

CHAPTER I: INTRODUCTION

BACKGROUND TO THE SADC PARLIAMENTARY FORUM

The Southern African Development Community Parliamentary Forum was established in 1996 in accordance with Article 9 (2) of the SADC Treaty as an autonomous institution of SADC. It is a regional inter-parliamentary body composed of twelve parliaments representing over 1,800 parliamentarians in the SADC region. These member parliaments are Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

The objectives of the Forum include the promotion of multi-party democracy, good governance and political stability in the region as well as respect of the rule of law, human rights and fundamental freedoms.

In line with the above objectives, the Forum has taken a keen interest in election observation in its member states. In this regard, the Forum has observed elections in Namibia and Mozambique in 1999, in Zimbabwe, Mauritius and Tanzania in 2000, in Zambia in 2001 and in Zimbabwe in 2002 (presidential election). Based on its two first years of observation and related-activities, the Forum developed and adopted Electoral Norms and Standards for the SADC region in March 2001, which serve as benchmarks against which it assesses the management and the conduct of electoral processes in the region. The Electoral Norms and Standards also provide a gender checklist for free and fair elections, which is aimed at mainstreaming gender at different stages of an election. Subsequent general elections in the region, namely, in Zambia (2001) and Zimbabwe (2002) were assessed on the basis of those Electoral Norms and Standards, as was the 2002 Lesotho National Assembly elections.

Consistent with the adopted Electoral Norms and Standards, the Forum also decided to extend its missions to the other phases of an electoral process, namely, the pre-election and post-election phases, beyond the focus on observing the polling and counting activities. Accordingly, the Forum sent missions to observe voter registration to Zambia and Lesotho, respectively, in July and August 2001. The first section of **Chapter IV** of this report details the Forum's observations, conclusions and recommendations with respect to its voter registration observation mission to Lesotho.

TERMS OF REFERENCE

The SADC Parliamentary Forum election observation mission to Lesotho was guided by the terms of reference on the basis of which earlier missions were conducted. The entire terms of reference may be found in **Appendix 1**. The following extract provides the substance of the observers' mandate:

- To assess the extent to which the elections were conducted in conforming to the provisions of the constitutional and legal framework of the Kingdom of Lesotho, the relevant international conventions that the Government of Lesotho has ratified as well as the Norms and Standards for Elections in the SADC region.
- To determine whether political and civic leaders were conversant with the new electoral system and whether they have been able to educate or inform their supporters and the general electorate on aspects of the electoral system and process.
- To assess the access which the electorate had to informed balanced media and the level of civic education available for purposes of informed choice.
- To examine whether the contending political parties were free to campaign and promote their manifestos throughout the country or whether the atmosphere was one of intimidation and violence.

- To determine how inclusive was the voters' roll, whether some citizens were unduly disenfranchised and how easy was the access to the voters' roll by the stakeholders.
- To evaluate the degree to which the secrecy of the ballot was guaranteed.
- To enquire how transparent was the electoral system in respect of the independence and impartiality of electoral institutions, assess the system of ascertaining that only eligible persons vote, and determine whether the security of the ballot boxes and papers, and the process of counting, tabulating and declaring the results were verifiable and known to the stakeholders.
- To report immediately to the Mission's headquarters on election-related conflicts while carrying out its election observation activities.
- To examine relevant aspects of the organisation and conduct of the 2002 national assembly elections, such as the constitutional and legal framework, voter registration, voter education, nomination of candidates, the campaign, the role of the security forces, the media, civil society organisations, political parties and other electoral stakeholders.
- To observe the polling arrangements, the casting of votes, the closure of voting, the counting of ballots and the tabulation and declaration of results

ACTIVITIES OF THE SADC PARLIAMENTARY FORUM IN LESOTHO

The SADC Parliamentary Forum started to monitor electoral developments in Lesotho as from year 2000. The Forum conducted several activities on Lesotho with a view to supporting efforts aimed at consolidating democracy in the Kingdom, and to enhance its own understanding of the political developments in this country ahead of the 25 May 2002 general elections. Most of those activities were centred on the political and electoral processes in the Mountain Kingdom. They took place both inside and outside the country.

The first activity was the conduct of the initial workshop on the development of Electoral Norms and Standards for the SADC region in September 2000 in Maseru. The electoral political situation in Lesotho profiled highly in the debate, thus contributing considerably to the parliamentarians' understanding of the political and socio-economic dynamics in the Kingdom. The Electoral Norms and Standards were adopted six months later as indicated in the previous section of this chapter.

Second, the Parliamentary Forum conducted an orientation programme for Members of Parliament and training sessions for parliamentary staff in May-June 2001 in Lusaka to prepare the Forum's delegates ahead of its voter registration and observation missions to Zambia and Lesotho.

Finally, a delegation was sent to Lesotho to observe voter registration from 26 to 30 August 2001 (**Appendix 2**).

METHOD OF WORK

By his letter FR/CL/MIN/17 of 02 April 2002, Hon. Matooane Mokhosi, the then Acting Minister of Foreign Affairs, invited the SADC Parliamentary Forum to Lesotho to observe the 25 May 2002 election. The Forum responded favourably to the invitation and sent an advance team from the Forum Secretariat as soon as 05 May 2002. Staff from member parliaments soon joined the advance team. On 14 May, a training workshop was conducted for parliamentary staff in the form of a refresher course. The workshop trainers overviewed the role of staff in supporting their respective teams in the deployment sites, financial management and report writing on the teams' daily observations. The trainees were also introduced to the techniques for observing elections from a gender perspective.

Members of Parliament arrived in Maseru on 14 and 15 May. A press release announcing the arrival of the Mission and its objectives and method of work was issued on 14 May (**Appendix 3**).

Drawn from both the ruling and opposition parties, SADC Parliamentary Forum observers were MPs from ten SADC countries, namely, Angola, Botswana, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe (**Appendix 4**). The combination of MPs from both ruling and opposition parties, and the inclusion of both male and female legislators are among the main factors that continue to ensure a fair balance in the Parliamentary Forum's assessment of electoral processes in the region. The Forum thus hopes to foster a culture based on dialogue, political tolerance, consensus, gender sensitivity and shared democratic values among its members, across political lines.

ORIENTATION PROGRAMME

The Forum conducted an interactive orientation programme for SADC parliamentarians from 16 to 18 May. The purpose of the programme was to discuss the framework of election observation and determine how best the parliamentarians could conduct their mission and form an independent judgement about the electoral process.

OPENING AND WELCOME REMARKS AND GENERAL DISCUSSIONS

The orientation workshop started with opening remarks by Hon. Amusaa K. Mwanamwambwa, MP, Speaker of the National Assembly of Zambia and Leader of the SADC Parliamentary Forum election observation mission to Lesotho. In his address, the Mission Leader underlined the need for the delegates to observe the elections with an open mind and to strive to reach consensus in everything. He insisted on teamwork and unity of purpose, and stated emphatically the importance for all observers to agree on the Mission's conclusions about the election and to defend these conclusions in their respective parliaments and in the plenary assembly.

Dr. Kasuka Mutukwa, the Secretary General of the Forum, gave welcome remarks. He outlined the Forum's election observation experience. He drew the attention of participants on the comprehensive written materials that the Secretariat had made available to them. These materials included the programme, the briefing book, the relevant legislation, the Norms and Standards for Election in the SADC Region, the Election Observation Guide for Members of Parliament and the Constitution of the Forum.

The Secretary General explained that the April 2002 Plenary Assembly in Luanda had decided that Hon. Speaker Amusaa K Mwanamwambwa MP would be the election observation mission Leader to Lesotho, assisted by two deputy leaders, namely, Hon. A.S. Makinda of the United Republic of Tanzania and Hon. Alfredo Furtado Júnior of the Angolan Parliament.

Following the two addresses, Members of Parliament were given the opportunity to introduce themselves and share with all participants their election observation experiences and their expectations about the Lesotho mission. All observers were enthusiastic about the Mission and hoped for a peaceful, credible, legitimate, free and fair election.

METHODOLOGY OF ASSESSING ELECTIONS

A matrix summarising SADC Parliamentary Forum's Norms and Standards for Elections in the SADC Region presented in a quantifiable form was circulated and discussed. It was aimed at enabling the delegates to assess the freeness and fairness of the elections consistently and in a manner that allows the aggregation of individual evaluations into a collective one.

The delegates also discussed and acknowledged the need for every observer to disclose any conflict of interests that they may have in respect with the outcome of the Lesotho parliamentary elections since such conflict of interests could not only affect the unity of the delegation but also impinge on the integrity of the entire Mission and that of the Forum itself. No member disclosed any conflict of interests.

The Mission also resolved that decision shall be made by consensus and that all observers shall sign the interim statement. As a compromise, it was agreed that a minority report would be provided for in order to accommodate minority views, should there be any.

BRIEFING MEETINGS

From 16 to 18 May, the Forum's observers had briefing meetings with various resource persons from the region, during which broad electoral themes were discussed from a comparative perspective, based on regional experiences. These themes included the framework for election observation and criteria for assessing elections, the electoral norms and standards, the resolution of election-related conflicts, the observation of an election from a gender perspective and media and elections. The programme of the orientation workshop is detailed in **Appendix 5**. Each presentation was followed by general discussions during which MPs asked questions and shared their own experience.

Subsequently, Basotho election stakeholders briefed the delegation on the electoral process in their country in order to acquaint the observers with the issues and problems pertaining to the political and electoral processes leading to the 2002 National Assembly elections in Lesotho. The schedule of the briefing meetings is also detailed in **Appendix 5**. These election stakeholders included the Independent Electoral Commission, political party leaders, non-governmental organisation representatives, the media, the Interim Political Authority and domestic observers. The substance of these briefing meetings and the ensuing discussions spread throughout this report.

DEPLOYMENT

The delegation was divided into twelve teams, each composed of two parliamentarians and one support staff. A number of criteria were used to compose the teams and determine the areas of deployment. These criteria are gender balance, need for combining MPs from governing and opposition parties, language skills and election observation experience.

Due to take place on Sunday 19 May, deployment was delayed until the following day to allow all teams to observe national rallies organised in Maseru by the Basotholand African Congress (BAC), Basotho National Party (BNP), Lesotho Congress for Democracy (LCD), Lesotho People's Congress (LPC) and Lesotho Labour Party (LLP). The following day, observers were deployed to all the ten districts of Lesotho in order to ensure a broad geographical coverage of the country. Two of the teams were posted in Maseru District, two others were in Leribe District, and each of the eight remaining teams was deployed in one of the eight other districts (see the Deployment Plan in **Appendix 6**).

On 21 May, the Mission Leader, the Secretary General and the Maseru teams paid a courtesy visit to the Honourable Speaker of the Lesotho National Assembly, Ms Nthloi Motsamai. This group also attended a two-hour briefing meeting with the two co-Chairpersons and Secretary of the Interim Political Authority (IPA) at the IPA's offices in Maseru. At the meeting with the IPA, the issues on the role of SADC in Lesotho featured prominently.

During the period between deployment to the districts and the actual poll, all teams consulted widely with relevant local electoral stakeholders, such as the police, the district and constituency administrative and electoral authorities and political party representatives, and attended a few campaign rallies. They visited polling centres and stations and interacted with other international and regional observers.

On 23 May 2002, they observed the advance voting in a number of constituencies throughout the country. On 25 May, the Forum's delegates visited 215 polling stations, observed the voting opening procedures, the poll, the count and the closing procedures. Their observations were recorded in the polling and counting observation checklist prepared by the Forum. They all returned to Maseru on 26 May.

On 27 May, the Forum's observers held an all day debriefing session attended by all the teams to discuss their findings and come up with the Mission's overall judgement of the conduct of the 2002 parliamentary elections in Lesotho, up to that point. They convened a press conference in the day, at which they released an interim report on their assessment of the elections, detailing their main findings, conclusions and recommendations (**Appendix 7**).

The SADC Parliamentary Forum election observation mission concluded that the 2002 Lesotho Parliamentary election was peaceful, free, fair, and transparent and was thus a true reflection of the will of the people of Lesotho. The Mission found that this largely conforms to the SADC Parliamentary Forum Norms and Standards for elections

in the SADC region.

The majority of SADC Parliamentary Forum observers departed from Maseru in the afternoon of 27 May 2002. The rest of the Mission left the Mountain Kingdom on 28 May 2002.

CHAPTER II: POLITICAL OVERVIEW

This overview describes briefly Lesotho's geographical, economic and demographic features and its post-colonial politics, with a focus on electoral politics.

