mohale's Hoek, Quthing and Qacha's Nek, in particular, the helicopters needed for delivery to polling stations in inaccessible mountainous areas did not arrive as promised. The first helicopter arrived in Mohale's Hoek at 2.30 p.m. on polling day and could not reach all the polling stations in the remaining daylight hours. As a result, 31 polling stations in two constituencies there had to begin polling the next day.

Many polling stations throughout the country did not receive supplies of official stamps and pads. This delayed voting as each ballot paper had to be marked with the official stamp of the Electoral Office of Lesotho. At some stations, polling did not begin until the missing stamps and pads were delivered. At others, Presiding Officers consulted party agents to obtain their agreement that an official signature would be acceptable in place of a stamp. Some stations also did not receive ballot papers, registration lists and indelible ink. This caused further delays in opening. In a few polling stations, the electoral specialists in our Group made suggestions which assisted in resolving difficulties or improving procedures.

Given the experience of 1970, it was not surprising that allegations of rigging could be heard when polling stations failed to open on time. In Maseru, for example, it was alleged that the civil servants were mostly BNP supporters who wanted to sabotage the election in order to prevent a BCP victory. However, the shortcomings causing delays were in our view mainly of a technical nature and should be seen in the context of a country that had seen no election for nearly 23 years. The Chief Electoral Officer was badly in need of experienced officials, but there were very few civil servants available with experience in organising an election, let alone fully aware of the logistical challenges. It was significant that once adequate and appropriate supplies arrived, polling went on smoothly and no party agent had any complaints about the procedure or even the slow speed of voting in many places.

Performance of Electoral Officials

We were all impressed with the electoral officials, who clearly carried out their duties with utmost care and dedication. Many of them were women, and large numbers, both women and men, were teachers who were officiating in their own schools. It could be said that only a few of the electoral officials had conducted an election before; but it was obvious that most had been well-trained and all were careful to conduct their duties in a manner that would put them above suspicion. If anything, they erred on the side of caution. They were meticulous, often to a fault; many therefore took an inordinately long time to process each voter. Following their instructions to the letter, Presiding Officers explained to each voter what was on the ballot paper column by column, how the vote should be cast, including the choice of a cross or a tick to be placed in the appropriate square, how the ballot paper should be folded and brought back to the Presiding Officer, who would then tear off the top portion for record purposes and pass it back to the voter who would then fold the final flap, dip a finger into a bottle of indelible ink, and then stuff the ballot into the box. This laborious explanation and procedure sometimes took five minutes or even longer. When voters did not fold the paper properly, some Presiding Officers, instead of assisting them, directed them back to the polling booth to do it in secret according to procedure. A model of the ballot paper is at *Annex XII*.

One Presiding Officer in Qacha's Nek went to the extent of getting each voter to practise making crosses and ticks on the blackboard in the polling

station before he would issue a ballot paper. At several polling stations, only one voter at a time was allowed into the hall. Only when that voter exited would the next voter be called in. Long queues therefore moved at a snail's pace. However, a marked difference was often noted in the pace and performance by the afternoon. As Presiding Officers became familiar with the system and grew in confidence, voters were processed more quickly. Several would be called in at a time and instructions were given to voters in groups of five or ten instead of individually as a ballot paper was being issued.

If the process often seemed too slow and laborious to us, it hardly seemed to bother either the party agents or the voters. A few did complain about the slowness and pointed to their hungry stomachs, but they remained good-natured about it all. Equally, we received no complaints about electoral officials departing from procedures. There was no trace of suspicion surrounding any one of the thousands of officials serving in polling stations that day. Their performance was most commendable.

Adequacy of Voters' List

The continual corrections made to the voters' list, and the last-minute amendment to allow those with registration certificates but whose names did not appear on the list to vote, ensured that almost all those who turned up to vote were able to do so. In the polling stations visited, very few reported any significant number of registered voters with names missing from the list. According to procedure, when this occurred their names were duly recorded and they were allowed to vote. Only at one polling station in Mokhotlong did we witness a Presiding Officer turning away such voters. When this began to cause agitation among those waiting in the long line outside, one of our Observers was able to persuade the Presiding Officer to accept the voters in accordance with the proper interpretation of the rules.

Secrecy of the Ballot

Various means were used to ensure that voters could mark their ballot papers in secret. In polling stations with connecting doors to adjoining rooms, these second rooms were used as polling booths. In others, proper three-sided polling booths with curtains for privacy were supplied by the Electoral Office. In yet others, makeshift polling booths, made up of cardboard and blackboards and propped up by tables and chairs, were constructed. We saw no instance where the secrecy of the ballot was in any way compromised.

Performance of Party Agents

The agents for the two main parties, BNP and BCP, were present at almost all the polling stations visited. Party agents were co-operative and friendly, reflecting the absence of antipathy between the two parties at the local level. Very often only the agent of one party had the voters' list with him or her and

this was readily shared with the agents of other parties. They all kept a watchful eye on the proceedings and were often consulted by Presiding Officers in cases that might lead to a dispute in the interpretation of the rules. In their keenness to witness every step of the process, many insisted on sitting very close opposite the electoral officials.

The diligence and correctness of electoral officials facilitated the task of the party agents. It was therefore hardly surprising that we received almost no complaints from candidates or agents. There was, however, an incident at a polling station in Thaba-Tseka where the Presiding Officer had to evict a party agent for campaigning among the voters standing outside. Another agent from his party then replaced him.

Security Presence

The security presence in most polling stations was unobtrusive. Special Constables were appointed to assist Presiding Officers to maintain order at polling stations. They were most helpful in facilitating the flow of voters into the stations. There were many stations with no security presence at all, but this did not seem to pose a problem. Some stations had policemen in uniform in close proximity, often marshalling the queues, but many of them had placed their rifles behind the door, out of sight of voters. None were at all threatening. At one polling station, the Presiding Officer asked the party agents whether they minded the presence of an armed policeman in uniform who was a last-minute replacement for the Special Constable. Given the good mood and trust that prevailed on the day, nobody felt his presence was intimidating.

