



INTERIM MISSION STATEMENT

BY THE

**SADC PARLIAMENTARY FORUM ELECTION OBSERVATION
MISSION TO THE 2015 LESOTHO NATIONAL ASSEMBLY
ELECTIONS**

**DELIVERED BY
HONOURABLE ELIFAS DINGARA,
MISSION LEADER AND MEMBER OF PARLIAMENT OF THE
NATIONAL ASSEMBLY OF THE REPUBLIC OF NAMIBIA**

ON 2 MARCH 2015

AT LESOTHO SUN HOTEL IN MASERU, LESOTHO

SALUTATIONS

- The Independent Electoral Commission of Lesotho (IEC);
- 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

It is my honour and privilege to welcome you all to this Press Conference to present the SADC Parliamentary Forum Election Observation Mission's Interim Statement on the 2015 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 20-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 17 February 2015 and it comprises Members of Parliament, staff from SADC National Parliaments and officials from SADC PF Secretariat.

This Mission is the fourth SADC PF Election Observation Mission to be deployed in Lesotho, with similar Missions having been deployed during the 2002, 2007 and the 2012 elections. The Mission is also the 37th Election Mission to be deployed to a SADC Member State since 1999 when the Forum 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 subsequent 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 will be formally presented to the IEC and shall be considered by all stakeholders during the Electoral Review Workshop that SADC PF will jointly organise with the IEC.

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

2. TERMS OF REFERENCE

The Mission's Terms of Reference were based on the following points of inquiry as 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 Body;
- 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) Political Party Funding and Campaign Funding;
- xiii) Voter Registration and the State of the Voters Roll;
- xiv) Voting Operations and Polling Arrangements;
- xv) Electronic Voting;
- 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.

The Mission also made reference to the *SADC Principles and Guidelines Governing Democratic Elections*, the *African Charter for Democracy, Elections and Governance* among other international election instruments.

3. DEPLOYMENT PLAN

The Mission deployed its teams in five of Lesotho's 10 Districts namely; Maseru, Berea, Leribe, Butha Buthe, and Mokhotlong.

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 also held with other Election Observation Missions including the SADC, the African Union, Electoral Commissions Forum of SADC, the Commonwealth, EISA, SADC Council of NGOs and the European Union. 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 2015 National Assembly Elections were snap elections called for in the context of the ongoing SADC mediation aimed at finding permanent peace and security in the Kingdom of Lesotho following disagreements by the political parties in the coalition government. The Mission therefore, commends the intervention by SADC and urges all stakeholders to commit to this process for the good of the country.

The Mission further noted that the snap elections were called for in line with the electoral law when on the 8th December 2014, His Majesty the King of Lesotho, acting in accordance with the advice of the Council of State, proclaimed the 28th of February 2015 as the day on which the National Assembly elections would be held pursuant to section 37 of the National Assembly Electoral Act, 2011.

On the overall political environment, the Mission was heartened 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.

Stakeholders that interacted with the Mission predicted that none of the political parties would emerge as outright winner and therefore, foresaw another coalition government being formed. The Mission is therefore, urging for comprehensive institutional, political and legal reforms to be undertaken in the post-election period to address various governance inadequacies. These include the need to strengthen the framework for the proper functioning of coalition governments in view of practices such as floor-crossing which tend to undermine the stability of government.

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 under the Constitution 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. However, the Mission noted the exclusion of other important electoral stakeholders such as the police and the media from those bound by the Code of Conduct and therefore recommends for their inclusion so as to ensure harmony, objectivity and the protection of the credibility of elections.

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 PF's *Benchmarks for Assessing Democratic Elections in Southern Africa* and 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 2015 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 that the IEC enjoys among stakeholders.

The IEC constantly communicated with stakeholders, updating them on various developments in the electoral process including the establishment of a 24-hour call centre for the public.

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

Stakeholders expressed deep concern with what they perceived to be an encroachment into politics by the military including the issuing of a statement to the effect that army officers would be deployed during elections to provide security. The Mission welcomes the timely intervention by SADC that resulted in the military playing its traditional role of providing national security without interference in the political and electoral processes.

In terms of the security of the electoral environment and processes, the Mission observed that the police were adequately prepared to perform their duties during the elections and

were present in all the polling centres visited by the Mission's Teams. The Mission further commends SADC Member States for deploying about 400 additional Police officers to beef up security during and after the elections. The presence of the police also contributed to the general peaceful environment that existed in the country during the elections.

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 and as at 18 February 2015 the voter registration database had a total of 1,209,170. While there were minimal challenges related to the voters roll, the Mission took note of the efforts to clean up the roll by removing duplicates and deceased people, as well as the facilitation of transfer of voters names from one location to another.

The Mission also noted omissions of some candidates on the ballot papers. In this regard, the Mission urges the IEC to take greater care during the printing of ballot papers to avoid unnecessary inconvenience on the part of the candidates.

