



INTERIM MISSION STATEMENT

BY THE

**SADC PARLIAMENTARY FORUM ELECTION OBSERVATION
MISSION TO THE 2017 LESOTHO NATIONAL ASSEMBLY
ELECTIONS**

**DELIVERED BY
HONOURABLE DITHAPELO KEORAPETSE,
MISSION LEADER AND MEMBER OF PARLIAMENT OF THE
NATIONAL ASSEMBLY OF THE REPUBLIC BOTSWANA AS WELL
AS A MEMBER OF THE SADC PF STANDING COMMITTEE ON
DEMOCRATISATION, GOVERNANCE AND HUMAN RIGHTS**

ON 5 JUNE 2017

AT AVANI LESOTHO HOTEL IN MASERU, LESOTHO

SALUTATIONS

- The Chairperson of the Independent Electoral Commission (IEC) of Lesotho, Hon. Justice Mahapela Lehohla and IEC Commissioners;
- His Excellency Joaquim Chissano, former President of the Republic of Mozambique and Head of the African Union Mission;
- His Excellency Rupiah Banda, former President of the Republic of Zambia and Head of the EISA Mission;
- Honourable Dr Augustine P. Mahiga, Minister of Foreign Affairs and East African Cooperation of the United Republic of Tanzania and Head of the SADC Election Observer Mission;
- Esteemed Members of various Election Observation Missions;
- Fellow Honourable Members of the SADC PF Mission;
- Members of the Diplomatic Corps;
- Esteemed Leaders of Political Parties;
- Members of Civil Society Organisations;
- Media Representatives;
- Distinguished Guests;
- Ladies and Gentlemen

I am honoured to present the SADC Parliamentary Forum Election Observation Mission's Interim Statement on the 2017 Lesotho National Assembly Elections in my capacity as the Mission Leader.

1. INTRODUCTION

The Southern African Development Community Parliamentary Forum (SADC PF),¹ constituted a 22-Member Election Observation Mission following an invitation by the Independent Electoral Commission of the Kingdom of Lesotho. Our Mission has been in the country since 26 May and it comprises Members of Parliament and officials from the SADC PF Secretariat and SADC National Parliaments.

This Mission is the fifth SADC PF Election Observation Mission to be deployed in Lesotho, with similar Missions having been deployed during the 2002, 2007, 2012 and the 2015 Elections. The Mission is also the 41st Election Mission to be

¹ The SADC Parliamentary Forum is a Regional inter-parliamentary forum that was established in 1996 and was approved by the SADC Summit as a consultative and deliberative body in accordance with Article 9 (2) of the SADC Treaty. It is composed of 15 National Parliaments, namely Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Malawi, Madagascar, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe

deployed to a Member State since 1999 when SADC PF started observing elections in the SADC Region.

The purpose of this Interim Statement is to share with the Independent Electoral Commission of Lesotho and other stakeholders the Mission's Findings and Recommendations, which are aimed at strengthening electoral institutions and improving the freeness, fairness as well as the overall credibility and integrity of electoral processes in Lesotho and the entire SADC Region.

This Interim Statement details the Mission's Findings and Recommendations up to this point in the Electoral Cycle when the counting, verification and declaration of results is still ongoing. SADC PF will continue to observe the post-election developments and will capture these in a more detailed Final Report that will be compiled and published within 90 days from the date of this Interim Statement. The Final Report shall be formally presented to the IEC and this will be followed by an all-stakeholder Electoral Review Workshop to be organised by the SADC PF.