Conduct of the Count

Due to the late opening, counting started late and in the dark at numerous polling stations. Where there was no electric supply, gas lamps and candles had to be used. Some stations had not been supplied with these or with adequate tally sheets and official forms to report the results. Counting was therefore further delayed; but tireless polling officials and party agents carried on with the count without any break for rest or refreshments.

Counting at stations was conducted in slightly different ways. Some Presiding Officers put the ballots into separate piles for each candidate, and only then started the counting. Others marked the tally sheet as each ballot was opened. At designated stations, the ballots of absentee voters were mixed with the regular ballots to ensure the secrecy of the vote. At all stations where we witnessed the counting from start to finish, Presiding Officers were scrupulous in showing the party agents every ballot opened and then placing them in the right pile. Each agent had a tally sheet to record the count for each candidate. There were recounts at several stations because the number of ballot papers did not match the tally on the sheets. In many cases, this was due to the printing error in the tally sheet where the numbers, which were being counted in fives,

jumped from 60 to 70, instead of to 65.

A most remarkable feature of the count was the minuscule number of rejected ballot papers, and these usually because they were blank. It was obvious that the voter education programmes conducted by election officials, party agents and traditional leaders and the final instructions given by each Presiding Officer to each voter had been highly effective. This resulted in ticks and crosses that were neatly and carefully marked in the small square in the middle of the appropriate column. Very few voters had made a different mark or placed a mark anywhere else.

This extraordinarily low number of invalid votes plus the outstanding turnout of 72 per cent belie the quiet and seeming indifference that marked the last few days before polling. What became clear to all of us was that the people of Lesotho, in their quiet determination, knew exactly what they wanted to do and how they would do it.

CHAPTER 5

Summary of Conclusions

The main conclusions emerging from the body of this Report are as follows:

- Notwithstanding the administrative problems on the day, the outcome of the election reflects a free expression of the will of the people of Lesotho.
- The success of the election owed a great deal to the patience, dignity and determination of the people of Lesotho.
- The work of the Chief Electoral Officer, her predecessor and their staff, and electoral officials in the field was critical to the credibility and integrity of the entire electoral process. It helped to enhance confidence in the electoral system.
- The voters' list was largely satisfactory, and acceptable to the political parties for the purpose of the election. The decision of the Chief Electoral Officer to introduce flexibility in the process of voter identification allowed a number of citizens who would not otherwise have voted to cast their ballots on the day.
- The high turnout and the small number of rejected ballots were notable indices of the success of the voter education programmes conducted by the Chief Electoral Officer and her staff, the political parties, traditional leaders and electoral officials on the day. The joint decision of the Governments of Lesotho and South Africa to open the border gates round the clock enabled returning miners and other migrant workers to participate in the poll.
- There was a free and open campaign with no undue restrictions on freedom of speech and assembly. All political parties had access to the state-owned media and were able to put their messages across to the electorate.
- The political parties, public officials, traditional leaders and the churches all played an important role in creating the peaceful environment that helped ensure a free and fair poll.
- The Chairman of the Military Council and his colleagues are to be commended for their commitment to the process of returning the country to civilian rule. From its discussions with the Chairman of the

Military Council, the Commonwealth Observer Group was confident of the determination of the Military Government to see the process through.

- The voters cast their ballots freely and their votes were counted fairly.
- There was no evidence of voter fraud, deliberate disenfranchisement or intimidation.
- Candidates and their agents displayed commendable vigilance in monitoring the voting and counting at the polling stations. A spirit of cordiality and understanding prevailed among the agents of all parties.
- Given the long history of political turbulence in Lesotho, there is a need for all leaders in Lesotho to engender public confidence in their commitment to multi-party democracy.
- The Commonwealth presence was greatly appreciated and was seen as a significant contribution to a peaceful and credible election and has enhanced the prospects for a successful transition.
- All parties wish to retain the Commonwealth association and want the Commonwealth to remain ready to assist Lesotho to develop its democratic institutions.

Acknowledgements

We wish to record our appreciation to many persons and institutions who assisted us in a variety of ways in carrying out our mandate.

We would like to thank all the political leaders of Lesotho who were ready both before and after the election to hold discussions with us. We are also grateful to the leaders of the churches in Lesotho for their assistance.

Particular thanks are due to the Chief Electoral Officer, Mrs Joycelyn Lucas, and her staff, both in Maseru and in the districts, for always being available to us and for the invaluable co-operation which they provided at a time when they were under constant pressure.

We are also grateful for the co-operation and goodwill demonstrated towards us by local and other international monitoring groups.

As Commonwealth Observers, we would like to express special appreciation to the Secretary-General, Chief Emeka Anyaoku, whose pivotal role and perceptive guidance were central to the discharge of our duties.

We express sincere gratitude to HM King Letsie III and to the Government for all the arrangements so willingly made to facilitate our task. Finally, we cannot end without expressing our admiration for the people of Lesotho. We were consistently impressed by the enthusiasm, tolerance and good humour of the citizens of Lesotho as they participated in their first democratic, multi-party election for more than 20 years. We were greatly heartened by their warm welcome and assistance given to us at all times as partners at this turning-point in their history.

The members of the Commonwealth Observer Group wish to express their profound gratitude to Mr Max Gaylard and his Secretariat team for the support they gave to us. We were extremely well served by staff, whose members worked very long hours, and whose work and judgment greatly enhanced the quality of what we did. The success of our mission is in no small part due to their contribution.