THE GEOGRAPHY, THE ECONOMY, AND THE POPULATION

Formerly known as Basutoland, the Kingdom of Lesotho is a land-locked country of 30,355 square kilometres, completely surrounded by South Africa. The country is very mountainous with an austere climate, especially in the north-east and the eastern border where elevations exceed 3,350 metres above the sea-level. The arable soil represents less than 13% and is found mostly in the western strip. The rest of the land is either mountainous or eroded.

The extremely skewed distribution of arable land in Lesotho explains the excessive population concentration in the western cultivable areas. Indeed, around 70% of the two million inhabitants of Lesotho reside in the fertile western strip where the population density exceeds 200 inhabitants per square kilometre. The national average is 56 inhabitants per square kilometre. This has resulted in the aggravation of soil erosion and strong competition for public facilities and services and for employment.

The scarcity of jobs and land shortages in Lesotho forced many Basotho people to move to South Africa as migrant labourers. It was estimated in 1995 that over 25% of the adult male labour force were employed in South Africa, mainly in the mines. For decades, the economy of Lesotho has depended heavily on the remittances from its population working in the South African mines. While the numbers of those migrant workers employed in South Africa have been on the decrease owing to retrenchments, there has been a renewed migration by skilled workers since the early 1990s, with the political changes in South Africa.

It is worth mentioning that Lesotho is one of the few sub-Saharan countries to have fundamentally an ethnically and linguistically homogeneous population. While political instability in African states has often been blamed on the heterogeneous nature of their populations, Lesotho offers an example of a mostly ethnically and linguistically homogeneous African country but one that has been characterised by periodic violent political instability.

POST-COLONIAL ELECTORAL POLITICS

Basutoland gained its independence on 4 October 1966 and became known as Lesotho. The electoral history of the Kingdom of Lesotho has been characterised by frequent disputes over the results that led to some serious political instability. When in 1965, the progressive Basotho Congress Party (BCP) surprisingly lost the first parliamentary general elections by a small margin to the conservative Basotho National Party (BNP), it was alleged that the elections had been rigged. The losing party challenged the election outcome.

Afterwards, the BCP started to prepare itself systematically for the January 1970 general elections, which it won eventually, though the Government of Leabua Jonathan's ruling BNP withheld the official results and refused to acknowledge its defeat. Instead, it cancelled the electoral results, assumed power, suspended the Constitution and established a single-party system that lasted until 1986, when the military carried out a coup and installed a military dictatorship that ended only in 1993. The period between 1970 and 1993 was a serious setback to the entrenchment of a democratic culture in the Kingdom.

THE 1993 NATIONAL ASSEMBLY ELECTIONS

The gradual democratic transformation of most Southern African countries and particularly that of South Africa's apartheid system from the late 1980's as well as internal and external pressures upon the Lesotho military leadership,

compelled the military to relinquish power to the civilians through the holding of elections. In 1993, Lesotho held its first multi-party election in 23 years. The BCP won all the 65 seats, becoming a de facto single-party. Once more, the electoral results were disputed. The BNP challenged the outcome of the election through the court but its allegations of electoral fraud could not be sustained. It therefore lost the case.

Shortly after acceding to power, the BCP found itself embroiled in an internal power struggle, which weakened the party, affecting adversely its ability to deliver on its electoral promises. In addition, the BCP Government found itself in conflict with the monarchy and the army. This eventually led to its month-long dismissal by the King in August 1994. This event has been dubbed the “Royal Coup”. The ruling BCP recovered its prerogatives only after intensive mediation by South Africa, Zimbabwe and Botswana, known as the SADC Troika.

Subsequently, the conflict within the BCP grew and led to the party splitting into two fiercely opposed factions. The then Prime Minister, the late Ntsu Mokhehle and his splinter group, launched the Lesotho Congress for Democracy (LCD). The majority of the BCP members crossed the floor to join the newly formed LCD. The popularly elected BCP was reduced to a mere official opposition. The BCP challenged this development through the courts to no avail, and failed to convince the King to dissolve the LCD-dominated parliament and appoint a government of national unity before the holding of fresh elections. This tense atmosphere prevailed until the eve of the May 1998 election.

THE 1998 NATIONAL ASSEMBLY ELECTIONS

As the May 1998 election date drew closer, the political bitterness among the contestants became increasingly pronounced. The animosity and the rivalry were real as the opposition parties aimed to either dislodge or destabilize the LCD Government through both parliamentary and extra-parliamentary means. This pressure was relaxed as the election approached with the assumption that the newly formed LCD would be defeated.

Thus, when international election observers arrived in Lesotho a few days before the poll, most failed to notice the tensions given that opposition parties had suspended their demonstrations. As a result, the sudden havoc that followed the announcement of the 1998 election outcome came as a shock to many.

The ruling LCD won the May 1998 election by an overwhelming majority, securing 78 out of 79 contested seats and the BNP secured only one seat. Voting in the remaining constituency was postponed, owing to the death of the candidate. Eventually, the LCD won the by-election in the remaining constituency.

When one looks at these results in terms of the percentage of votes received by the contesting parties and candidates, one discovers that the winning party received just over 60 per cent of votes cast, while the losing parties won the remaining 40 per cent. Thus, for receiving 60 per cent of the parliamentary seats, the LCD was entitled to 98 per cent of the total parliamentary seats while the opposition and independent candidates, in spite of their combined 40 per cent of the votes, got one seat which represented only 2 per cent of the seats in parliament (see Table 1 below for details). The First-Past-The-Post (FPTP) system had denied the losing parties fair representation in Parliament. This clearly illustrated some weaknesses of a constituency-based electoral system that allows a disproportional representation of parties, which led to the adoption of a new system for the 2002 elections.

Table 1: Overall Results of the 1998 General Elections

<i>Political Party</i>	<i>Total votes cast</i>	<i>Total % per Party</i>	<i>Number of Seats</i>
LCD	360,665	60.51	79
BCP	61,995	10.40	0
BNP	145,210	24.36	1
MFP	9,129	1.53	0
NPP	2,853	0.48	0
PFD	3,121	0.52	0
Independent 1	6,197	1.04	0
Independent 2	294	0.05	0
Independent 3	45	0.00	0
NIP	1,644	0.28	0
CDP	1,185	0.20	0
SDU	3,087	0.52	0
KBP	175	0.03	0
LLP	357	0.06	0
LEP	92	0.02	0
TOTAL	596,049	100.00	80
VOTERS	1,017,753		
% POLL	58.57%		

Crying foul, the then main opposition parties violently disputed these results, claiming among other things that the IEC had doctored the voter's roll to give an advantage to the ruling party. Headed by South Africa's Justice Pius Langa, the Langa Commission of Inquiry was set up in consultation with the SADC troika (South Africa, Botswana and Zimbabwe), to investigate the opposition parties' claims of electoral fraud. The belated release of the Langa Report was seen with suspicion in Lesotho and the SADC region. The Langa Commission issued an equivocal report that could be used by either of the parties to support their claim that the May 1998 election outcome was legitimate or not.

It would be simplistic to hold the Lesotho electoral system solely responsible for the destruction that followed the announcement of the May 1998 parliamentary election and the subsequent intervention by the South Africa and Botswana troops. The responsibility of the Lesotho political elite in the successive post-independence political crises that have occurred in the Kingdom is well documented. The elitism of the Lesotho political class has been blamed as one of the major causes of those political crises. The state being the most reliable source of economic power, those who control the state machinery control the economy. Therefore, the electoral race becomes a battle for the control of the spoils of state power.

THE 2002 NATIONAL ASSEMBLY ELECTIONS

Following the restoration of law and order, a multi-party Interim Political Authority (IPA) was established to oversee preparation for the next general elections and ensuring a level playing field, a new Independent Electoral Commission (IEC) was appointed and Basotho politicians reached an agreement on the method of voter registration and a new electoral system. The mixed system provides that parties would submit lists for the 80 constituency-based contest and political party lists for the 40 proportional seats allocation.

The Lesotho 2002 parliamentary elections were also characterised by a split of all the main political parties, but one, a result of endless elite infightings. The ruling Lesotho Congress for Democracy (LCD) was split between two groups. Shakhane Mokhehle, the then Minister of Justice, Human Rights and Prisons and brother of the former Prime Minister and founder of the LCD, the late Dr. Ntsu Mokhehle, led the dissident group against Prime Minister

and party leader Pakalitha Mosisili. The two personalities had been in open conflict over the direction of the LCD. The former publicly disapproved the election of the new national executive committee in January 2001. Eventually, the Prime Minister sacked three cabinet ministers, including Mokhehle, and moved the deputy prime minister and LCD deputy leader, Kelebone Maope, to a relatively junior position in the cabinet. This development led to the split of the party. A total of 27 Members of Parliament crossed the floor in the National Assembly to become the opposition. A total of 46 MPs remained loyal to the LCD. **Table 2** below details the allocation of seats between different political parties in the Lesotho National Assembly on 25 February 2002, the date of Dissolution. In November 2001, they launched officially the Lesotho Peoples' Congress (LPC) under the leadership of Kelebone Maope.

Table 2: Allocation of Seats between different political parties in the Lesotho National Assembly at the date of Dissolution (25 February 2002)

<i>Name of Political Party</i>	<i>Number of Seats</i>
LCD	46
LPC	27
BNP	1
Vacant Seats	5
Member did not declare party allegiance	1
Total	80

Source: Lesotho National Assembly, 25 February 2002

In December, the newly formed opposition LPC fought and won a legal battle in the Lesotho High Court over the use of the head of former Prime Minister and leader of the ruling LCD, Ntsu Mokhehle, as their party's symbol.

Another major party to experience a major split was the Basutoland Congress Party (BCP). The struggle for power between Teliso Makhakhe and Molapo Qhobela culminated in a long court case. The Lesotho High Court eventually ruled in favour of the faction led by Makhakhe. In February 2002, Qhobela formed the Basutoland African Congress (BAC). It must be pointed out that the first party to be named "Basutoland African Congress" was led by the late Ntsu Mokhehle in 1952, before being renamed Basutoland Congress Party (BCP) in 1959.

The Basotho National Party (BNP) was also embroiled in internal struggle between the party leader, retired General and former head of government Justin Lekhanya and the BNP Secretary general Majara Molapo. However, the two leaders managed to maintain the party's unity in order to improve its chance of winning the elections in the face of divided "congress" parties.

Table 3: List of the political parties Contesting the 25 May 2002 Parliamentary Elections

	<i>Name of Political Party</i>	<i>Date of Registration</i>
1	MFP- Marematlou Freedom Party	09/01/1998
2	SDU- Sefate Democratic Union	13/01/1998
3	BNP- Basotho National Party	15/01/1998
4	BCP- Basutoland Congress Party	21/01/1998
5	LCD- Lesotho Congress for Democracy	02/02/1998
6	NPP- National Progressive Party	06/02/1998
7	PPD/Khoeetsa- Popular Front for Democracy / Khoeetsa	19/02/1998
8	KBP- Kopanang Basotho Party	06/03/1998
9	LLP/UDP Alliance-Lesotho Labour Party/United Democratic Party Alliance	01/04/1998
10	CDP- Christian Democratic Party	06/04/1998
11	LEP- Lesotho Educational Party	06/04/1998
12	NIP- National Independent Party	06/04/1998

	<i>Name of Political Party</i>	<i>Date of Registration</i>
13	UP- United Party	08/12/1998
14	NLFP- New Lesotho Freedom Party	02/08/1999
15	SDP- Social Democratic Party	21/10/1999
16	NDP-National Democratic Party	26/04/2000
17	LPC- Lesotho Peoples' Congress	07/11/2001
18	LWP- Lesotho Workers Party	08/11/2001
19	BAC-Basutoland African Congress	12/02/2002

Source: IEC

The Lesotho 2002 parliamentary elections were contested by a total of 19 political parties (**Table 3**). All of the 19 political parties nominated candidates for the constituency elections and 16 political parties stood in the proportional representation contest.

CHAPTER III: ELECTORAL FRAMEWORK

THE CONSTITUTIONAL AND LEGAL FRAMEWORK OF ELECTIONS

The 1993 Constitution of the Kingdom of Lesotho, the National Assembly Elections Act 1992 and the National Assembly Election (No1) (Amendment) Act, 2001 form the basis of the legal framework of elections in Lesotho.