2. TERMS OF REFERENCE

The Mission's Terms of Reference were based on the revised *SADC Principles and Guidelines Governing Democratic Elections* and the *African Charter for Democracy, Elections and Governance*, among other international election instruments. More specifically, the Mission's observation work was guided by the following points of inquiry that are contained in the SADC PF's *Benchmarks for Assessing Democratic Elections in Southern Africa*:

- i) Political Context and the Campaign Environment;
- ii) Constitutional and Legal Framework;
- iii) Electoral System and Boundary Delimitation;
- iv) Electoral Management;
- v) Media Coverage;
- vi) Role of Security Forces;
- vii) Role of Traditional Leaders;
- viii) Gender Mainstreaming;
- ix) Participation of Youths;
- x) Electoral Dispute Resolution;
- xi) Voter Education;
- xii) Registration of Parties and Nominations;
- xiii) Political Party Funding and Campaign Funding;
- xiv) Voter Registration and the State of the Voters Roll;
- xv) Voting Operations and Polling Arrangements;

- xvi) Vote Counting;
- xvii) Declaration of Results;
- xviii) Complaints and Appeals Procedures;
- xix) Good Practices;
- xx) Areas of Improvement; and
- xxi) Overall Assessment of the entire Electoral Processes.

3. DEPLOYMENT PLAN

The Mission deployed its Teams in four of Lesotho's 10 Districts namely; Maseru, Leribe, Thaba Tseka and Muhale's Hoek.

4. OBSERVATION METHODOLOGY

To gather information on the Elections, the Mission held consultations with key stakeholders such as IEC, political parties, civil society organisations, media, security forces, academia and the general electorate. The Mission also observed political campaign rallies, witnessed door-to-door campaigns by political parties and candidates and monitored the mass media. Consultations were held with other Election Observation Missions including the SADC, the African Union, Electoral Commissions Forum of SADC (ECF – SADC), the Commonwealth, Electoral Institute for Sustainable Democracy in Africa (EISA), European Union and local observers. The Mission also reviewed the constitutional and legal framework governing Elections in Lesotho as part of its methodology.

5. GUIDING PRINCIPLES FOR THE SADC PF MISSION

In carrying out its observation work, the Mission was guided by the following key observation principles of impartiality, neutrality, comprehensiveness, transparency, inclusiveness and objectivity.

6. MISSION FINDINGS

6.1 Political Context and the Campaign Environment

The Mission noted that the 2017 National Assembly Elections, just like those of 2015, were Snap Elections called for after the collapse of the Second Coalition Government which came to power after the National Assembly Elections of 2015. Parliament passed a vote of no confidence in the Prime Minister, leading to his Majesty the King dissolving Parliament on the 6th March 2017.

The Mission further noted that the Snap Elections were called for in line with the Electoral Law when His Majesty the King of Lesotho proclaimed the 3rd of June

2017 as the Election Day pursuant to section 37 of the National Assembly Electoral Act, 2011.

On the overall political environment, the Mission was glad to note that the country remained generally peaceful, with political parties, candidates and the public demonstrating a high degree of political tolerance. This enabled citizens to enjoy the full range of civil liberties and freedoms enshrined in the Constitution.

The Mission noted that the Elections took place against the background of a decision by the 36th SADC Summit held in Swaziland in August 2016, calling on the Kingdom of Lesotho to continue implementing SADC decisions and the Roadmap on constitutional, security sector, parliamentary and judicial reforms as well as the participation of all stakeholders in the same.

Stakeholders that interacted with the Mission raised various concerns such as the fractious Coalition Governments that keep emerging after each election result, which has seen Lesotho holding three elections in the last five years, at the expense of socio-economic development and the politicisation of public institutions, in particular the military and the public service. Stakeholders further welcomed the signing of the Post Electoral Reform Pledge by political parties committing to implement reforms.

The Mission therefore, reiterates the need to prioritise the implementation of SADC decisions and the Roadmap on constitutional, security sector, parliamentary and judicial reforms. There is urgent need for comprehensive institutional, political and legal reforms to be undertaken in the post-election period to address the various governance inadequacies and ensure proper functioning of government. In this regard, the Mission appeals to SADC, through the Organ on Politics, Defence and Security Cooperation, to partner the Government of Lesotho and stakeholders to ensure comprehensive implementation of SADC decisions and the Roadmap on reforms.

6.2 The Constitutional and Legal Framework

The Mission took note of the constitutional and legal framework governing Elections in Lesotho, in particular the Constitution of The Kingdom of Lesotho and the National Assembly Electoral Act of 2011, which together with the Code of Conduct, comprehensively provide for all aspects of the electoral process.