At a BNP rally in Leribe, Commonwealth Observer Group Chairman Lord Carlisle (right) meets party leader Rets'elisitsoe Sekhonyana



BCP supporters at the party's national rally in Ha Faso outside Maseru



A Presiding Officer carefully explaining to voters how the ballot paper should be marked



News interest in the work of the Commonwealth Group ... Observer S K Singh being interviewed by Lesotho Television outside a polling station in Mphahle's Hoek



Transparency in the voting process ... a Presiding Officer shows an empty ballot box to voters waiting in line



Waiting for the polls to open ... Commonwealth Observer Dinanath Gajadhar (left) and patient women voters



Polling gets under way at a tented station in the plains of Quthing



Determined to exercise her right to vote, this disabled woman made her way to a polling station pushed in a wheelbarrow by her daughter



Some slept ... this man had arrived hours before the polling station opened and spent some of the time catching up on his sleep



Dr Ntsu Mokhele sworn as the democratically elected Prime Minister of Lesotho on 2 April 1993

ANNEXES

ANNEX I

News Release of 18 March 1993 Issued after
Final Planning Visit to Lesotho



Commonwealth News Release

93/4

18 March 1993

COMMONWEALTH TO OBSERVE LESOTHO ELECTION

Commonwealth Secretary-General, Chief Emeka Anyaoku, today welcomed a statement from the leaders of the major political parties in Lesotho, which issued following a five-day visit to Lesotho by a special Commonwealth mission. In their statement the leaders of the Basotho National Party (BNP), the Basotholand Congress Party (BCP) and the Marematlou Freedom Party (MFP) agreed that:

"As the election campaign enters its final stages, the leaders of the major political parties wish to reiterate their commitment to the holding of free and fair elections on 27 March 1993 which they see as being central to the well-being of their nation. They express their confidence in the arrangements for the poll to date and satisfaction that the elections which the people of Lesotho have awaited for so long are now within reach. They believe that the democratic path represents the way to a peaceful and stable society.

In the interest of stability and national reconciliation, they reiterate their commitment to resolve all unresolved issues that may be a potential source of instability as a matter of priority when the newly elected democratic Parliament comes into operation.

They also renew their support for a constitutional monarchy as provided for in the draft Constitution which they believe will serve as a symbol of unity and a focal point for the nation, and as such will command the loyalty of all the people of Lesotho."

"The undertaking on the part of these key political leaders in Lesotho to resolve as a matter of priority all outstanding issues augurs well for a successful transition from military to civilian rule and the achievement of long-term peace and security thereafter", the Secretary-General said.

The Secretary-General announced that in keeping with the Commonwealth commitment to help facilitate a successful transition, a Commonwealth Observer Group appointed by him will arrive in Lesotho on 19 March 1993 to observe the final preparations for the general election due on 27 March 1993, and

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Issued by the Information Division, Commonwealth Secretariat, Marlborough House,
Pall Mall, London SW1Y 5HX, Britain. Tel: 071-839 3411; Fax: 071-930 0827; Telex: 27678

the election itself. The Chairman of the 18-strong Observer Group will be Lord Carlisle of Bucklow, former British Government Cabinet Minister. The Secretary-General noted that the Commonwealth has been assisting the transition process for more than a year now and stood ready to assist the new Government of Lesotho in its efforts to achieve peace, reconciliation and stability.

The full list of observers is as follows:

Rt. Hon. The Lord Carlisle of Bucklow QC, Chairman
Britain

Dr Dinanath Gajadhar
Deputy Chief Election Officer
Trinidad and Tobago

Hon. Clive Griffiths
Chairman of the Commonwealth Parliamentary Association,
and Member of the Legislative Council, Western Australia
Australia

Senator Alvin Knight
Dominica

Mr Myron Kuziak
Chief Electoral Officer for Saskatchewan
Canada

Hon. Russell Marshall
Former Minister of Foreign Affairs
New Zealand

Mr Tamsier M'Bye
Deputy Permanent Secretary
Ministry for Local Government and Lands
The Gambia

Hon. Bennie Mwiinga, MP
Zambia

Dr Patricia Rodgers
Former High Commissioner to London
The Bahamas

Mr S K Singh
Former Foreign Secretary
India

Mr David Zamchiya
Lawyer, and former Principal Secretary
Ministry of Justice
Zimbabwe

.../3

COMMONWEALTH SECRETARIAT SUPPORT STAFF

Mr Max Gaylard	Team Leader
Mr Clive Jordan	Press Adviser
Mr Richard Nzerem	Assistant to Observers
Dr Indrajit Coomaraswamy	Assistant to Observers
Ms Zainah Anwar	Assistant to Observers
Ms Jean Fryer	Administrative Officer
Ms Charlene Lee Ling	Secretary

ANNEX II

Composition of the Commonwealth Observer Group

The Rt Hon The Lord Carlisle of Bucklow, QC (Britain – Chairman)

Lord Carlisle of Bucklow is a Queen's Counsel. His public service career commenced when he was elected Conservative Member of Parliament for Runcorn from 1964 to 1983 and for Warrington South from 1983 to 1987. During this time he served in government as Parliamentary Under Secretary of State, Home Office, Minister of State, Home Office from 1970–74, and later in the Cabinet as Secretary of State for Education and Science from 1979–81. He has served as Chairman of many committees including the Parole Review Committee and is currently Chairman of the Criminal Injuries Compensation Board. He was Treasurer of the Commonwealth Parliamentary Association (CPA) from 1982–85 and Chairman of the United Kingdom Branch of the CPA from 1985–87. Lord Carlisle was educated at Radley College and holds a Bachelor of Law (LLB) Honours Degree from Manchester University.

Dr Dinanath Gajadhar (Trinidad and Tobago)

Dr Dinanath Gajadhar is currently Deputy Chief Election Officer with the Elections and Boundaries Commission of Trinidad and Tobago. He joined the Commission in 1983 and having served as a Training Officer, became Assistant Chief Election Officer in 1986 and Deputy Chief in 1989. His wide international elections experience took him to Namibia in 1989 where he served as a member of the United Nations team to monitor the elections and to Nicaragua in 1990 as a member of the Organisation of American States team. In 1990 he assisted the CARICOM Working Group of Senior Electoral Officials in organising elections in Haiti and in 1992 he assisted the Guyana Elections Commission with the training of election staff. He was also a member of the Commonwealth Observer Group to the Presidential Election in Ghana in November 1992. Dr Gajadhar holds Bachelor of Science, Bachelor of Education and Master of Education Degrees and a PhD in Educational Administration including Personnel Management and Evaluation.

