



PRELIMINARY STATEMENT OF THE ELECTORAL COMMISSIONS FORUM OBSERVER MISSION OF SADC COUNTRIES (ECF-SADC) ON THE NATIONAL ASSEMBLY ELECTIONS HELD ON THE 28TH FEBRUARY 2015, IN THE KINGDOM OF LESOTHO.

1. INTRODUCTION AND BACKGROUND

The Electoral Commissions Forum of SADC countries (ECF-SADC) responded to an invitation by the Independent Electoral Commission of Lesotho by sending an Observer Mission to the National Assembly election held on the 28th February 2015.

The ECF Observer Mission was led by Mr. Ulrich Freyer, Commissioner of the Electoral Commission of Namibia (ECN). The Mission consisted of twenty-three (23) observers from Electoral Commissions of Botswana, Malawi, Namibia, South Africa, Zambia and Zimbabwe. The mission observation commenced on the 21st February and ended on 2nd March 2015. The 2015 Lesotho election was a snap election following the collapse of the three party coalition government made up of All Basotho Convention (ABC), Lesotho Congress for Democracy (LDC) and Basotho National Party (BNP).

The tension that erupted in the Coalition Government led to the intervention by the Southern African Development Community (SADC). The SADC in consultation with the coalition government resolved that the solution to the Lesotho political impasse was holding elections so as to seek a fresh mandate from the people of Lesotho. The next General Election was supposed to be held in 2017.

2. MANDATE OF ECF-SADC

The ECF-SADC comprises of fifteen (15) Electoral Management Bodies (EMBs) of the fourteen (14) SADC Member States and it was launched in July 1998. ECF-SADC's mandate as enshrined in its Constitution include amongst others:

- Strengthening cooperation amongst Electoral Commissions in the SADC region;
- Promoting conditions conducive for credible and transparent elections in the SADC region.

The ECF-SADC views election observation as an important component of promoting democratic elections and consolidating democracy in the SADC region and hence its involvement. ECF-SADC perceives election observation as a platform for the promotion of mutual learning and support amongst Election Management Bodies through identifying areas needing improvement as well as strengths that could enhance management of electoral processes in the region. In essence, ECF-SADC strives to promote adoption of common principles and standards in the administration and management of electoral processes amongst Electoral Management Bodies in the SADC region.

3. GUIDING PRINCIPLES

ECF-SADC's election observation is mainly guided by two instruments namely; the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO) and the Principles and Guidelines Governing Democratic Elections in the SADC Region. In the case of Lesotho, other legal instruments such as the Lesotho Constitution and the National Assembly Electoral Act were critical reference points for guiding observation of the elections. Furthermore, the ECF-SADC Observation

Mission was guided by the principles of impartiality, neutrality, transparency and objectivity.

4. OBSERVATION METHODOLOGY

The ECF-SADC Observer Mission used data collection methods which included amongst others:

- ✓ documentary review
- ✓ workshop
- ✓ campaign rallies and
- ✓ courtesy visit to the Electoral Commission
- ✓ Consultative meetings with other observer missions.

In addition, the mission held a seminar with various key stakeholders on 24 February 2015, Heads of Missions briefing by the IEC on 25 February 2015 and the meeting of the Heads of Elections Observation Missions chaired by SADC Chairperson on 27 February 2015.

Due to the size of the mission, six observer teams were deployed on the 25th February to the 1st March 2015 in six Districts namely; Maseru1, Maseru 2, Berea, Leribe, Mhales Hoek and Thaba-Tseka. Upon arrival in the districts, the teams held consultative meetings with local electoral stakeholders and IEC-Lesotho personnel to appreciate the level of preparedness for the elections.

5. PRE POLL OBSERVATIONS

5.1. VOTER REGISTRATION AND ELECTORS' ROLL

Voter registration in Lesotho is continuous and information from the IEC Lesotho revealed that out of a population estimated at two million and seventy two thousand, nine hundred and seventy three (2, 072, 973), One million two hundred and nine thousand two hundred (1 209 200) Basotho had registered for the elections. It was also confirmed that the electors' roll

was cleared of the deceased (43 819) and multiple registrants (8 954) which was commendable.