Chapter 2 of the Constitution of the Kingdom of Lesotho provides for the protection of citizens' freedoms of movement, expression, assembly and

association, among others. Section 20 specifically provides for citizens' right to vote and/or to stand for elections at periodic elections through a system of universal and equal suffrage and secret ballot. The Mission was satisfied that these freedoms were respected and exercised without undue hindrance.

The Mission welcomes the existence of a legally binding Electoral Code of Conduct which regulates the conduct of political parties, candidates and general membership, with legal enforcement mechanisms that include fines and penalties and gives power to the IEC to reprimand and/or punish political parties and candidates for violation.

Overall, the Mission is satisfied with the constitutional and legislative framework governing elections in Lesotho which augurs well for the enjoyment of civil liberties and freedoms and the election of political representatives in a transparent manner in line with the *SADC Principles and Guidelines Governing Democratic Elections*.

6.3 The Independent Electoral Commission (IEC) and Election Administration

The Mission is satisfied with the sufficiency of the legal framework on the establishment, organisation, functions and responsibilities of the Independent Electoral Commission of Lesotho, as the sole authority responsible for the conduct of Elections in Lesotho. The framework augurs well for the autonomous functioning of the IEC.

Regarding the IEC's preparedness for the 2017 Elections, the Mission noted that since this was a Snap Election, it had its own unique challenges including funding and limited time within which the IEC had to prepare. The Mission is satisfied that in spite of the challenges, the IEC was manifestly prepared and managed all aspects of the electoral process to the satisfaction of most of the stakeholders. Furthermore, the Mission was encouraged by the level of confidence and trust that the IEC enjoys among stakeholders.

The Mission notes with satisfaction that the IEC had established several Consultative Committees comprised of all political parties to attend to various aspects of the Elections, including: Monitoring, Party Leaders, Law, Security, Data Management, Media Liaison, Logistics and Civic and Voter Education. The involvement of political stakeholders in running the electoral process further enhanced the confidence levels of stakeholders in the IEC to deliver a credible election.

The IEC deployed sufficient numbers of staff to manage polling stations and these officers were evidently trained and managed the process professionally and this allowed voting to proceed smoothly. The Mission also commends the way Electoral Officials liaised with political party agents in resolving issues during the voting, verification and counting process.

6.4 The Role of Security Forces

In terms of the security of the electoral environment and processes, the Mission observed that the police were trained by the IEC and were, therefore, adequately prepared to perform their duties during the elections. This included guarding election materials at places of storage, during transit to polling centres and were present in all the polling centres visited by the Mission's Teams. The military also ferried election materials to inaccessible areas under the supervision of IEC in the presence of party agents.

Members of the Mission witnessed the presence of armed members of the Lesotho Defence Forces in the vicinity of some polling stations visited. Some Stakeholders expressed serious concern to the Mission regarding the presence of armed soldiers in the vicinity of some polling stations, which they felt could intimidate voters and raise unnecessary anxiety. The Mission did not witness any incident of the security forces interfering with or impeding electoral processes.

6.5 Voter Registration and the State of the Voters' Roll

The Mission noted that Lesotho Electoral Law provides for compulsory and continuous voter registration. Registration of voters started on the 13th March 2017 and ended on the 19th March 2017. As of 18th May 2017, the Voter Registration Database had a total of 1,253,421 registered voters, 556,379 being male voters and 697,042 being females. The Mission took note of the efforts to clean up the Voters Roll by removing duplicates and some deceased people.

6.6 Civic and Voter Education

The Mission notes that the IEC is legally mandated to oversee civic and voter education in Lesotho. In this regard, a budget of M9,000,000 (about USD 738,000) was allocated for this activity. The IEC also enlisted the help of eight civil society organisations (CSOs) to help with voter education. The IEC also trained and deployed temporary staff who included: 80 Returning Officers, 26 Facilitators, 55 Voter Education Monitors, 25 Call Centre Personnel and 278 Voter Educators. With this initiative, all the 10 districts received Voter Education. The IEC also trained all relevant stakeholders such as Party representatives, youth, Law enforcement institutions, media and persons with disabilities.