The Hon Clive Edward Griffiths (Australia)

The Hon Clive Griffiths is currently President of the Legislative Council of Western Australia and Chairman of the World Executive Committee of the Commonwealth Parliamentary Association (CPA). He joined the Australian Liberal Party in 1956 and his public service career started when he was elected Member of South Perth City Council in 1962 to 1966. He was elected to Parliament in 1965. He has since held such posts as Secretary of the Party;

Deputy Chairman of Committees in the Legislative Council; President of the Legislative Council and Chairman of the Joint House Committee. He has been President of the Western Australian Branch of the CPA since 1977 and was regional representative for the Australian and Pacific region from 1988 to 1990. He was a member of the Commonwealth Observer Group to the Presidential Election in Ghana in November 1992. Mr Griffiths was educated at State Schools and the Kalgoorlie School of Mines.

Senator Alvin Canaan Knight (Dominica)

Senator Alvin Knight is currently serving as an appointed Senator in the Dominica House of Assembly. In the 1970s he was an announcer, reporter and programme director for the Dominica Broadcasting Corporation and in the early 1980s became Manager of the radio station. From 1982 to 1984 he was Press Secretary to Prime Minister Eugenia Charles. From 1984 he has been politically involved with the Dominica Freedom Party serving as its Campaign Manager, International Secretary and, from 1986 to 1990, its Secretary-General. From 1990 to 1992 he served as a Member of the Dominica Electoral Commission and is currently Secretary-General of the East Caribbean Institute for Democracy and a Member of the Advisory Committee of the Caribbean Institute for Human Rights. Mr Knight was educated at Dominica Grammar School, the New York School of Broadcasting and University of Guyana, Management Studies.

Mr Myron Alexander Kuziak (Canada)

Mr Myron Kuziak is currently the Chief Elections Officer (CEO) for Saskatchewan. He is a distinguished lawyer and has been a Member of the Law Society of Saskatchewan since 1965 and a Member of the Law Society of Manitoba since 1969. He was Counsel to the Saskatchewan Human Rights Commission from 1973 to 1979, Chairman of the Saskatchewan Public and Private Rights Board from 1976 to 1983, Lecturer at the Human Justice School, University of Regina from 1988 to 1992 and has been Director of the Canadian Civil Liberties Association since 1973. He was appointed as CEO in August 1992. Mr Kuziak holds a Bachelor of Arts and a Bachelor of Law (LLB) Degree from the University of Saskatchewan.

The Hon Russell Marshall (New Zealand)

The Hon Russell Marshall is a former Minister of Foreign Affairs of New Zealand, holding the post from 1987 until he retired at the 1990 general election after 18 years as Member of Parliament for Wanganui. He was a member of the Cabinet with the Labour Government from 1984–90 during which time he held the posts of Minister of Education, Conservation, Pacific Island Affairs and Disarmament as well as Foreign Affairs. Mr Marshall is currently Chairman of the New Zealand National Commission for Unesco and Chairman of Trustees of the New Zealand Africa Information Centre. He has a Bachelor of

Arts Degree from Victoria University, Wellington, a New Zealand Diploma of Teaching and an Honorary PhD from the University of Khon Kaen (Thailand).

Mr Tamsier Demba M'Bye (The Gambia)

Mr Tamsier Demba M'Bye is currently Deputy Permanent Secretary, Ministry for Local Government and Lands. During his distinguished public service career he has served as Assistant and Acting Divisional Commissioner, Electoral Officer in the Office of the Supervisor of Elections, and Clerk of the House of Representatives. He has been Senior Assistant Secretary in the Ministry of Water Resources and the Environment, National ECOWAS Co-ordinator in the Ministry of Economic Planning and Industrial Development, and Principal Assistant Secretary in the Ministry of External Affairs. Mr M'Bye holds a Bachelor of Arts (cum laude) Degree in Political Science from Bowdoin College, Maine, USA and a Master of Arts Degree in International Relations from the Fletcher School of Law and Diplomacy, USA.

The Hon Bennie H W Mwiinga (Zambia)

The Hon Bennie Mwiinga is currently the Movement for Multi-party Democracy (MMD) Member of Parliament for Mazabuka, having won his constituency in the 1986 and 1991 Presidential and National Assembly Elections. He is also Director and Consultant Chemical Engineer for MG Paterson & Sons, Ltd. His public service career started as a youth member of the then ruling party, UNIP. He is a member of the Zambian Branch of the Commonwealth Parliamentary Association (CPA) and Vice-President of the Zambian Branch of the Interparliamentary Union; he attended the 35th Commonwealth Parliamentary Conference in Barbados, the 41st CPA Seminar on Parliamentary Practice and Procedure at Westminster in London and the 1st Seminar on Political Parties in a Multi-party Democracy jointly sponsored by the National Democratic Institute for International Affairs (NDI), USA, and the Westminster Foundation for Democracy (Britain); he was also a member of the Commonwealth Observer Group to the Presidential Election in Ghana in November 1992. Mr Mwiinga was educated in Zambia and has a Bachelor of Science (Maths and Chemistry) Degree from the University of Zambia and a Bachelor of Science (Hons)(Chemical Engineering) Degree and a Master of Science (Production Technology and Management) Degree from the University of Aston, Birmingham, Britain.

Dr Patricia Elaine Joan Rodgers (The Bahamas)

Dr Patricia Rodgers is currently Chief of Protocol (Permanent Secretary) in the Ministry of Foreign Affairs. She joined the Ministry of Foreign Affairs in 1970 as an Administrative Cadet and moved up over a period of 10 years to the rank of Deputy Permanent Secretary. She was appointed Under-Secretary in January 1988 and became Permanent Secretary in November 1992. Her diplomatic representation covers such posts as Chargé d'Affaires a.i. of the

Bahamas Embassy in Washington, August 1979–March 1980, Alternate Representative to the Organisation of American States, November 1982–May 1983, Acting High Commissioner and High Commissioner to Canada between 1983 and 1988, and High Commissioner to Britain from 1988 to 1992 during which time she was also accredited as Ambassador to the Federal Republic of Germany, Belgium and France and Ambassador and Head of Mission to the EEC and Permanent Representative to the International Maritime Organisation. Dr Rodgers holds a Doctorate in Political Science from the Institut Universitaire des Hautes Etudes Internationales, Geneva, a Diploma in International Relations (Honours) from the Graduate Institute of International Relations, St Augustine, Trinidad and a Master of Arts (Honours) Degree in English from Aberdeen University, Scotland.