5.2. VOTER EDUCATION

The ECF-SADC appreciated the extensive voter education that was done by the IEC using a number of strategies which included amongst others facilitation by;

- the youth
- non-governmental organisations (NGOs)
- political parties to educate the public on electoral processes and use of the
- media

The extensive voter education campaign was confirmed by most stakeholders during the seminar.

5.3. ELECTORAL CAMPAIGN

Final political rallies within Maseru held on the 22nd February 2015 were seen to be peaceful which displayed some degree of political tolerance. No incidents of violence, intimidation and/or harassments were confirmed to the Mission. However, the mission has observed that sporadic campaigns continued in some districts.

5.4. MEDIA

The Mission appreciated efforts by the Media Institute of Southern Africa in Lesotho (MISA-Lesotho) of changing the media landscape in terms of professionalism and ethical conduct through training programmes. This is despite the non-existence of media law in Lesotho. It was evident that the IEC-Lesotho made efforts to facilitate equal coverage by state owned media houses which included simultaneous broadcasting of the four (4) political rallies held on the 22nd February 2015 amongst others, despite the Mission

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having received reports of polarised private media. In addition, an hour of reporting on election issues was provided for all media houses.

5.5. PRINTING OF BALLOT PAPERS

The printing of ballot papers was done in South Africa. The Electoral Commission funded political parties' representatives to observe the printing process. This was done to ensure transparency of the process and correctness of the ballot papers.

The first batch of ballot papers was delivered before 21 February 2015 on time for advance voting. Other ballots to be used on 28 February 2015 were delivered on Saturday, 21 February 2015.

5.6. PACKAGING AND DISTRIBUTION OF ELECTORAL MATERIAL

The Mission visited the warehouse in Maseru where election material packaging and distribution to remote districts was done on February 23, 2015. Distribution to centres in/and around Maseru was completed by 27 February 2015. It was observed that political parties' agents and the police were in the safekeeping of material at the respective centres.

Further distribution of sensitive material to polling stations in various districts was done on the eve of voting day.

5.7. ADVANCE POLL

Section 73(1) of the National Assembly Electoral Act 2011(the Act) provides for advance voting by electors if they are not able to vote on Election Day at the station allocated to them. According to the election timetable (National Assembly Election Timetable Notice, 2014) 21 February 2015 was declared as the day for advance voting.

Generally, all polling stations used for advance voting were opened on time and the polling was peaceful. Voting was suspended at two polling stations due to complaints about security features on the ballot papers and the legibility of the candidate's details (candidate number 9). However, the Electoral Commission resolved these issues and all parties were satisfied with solutions provided.

Section 78 of the Act provides that the Voting Station Manager should keep the ballot papers for advance voting under guard until counting of ballots from the general election commenced.

5.8. SECURITY

The general security situation was calm. The SADC Agreement provided for the deployment of Lesotho and SADC police to assist in the securing of election material, polling stations, electoral staff and the general public.

The Agreement also provided that the army would play no role in the security arrangement for the elections. However, the army was requested to assist by airlifting election materials to remote areas that the Electoral Commission was unable to reach.

The Agreement did not deny army personnel of their right to visit voting stations where they were registered in order to cast their votes.

6.0. ELECTION PHASE

6.1. POLLING

The Mission deployed observers to the following areas: Maseru1, Maseru 2, Berea, Leribe, Mohales Hoek and Thaba-Tseka. The polling process was generally effective. The following observations were made:

- ✓ Most polling stations opened on time as stipulated in the National Assembly Electoral Act 2011
- ✓ Opening procedures were adhered to at most polling stations
- ✓ Election materials were adequate in most polling stations visited
- ✓ Oath of office and transfer of party agents forms were not available at some polling stations
- ✓ The layout in most polling stations allowed for smooth flow of voters, except where tents were used
- ✓ International and domestic observers as well as monitors were visible at most polling stations visited
- ✓ Party agents were present in all polling stations visited
- ✓ Most voting queues were long in the morning but were managed properly
- ✓ Signage to some polling stations was not adequate
- ✓ Voters with special needs were given priority to vote
- ✓ Voting took place without any intimidation
- ✓ Generally, the secrecy of the ballot was safe-guarded
- ✓ There was noticeable presence of police officers (armed and not armed varying from one station to the other) but they did not interfere with the voting process.
- ✓ Polling Station Managers were conversant with their roles. However, there were some inconsistencies in the management of stations
- ✓ Voters with registration cards but did not appear in the electors' roll were not allowed to vote
- ✓ No adjustable voting booths for voters with disabilities
- ✓ Late opening and early closing at polling stations at correctional facilities was observed