Overall, the Mission was pleased to note the high level of familiarity with voting procedures among the voters which resulted in smooth voting processes at the polling stations observed.

6.7 Political Party and Campaign Funding

The Mission commends the provision of public funding of political parties as well as campaign funding for political parties participating in Elections for purposes of meeting campaign costs and payment of party agents through an agreed threshold. This augurs well for multi-partyism and levelling of the campaign field during the elections. The Mission further welcomes the requirement for political parties that receive public funding to account for these funds by providing the Commission with financial statements and reports within determined timeframes as this promotes transparency and accountability.

6.8 Media Coverage of the Elections

The media played an important role in enhancing awareness on the election process including voter registration, voter education and candidate nominations and communicating the political choices available for the voters. This went a long way in promoting public interest and encouraging public participation in the Elections. The Mission also noted the use of social media such as Facebook, especially by the youth to engage in political and electoral discourse, during the electoral period. The Mission, however, received concerns on the abuse of social media by some sections of the electorate.

The Mission commends the initiative by the IEC to allocate campaign slots to political parties on the Lesotho National Broadcasting Services (LNBS) Radio and TV. However, the Mission noted the complaints from stakeholders, including opposition political parties regarding biased coverage favouring the ruling coalition outside the allocated slots. This was compounded by the fact that the LNBS Radio Stations enjoy wide coverage across the country and has the only television station.

The Mission underscores the importance of fair and equitable coverage of Elections by the media, in particular the public media as it is financed by public funds. The Mission, therefore, calls for the strengthening of the framework within which LNBS operates in order to ensure fair and equitable coverage of electoral events and actors.

6.9 Gender Mainstreaming and Participation of Women in the 2017 Lesotho National Assembly Elections

The Mission noted that out of the 1,368 candidates contesting the Elections, 958 were men while 410 were women. Most of the political parties which interacted with the Mission did not have deliberate policies to have as many women as candidates.

The Mission, however, noted and welcomed the requirement in the National Assembly Electoral Act (2011) stipulating that for the nominations for proportional representation seats, each male or female candidate's name should be followed by that of a candidate of the opposite sex and that the party lists should have equal numbers of male and female candidates. Furthermore, the Mission was heartened to see that the majority of electoral officials were female.

The Mission, therefore, calls on political parties to do more to incorporate gender equality in their constitutions, policies, manifestos and nomination of candidates in view of the country's obligations towards the attainment of gender parity in political and decision making positions as stipulated in the SADC Protocol on Gender and Development.

6.10 Electoral Dispute Resolution Mechanisms in Place

The Mission was satisfied with the electoral dispute resolution mechanisms in place at district and national levels, comprising the District Dispute Resolution Committees. The Mission further welcomes the existence of the Tribunal established by the Lesotho National Assembly Electoral Act (2011) which is charged with resolving disputes relating to violation of the Code of Conduct at national level. This is a very critical structure through which the IEC administers the Code of Conduct.

On disputes relating to the outcome of Elections in Lesotho, the Mission noted that the aggrieved parties have access to legal recourse through the High Court which is the only court conferred with jurisdiction to preside over post electoral disputes.

The Mission notes with gratification that Political Party Leaders signed a pledge to abide by the Code of Conduct on the 18th April 2017. Political Party Leaders also signed the Peace Pledge to honour the outcome of the Elections when declared free, fair and credible by national and international observers.

The Mission is, therefore, satisfied with the dispute resolution mechanisms in place and the commitment shown by political parties to sign pledges aimed at maintaining law and order throughout the electoral cycle.

6.11 Voting, Counting and Declaration of Results

The Mission was satisfied with the adequacy of polling stations and all the 76 polling stations visited on Election Day opened and closed at legislated times of 0700 hours and 1700 hours, respectively. Voting took place peacefully and voters who were in voting queues by 1700 hours were allowed to vote in line with the law. Voting materials were available in adequate quantities and this allowed voting to proceed smoothly.

The counting process was done in a rigorous and orderly manner following procedures. All reconciliations were done in consultation with and to the satisfaction of party agents.