Mr S K Singh (India)

Mr S K Singh entered the Indian Foreign Service in 1954 and having worked his way through various posts in the Ministry of External Affairs was appointed Ambassador to Lebanon concurrently accredited to Jordan and Cyprus from 1974 to 1977, and then moved on as Ambassador to Afghanistan until 1979. He was Ambassador to Austria and India's Permanent Representative to the United Nations in Vienna and also Governor for India on the Board of Governors of the International Atomic Energy Agency from 1982 to 1985 from where he was posted as Ambassador to Pakistan until 1989. He returned to India and held the post of Foreign Secretary until 1990. He was a member of the Commonwealth Group which observed the Presidential, Parliamentary and Civic Elections in Kenya in December 1992. Mr Singh holds a Master of Arts Degree and a Bachelor of Law (LLB) Degree. He was educated at Agra University in India and Trinity College, Cambridge. He is presently Visiting Professor of International Affairs at the Jawaharlal Nehru University in Delhi.

Mr David Makhumbini Zamchiya (Zimbabwe)

Mr David Zamchiya is a lawyer with long experience in the political, legal, electoral and constitutional affairs of his country dating from 1966 when he became a full-time worker for the Zimbabwe African National Union (ZANU). From 1972 to 1978 he served in the Zambian Ministry of Legal Affairs as State Advocate and then Parliamentary Draftsman. At the country's independence, he was appointed a member of Zimbabwe's first Delimitation Commission drawing up the boundaries for the constituencies to be represented at the 1985 elections. He was appointed as Permanent Secretary in the newly created Ministry of Legal and Parliamentary Affairs in 1982 and continued these responsibilities in the new combined Ministry of Justice, Legal and Parliamentary Affairs from 1984 to 1989. He served as Senator and Chairman of the Senate Legal Committee of the Zimbabwe Parliament from 1989 to 1990. He is currently Director of several companies, including Barclays Bank of Zimbabwe, Deputy Chairman of Air Zimbabwe Corporation, as well as Deputy Chairman of the Edgars Group and of Randalls Group. Mr Zamchiya

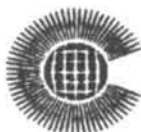
holds a Bachelor of Law (LLB) Honours Degree from Bristol, Britain and a Master of Law (LLM) Degree from the London School of Economics. He is a Barrister-at-Law from Gray's Inn and is admitted to legal practice in Zambia and Zimbabwe.

SECRETARIAT SUPPORT STAFF

Mr Max Gaylard	Team Leader
Mr Clive Jordan	Press Adviser
Mr Richard Nzerem	Assistant to Observers
Dr Indrajit Coomaraswamy	Assistant to Observers
Ms Zainah Anwar	Assistant to Observers
Ms Jean Fryer	Administrative Officer
Ms Charlene Lee Ling	Secretary

ANNEX III

Arrival Statement of 19 March 1993



Lesotho Elections

Commonwealth Observer Group

News Release

ARRIVAL STATEMENT

We have been sent to Lesotho by the Commonwealth Secretary-General, Chief Emeka Anyaoku, to observe the general election on 27 March. This follows an invitation for the presence of a Commonwealth Observer Group from the Government of Lesotho which was supported by all the major political parties involved in the election.

We come from 11 different countries, all of them partners with Lesotho in the Commonwealth association, but we will serve as Observers in our personal capacities and not as representatives of countries, governments or organisations to which we may belong. Our broad task here is to observe relevant aspects of the organisation and conduct of the election in accordance with the law of Lesotho. We will be based in different parts of the country both before and on election day, and we will meet all the contending political parties and other groups who wish to meet us.

We have no executive role. Our function is not to supervise but to observe the process as a whole and to form an impartial and independent judgment. We may, however, make proposals designed to assist the holding of the election. On completion of our task, we will present a report to the Commonwealth Secretary-General.

We are proud and happy to have been invited to come here by the Government and the political parties at this historic time for Lesotho, and we look forward to the election being conducted in the spirit of peacefulness, dignity and courtesy long associated with the people of Lesotho.

Maseru
19 March 1993

ANNEX IV

List of Significant Engagements

Friday, 19 March

- 1130 Arrival of Commonwealth Observer Group (COG)
1400 Courtesy call on Minister of Finance and Acting Minister of Foreign Affairs, The Hon Abel Thoahlane
1800 COG Briefing

Saturday, 20 March

- 0900 Meeting with Marematlou Freedom Party (MFP)
1000 Chairman, Mr Gaylard and four Observers attend Basotho National Party (BNP) *pitso* (rally) in Leribe
1030 Four Observers attend Electoral Office local training session with Chief Electoral Officer, Mrs Joycelyn Lucas, in Butha-Buthe
1130 Three Observers attend BNP *pitso* in Mohale's Hoek
1130 Three Observers attend Basutoland Congress Party (BCP) national-level *pitso* in Maseru. To be joined later by other Observers
1600 Meeting with Kopanang Basotho Party and United Party

Sunday, 21 March

- 1030 Meeting with Chief Electoral Officer
1630 Meeting with BNP leadership

Monday, 22 March

- 0730 Attend National Tree Planting ceremony presided over by HM King Letsie III
1100 Meeting with BCP leadership
1500 Meeting with National Union of Mineworkers of South Africa
1800 Meeting with British High Commissioner, HE Mr Roy Cowling, and staff

Tuesday, 23 March

- 0900 Meeting with minor political parties
1500 COG deployment briefing
1630 Meeting with former Attorney-General and Minister of Justice and Prisons and Law, Constitutional and Parliamentary Affairs, Mr Albert K Maope
1800 Chairman's reception for international observers, government and electoral officials, church representatives and others

Wednesday, 24 March

- 0730 Eight teams of Observers deployed to cover all 65 constituencies in 10 districts. Teams to attend *pitsos*, meet with party leaders, candidates and supporters, electoral and district officials, military and police, traditional leaders and the general public. Daily reports to be submitted to operations room
- 0900 Chairman, Mr Gaylard and three Observers meet with Chairman of Military Council Major-General Ramaema