The Constitution provides that Lesotho is a democratic kingdom. The King of Lesotho is a constitutional monarch and Head of State. The Parliament consists of the King, a Senate and a National Assembly. Members of the National Assembly are elected for five years.

Article 4 of the Constitution provides for the guarantee of fundamental human rights and freedoms to every person, regardless of race, colour, sex, language, political or other opinion, national or social origin, property, birth or other status. These fundamental human rights and freedoms include freedom of movement, freedom of conscience, freedom of expression, freedom of peaceful assembly, freedom of association, the right to equality before the law and the equal protection of the law, and the right to participate in government.

Every citizen of Lesotho who has attained the age of 18 years is entitled to be registered as voter and to vote, unless disqualified by relevant constitutional or electoral provisions.

THE INTERIM POLITICAL AUTHORITY

On 16 November 1998, the Interim Political Authority Act established a new political body comprising representatives from the 12 political parties that contested the 23 May 1998 National Assembly elections, while the elected government of LCD remained in place as the government. Each of those parties was entitled to sending two representatives to the Interim Political Authority (IPA). Article 4 of the Act stipulates that **the objectives of the IPA is to facilitate and promote, in conjunction with the legislative and executive structures in Lesotho, the preparation for the holding of general elections to be held within a period of 18 months from the date of commencement of the Act.** The Government of Lesotho financed the IPA.

While the legal timeframe of 18 months was not met owing, among other things, to initial disagreements over the details of the new Mixed Member Proportional (MMP) electoral system and the type of voter registration, virtually all the political actors admitted that the IPA had exceedingly met its objectives of overseeing preparation for the next general elections and ensuring a level playing field.

The IPA took a number of decisions that contributed to ensuring an environment conducive to the holding of successful, free and fair elections. These decisions include the submission of constitutional and legal amendments to Parliament for the establishment of the Mixed Member Proportional electoral system, the granting of greater independence to the Independent Electoral Commission and the introduction of special provisions for the conduct of general elections.

Several weeks before the holding of the May 2002 elections, a court case denied IPA members the right to keep their seats at the IPA if they chose to stand for elections. The rationale of the court ruling was that IPA members could not stand for office while being paid from the state purse. While three members of the Authority had vacated their posts before the court ruling, the two new co-chairpersons of the IPA decided to stand for elections but refused to resign from the interim body. They argued that unlike Members of Parliament who have to vacate their seats prior to elections because candidates compete for those seats, IPA posts were not open to electoral competition. They also argued that the IPA was established to pave the way for holding free and fair elections and to ensure that the electoral process continues to run smoothly during and after elections, and claimed that the implementation of the court ruling would weaken the Authority at a critical phase of the electoral process.

No petitions were lodged against those members of the IPA who stood for elections but refused to step down from the interim body.

THE ELECTORAL SYSTEM

After the May 1998 parliamentary elections and the ensuing violence and military intervention by SADC forces, political leaders in Lesotho realised that the exclusionary character inherent to the single member constituency electoral system was a major contributing cause of Lesotho's history of post-election political instability.

The IPA initiated discussions aimed at reforming the electoral framework, as provided in its mandate. Whereas the choice of a Mixed Member Proportional electoral system that combines elements of "the-winner-takes-all" system and proportional representation was quickly agreed upon, there were disagreements between the IPA and the Government regarding the respective proportions of constituency and party seats. After months of discussions and consultations, it was finally agreed that the 80 constituencies would be maintained and each constituency would vote in a Member of Parliament to represent it to the National Assembly. Moreover, there would be a party vote for 40 additional seats, based on the party lists established by each political party. In other words, the MMP gives each elector two votes: a constituency vote and a party vote. The constituency vote determines who would represent the constituency in the National Assembly while the party vote determines the number of seats each party will receive nationally.

The main advantage of the MMP is the combination of the essential advantages of the single member constituency system and proportional representation electoral system. The single member constituency electoral system ensures accountability of the elected representatives to the voters from the same constituency while the proportional representation system ensures the inclusion of various opinions and groups of the nation in the Lower Chamber. Recent elections in SADC countries have shown that women and other under-represented groups, such as ethnic minorities, are better represented in list PR system. Mozambique, South Africa and Namibia, all use this electoral system and have the highest rates of women representation in parliament in the SADC region. In these three countries, female MPs represented in 2000, respectively 30%, 29.8% and 25.0% of the total number of lawmakers.

It is worth pointing out that this achievement is only possible where the political party leaderships are committed to improving this representation or if the law enforces it. In South Africa, only the ruling African National Congress (ANC) applies a gender quota system to ensure the increase of women's political representation. Taking into consideration the importance of the ranking in closed-list PR system, the ANC's regulations provide that at least every third candidate on the list shall be a woman. The ruling FRELIMO party in Mozambique also uses a quota system in its lists to ensure a better representation of under-represented groups, namely, women, the youth and the ex-freedom fighters. If used properly, Lesotho's MMP electoral system could ameliorate the percentage of women representation in parliament substantially.

An additional advantage of the MMP is the possibility for parties without concentrated regional support and whose support is spread throughout the country to be represented in the National Assembly.

In practical terms, the Lesotho system of MMP is designed in such way that the 40 seats are used to compensate the best losers who have won fewer seats in the constituency vote. Conversely, the more seats a party wins in the constituency vote, the less it qualifies for the proportional representation seats. Thus, a party which has won more seats in the constituency elections or the same number of seats that it is entitled to in the party vote shall not be allocated any more seats.

THE INDEPENDENT ELECTORAL COMMISSION

One of the demands of the political parties who lost the 1998 elections was the appointment of a new Independent Electoral Commission (IEC). The then Chairperson of the IEC, Mr. Sekara Sam Mafisa, and the two other commissioners were forced to step down before the expiration of their six-year term. The three commissioners conditioned their removal from office to the payment in their favour of severance packages covering their salaries for the remaining five years of their office term. The Government of Lesotho paid them the required severance packages.

The IEC derives its existence and authority from the Constitution. Additional legal provisions contained in the National Assembly Elections Act 1992, the National Assembly Election (No1) (Amendment) Act, 2001 and subsequent amendments give further details of the mandate of the Commission.

The King appoints the IEC for a term of three years renewable once, acting in accordance with the advice of the Council of State. The Council of State consists of *inter alia* the King, the Prime Minister, the Speaker of the National Assembly, two judges or former appointed by the King, the Attorney-General, the Commander of the Defence Force, the Commissioner of Police, a Principal Chief nominated by the College of Chiefs, two members of the National Assembly appointed by the Speaker from among the members of the opposition parties having the greatest numerical strength, not more than three persons appointed by the King on the advice of the Prime Minister by virtue of their special expertise, skill or experience, and a member of the legal profession in private practice nominated by the Law Society. The Council of State assists the King in the discharge of his functions and exercises such other functions as are conferred by the Constitution.

The procedure for appointing the commissioners starts with the request of the Council of State to all registered political parties to jointly propose to the Council a list of not less than five names from which the Council will select three. To be appointed as a commissioner, a person must be of a high moral character and proven integrity and should either qualify to hold a high judicial office or should possess considerable experience and demonstrated competence in the administration of public affairs.

The IEC is responsible, among other things, for the following:

- Conduct of the election of Members of Parliament and local authorities and declaration and publication of the election results
- Delimitation of constituency boundaries
- Supervision of voter registration
- Voter education
- Registration of political parties

Regarding the independence of the IEC, article 66C of the Constitution states that “the Electoral Commission shall not, in the performance of its functions, be subject to the direction or control of any person or authority”. Further relevant constitutional and legal provisions reinforce the independence and the powers of the Commission. These include the provision that states that the Electoral Commission’s funds shall be provided by Parliament and charged on the Consolidated Fund as well as the amendment giving additional powers to the IEC in respect of prescribing procedures for the resolution of complaints.

All the representatives of political parties and other electoral stakeholders that the Mission met praised the IEC for the consultative framework that it had put in place for regular meetings with political party representatives. This framework ensured the transparency of the electoral process, its integrity and acceptability.

Appointed in April 2000, the IEC is made up of a Chairperson and two other commissioners. Mr. A. Leshele Thoahlane is the current Chairperson of the Commission. The other two commissioners are Mr. Mokhele Likate and Mr. Mafole Sematlane. The Director of Commission is appointed by the IEC in consultation with the Public Service Commission and the Minister of Finance. Mr. Khothatso Ralitsie is the current Director of Elections. Like its predecessor, the current IEC consists of three commissioners, all male. It is crucial that women are represented meaningfully at all levels of operations in the electoral management body, including amongst the commissioners.

A subsequent amendment of the National Assembly Election Act of 1992 gives to the IEC the power “to appoint a tribunal comprising 3 members on the basis of the independence and expertise, at least 15 years of experience, to hear and determine complaints concerning the contravention of the Electoral Code”. The IEC informed us that the electoral tribunal does not have a fixed physical location from where to operate. Instead, it is to be mobile, and to convene only when and where needed. Appointed in April 2002, no case was brought to the tribunal until four days before the 25 May 2002 National Assembly elections.

CHAPTER IV: PREPARATIONS FOR ELECTIONS

VOTER REGISTRATION AND VOTERS' LISTS

RELEVANT CONSTITUTIONAL AND LEGAL PROVISIONS

The National Assembly Act of 1992 provides that the Director of Elections shall establish and maintain a general list of voters from registration applications. The voters' list shall record the elector's name, address, sex, date of birth, identity number and any other relevant information.

Qualifications and disqualifications for a person to be registered as a voter are provided for in the Constitution of Lesotho and the National Assembly Elections Act of 1992. Thus, every person who is a citizen of Lesotho and has attained the age of 18 years and possesses such qualifications as to residence as may be prescribed by Parliament shall qualify to be registered as an elector in elections to the National Assembly, for the constituency where they originate, ordinarily reside or work. A person who is 17 years of age may make an application to the Director of Elections to be registered as a voter during the prescribed period gazetted by the Director of Elections.

The Constitution disqualifies any person who falls under any of the following categories from registering as an elector in elections to the National Assembly:

- A person under any acknowledgement of allegiance, obedience or adherence to any foreign power or state
- A person under sentence of death imposed on him by any court in Lesotho; or
- A person under any law in force in Lesotho, adjudged or otherwise declared to be of unsound mind

Political parties have the right to monitor voter registration activities through their designated representatives assigned to a specific registration centre and whose names shall be notified in writing to the Director of Elections. Parties are legally entitled to receive a copy of each of the electoral lists without charge. Similarly, members of the public are entitled to inspect the electoral lists and to make a copy of any document made available for inspection in this regard without charge.

THE 2001-2002 REGISTRATION OF VOTERS

The IEC carried out a complete registration of voters in 2001, discarding the 1998 voters' lists whose accuracy and validity were disputed by several political parties following the failed 1998 parliamentary elections. A new technology in **fingerprint and image identification** and recording was used with a view to reduce the incidence of fraud and corruption in the electoral process. Lesotho is one of the first countries in the region to utilise this new technology.

Voter registration took place initially from 13 August to 9 September 2001. It was eventually extended for three additional weeks in order to increase the numbers of registered voters. Thus, registration of voters was completed on 30 September 2001. In February 2002, the IEC undertook the registration of young people aged 17 years who were to turn 18 between the end of the ordinary voter registration period and the voting day.

Lesotho political parties, non-governmental organisations and the media observed the registration of voters. The SADC Parliamentary Forum also sent a mission to observe voter registration in the Kingdom.

SADC PARLIAMENTARY FORUM'S OBSERVATION OF VOTER REGISTRATION

• The Delegation and its Method of Work

The six-member SADC Parliamentary Forum Voter Registration Observer Mission to Lesotho took place from 26 to 30 August 2001 under the leadership of Hon Duke G. Lefhoko of Botswana. The other mission members were Hon. Amelia Sumbana of Mozambique, Hon. Priscilla Mushonga of Zimbabwe, Hon. Rodger Nkhwazi of Malawi, Hon. Priscilla Themba of South Africa and Hon. David Nyoni of Swaziland. The aim of the Mission was to determine the status of the voter registration process, and secondly to collect the necessary information in preparation for a larger Election Observer Mission to Lesotho's 2002 legislative elections.

During its stay, the Mission consulted with various stakeholders, including the Independent Electoral Commission (IEC), civic organisations, representatives of the Interim Political Authority (IPA) and members of the public in Lesotho. The Mission undertook field trips to urban, peri-urban and rural areas of Lesotho over a two-day period in order to construct a balanced picture of the registration process. Observers were deployed to three districts: Maseru, Mafeteng and Leribe. A total of 19 constituencies in these areas were visited and up to 33 registration sites observed.