The Mission commends the posting of results for each polling station outside the respective polling station. The Mission is also satisfied with the measures put in place by the IEC to ensure efficient and accurate transmission of results from the polling station right up to the national results centre and the safeguards put in place to ensure the transparency of the process.

7. GOOD PRACTICES FROM THE 2017 LESOTHO NATIONAL ASSEMBLY ELECTIONS

The Mission observed the following as good practices from the 2017 Lesotho National Assembly Elections:

- i) Existence of a legally binding Electoral Code of Conduct to guide the role and behaviour of various stakeholders in the electoral process;
- ii) Constant engagement of stakeholders through the consultative committees of all political parties established by the IEC including the establishment of a 24-hour call centre with toll free numbers for purposes of receiving queries and or complaints from the general public on matters relating to the electoral process;
- iii) Introduction of polling streams at polling stations which quickened the voting process;
- iv) Use of transparent ballot boxes;
- v) Use of polling station-based Voters' Roll and indelible ink which eliminates the possibility of multiple voting;
- vi) The robust use of the IEC website to include voter educational materials, legal documents, candidate and party lists and up-to-date news and information

- about IEC activities and the use of short messaging system (SMS); radio and television advertisements and road shows to disseminate information about the elections;
- vii) The establishment of Dispute Resolution Mechanisms to handle election-related disputes including the Tribunal;
 - viii) Professionalism and commitment to duty demonstrated by the electoral staff who worked under pressure for long hours throughout the electoral process;
 - ix) The high number of women and youth serving as electoral officials and party agents;
 - x) The levelling of the electoral playing field through provision of public funding for political parties and allocation of campaign funds to all registered political parties participating in elections;
 - xi) The provision of continuous voter registration in the law and efforts to clean up the voters roll to remove the deceased;
 - xii) The prohibition of political party campaigns 24 hours before polling day which greatly assists in calming the political atmosphere;
 - xiii) Fast – tracking of people living with disabilities, senior citizens and pregnant mothers during voting to reduce the time they spent on the queue;
 - xiv) The high level of preparedness and openness to engage stakeholders by the IEC throughout the electoral process; and
 - xv) Counting of votes and availing of results at respective polling stations in the presence of party agents, candidates and observers in line with good and transparent electoral practice.

8. AREAS FOR IMPROVEMENT

The Mission observed the following as areas requiring improvement to further enhance the credibility and integrity of elections in Lesotho:

- i) The need to institute comprehensive institutional, political and legal reforms in the post-election period to address various governance inadequacies including the strengthening of the framework for the proper functioning of coalition governments;
- ii) The need to strengthen the framework governing media coverage of elections in order to enhance fair, balanced and responsible reporting by the media especially the public media;
- iii) The need to develop strong legal and administrative mechanisms to encourage and support the adoption of women as candidates so as to ensure gender parity in political and decision making positions in line with the SADC Protocol on Gender and Development;
- iv) The need to ensure adequate and visible signage of polling stations from the main roads; and

v) The need to provide adequate lighting inside the polling stations.

9. MISSION'S OVERALL ASSESSMENT OF THE 2017 LESOTHO NATIONAL ASSEMBLY ELECTIONS

Based on its overall findings of the electoral processes up to this point of the Election Cycle, the Mission is satisfied that there existed a conducive and peaceful environment in which the Elections were conducted. Basotho were accorded the opportunity to freely express their will in voting for the candidates of their choice, notwithstanding the few shortcomings highlighted in this Interim Statement.

The SADC PF Election Observation Mission is, therefore, of the view that the process up to this point is, on the whole, a credible and transparent reflection of the will of the majority of the people who voted.

As earlier stated, SADC PF will continue to observe the post-election process including the final declaration of results and post-election developments and will pronounce itself accordingly in its Final Report.

The SADC PF Election Observer Mission to the 2017 Lesotho National Assembly Elections commends political parties and candidates, the electorate and all the stakeholders in Lesotho for the mature and tolerant manner they conducted themselves during the pre – election and election period. The Mission calls for the same maturity and tolerance to continue during the post election phase. Where there are grievances these should be dealt with in terms of procedures and the law.

I thank you