Thursday, 25 March

- 1100 Courtesy call on HM King Letsie III by Chairman and Mr Gaylard

All teams on deployment duties

Friday, 26 March

All teams on deployment duties

Saturday, 27 March

POLLING DAY

- 0630 COG teams visit selected polling stations to observe opening of the poll
Teams observe polling throughout the day
- PM Return to selected polling stations to observe close of poll and count. Submit overall assessments of polling day

Sunday, 28 March

- Noon COG teams return to Maseru. Submit polling station reports
Interim Statement issued. Press conference by Chairman
- 1630 COG team debriefing

Monday, 29 March

- 1000 Discussion on first draft of full Report

Tuesday, 30 March

- 1130 Chairman, Mr Gaylard and three Observers call on BCP leader, Dr Ntsu Mokhehle
- 1400 Chairman and Mr Gaylard hold consultations with church leaders
- 1630 Chairman, Mr Gaylard and three Observers call on BNP leader, Mr Rets'elisitsoe Sekhonyana
- 1800 Chairman and Mr Gaylard meet with MFP leader, Mr Vincent Malebo

Wednesday, 31 March

- 0900 Discussion and approval of full Report
1100 Call on HM King Letsie III
1430 Call on Chairman of Military Council Major-General Ramaema

Thursday, 1 April

- 0900 Final statement issued

Departure from Maseru

ANNEX V

News Release of 23 March 1993 and Schedule of Deployment



Lesotho Elections

Commonwealth Observer Group

News Release

The Commonwealth Observer Group to the Lesotho election, currently in Maseru, will be splitting up and travelling in different parts of the country for the last three days before the election. On Wednesday 24 March they will be dividing into two-person teams concentrating on eight different areas. The areas are: Maseru; Maseru/Leribe; Maseru/Mafeteng; Butha-Buthe; Mohale's Hoek, and the mountain districts of Qacha's Nek; Thaba-Tseka; and Mokhotlong. A list of the two-person teams and their areas of assignment is attached.

Based in these centres, the Observers will be visiting all 65 constituencies in the period up to and including polling day. They will be observing the preparations for the election, the voting itself, and the count, in order to make an impartial judgement on the election process as a whole.

The Observers, who come from different Commonwealth countries across the world, have been sent to Lesotho by the Commonwealth Secretary-General, Chief Emeka Anyaoku, at the request of the Lesotho Government and with the agreement of all the major political parties involved in the elections.

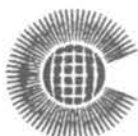
The Observers arrived in Maseru on Friday 19 March. Since then, they have held meetings with the Chief Electoral Officer and election officials, the Government and the political parties, church leaders and representatives of the news media.

The Commonwealth Observer Group is chaired by Lord Carlisle of Bucklow, a former British Government Cabinet Minister. The other members of the Group comprise leading Commonwealth parliamentarians and former government ministers, electoral and constitutional experts, senior public officials and diplomats.

Commenting on the meetings held by the Group so far, Lord Carlisle said that he was greatly encouraged by the commitment of all concerned to the holding of a successful election on Saturday 27 March, and to achieving peace, stability and reconciliation in a new, democratic Lesotho. Lord Carlisle added that he was particularly impressed by the arrangements which had been put in place for the election. He hoped that these arrangements would lead to the fullest participation by the people of Lesotho in their first multiparty, democratic election for many years.

Commonwealth Observer Group
Maseru Sun Hotel
Lesotho

23 March 1993



Lesotho Elections

Commonwealth Observer Group

Telephone: (266) 313 111
Fax: (266) 310 104
Telex: 4372

c/o Lesotho Sun Hotel
Private Bag A 68
Maseru
Lesotho

DEPLOYMENT OF OBSERVERS

TEAMS	AREA	HOTEL
ONE: Chairman Mr Gaylard	Maseru	Lesotho Sun
TWO: Dr Gajadhar Mr Jordan	Maseru/Leribe	Lesotho Sun
THREE: Dr Rodgers Mr Mwiinga	Maseru/Mafeteng	Lesotho Sun
FOUR: Mr Griffiths Mr M'Bye	Butha-Buthe	Crocodile Inn
FIVE: Mr Singh Ms Zainah	Mohale's Hoek	Mt. Maluti
SIX: Mr Marshall Mr Zamchiya	Qacha's Nek	Nthatuana
SEVEN: Senator Knight Dr Coomaraswamy	Thaba-Tseka	Highlands Guesthouse
EIGHT: Mr Kuziak Mr Nzerem	Mokhotlong	Senqu

ANNEX VI

Observation Notes and Polling Check List

OBSERVATION NOTES FOR POLL AND COUNT

PART A

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

REGISTRATION

1. Likely percentage of potential voters denied registration through early closure of rolls.
2. Procedures to challenge by voters of their exclusion from the rolls.

POLITICAL CAMPAIGN

1. The nature of access to the electronic media available to the opposition parties.
2. The procedure (if any) for the allocation of time for political broadcasts and advertisements on radio and television.
3. The nature of access enjoyed by the political parties to the print media.
4. The tone and content of political broadcasts, advertisements and posters put out by the political parties.
5. The conduct of political meetings.
6. The conduct of house to house canvassing of voters.
7. The voter education programme on radio and television conducted by the Chief Electoral Officer.
8. Permits for public meetings.
9. Access to printing facilities.
10. Access to funds and sources of funds.
11. Access to state services.

CONDUCT OF THE POLL

1. The location of polling stations.
2. The accuracy of the Voters' List at the polling stations.
3. Distances travelled by voters to polling stations in rural areas.
4. The length of time voters waited to cast their votes.
5. The steps (if any) taken to ensure that the secrecy of the ballot is assured.
6. The performance of the electoral officials at the polling station visited.
7. The procedure followed at the opening of the poll.
8. The adequacy or otherwise of polling station facilities.
9. The incidence of loss of registration certificates.
10. The number (if any) of persons with voter registration certificates but whose names are not on the Voters' List.
11. The procedures in place to ensure proper security of ballot papers, ballot boxes and official seals.
12. The general electoral environment that prevailed at the polling stations visited.
13. The state of readiness of polling stations.
14. Availability of adequate supplies, e.g. ballot papers, Voters' List, official stamps and pads, etc.
15. Security of ballot papers prior to election.
16. 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 which are stamped rejected.
4. The conduct of the returning officers and their assistants.
5. The preparation of the Declaration of the Result of the Poll.
6. The facilities for candidates and their representatives to witness and verify the count.