• The Delegation's Observations

The Mission bases its assessment on information obtained first hand from the field, from consultations with stakeholders and from estimates of the potential voter population supplied by the IEC.

The Mission made the following observations:

- Using the IEC's projections of anticipated 600 registrants per registration site, the Mission found that the voter registration exercise in these centres each is on course: nearly all-33 centres observed had recorded more than 400 people by August 29, 2001.
- Political party agents represented in the 33 sites appeared satisfied with the voter registration process. The presence of the main political parties in the centres may have the added effect of lending legitimacy to the process and avoidance of conflict.
- The electoral administrators were commended for actively involving traditional authorities in monitoring the entire registration process. It demonstrates a spirit of cooperation and inclusiveness.
- It was encouraging to note that the majority of the registration officers were women. In addition, unemployed youths were recruited as registration clerks, a positive point which other countries in SADC might wish to consider.
- There was, however, disillusionment amongst the electorate with politics in general. Potential registrants appeared disenchanted with non-delivery by politicians; unemployment and the lack of tangible benefit accruing from the political system. Some people associated elections with conflict rather than resolution of conflict, perhaps reminiscing the instability accompanying the 1998 national elections.
- Although most registration sites were within reasonable reach of the electorate, a few centres visited particularly in the polling division of Malealea, in Matelile Constituency, were far from the majority of the people.
- Registration clerks generally confirmed the availability of voting materials but instances of inadequate or exhaustion of supplies were also reported. Should the flow of registrants increase toward the close of the registration period, this might present difficulties for authorities.

- **Recommendations on the Voter Registration Process**

In light of these observations, the Mission made the following recommendations to the IEC:

- There was need to bring all registration sites closer to the people. In Malealea, some registrants complained of walking for four hours to reach the centres. However, the average time taken to reach most urban and peri-urban sites was 20 minutes.
- There was also need for sufficient lighting in all registration sites. Some centres were found to have poor or no lighting, which affected the smooth execution of duties by registration officers. Some rooms allocated for registration purposes were inadequate in size.
- There was need for an effective system of replenishing voter materials in centres when stocks are exhausted. Delays in delivery might have contributed to discouraging potential registrants.

The Mission found that the involvement of all stakeholders improved the acceptability of the process. On 30 August 2001, it issued a press statement endorsing the overall transparency, credibility and integrity of the process, and shared its findings and recommendations with stakeholders.

VOTERS' LISTS

The National Assembly Elections Order 1992 provides that the Director of Elections shall compile and maintain a general voters' list.

The preliminary voters' list was made available to political parties and the general public in December 2001 and February 2002. All political parties registered with the IEC received a copy of the preliminary lists without charge. The voters' list for persons who will be aged 18 by election day on 25 May 2002 was released for availability for political parties and displayed for the general public from 22 to 26 March 2002. The IEC announced that over 6,000 youth were registered.

Copies of the final voter's lists were made available to the political parties only several days before the advance voting. Several political parties, including the BNP and the LPC, complained to our delegates that, though the final voters' lists were due to be sent out in late April 2002, they remained unavailable three days before the 23 May 2002 Advance Voting. This delay prevented political parties from inspecting voters' lists ahead of the election in order to request the necessary corrections. The Mission was not in a position to determine how many voters could have been disenfranchised as a result of the belated release and distribution of the voters' lists.

The IEC recorded 831,315 registered voters at the end of the entire process.

DELIMITATION OF ELECTORAL BOUNDARIES

The IEC is responsible for the delimitation of electoral constituencies. The Constitution stipulates that the review of boundaries shall be undertaken at intervals of "not less than eight nor more than ten years" from the date of completing its last review. The Commission may also review the boundaries after a census. Constituency boundaries were redrawn for the purposes of the 1998 National Assembly elections when Lesotho was divided into 120 electoral constituencies. No delimitation of electoral boundaries therefore took place prior to the 2002 legislative elections.

VOTER EDUCATION AND INFORMATION

The National Assembly Election Act of 1992 gives power to the IEC to promote voter education through the media and other appropriate and effective means. For the 2002 elections, the IEC's voter education and information programmes focused on raising the electorate's awareness on voter registration and on familiarising the electors with the new electoral model and voting procedure.

The IEC launched its voter education campaign on 22 February 2002. These programmes were carried out through

radio, television and the press in the Sesotho and English languages. Voter education and information posters were displayed across the country. The IEC was also assisted in its voter education campaign by the Marotholi Travelling Theatre Group which produced an informative and educative drama on voter education and the electoral process. The IEC also held a number of public gatherings, known in the Sesotho language as *pitsos*, throughout the country to encourage potential electors to register. In its Press Release of 18 October 2001, the Electoral Commission reported that Commissioner Mokhele Likate went as far as escorting two Basotho Chiefs, Mathealira Seeiso of Mokhotlong and Mantoetse Lesaoana Peete of Bela Bela, to South Africa to encourage the Basotho migrant mine workers to register to vote.

Several civil society organisations, such as the Lesotho Council of NGOs (LCN), and the churches undertook voter education and information programmes. The LCN received M850,000 (roughly equivalent to US\$85,000) from the Open Society Initiative for Southern Africa (OSISA) and M126,000 (US\$12,600) from the US embassy to cover, among other things, the cost of its voter education campaigns. Unlike in the past when the LCN used the workshop system of educating voters, this time around the umbrella body used more attractive means of promoting voter education by organising soccer matches and music shows. The LCN programmes were undertaken in 21 constituencies in the districts of Mafeteng, Mphahle's Hoek and Quthing from mid-March to end of April 2002. Ten local NGOs, including the Federation of Women Lawyers, Student Christian Movement, Lesotho National Council of Women and Justice and Peace Commission of the Lesotho Catholic Bishop Conference, were assigned voter education under the supervision of the LCN.

It was, however, observed that these programmes took place unevenly in the country, with more attention being given to urban areas at the expense of remote rural areas. Our delegates noted that numbers of citizens in some remote areas in Quthing, Mafeteng, Mphahle's Hoek did not seem to have received sufficient voter education. It was also deplored that political parties did not participate in voter education campaigns.

Nonetheless, we found that voter education and information programmes met their overall objective. However, the issue of gender equality in the electoral process was not emphasised adequately. Voter education programmes should be aimed at increasing qualitatively and quantitatively the participation of women and men as electors and candidates.

NOMINATION OF CANDIDATES

If the National Assembly is dissolved or stands dissolved, the King, acting in accordance with the advice of the Council of State, makes a proclamation fixing the day of the general election of members of the National Assembly. Following the King's proclamation which is to be directed to the IEC, the Director of Elections is required to publish in the Gazette an election timetable specifying *inter alia*:

- The date on which nomination of candidates for constituency elections to be submitted to the returning officer for the constituency is to close;
- The date on which the submission of party lists to the Director of Elections is to close; and
- The date and place within each constituency where and when a nomination court is to consider nominations for constitution elections.

Article 49B of the National Assembly Election (No1) (Amendment) Act, 2001 provides for the procedures for submitting lists of candidates for elections under proportional representation. These provisions include the requirements for the list to include at least 40 candidates but not more than 120, arranged in order of preference from top to bottom. Candidates nominated for the constituency elections may be on the party list for the proportional representation vote.

The list is to be accompanied by:

- An undertaking binding the party officials and members to the Electoral Code;
- A declaration that each candidate on the list is qualified to stand for election;
- A statement signed by each candidate consenting to nomination; and
- A deposit in the amount of M8 000 to be forfeited to the Crown and paid into the Consolidated Fund if the party fails to win a seat whether in a constituency or by proportional representation.

The law stipulates that nomination of candidates contesting elections should be conducted 30 days before the poll. Accordingly, the IEC fixed the nomination day to 25 April 2002. A total of 19 political parties contested the proportional representation vote with a total of 770 nominees, and 16 parties, 1 085 nominees and 32 independent candidates contested the constituency election.

The death of two nominees in the constituency contest resulted in the constituency election being postponed for the two constituencies concerned. Of the 78 remaining constituencies, the LCD and the BNP filled successfully all of their respective 78 candidates; the LPC, 77; the BAC, 73; MFP, 71; the PFD, 67; the BCP, 60; the NPP, 49; LWP, 37; and the DP, 21.

Nomination of candidates run smoothly to the satisfaction of virtually all the stakeholders.

PARTICIPATION OF WOMEN

An amendment to the electoral law in 2001 makes provision for gender equality in the electoral process by requiring every political party to:

- Facilitate the full participation by women in all political activities on the basis of equality;
- Ensure free access by women to all public political meetings, facilities and venues;
- Respect the right of women to communicate freely with political parties; and
- Refrain from forcing women to adopt a particular political position or to engage in, or refrain from engaging in any political activity otherwise than in accordance with their free choice.

The above legal provision combined with the establishment of the MMP electoral system were seen as important steps toward increasing women's representation in the Lesotho National Assembly. However, the leadership of Lesotho political parties failed to seize this opportunity to reach or even exceed the rate of 30 per cent minimum targeted by the SADC Declaration on Gender and Development of 1997, adopted by SADC member states, including Lesotho.

A total of 383 female candidates out of a total of 897 candidates were in the party lists for the proportional representation election. While only 102 women candidates out of a total of 815 candidates contested the 78 constituency seats. It is noteworthy to observe that most parties had a negligible number of women candidates, if any, in the top ten nominees in the party lists. Tables 4 and 5 show the numbers of women candidates filled in by each party respectively in the constituency contest and the proportional representation vote.

Table 4: Total of female candidates filled by political parties to contest the constituency vote

Political Party	Number of Women Candidates out of the Total number of Candidates	Percentage of Women Candidates Standing for Constituency Elections
Lesotho Labour Party/United Democratic Party Alliance (LLP/UDP)	8 out of 17	47%
Christian Democratic Party (CDP)	7 out of 18	39%
New Lesotho Freedom Party (NLFP)	9 out of 25	36%
Lesotho Workers' Party (LWP)	10 out of 37	27%
Sefate Democratic Union (SDU)	5 out of 20	25%
Marematlou Freedom Party (MFP)	16 out of 71	23%
National Progressive Party (NPP)	10 out of 49	20%
Popular Front for Democracy (PFD)	9 out of 66	17%
Lesotho Congress for Democracy (LCD)	8 out of 78	10%

Political Party	Number of Women Candidates out of the Total number of Candidates	Percentage of Women Candidates Standing for Constituency Elections
United Party (UP)	1 out of 11	9%
Basotho National Party (BNP)	6 out of 78	8%
Basutoland African Congress (BAC)	6 out of 73	8%
Lesotho Peoples' Congress (LPC)	4 out of 77	5%
Basutoland Congress Party (BCP)	2 out of 60	3%
Independent	1 out of 32	0.03%
Kopanang Basotho Party (KBP)	0 out of 4	0%
National Independent Party (NIP)	0 out of 10	0%
Social Democratic Party (SDP)	0 out of 0	0%
Total	102 out of 815	14.0%

Source: IEC website www.iec.org.ls

Table 5: Total of female candidates on party list

Political Party	Number of Women on Party List	Percentage of Women on Party List
Sefate Democratic Union (SDU)	91 out of 120	76%
United Party (UP)	56 out of 81	69%
Kopanang Basotho Party (KBP)	19 out of 33	58%
New Lesotho Freedom Party (NLFP)	26 out of 46	57%
Lesotho Congress for Democracy (LCD)	32 out of 59	54%
Christian Democratic Party (CDP)	21 out of 44	48%
Lesotho Workers' Party (LWP)	20 out of 46	43%
Popular Front for Democracy (PFD)	32 out of 90	36%
Basutoland Congress Party (BCP)	14 out of 41	34%
Marematlou Freedom Party (MFP)	28 out of 86	33%
National Progressive Party (NPP)	14 out of 60	23%
Social Democratic Party (SDP)	9 out of 40	23%
National Independent Party (NIP)	8 out of 45	18%
Basutoland African Congress (BAC)	7 out of 42	17%
Lesotho Peoples' Congress (LPC)	6 out of 41	15%
Basotho National Party (BNP)	0 out of 23	0%
Total	383 out of 897	38%

Source: IEC Website: www.iec.org.ls

The MMP provides that the more seats a party wins in the constituency election, the less it qualifies for seats in the proportional vote. At the release of the election results, it was observed that the ruling Lesotho Congress for Democracy (LCD), who filled 8 female candidates out of the 78 contested seats in the constituency election, was not entitled to any seat in the proportional representation contest where most of its candidates were female. Conversely, the main opposition parties, such as the Basotho National Party (BNP), the Lesotho People's Congress

(LPC) and the Basutholand African Congress (BAC), had placed relatively more female candidates in the constituency elections where they stood little chance to win seats. This resulted on only few women being elected to the National Assembly.