The Mission commends the Government of Lesotho for the introduction of the national identity cards, a matter previously recommended by the SADC PF Election Missions. This has potential to aid the process of producing an accurate and comprehensive voters roll.

6.6 Civic and Voter Education

The Mission noted that the IEC is legally mandated to oversee civic and voter education in Lesotho and had deployed 365 voter educators throughout the country in November 2014. Five Non Governmental Organisations (NGOs) were also hired by the IEC to assist with the process of civic and voter education. While noting the challenges of limited funding for voter education, the Mission commends the close collaboration between IEC and NGOs which enhances access to civic and voter education by the electorate. Overall, the Mission was pleased to note the high level of familiarity with voting procedures among the voters which resulted in few spoiled ballots at the polling stations observed.

6.7 Political Party Funding and Campaign Funding

The Mission commends the provision of public funding for political parties as well as campaign funding through an agreed threshold for purposes of meeting campaign costs and payment of party agents. 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, however, noted complaints from political parties and other stakeholders against biased coverage of some political parties, candidates and campaigns by some media houses which perpetuated polarisation.

The Mission underscores the fact that the media has an important role to play in building peace and unity in a country through responsible reporting. The Mission therefore, calls upon all stakeholders to engage in the development of a comprehensive legal framework that guarantee media freedom and promote responsible journalism for the development of the country.

6.9 Gender Mainstreaming and Participation of Women in the 2015 Lesotho National Assembly Elections

The Mission noted that out of the 1,117 candidates contesting the elections, 780 were men while 337 were women. Most of the political parties which interacted with the Mission did not have appropriate 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 pleased that the majority of electoral officials and party agents were female.

The Mission therefore, calls on political parties to do more to correct the current skewed gender representation situation. There is also need for legal reforms to be undertaken to ensure gender parity in Parliament. This is imperative in view of the country's obligations towards the attainment of gender parity in political and decision making positions in line with the SADC Protocol on Gender and Development.

SADC PF stands ready to assist stakeholders in Lesotho in finding solutions on the problem of gender disparity based on good practices from other SADC Member States.

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 and the Panel responsible for dealing with complaints relating to abuse of State resources during campaigns, respectively. 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 is satisfied with the dispute resolution mechanisms in place, in particular the Tribunal and the requirement for the High Court to render a decision on the election petition within 30 days.

6.11 Voting, Counting and Declaration of Results

The Mission was satisfied with the adequacy of polling stations and most polling stations 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 pasting 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 2015 LESOTHO NATIONAL ASSEMBLY ELECTIONS

The Mission observed the following as good practices from the 2015 Lesotho National Assembly Elections:

- 7.1** Existence of a legally binding Electoral Code of Conduct to guide the role and behaviour of various stakeholders in the electoral process;
- 7.2** Constant engagement of stakeholders 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;
- 7.3** Introduction of polling streams at polling stations catering for about 600 voters per stream which speed up the voting process;
- 7.4** Use of transparent ballot boxes;
- 7.5** Use of polling station-based Voters' Roll and indelible ink which eliminates the possibility of multiple voting;
- 7.6** The adequate number of polling stations provided by the IEC which increased from 2748 in 2012 to 2794 in 2015;
- 7.7** The establishment of Dispute Resolution Mechanisms to handle election-related disputes including the Tribunal;
- 7.8** Professionalism and commitment to duty demonstrated by the electoral staff who worked under pressure for long hours throughout the electoral process;
- 7.9** High degree of tolerance among political parties and candidates throughout the electoral process;
- 7.10** The leveling 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;
- 7.11** The provision of continuous voter registration in the law;

- 7.12** The prohibition of political party campaigns 24 hours before polling day which greatly assists in calming the political atmosphere;
- 7.13** The high level of preparedness and openness to engage stakeholders by the IEC throughout the electoral process;
- 7.14** 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; and
- 7.15** The engagement of the military and police to uplift voting materials to and from hard to reach polling stations.

8. AREAS FOR IMPROVEMENT

- 8.1** 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;
- 8.2** The need to strengthen the legal framework governing media coverage of elections in order to enhance fair, balanced and responsible reporting by the media;
- 8.3** The need to develop strong legal and administrative mechanisms to encourage and support the participation of women in politics and ensure gender parity in political and decision making positions in line with the SADC Protocol on Gender and Development;
- 8.4** The need to expand the Code of Conduct to include the conduct of other critical electoral stakeholders such as the police and the media so as to harmonise stakeholder collaboration in the management of elections.

9. MISSION'S OVERALL ASSESSMENT OF THE 2015 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 observed shortcomings mentioned 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 reflection of the will of the majority of the people who voted.

Accordingly, the Mission declares the National Assembly Elections as having been free, fair, transparent, credible and democratic.

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

I thank you