PART B

Questions that may be put:

Before Polling Day

1. Is electoral register full and correct? People missed off? Are there names of dead people/people who have moved away included?
2. Are electoral officials confident about arrangements? Are political parties and local notables (priests, lawyers, etc) satisfied?
3. Is the person in the street satisfied with arrangements? Will he/she vote? If not, is he/she afraid to do so?
4. Has the campaign been free of intimidation, etc? Have all parties had full access to media?
5. Is there freedom to advertise (posters, leaflets, etc)?
6. How will voters' IDs be checked? Will it be possible to vote twice?
7. How will those away from home or ill in bed be able to vote?

On the day

1. Before polling starts, are the ballot boxes empty? Are they properly sealed?
2. Are all procedures agreed beforehand being adhered to?
3. Are all parties represented at polling stations? Are they satisfied with process?
4. Are IDs being properly checked?
5. Are voters apparently voting freely? Are they enthusiastic? Do they talk freely? Do they exhibit signs of fear or intimidation?
6. Do voters understand procedures properly? If not, are they being explained fully and impartially? Are attempts being made to suggest how they should vote?
7. Is only one person at a time allowed into the voting booth? Do their ballot papers go straight into the sealed box?
8. How long are voters waiting to vote? If a long time, are some being put off?
9. Who will run the procedures on the day? Will they be ex-Party people? How were they chosen?
10. Will all parties be present at polling stations throughout voting and count?

11. Will foreign observers have free access to all stages of the process?
12. Are voters being asked suspicious questions after leaving the polling station?

After Voting

1. Are the boxes kept safe until opened? Are all parties/observers present at opening?
2. Does the number of used ballot papers tally with the record of those who have voted?
3. Are the papers counted properly? Are any valid ones being spoiled during counting, intentionally or not?

COMMONWEALTH OBSERVER GROUP TO LESOTHO

CHECK LIST FOR POLLING STATION VISITS

Names of Observers:

Constituency:

Polling Station Location:

1. **Facilities:** Good?..... Adequate?..... Poor?.....
2. **Number waiting to vote:** Approx.....
3. **Polling staff:** Efficient?..... Adequate?..... Poor?.....
4. **Voters' attitudes:** Happy?..... Resigned?..... Confused?..... Subdued?.....
5. **Security presence:** Discreet?..... Intrusive?..... Oppressive?.....
6. **Complaints by party polling agents:** No [] Yes []
7. **Complaints by voters:** No [] Yes []
8. **Mood at polling station:** Orderly?..... Tense?..... Excited?..... Relaxed?.....
9. **Secrecy:** Assured?..... Uncertain?.....
10. **Register**
 - (a) personation attempts alleged? No [] Yes [] [number]
 - (b) names alleged to be missing? No [] Yes [] [number]
 - (c) multiple voting attempts alleged? No [] Yes [] [number]
11. **Apparent fairness overall:** Good?..... Acceptable?..... Questionable?.....
12. **Other comments/Details of above:**

ANNEX VII

Eve-of-Poll Statement Issued on 26 March 1993



Lesotho Elections

Commonwealth Observer Group

News Release

EVE-OF-POLL STATEMENT BY THE CHAIRMAN OF THE COMMONWEALTH OBSERVER GROUP, LORD CARLISLE OF BUCKLOW, QC

As the people of Lesotho prepare to take part in their first multiparty democratic election in more than two decades, we in the Commonwealth Observer Group have found throughout the country a determination to exercise the right to vote and a recognition that this election represents a turning point in Lesotho's history as an independent sovereign nation.

Our Commonwealth Observers, who are stationed throughout Lesotho, have been to almost all of the 65 constituencies, and will be visiting polling stations in a great many of those constituencies on polling day itself. The dedication and professionalism of the many electoral officials we have met in the field augur well for a successful election. Those difficulties encountered by members of our Group have been drawn to the attention of the Chief Electoral Officer and her staff, who have moved quickly to rectify them. We are thus confident that with the co-operation of all those involved, electoral officials, political parties, and the voters themselves, a successful return to democratic civilian democracy in Lesotho is now close at hand.

Tomorrow's election offers a long-awaited opportunity for the people of Lesotho to choose their political leadership in a democratic election. We in the Commonwealth Observer Group strongly encourage voters to take full advantage of that opportunity.

26 March 1993

ANNEX VIII

Interim Statement Issued on 28 March 1993



Lesotho Elections

Commonwealth Observer Group

News Release

INTERIM STATEMENT BY THE CHAIRMAN, LORD CARLISLE OF BUCKLOW

Observers from the Commonwealth were stationed throughout the country both before and during polling day. On polling day itself they succeeded in visiting a large sample of polling stations in the great majority of constituencies.

Our experience has been uniform throughout the country. Serious shortcomings in the distribution of election materials caused substantial delays in the opening of polling stations in many areas and there were scenes of initial confusion, particularly in some of the larger polling districts where there were multiple polling stations. In several more isolated parts of the country polling stations were not able to open at all and the several thousand electors in those areas are being allowed to vote today. The overall effect of these delays on the turnout is not clear.

Despite their difficulties, electoral officials, party candidates and agents, and above all the voters themselves combined to ensure the ultimate success of the day. Once stations were able to open, voting proceeded in an orderly and proper manner. Everywhere, we observed electoral officials in each polling station to be carrying out their duties with great care and dedication, and procedures were followed meticulously. The agents of political parties to whom we spoke at individual polling stations expressed uniform satisfaction with the conduct of the poll, and we received no complaints of irregularities. Nor did we receive any reports of intimidation or incidents that might have marred the peaceful and orderly conduct of the poll. We are satisfied that those who voted were able to freely and fairly record their views.