Women's groups such as the Women and Law in Southern Africa Research Trust and the Federation of Women Lawyers expressed their concern about the low numbers of women on both the constituency and proportional representation contests.

It is regrettable that parties continue to recognise the crucial role of women only in terms of mobilizing party support at low levels of power and decision-making, such as party agents and campaigners. When it comes to nominating candidates for election into positions of power and decision-making, women are marginalized. The Mission urges the leadership in each party to put in place mechanisms that would ensure that women and other underrepresented groups like the youth, are meaningfully represented in the future parliament. This is a serious challenge given the patriarchal nature of the Lesotho society.

ELECTION OBSERVATION

The National Assembly Election (Amendment) Act of 1997 governs election observation in Lesotho. It provides *inter alia* for the categories of observers, the scope of election observation, the rights and obligations of observers, identification of observers and the period of observation. Around 250 foreign observers monitored the 2002 National Assembly elections. The United Nations Electoral Assistance Secretariat (UNEAS) coordinated and assisted most election observer delegations. Among the largest election observer missions in Lesotho in May 2002 were the SADC Parliamentary Forum, the Commonwealth, the Organisation of African Unity, the Electoral Commissions Forum of SADC countries, the Extended SADC Troika, the Electoral Support Network of SADC countries (ESN), USA, Canada, Japan and a number of individual European Union countries.

There were also some 200 domestic observers deployed mostly under the umbrella of the Lesotho Council of NGOs (LCN).

CHAPTER V: THE CAMPAIGN AND THE MEDIA

THE CAMPAIGN

Several political parties produced and distributed their manifestos before the commencement of the official campaign. Written in Sesotho, those manifestos described parties' respective programmes in a variety of sectors, including the economy, finance, job creation, education and health. As prescribed by the electoral law, the official public campaigning by political parties and candidates took place over a period of two months and closed forty-eight hours before the opening of the poll on 25 May 2002.

From the beginning, it appeared that two political parties enjoyed a great deal of popularity, namely, the ruling Lesotho Congress for Democracy (LCD) and the Basutholand National Party (BNP). Members of the Mission attended the national concluding rallies of political parties around Maseru on Sunday 19 May, before being deployed in the countryside. Those rallies confirmed the strengths of the LCD and the BNP who attracted much bigger crowd than the other parties. The Lesotho People's Congress (LPC), which split from the ruling LCD and was launched in November 2001, held also a relatively well-attended campaign rally.

With 19 political parties contesting the race, the electoral campaign was intense. Nonetheless, the atmosphere of peacefulness and political tolerance prevailed throughout the campaign despite the intensity of the campaign and the high stake of legislative elections in a constitutional monarchy. None of our 12 teams deployed throughout the country reported cases of political violence and intimidation or voter buying, nor did they report the existence of "no go areas" forbidden to rivals. Party supporters displayed political maturity and did not show any hostility toward each other. The exercise of freedoms of assembly, speech, expression and movement was noticeable for all parties and candidates. Political parties confirmed this and no widespread complaints were received.

Opposition parties complained that the ruling party used government vehicles during the campaign. Several of our observers posted in Maseru and Quthing confirmed having seen LCD campaigners using government vehicles. In the Mphahle's Hoek district, our team was told that the ruling LCD used relief food as a vote buying technique in those areas affected by severe food shortages and famine. We have no grounds to validate this particular allegation.

Several parties and candidates used campaign posters appealing to the electors to vote for them. It was observed that posters were not numerous in these elections. However, large colour campaign posters of the BNP leader, Justin Lekhanya, were conspicuous in Maseru and the other main towns of the country. There were allegations that the BNP had received a large donation from a South African mining company, which allowed the opposition party to purchase thousands of T-shirts for its supporters, to print thousands of posters and to meet its other campaign expenses. The Mission was unable to confirm the validity of these allegations as well.

The political parties contesting the election were entitled to public campaign funding. The allocation of such funds to parties was based on the number of candidates that they have filled in the constituency contest. Several parties indicated that state funding was insufficient to cover their campaign needs.

Access to public facilities for the purposes of holding campaign meetings was fair to all the political parties. We did not receive any complaints from the parties in this regard. Charges were applied equally to parties and candidates. The allocation of those facilities was done on the "first come, first served" basis.

As the poll got closer the BNP issued daily open letters to the IEC complaining about various aspects of the electoral process. We received copies of the BNP correspondence in which the opposition party complained about some specific aspects of the printing of ballot papers at the Universal Printers in Durban, South Africa; and the non-availability of the final voters' list two days before the Advance Vote, the non-availability of the lists for the

advance voters, and the alleged non-compliance by the IEC with the procedures regarding applications by advanced voters, hence non-availability of their certificates which ought to have been issued on 17 May 2002.

Several parties also reported that they did not obtain copies of the final voters' list until few days before the poll. This state of affairs was reported to our teams in Maseru, Mafeteng and Leribe. As a result, they were unable to verify whether their supporters would be able to vote nor were they able to request possible corrections to the voters' list. We approached the IEC on 20 May, to seek clarification on this issue. The Commission informed us that a final voter's list had gone out the week before. Prior to this, preliminary voters' lists were made available to parties in December 2001 and February 2002, free of charge. The IEC indicated that several parties failed to come to the Commission to collect their copies of the preliminary lists and such situation could be repeated this time around.

During a visit by one of our Maseru teams to two polling stations at the Stadium Area polling centres it was observed that voters' lists and voters' cards were available but a number of people did not see their names on the lists. The IEC explained to our delegates that lists are printed in alphabetical order per village. It often happened that when the registration form was not carefully completed or the village name not well indicated, it became difficult to find some names in the list. The Commission recognised that there were also technical errors but these were minimal. The IEC informed our delegates that as the country got closer to the elections, the Commission and the parties met to discuss some possible problems which could arise, and to decide together the right course of action to take. It was decided, for example, that if a registered voter did not have a voter's card, an ID should be acceptable.

THE MEDIA

The electoral law gives to every registered political party the right to have the substance of its campaign propaganda reported on news broadcasts of the government-owned media and in any newspaper in circulation in Lesotho. In this respect, the IEC is required to make arrangements with the government-owned media and allocate time on the radio or television during which political parties may be allowed to speak or appear in campaigning for election.

The news agency is state-owned. Received in FM and AM, Radio Lesotho is the most important source of news in the country. It broadcasts in Sesotho and English. Lesotho Television broadcasts several hours per day but has a limited geographical coverage. The four free South African television stations of SABC television and E-TV can be received in many parts of the country. They broadcast much longer hours than Lesotho Television (i.e. 17 hours) and some switch to the international stations, such CNN and Sky news, before mid-night daily.

As for the press, the major English language weekly newspapers were Public Eye, Mirror, Southern Star and *Mopheme/Survivor*, and the main Sesotho language were *MoAfrica* (who also have a radio station), *Moeletsi waba Sotho*, *Mohlanka*, *Mololi*, and *Nonyana*. *Nonyana* belonged to Lesotho Peoples' Congress, *Mololi* was affiliated to the LCD, *Moeletsi oa Basotho* and *Mohlanka* are associated with the Basotho National Party.

Private media organisations were not able to play a role in this electoral process, owing to financial constraints. Reportedly, some of the private media aligned themselves with political parties, while others charged a fee for political parties to enjoy airtime on their radios and newspapers.

All political parties that we met recognised that they all enjoyed fair treatment in terms of accessing airtime on state-owned radio and TV, and were thus able to campaign, explain their manifestos and take questions from the listeners. Lesotho must be commended for having resolved the issue of free access to the public media by all the political parties contesting the elections.

CHAPTER VI: THE POLL, THE COUNT AND THE RESULTS

DEPLOYMENT OF OBSERVERS

The delegation was divided into 12 teams and deployed to all the 10 districts of Lesotho in order to ensure a broad geographical coverage of the country. Two of the teams were posted in Maseru District, two others were in Leribe District, and each of the eight remaining teams was deployed in one of the eight other districts.

During the period between deployment and the actual poll, all the teams consulted widely with relevant local electoral stakeholders, attended campaign rallies and visited polling centres and stations in the constituencies. We sampled representative rural, peri-urban and urban areas every district in order to ensure a better geographical coverage of the districts and Constituencies throughout the country. We interacted regularly with other regional and international observers to exchange views and share information and, where necessary, harmonise our respective deployment plans.

We were able to note that the last stages of the preparations for the poll and the balloting itself took place during bad weather, with parts of the country covered by snow. The bad weather combined with the rough topography of Lesotho made a few places in the Lebateng constituency in Qacha's Nek and Mokhotlong only accessible by pony or by helicopter. Even four-wheel vehicles were inappropriate for such terrain. The Lesotho Defence Force provided the IEC with helicopters for the distribution of voting materials in those areas, before the poll.

THE ADVANCE VOTING

On Thursday 23 May 2002, the teams observed the "Advance Voting" in a number of constituencies throughout the country for those registered voters who were to be unable to vote on 25 May at a polling station in the polling district in which they are registered. The following persons qualified as advance electors: diplomats and their family members living abroad, electoral staff, polling agents, candidates and police officers, members of the defence force and public officers who will be outside of Lesotho on official duty on 25 May, as well as persons who were to carry out official duties as national election observers, journalists, medical personnel or security personnel. Advance voting applicants submitted their application in advance to the returning officers in the 80 constituencies.

The Advance Voting took place in all the constituencies which received applications and in special Advance Voting centres. The determination of special Advance Voting centres was based on the number of application received and the distribution of the Advance Voting applicants.

The voting procedure for advance electors was relatively elaborate. Typically, the presiding officer followed the following procedure:

- Write the identifying number of the elector on the counterfoils of the ballot papers to be issued to the voter;
- Write on the front of the ballot envelope the name of the constituency;
- Write on the front of the covering envelope the address of the returning officer to whom the application was to be sent;
- Write on the back of the covering envelope the name of the constituency;
- Tear the ballot papers from the corresponding counterfoils;
- Place on the ballot papers, ballot envelope and a bigger covering envelope the official marks;
- Issue to the applicant the ballot papers and the ballot envelop;
- Direct the applicant to a place in the room where to vote in secret, by placing a mark in the square provided for (i) the candidate of his/her choice in the case of a constituency vote and (ii) the name or symbol of the political party for whom the applicant wishes to vote in the case of a party election.

The applicant will then satisfy the presiding officer by displaying the official mark on the folded ballot papers before placing the papers in the envelope. One finger of the applicant is marked with an indelible ink before he/she leaves the place. At the end of the Advance Voting process, the ballot boxes were escorted to the Commission and kept in a secure place. They were subsequently sent to the relevant constituencies for counting with the other ballot papers on 25 May 2002.

The Advance Voting took place under difficult conditions in some constituencies, especially in remote rural areas. In those areas, polling stations opened several hours late. At many polling stations in the districts of Quthing and Mafeteng, the Advance Voting took place without an official voters' list. A handwritten document was used in lieu of the official voters' list. Nevertheless, we were generally satisfied with the calm political atmosphere that prevailed during the Advance Voting, the transparency of the process and, in some cases, the professionalism and competence of the staff.

THE 25 MAY POLL

On Saturday 25 May, the voting process took place in all of the 80 constituencies. However, the constituency contest did not take place in two constituencies because of the death of one candidate in each of them. Electors in those two constituencies took part only in the party election.

At polling stations visited by our teams throughout the country opened for voting at 07:00 a.m. and closed at 17:00, with few exceptions, as explained below. We arrived at polling stations on average 30 minutes before the opening time. We observed voting at 215 polling stations across the mountain kingdom, out of a total of 2,471 polling stations. This represents a coverage of close to 9 % of polling stations spread throughout the country.