6.2. COUNTING AND ANNOUNCEMENT OF RESULTS

- ✓ Closing procedures were adhered to
- ✓ Some polling stations experienced inadequate lighting to facilitate counting process
- ✓ Reconciliation of votes was slow but properly done
- ✓ Results were effectively announced at polling station level

7.0. LESSONS LEARNT

The ECF-SADC Mission has found the following as good practises:

- ✓ Gender balance within electoral staff, with a high number of youth representation is laudable
- ✓ Adequate training (through commendable management of voting stations) was provided to electoral staff
- ✓ Good working relationship between the electoral staff and party agents
- ✓ Rigorous voter education enhanced voters' understanding of the voting process
- ✓ A balanced representation of parties, through agents, at all voting stations visited
- ✓ Extensive and continuous interaction between the IEC and all stakeholders was commendable
- ✓ Separate packaging of material (sensitive vs non-sensitive)

8.0. AREAS FOR IMPROVEMENT/CHALLENGES

Electoral procedures were effectively adhered to. However, there were a few areas which required some improvements. These included but were not limited to:

- ✓ politicisation of private media, resulting in biased election coverage
- ✓ Electoral material not delivered to voting stations as planned by the Electoral Commission

- ✓ Signage of voting stations could be improved (directional signs)
- ✓ Enhanced training on security features on the ballot papers, role of ushers and layout of stations

9.0. OVERALL ASSESSMENT

The overall assessment of the National Assembly Elections was that:

- ✓ The Electoral Commission was ready for the elections
- ✓ The environment was fairly secure for political parties to campaign
- ✓ Acceptable level of tolerance amongst political parties and their supporters
- ✓ Some parties were not clear on the role or involvement of the police and the army in the electoral process
- ✓ The need for legal reforms to address challenges experienced during the elections
- ✓ IEC stood to the task

10. RECOMMENDATIONS

Considering all the above, the ECF-SADC Mission makes the following recommendations:

- ✓ Need for the provision of adequate forms for all electoral processes
- ✓ Provide spacious tents
- ✓ Need to improve on signage
- ✓ Provide adequate training in all languages
- ✓ Issue ballot paper without a second counter-foil
- ✓ Provide adjustable voting booths for voters with disabilities
- ✓ A need to revisit legislation relating to floor crossing to circumvent the non-functionality of coalition governments (where applicable)
- ✓ The Communications Authority to properly define the role of media during elections

- ✓ Public sector reforms to ensure allegiance of civil servants to the state and not parties

11. CONCLUSION

ECF-SADC concludes that:

11.1 The Independent Electoral Commission of Lesotho prepared and managed to deliver a credible election given the limited period after the collapse of the coalition government

11.2 Electoral procedures and principles to manage elections were in substantive conformity to Principles on Elections Management Monitoring and Observation (PEMMO)

11.3 The National Assembly elections of Lesotho held on 28 February 2015 were conducted in a peaceful environment.

11.4 The ECF-SADC Mission therefore affirms that the political and electoral environment was conducive for the elections and the people of the Kingdom of Lesotho were indeed afforded the opportunity to exercise their democratic right to vote.

11.5 Pursuant to the above, the ECF-SADC commends the IEC, Basotho, political parties and all stakeholders for their conduct in ensuring that peaceful, transparent and credible elections were held.

11.6 The ECF-SADC is satisfied that the 2015 National Assembly Elections were free and fair.

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COMMISSIONER ULRICH FREYER
MISSION LEADER: ECF-SADC

SIGNED THIS 2ND MARCH OF 2015, IN MASERU, LESOTHO

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