Most of all, we were enormously impressed by the enthusiasm, tolerance and good humour of the citizens of Lesotho as they participated in their first democratic, multiparty election for over 20 years. They queued in large numbers with patience and dignity, often from the very early hours of the morning, to cast their votes. The spirit in which they did so augurs well for the future peace and stability of Lesotho under a democratically elected government.

Maseru
28 March 1993

ANNEX IX

Final Statement Issued before Departure
on 1 April 1993



Lesotho Elections

Commonwealth Observer Group

News Release

FINAL STATEMENT

On the eve of transfer of power to a democratically-elected Government in Lesotho, the Chairman of the Commonwealth Observer Group, Lord Carlisle of Bucklow, announced today that the Group had concluded its work and had submitted its full Report to the Commonwealth Secretary-General, Chief Emeka Anyaoku, in London. The Secretary-General had thanked the Observers and stated that the Report would be made available shortly to the Government of Lesotho and political parties, and to all other Commonwealth governments.

The Secretary-General had welcomed the Group's main conclusions that the outcome of the election reflected a free expression of the will of the people of Lesotho, and that the success of the election owed much to their patience, dignity and determination.

Lord Carlisle said that the Secretary-General had asked him to convey his warm congratulations to the people of Lesotho for taking full advantage of the long-awaited opportunity to select a government of their choice through a democratic election.

Lord Carlisle added that the Secretary-General had also requested that he remain in Lesotho with a number of his Commonwealth colleagues from the Observer Group to witness the formal transfer of power from the Military Council to the new civilian Government.

Maseru
1 April 1993

ANNEX X

London Agreed Statement of 5 June 1992



Commonwealth News Release

92/18

5 June 1992

AGREED STATEMENT

The Chairman of the Military Council, H E Major-General Elias Ramaema, and H M Moshoeshoe II met today at the Commonwealth Secretariat under the auspices of the Commonwealth Secretary-General, Chief Emeka Anyaoku, to agree a basis for the return of His Majesty to Lesotho.

It was agreed that His Majesty's early return to Lesotho should proceed in a manner which enhances the prospects for greater peace, stability and national reconciliation. The achievement of this objective implied the continuation in office of the present administration, the protection of the integrity of the current process of democratisation leading to national elections on 28 November 1992 and the arrangements put in place for it and that the Government would have a hand in the arrangements and preparations for the return of His Majesty. Both sides undertook to initiate consultations with all interested parties in order to facilitate His Majesty's early return to Lesotho which should take place no later than 1 August 1992.

In the spirit of the discussions which led to the agreement, the parties committed themselves to work with all practicable speed to expedite its implementation. In the context, the Joint Committee appointed in Maseru on 22 May 1992 would be reconvened as the machinery for follow-up action.

Issued by the Information Division, Commonwealth Secretariat, Marlborough House, Pall Mall, London SW1Y 5HX, Britain. Tel: 071-839 3411; Fax: 071-930 0827; Telex: 27678

ANNEX XI


Voter Education Sample Leaflet



**MOLAETSA O TSOANG
OFISING EA LIKHETHO
MOKHOA OA HO KHETHA**

**MESSAGE FROM THE
ELECTORAL OFFICE**

HOW TO VOTE



**Khetho ea hau e u la maha
Your vote is your power**



1

**E EA HO PAKI EA MOLAO
REPORT TO THE OFFICIAL WITNESS**




3

**HLAHOBA LEBITSO LA HAU
INSPECTION OF YOUR NAME**




5

**KENA LEKUNUTUNG U
KHETHE: HA U QETILE
GO INTO THE POLLING BOOTH
VOTE ... AND**



7

**KENYA
MONOANA
ENKENG
DIP YOUR FINGER IN THE INK**



2

**FETELA HLAHLOBONG
EA LEBONE
PASS TO THE INSPECTION
OF THE FINGER**




4

**U FUOA PAMPIRI EA
HO KHETHA MAMELA
HANTLE PELE U KHETHA
YOU ARE GIVEN THE BALLOT
PAPER, LISTEN CAREFULLY**



6

**KHUTLELA HO
MOTSAMAI SI
OA LIKHETHO
GO BACK TO THE PRESIDING
OFFICER SHOW HIM/HER YOUR
FOLDED BALLOT.**



8

**AKHELA KHETHO
EA HAU KA LEBOKO SENG
CAST YOUR VOTE 51**



9

**TSOELA KANTLE
U KHUTSITSE
GO OUTSIDE QUIETLY**

*E phatlalalloe ke Ofisi ea Likhetho: P/Bag 20025, Maseru West Tel: 324991
Published by the Electoral Office: P/Bag 20025, Maseru West Tel: 324991*

ANNEX XII

Model of Ballot Paper

BALLOT PAPER
NO. 1010101

BALLOT PAPER
NO. 1010101

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

**NATIONAL ASSEMBLY ELECTION FOR THE
 CONSTITUENCY OF**
HELD ON 28th November, 1992
POLLING DIVISION NO.

**OFFICIAL MARK
 LETSOAO LA MOLAO**

NATIONAL ASSEMBLY
ELECTION FOR THE
CONSTITUENCY OF

POLLING DIV. NO.

IDENTIFICATION NO.
OF ELECTOR

SE KE OA MENA MOLENG ONA






DO NOT FOLD BEYOND THIS LINE

Ea hloko, mokhoa oa ho khetha

Khetha Mokhethoa a le mong ka ho etsa letsoao kapa ka hare leboqose le hau le lebitso le mokhethoa kapa letsoao le moleo le notho eo u molhethang. Se ke oa ngola letho pampiring eo u khethang ka eona e tsa etsa hore ho tsejoe hore ke ea 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.

CANDIDATE'S NAME LEBITSO LA MOKHETHOA	POLITICAL ORG. OR IND. MOKHA OA LIPOLITIKI EA IKEMETSENG	SYMBOL LETSOAO	MARK TBOAEA
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"/>

COMMONWEALTH SECRETARIAT
MARLBOROUGH HOUSE, PALL MALL, LONDON SW1Y 5HX