- **Voting Procedure**

The electoral law details the voting procedure. The elector who wished to vote and whose name appear in the voters' list presented his/her voter registration card or proof that the card has been lost, defaced or destroyed and a proof of identity, driver's license or have his/her identity verified by an official witness. The elector first received the first ballot paper for the constituency election to be marked with a pencil on the square next to the name of the candidate of his/her choice in the secrecy of a vacant polling booth. The elector folded the ballot way in such a way that the official mark on the back of the paper is visible for inspection by the designated polling official outside the polling booth. The elector had his/her finger marked with the indelible ink and then placed the ballot paper in the ballot box. Then, the elector was given the second ballot paper for the party vote, and the procedure was similar to the one used for the constituency vote, the only difference being that the elector placed his/mark on the square next to the party name or symbol.

This voting procedure was generally followed thoroughly.

- **Voters**

Although voting was to start at 07h00 a.m., hundreds of voters defied the cold weather and arrived at some polling stations before 06h00 a.m. They waited patiently to cast their ballot. The voting process started slowly but the pace improved with time. In some cases voters had to wait several hours to cast their vote. Citizens of Lesotho demonstrated a lot of patience, political maturity and commitment to a peaceful and violence free process. Noticeably, women constituted the majority of voters. Voter turnout was around 67 per cent. It is significant that even prisoners were allowed to vote.

- **Logistics**

There were 2,471 polling stations throughout the country. This helped to speed up the voting process. Most polling stations were located in-door. There were also a number of tents used as polling stations. They were relatively colder and darker with poor layout. Many of the ordinary indoor polling stations were dark even during the day because of poor lighting. This became a serious challenge at sunset, particularly during the count. There

were also cases of polling stations without proper identification banners (Quthing) and inadequate furniture (Mohale's Hoek).

The use of transparent ballot boxes enhanced transparency of the voting process. We observed that, at some polling stations in the Quthing district, voting took place with ballot boxes not sealed. It was also observed that seals were of inconsistent types and ranged from cello-tapes to ordinary seals.

While the distribution of voting materials and equipment was good, our teams in Mafeteng, Leribe and Thaba-Tseka reported cases of delayed delivery and shortages of those materials. This resulted in late opening of the poll and/or the interruption of the voting process at some polling stations. Even Maseru was not spared by these shortcomings. In the Thaba-Tseka district, ballot papers from different constituencies were mixed in some polling stations and there were cases of political parties omitted from the ballot papers, while in few areas of Maseru ballot papers were incorrectly printed.

In Mabote Constituency in Maseru, voting was delayed by at least five hours owing to query by party agents on ballot papers. Party agents were concerned that the ballot papers for that particular constituency were printed in Johannesburg and not Durban as announced by the IEC. It was revealed later that party leaders were informed about the printing of those ballot papers in Johannesburg but they had failed to relay the information to their agents. Eventually, the IEC extended voting by half day on 26 May 2002 to allow electors registered to vote in Mabote Constituency to cast their ballot.

The logistical problems described above did not derail the process because the electoral authorities and staff managed to solve most of them in the course of the day. The timely extension of the voting by half day on the 26 May in some areas of Maseru was done through consultation between the IEC and the political parties and candidates, a further demonstration of the commitment by the Commission to conduct a fair electoral process.

- **Electoral Staff**

Polling staff officials were generally well trained. They displayed a willingness to assist voters, and especially people with disability. In some areas, however, it appeared that the performance of electoral staff left to be desired (Quthing). Our teams in Mohale's Hoek, Maseru and Berea attributed the slow pace of voting in some polling stations to insufficient or inadequate training of electoral staff. In those areas, it was observed that one elector spent an average of 15 minutes to cast the two ballots.

Regarding the gender composition of polling station staff, our teams in Mokhotlong, Maseru, Quthing and Leribe observed that there were noticeably more female polling officers than men at the polling stations that they had visited.

- **Party Agents**

Party agents both male and female were present in virtually all polling stations throughout the country. This ensured the transparency of the voting process. It appeared to many of our delegates that a significant number of party agents seemed not to understand their role, and were passive. It was also deplored that political parties did not provide their agents with a stipend to cover their meal needs. It is our observation that the freedom of access to polling centres by party agents is one of the most important guarantors of transparency because of the level of stake holding.

- **Security Personnel**

We noted that the deployment of police was adequate at all polling stations that our teams visited countrywide. The police were unarmed, discreet, courteous and efficient.

THE COUNT

In the polling stations visited by our teams, the closing of polling took place only after the last voter in the queues at 17h00 was able to cast her/his ballot. Proper closing procedures were generally followed. These procedures included the following steps:

- Closing of the polling station;
- Separation of the ballot boxes for the constituency election and those for the party election;
- Reconciliation of the number of ballot papers issued against the number of electors who voted, based on the voters' list;
- Opening of ballot boxes, counting of the number of votes recorded for candidates in the constituency election and counting of the number of votes recorded for political parties in the party election;
- Recording of the number of votes cast at the polling station for candidates in the constituency election and parties in the party election in the prescribed forms to be signed by the presiding officer, the candidate or the party agents;
- Announcement of the provisional results for that polling station;
- Seal in appropriate packets all unused ballot papers, the valid, rejected, tendered and spoiled papers, counterfoils, declarations of secrecy, ballot account, the election result form, the instrument used for marking ballot papers with the official mark; and
- Enclose all of the above items in the ballot box, seal the ballot box and allow candidates, their agents and party agents to affix their own seals, deliver them to the returning officer for the constituency concerned under police escort.

The count took place at the polling stations, immediately after the closing of the poll. We welcome this procedure as it enhances confidence in the credibility and integrity of the counting process. The verification of ballot papers by the electoral staff, party agents and all present added to the legitimacy of the process and the outcome. Our Berea team noted, however, that the presiding officers at some polling stations did not master the closing procedures. Moreover, one of our two Maseru teams observed that the reconciliation of ballots was not done prior to the commencement of the count at some polling stations visited in Maseru.

Most of our teams found that the counting was quite slow. They agreed, however, that a quicker count would have sacrificed the transparency of the process and created grounds for the challenge of the election results.

THE TABULATION AND ELECTION RESULTS

The IEC set up the National Elections Results Centre (NERC) at the Convention Centre in Maseru where the results of each polling station and each constituency were centralised and displayed at the national level in full view of party agents, candidates, national and foreign observers and any other interested parties. The Commission received the various results by phone and fax from the Area Electoral Officers in the districts. These results were then captured in the computer network, processed and displayed on a large screen. Any interested party was able to get copies of the results of the constituency contest and the party election and the overall national results from the information desk. Commissioners announced the partial results continuously as they became available. The announcements were broadcast live on the Radio Lesotho. The results were also posted to the IEC Website (see Table 6 below).

It was regrettable that only 12 women were elected to the National Assembly, out of 118 contested seats. This represents only 10% of the total number of Members of Parliament. Lesotho has thus failed to meet the minimum 30% set by the 1997 SADC Declaration on Gender and Development.

Table 6: Lesotho 2002 National Assembly Elections Results

The total number of seats allocated to each party, including compensatory seats, is indicated in the table below*:

Party	Number of Votes	Percentage Votes	Number of Seats
BAC	16095	2.9%	3
BCP	14584	2.7%	3
BNP	124234	22.4%	21
LCD	304316	54.8%	77
LPC	32046	5.8%	5
NIP	30346	5.5%	5
NPP	3985	0.7%	1
LWP	7788	1.4%	1
MFP	6890	1.2%	1
PFD	6330	1.1%	1
Totals	554386	98.6%	118

***Notes:**

Party vote: 80 constituencies

Constituency vote: 78 constituencies (plus 2 failed elections)

The LCD has won 77 constituency seats

The LPC has won 1 constituency seat

Source: Independent Electoral Commission of Lesotho, 29May 2002 (www.iec.org.ls)

All the domestic, regional and international observer groups declared the election legitimate, free and fair. As the results were being announced and the ruling LCD taking the lead, Justin Lekhanya, the leader of the BNP, started alleging that the elections were rigged. He called for an independent audit of the results and threatened to boycott Parliament. The LPC joined the BNP in rejecting the election results. But, none of the domestic, regional and international observer groups took seriously these allegations because they appeared to be baseless, the electoral process having been evidently consultative, transparent and open from its early stages until the announcement of the preliminary results.

Our teams were impressed with the process of counting, tabulating and announcing the results in spite of it being tedious and slow. The establishment and the functioning of the NERC ensured further transparency of the electoral process. Undoubtedly, the NERC contributed further in ensuring the acceptance and the legitimacy of the electoral outcome.

CHAPTER VII: CONCLUSIONS AND RECOMMENDATIONS

The 2002 legislative elections in the Kingdom of Lesotho were the first general elections after the political violence and instability that followed the 1998 elections. The political impasse was quelled only after the intervention of SADC troops from South Africa and Botswana and the establishment of inclusive transitional arrangements. The SADC Parliamentary Forum along with other regional and international organisations considered these elections as a major watershed that, if successful, could further consolidate democracy in the Kingdom. On the other hand, the failure of these elections would lead to public disillusionment with democracy and thus open the way to undemocratic means of accessing or maintaining power, crisis of legitimacy and further democratic deconsolidation.

We are pleased that the citizens of Lesotho have unequivocally demonstrated their commitment to peace and democratic values by turning out in large numbers and for the patience and peacefulness displayed throughout the voting process. **The broad consensus-based consultative framework that ensured regular meetings between the Independent Electoral Commission and the political parties and candidates, was essential in building confidence and trust among the actors throughout the process. We commend the Interim Political Authority, Independent Electoral Commission and the political parties for developing a conflict resolution mechanism, which has proved successful. Such conflict resolution mechanism should be used in the future, should the need arise. Political parties have also demonstrated their political maturity by embracing a new electoral system that has brought about an improved inclusion of the major political sensitivities in the National Assembly. The instrumental role of the Interim Political Authority in levelling the playing field has been fully demonstrated.**

The Independent Electoral Commission is commended for close consultations with the parties and the transparency of the electoral process throughout the different phases, and for taking into consideration the needs and requirements of political parties and candidates. As a result, all parties, candidates and their supporters enjoyed the freedom of assembly, movement and expression.

Logistical shortcomings observed on the polling day could hardly be attributed to any attempt to influence the electoral outcome. They were fundamentally the result of human errors and were, in most instances, corrected timely. None of our teams came across cases of election officials, party agents, government officials or any other stakeholders interfering with the voting and counting process. Equally, there were no reports of political intimidation and violence at any of the 215 polling stations that we visited.

In conclusion, the SADC Parliamentary Forum Election Observation Mission to the May 25, 2002 general election in Lesotho concludes that the election was peaceful, free, fair, and transparent, and thus a true reflection of the will of the people of Lesotho. The electoral process in Lesotho largely conformed to the SADC Parliamentary Forum Norms and Standards for elections in the SADC region.

In order to further improve the conduct of future elections, we recommend the following:

- The IEC should prepare and make available a timetable of the stages of the electoral process, including the acquisition of electoral materials, packaging and distribution to polling centres, to all political parties, candidates and other stakeholders (See Norms and Standards for Elections in the SADC Region; Point 11(v));
- Political parties should, as a matter of principle, put forward at least one-third women candidates in line with the 1997 SADC Declaration on Gender and Development. In the proportional representation list, the order in list should ensure that women represents at least 30% of the elected legislators;
- Voter education and information programmes did not address the issue of gender equality adequately. These programmes should be aimed at increasing the participation of women and men as electors and

candidates, qualitatively and quantitatively;

- The current IEC, like its predecessor, consists of three commissioners, all male. It is crucial that women are represented meaningfully at all levels of operations in the electoral management body, including at the highest level in the structure which manages elections (See the “Gender Checklist for Free and Fair Elections” in the Norms and Standards for Elections in the SADC Region);
- Party and candidates’ agents were not fully conversant with their responsibilities and rights. Appropriate training of those key role players needs to be designed and provided in the future;
- Political parties and candidates should provide their agents with an allocation to cover their meal needs;
- Parties and candidates losing the election should learn to accept spontaneously the results of the election, as this is the best way of demonstrating that they respect the verdict of the electorate; and
- Legislation should be put in place to ensure that party symbols are not similar as this may cause confusion and deceive the electors.

APPENDIX 1: TERMS OF REFERENCE OF THE ELECTION OBSERVER MISSION

TO: Lesotho Election Observer Mission Delegates
FROM: Dr. Kasuka Mutukwa, Secretary General
SADC Parliamentary Forum
RE: BRIEFING ON THE MISSION PURPOSE, TERMS OF REFERENCE, POINTS OF INQUIRY & LOGISTICAL ARRANGEMENTS FOR THE LESOTHO ELECTION OBSERVATION MISSION

I. INTRODUCTION, WELCOME AND MISSION PURPOSE

Thank you for agreeing to participate in the SADC Parliamentary Forum election observer Mission to the parliamentary elections in the Kingdom of Lesotho, scheduled for 25 May 2002. This is a crucial time in Lesotho's political history as its citizens prepare for the first parliamentary elections after the political violence and instability that followed the 1998 elections. The political impasse was quelled only after the intervention of SADC troops from South Africa and Botswana and the establishment of inclusive transitional arrangements. Basotho and many regional and international analysts look to these elections as a major watershed that, if successful, could further consolidate democracy in the Kingdom. On the other hand, the failure of these elections might lead to public disillusionment with democracy and thus open the way to un-democratic means of accessing or maintaining power, crisis of legitimacy and further democratic deconsolidation.

Lesotho's political landscape has been characterised by a prolonged political transition of four years, the appointment of an opposition-dominated Interim Political Authority (IPA), which had often been at odds with the fundamentally one-party dominated parliament, the introduction of a mixed electoral system, the appointment of a new Independent Electoral Commission (IEC) and a major splits within the main political parties.

The purpose of the SADC Parliamentary Forum Election Observation Mission to the Kingdom of Lesotho is threefold:

- (i) To demonstrate regional support for a credible election process and thus encourage Basotho electors to come out in their numbers to exercise their voting right;
- (ii) To assess the conduct of the electoral process as to whether or not it has been conducted in a free, fair and democratic atmosphere, which will ultimately reflect the will of the people of Lesotho; and
- (iii) To identify the strengths and shortcomings of the electoral process and make recommendations on possible areas of improvement.

The delegation will conduct its activities in an independent, objective, non-partisan and professional manner in accordance with the Constitution and laws of the Kingdom of Lesotho, the Forum's Norms and Standards for Elections in the SADC region and in terms of the Forum's Election Observation Guide for Members of Parliament. The Forum recognises that the citizens of Lesotho will ultimately determine the conduct and outcome of the parliamentary election.

II. TERMS OF REFERENCE

In order to come up with an objective and informed collective assessment, the Mission will base its assignment on the following terms of reference, which are to be read in conjunction with the Lesotho briefing book and other documents included in the briefing book prepared by the Forum's Secretariat:

- To observe and consult widely with relevant stakeholders about the political and security atmosphere in the country, before, during and after the poll. This will include specifically an assessment of the impact of the pre-election environment on the electoral process as a whole and its outcome.
- To assess the extent to which the elections are being conducted in conforming to the provisions of the constitutional and legal framework of the Kingdom of Lesotho, the relevant international conventions that

the Government of Lesotho has ratified as well as the Norms and Standards for Elections in the SADC region.

- To determine whether political and civic leaders are conversant with the new electoral system and whether they have been able to educate or inform their supporters and the general electorate on aspects of the electoral system and process.
- To assess the access which the Electorate has to informed balanced media and the level of civic education available for purposes of informed choice.
- To examine whether the contending political parties are free to campaign and promote their manifestos throughout the country or whether the atmosphere is one of intimidation and violence.
- To determine how inclusive is the voters' roll, whether some citizens have been unduly disenfranchised and how easy is the access to the voters' roll by the stakeholders.
- To evaluate the degree to which the secrecy of the ballot is guaranteed.
- To enquire how transparent is the electoral system in respect of the independence and impartiality of electoral institutions, assess the system of ascertaining that only eligible persons vote, and determine whether the security of the ballot boxes and papers, and the process of counting, tabulating and declaring the results are verifiable and known to the stakeholders.
- To report immediately to the Mission's headquarters on election-related conflicts while carrying out its election observation activities.
- To examine relevant aspects of the organisation and conduct of the 2002 parliamentary elections, such as the constitutional and legal framework, voter registration, voter education, nomination of candidates, the campaign, the role of the security forces, the media, civil society organisations, political parties and other electoral stakeholders.
- To observe the polling arrangements, the casting of votes, the closure of voting, the counting of ballots and the tabulation and declaration of results.

The delegation is not in the country to supervise the elections or to influence the outcome but to observe the process as a whole and to form its judgement accordingly. Where it sees fit, the Mission is free to suggest to the relevant authorities, institutional, organisational and procedural recommendations that would contribute to the improvement and enhancement of the electoral process and democratic culture in the country.

The Mission will submit its report to the SADC Parliamentary Forum Secretariat, the Plenary Assembly of the Forum, the Government of Lesotho, the electoral authorities of Lesotho, leaders of political parties that contested the 25 May 2002 election and other interested parties.

Delegation members are expected to be in Lesotho from 12 to 28 May 2002. During the mission, you will meet with leaders of Lesotho political parties, election administrators, journalists, civil society representatives, government officials, diplomats, other observers and other stakeholders in order to gather relevant information on current political developments and prospects for peaceful and credible elections. You will also observe the final days of the campaign, polling day activities and the vote counting and tabulation of results. At the end of the mission, and prior to your departure from Lesotho, the Mission will produce a statement of its findings, conclusions and recommendations. The final comprehensive report will be produced in a format to be agreed upon by the delegation and circulated to the members of the delegation before it is finalised and printed.

III. THE FORUM'S MEDIA POLICY FOR OBSERVERS

Due to the possibility that casual statements may be taken out of context and that individual findings may not reflect the broader perspective of the entire Mission or fully explain the team's mandate, members of the delega-

tion should avoid making statements to the news media regarding their personal observations. After debriefing of all team members, the Mission Leader, the Deputy Mission Leaders and the Secretary General of the Forum Secretariat are the only delegates entitled to interact with the media, through interviews and press releases.

IV. POINTS OF INQUIRY

As indicated above, team members will be expected to complete forms that capture their observation at each polling station visited on Election Day. In addition to specific questions included on the form, you may wish to consider the following general questions throughout your stay. Additional information on the Forum's institutional approach to elections is provided in Election Observation Guide for Members of Parliament and the Norms and Standards for Elections in the SADC Region in your briefing book.

The questions below are only instructive. Delegates should feel free to raise other matters of political and electoral significance in meetings with Basotho political leaders, electoral authorities, civic organisation representatives, journalists, voters and other stakeholders.

A. Overall Political Environment

- What are the main concerns that Basotho political party leaders, civic representatives and elections officials have regarding current political developments and their effects on prospects for peaceful and credible elections?
- Do Basotho believe that sufficient political space currently exists for open electoral competition and other political and civic activities?

B. Electoral and Political Processes

- Are political and civic leaders conversant with the present electoral system and have they been able to educate or inform their supporters and the general electorate on aspects of the electoral process?
- What are the key issues being raised regarding the legal framework for elections and/or election administration? Are these issues being raised by representatives of political parties or by members of non-partisan civic organizations?
- How effective have formal and/or informal channels of communications between the administration and political parties been in resolving concerns and grievances?
- Were there any logistical shortfalls on Election Day that undermined public confidence in the process?

C. Monitoring of the Political Process and Media Coverage

- How is the Lesotho media covering campaign activities?
- How equal or equitable is access to public media for competing candidates and parties?
- To what extent are press freedoms respected?
- What are political parties' plans for fielding party poll-watchers to monitor the elections on behalf of their parties and candidates and what constraints do they face? To what extent are those plans successfully implemented?
- Are party agents in polling stations and sites, and does their presence enhance or inhibit the conduct of credible presidential elections in Lesotho?
- Are domestic organisations monitoring the electoral process and what constraints do they face?

- What observations or recommendations do international groups have following their observation efforts?
- Did party agents and non-partisan local observers have access to all aspects of the election process?

D. The Role of the Electoral Tribunal

- What formal mechanisms exist to resolve election-related disputes and are they accepted by all parties?
- How are members of the Election Tribunal charged with hearing election-related disputes perceived and what are the main concerns that political parties and civic leaders express about their role in the political process?

V LOGISTICAL ARRANGEMENTS

Accommodation

While in Maseru, all delegates will be accommodated at the Lesotho Sun Hotel, Maseru where the SADC Parliamentary Forum will provide bed and breakfast accommodation. In addition, all delegates will receive a Daily Subsistence Allowance of US\$50 for lunch, dinner, private telephone calls, laundry and other incidental costs.

Similar accommodation arrangements will be made for teams that will be stationed outside the capital, Maseru.

Time Zone: Lesotho is GMT+2hours

Language: Official languages are SeSotho and English. English is widely spoken and understood throughout the country.

Entry Requirements: All SADC states, with the exception of Angola and Mozambique, do not require visas to enter Lesotho. Delegates from Angola and Mozambique are therefore advised to apply for a visa from the Lesotho diplomatic mission in their respective countries.

On arrival, delegates must have in their possession, a valid passport (and visa where applicable), return or onward ticket, Yellow fever vaccination certificates is required if from infected area. Visitors traveling via South Africa need to comply with South African passport requirements.

Climate: Lesotho enjoys a healthy, refreshing climate because of the high altitude. January and February are the hottest months, temperatures reaching 30° - 40° in the valleys, but averaging 15°C. 85% of the annual rainfall occurs during summer from October to April. ***Winters, from May to September, are cold, averaging 3°C, with snowfalls in the highlands.***

Health: Lesotho is generally free of the common infectious diseases. Tropical diseases such as biharzia, malaria and sleeping sickness do not exist.

Safety: **Lesotho is fairly crime free, but visitors are advised to be on their guard in towns, and while travelling alone or at night.**

Currency: Loti (plural Maloti) 1 Loti = lisente.
The value is fixed as equal to the South African Rand, which is also legal tender throughout Lesotho.

Business hours: 08h00 to 12h45 and 14h00 to 16h30 Monday to Friday, and 08h00 to 13h00 on Saturdays.

Internal Travel:

The road network is still developing, and most roads are gravel. The north along the western border to the south is tarred, as are the roads from the north to Mokhotlong, and some others penetrating the interior of the country from Maseru and the west. A 4x4 vehicle is essential for any travel during the rainy season, when gravel roads and tracks can become almost impassable. For that reason, all the vehicles that have been hired for the election observation mission are 4 x 4.

The SADC Parliamentary Forum Secretariat thanks you all for your availability and commitment to contribute to democratic consolidation and political stability in the region in general, and in the Kingdom of Lesotho, in particular. We wish you a fruitful experience.

APPENDIX 2: PRESS RELEASE

30 August 2001

PRESS RELEASE

SADC-PF OBSERVER MISSION REPORT ON VOTER REGISTRATION IN LESOTHO

The Southern African Development Community (SADC) Parliamentary Forum voter registration Observer Mission to Lesotho has concluded its five- day pre-election programme.

The six-member Mission, which has been in the country since August 26, 2001, was deployed to collect the necessary information in preparation for a larger Observer Group to Lesotho's 2002 legislative elections and was principally detailed to determine the status of the voter registration process.

During its stay, the Mission consulted with various stakeholders, including the Independent Electoral Commission (IEC), civic organisations, representatives of the Interim Political Authority (IPA) and the people of Lesotho in general. The team also paid a courtesy call on the Speaker of the National Assembly of Lesotho, Hon. Ntlhoi A. Motsamai, MP.

The Mission undertook field trips to urban, peri-urban and rural areas of Lesotho over a two-day period in order to construct a relatively balanced picture of the registration process.

Observers were deployed to three districts: Maseru, Mafeteng and Leribe. A total of nineteen (19) Constituencies in these areas were visited and up to 33 registration sites observed.

OBSERVATIONS

The Mission bases its assessment on information obtained first hand from the field, from consultations with stakeholders and from initial estimates of the potential voter population supplied by the IEC. (According to the IEC, the average number of registrants expected at each registration site is 600).

In this regard, the Mission wishes to make the following observations:

- Using the IEC's projections of anticipated registrants per registration site, the Mission finds that the voter registration exercise in these centres each is on course: nearly all-33 centres observed had recorded more than 400 people by August 29, 2001.
- Political party agents represented in the 33 sites appear satisfied with the voter registration process thus far. The presence of the main political parties in the centres may have the added effect of lending legitimacy to the process and avoidance of conflict.
- The Electoral administrators are to be commended for actively involving Traditional Authorities in monitoring the entire registration process. It demonstrates a spirit of cooperation and inclusiveness.
- It is encouraging to note that the majority of the registration officers are women. In addition, unemployed youths have been recruited as registration clerks, a positive point which other countries in SADC might wish to consider.

- There is, however, disillusionment amongst the electorate with politics in general and this can explain perceptions of apathy amongst electoral administrators and political stakeholders in general. Potential registrants appear disenchanted with non-delivery by politicians; unemployment and the lack of tangible benefit accruing from the political system. Some people associate elections with conflict rather than resolution of conflict, perhaps reminiscing the instability accompanying the 1998 national elections.
- Although most registration sites were within reasonable reach of the electorate, a few centres visited particularly in the polling division of Malealea, in Matelile Constituency, are far from the majority of the people.
- Registration clerks generally confirmed the availability of voting materials but instances of inadequate or exhaustion of supplies were also reported. Should the flow of registrants increase toward the close of the registration period, this might present difficulties for authorities.

RECOMMENDATIONS

In light of these observations, the Mission wishes to make the following recommendations to the IEC:

- There is need to bring all registration sites closer to the people. In Malealea, some registrants complained of walking for four hours to reach the centres. However, the average time taken to reach most urban and peri-urban sites was 20 minutes.
- There is need for sufficient lighting in all registration sites. Some centres were found to have poor or no lighting, which affects the smooth execution of duties by registration officers. Some rooms allocated for registration purposes are inadequate in size and need standardisation.
- There is need for an effective system of replenishing voter materials in centres when stocks are exhausted. Delays in delivery may contribute to discouraging potential registrants.

In conclusion, we wish to thank the government, parliament and people of Lesotho for affording the SADC Parliamentary Forum an opportunity to under-take this very important pre-election Mission.

We are hopeful that involvement of all stakeholders and active contribution of SADC member states in charting the future will assist the people of the Kingdom of Lesotho to hold peaceful and successful national elections in 2002.

Signed

Hon. Gobapang D. Lefhoko, MP(Botswana)
Head of Delegation
SADC PARLIAMENTARY FORUM OBSERVER MISSION

DELEGATION

Hon. Amelia Sumbana, MP, Mozambique
Hon. Priscilla Mushonga, MP, Zimbabwe
Hon. Rodger Nkhwazi, MP, Malawi
Hon. Priscilla Themba, MP, South Africa
Hon. David Nyoni, MP, Swaziland

APPENDIX 3: ARRIVAL PRESS STATEMENT

ELECTION OBSERVATION MISSION TO THE KINGDOM OF LESOTHO

**For immediate release
PRESS RELEASE**

14 MAY 2002

The SADC Parliamentary Forum announces the arrival in the Kingdom of Lesotho of its twenty six-member election observation mission. The observation mission is led by the Speaker of the National Assembly of Zambia, Hon. Amusaa Mwanamwambwa. The co-deputy mission leaders are Hon. S. Makinda of the National Assembly of Zambia and Hon. Alfredo Junior of the National Assembly of Angola.

The delegation arrives in Lesotho on Wednesday 15 May 2002 and will be in the Kingdom until Wednesday 28 May 2002. During its stay the delegation, which comprises male and female Members of Parliament from ruling and opposition parties in Angola, Botswana, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe will hold consultations with political parties, the Independent Electoral Commission (IEC), civil society organisations, the local monitors, international observers, the media and relevant government departments, among other stakeholders.

On Sunday 19 May 2002, the twenty-six member delegation will split into twelve teams, nine of which will be deployed in the nine districts of Butha Buthe, Leribe, Berea, Mafeteng, Mohale's Hoek, Quting, Qacha, Thaba-Tseka and Mokhotlong. Three teams will remain in Maseru district. The teams will be based in and operate in their respective districts until the day after voting, Sunday 26 May 2002.

While in the field SADC Parliamentary Forum observers will consult with electoral stakeholders and other observers, in addition to attending election related meetings and rallies, observing the campaign, analysing media coverage of the electoral process, voting, counting, tabulation and announcement of results among other election-related activities. On a daily basis, field teams will send reports to the mission headquarters in Maseru, Lesotho.

The Lesotho election is the seventh to be observed by the SADC Parliamentary Forum since 1999. In the past, the SADC Parliamentary Forum has observed and pronounced itself on the conduct of elections in Mozambique (1999), Namibia (1999) Mauritius (2000), Zimbabwe-parliamentary (2000), Mauritius (2000) Tanzania (2000), Zambia (2001) and more recently, Zimbabwe-presidential (2002). The current mission follows up on the voter registration observation mission that the SADC Parliamentary Forum deployed in Lesotho in July-August 2001.

The observations and recommendations of the voter registration mission are well documented and were shared with shareholders. The current observation exercise is aimed at:

- (i) Demonstrating regional support for a credible electoral process;
- (ii) Assessing the conduct, credibility, legitimacy of the entire electoral process and determine its and determining whether the outcome is a substantive expression of the will of the people of Lesotho;
- (iii) Identifying the strengths and shortcomings of the electoral process and making recommendations on possible areas of improvement;
- (iv) Encouraging all eligible Basotho voters to come out in their numbers and exercise their constitutional right in a peaceful manner; and

(v) Proffering any such advise and assistance as stakeholders may request in pursuit of the democratic process

As per established practice, the SADC Parliamentary Forum delegation will observe and assess the election in terms of the Constitution and the electoral law of the Kingdom of Lesotho as read with the SADC Parliamentary Forum Norms and Standards for Elections in the SADC region.

The Southern African Development Community Parliamentary Forum (SADC PF) is an autonomous institution of the Southern African Development Community (SADC). The SADC PF was established in 1996 in accordance with Article 9 (2) of the SADC Treaty with the express objective of strengthening the implementation capacity of SADC by involving parliamentarians in the activities of SADC. Membership to the SADC Parliamentary Forum is open to national Parliaments whose countries are members of the SADC. The SADC PF brings together more than 1800 parliamentarians in the SADC region whose vision is to achieve comprehensive, effective and sustainable regional integration and prosperity, based on democratic governance and freedom in the SADC region; and bring about a united SADC family conscious of its common destiny.

The SADC Parliamentary Forum election observation mission to Lesotho calls on all Basotho people to campaign and vote in peace and for all stakeholders; political parties, the IEC, security agencies, civil society organisations, to exercise patience, tolerance and a sense of brotherhood in the forthcoming electoral process.

On its part, the SADC Parliamentary Forum thanks the Government of Lesotho for the invitation to observe this important process and salutes the people of Lesotho for working together and finding a Basotho solution to the problems of the post-1998 election.

Issued at Maseru, Lesotho.

Dr. Kasuka Mutukwa
SECRETARY GENERAL

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APPENDIX 4: COMPOSITION OF THE ELECTION OBSERVER MISSION

LESOTHO 2002

COUNTRY	NAMES
ANGOLA	Hon. Alfredo Furtado Júnior (MPLA) Hon. S. Lamera (UNITA) Staff: Mr. G. Cambiete
BOTSWANA	Hon. N. Modubule (BNF) Hon. S. Maruatona (BDP) Hon. L. Motsumi (BNF) Staff :Ms. Gotaatweng Mosenyi
MALAWI	Hon. R. Jangiya (UDF) Hon. D.J. Mlomo (MCP) Staff: Mr. S.N. Chisanu
MOZAMBIQUE	Hon. P.P. Francisco (FRELIMO) Hon. Abel Gabriel Mabunda (Renamo-UE) Staff: F.J.J. Manhica
NAMIBIA	Hon. L. Chata (COD) Hon. L. Katjita (SWAPO) Staff: Ms. F. Nambahu
SOUTH AFRICA	Hon. G.P. Mngomezulu (ANC) Hon. M.L. DeCamerar (DP) Staff: Mr. C. Mahlangu
SWAZILAND	Hon. Robert Mbhamali Hon. R. Mhlanga Hon. M.T. Khumalo Staff: Ms. Mapsie Gule
TANZANIA	Hon. Omar S. Kwaangw' (CCM) Hon. Salome Joseph Mbatia (CCM) Hon. A.S. Makinda (CCM) Staff: Mrs. Justina Shauri
ZAMBIA	Hon. Speaker A. Mwanamwambwa (MMD) Hon. M.S. Mulanda (MMD) Hon. F.Z. Simenda (UPND) Staff: Mr. D. Mandalo
ZIMBABWE	Hon. C. Majange (ZANU PF) Hon. L. Dokora (ZANU PF) Hon. H. Mafudze (MDC) Staff: Mr. Tsvarai

COUNTRY	NAMES
SECRETARIAT	Dr. Kasuka Mutukwa Mr. T. Musavengana Mr. P. Chiputa Mr. Denis Kadima Mr. J. Bonongwe Ms. S. Kauvee Ms. V. Cardoso Ms. R. Nhundu
RESOURCE PERSONS	Mr. Kondwani Chirambo (SARDC) Mr. Vasu Gounden (ACCORD) Hon. G.D. Lefhoko (Botswana)
Local Staff	Ms. L. Majoro Mr. K. Manamolela Ms.L.L. Ntho

APPENDIX 5

MAY 2002 LESOTHO ELECTION OBSERVATION MISSION PROGRAMME

Salon A, Convention Centre, Lesotho Sun Hotel

DAY ONE: THURSDAY 16 MAY 2002

08h30 – 10h00 Introductions

Facilitator: Takawira Musavengana, Secretariat

Each participant introduces himself/herself and shares with the participants his or her electoral experiences and his/her expectations about the Lesotho observer mission

- Opening Remarks & discussion on the organisation of the observer mission and background to the role of the Forum in observing elections by Dr. Kasuka Mutukwa, Secretary General, SADC Parliamentary Forum
- Remarks by Hon. Speaker Amusaa Mwanamwambwa, Leader of the SADC Parliamentary Forum Election observation mission to Lesotho

10h00 – 10h30 Tea/coffee break

10h30 – 11h30 Framework for Election Observation, Criteria for Assessing Elections

Presenter: Denis Kadima, Elections Consultant

Chair: Hon. A.S. Makinda, MP, Tanzania

The presenter will describe the rationale for observing elections, the role of international and regional observers, what they observe and the distinctions between observing and monitoring. Further, the presenter will discuss the SADC Parliamentary Forum's MPs Guide on Election Observation. The points of inquiry and the terms of reference will also be presented and discussed.

11h30 – 12h30 Evolution, development and application of SADC Parliamentary Forum's Norms and Standards for Elections in the SADC Region

Presenter: Mr. Takawira Musavengana, Secretariat

Chair: Hon. A.S. Makinda, MP, Tanzania

The presenter will discuss the origins of the SADC Parliamentary Forum's Norms and Standards for elections in the SADC region, how they came into being, their status and application in the observation of elections by the Forum.

12h30 – 14h00 Lunch break

14h00 – 15h30 Conflict Resolution and Election Disputes

Presenter: Mr. Vasu Gounden, ACCORD

Chair: Hon. D. Lefhoko, MP, Botswana

Although the Forum's delegates would be limited by the scope of their mandate as election observers, their presence may help diffuse tensions. Under the supervision of the Mission Leader, the observers may, for example, hold informal meetings with concerned parties or encourage constructive dialogue to resolve issues between parties.

The presenter will therefore help enhance the understanding of MPs about the fundamental issues involved in election-related conflicts and how election observer delegations can act appropriately to help diffuse such conflicts.

15h30 – 15h45 Tea/Coffee Break

15h45 –16h15 Observing Elections from a Gender Perspective

Presenter: Ms. Rumbidzai Nhundu, SADC Parliamentary Forum

Chair: Hon. D. Lefhoko, MP, Botswana

The presenter will discuss how an electoral process can be analysed and evaluated from a gender perspective. The presenter will highlight the need to assess elections with a gender lens at all the different stages. A checklist for mainstreaming gender in elections will be discussed to provide practical ways for ensuring that gender issues are taken into account in an election.

16h15– 17h00 Relations between the Observation Mission and the Media

Presenter: Mr. Kondwani Chirambo, SARDC

Chair: Hon. Lydia Katjita, MP, Namibia

Observation missions are often a focus of media attention. In addition, mass media is a vehicle for communicating to the public and other electoral stakeholders. The presenter discuss with the delegation on how it could utilise and interact with the media effectively. He will also draw the attention of the delegates on the “dos” and “don’ts” when dealing with the media as an observer mission.

18h00 RECEPTION

DAY TWO: FRIDAY 17 MAY 2002

09h00 – 10h30 The Political and Socio-Economic Background of the Kingdom of Lesotho

Presenter: Prof. Francis Makoa, National University of Lesotho

Chair: Hon. M.T. Khumalo, MP, Swaziland

- Geographical information
- The Economy
- The Political System
- Administrative structures of Lesotho
- Political background of the country
- The Role of the Monarchy, the Church and the Military
- The May 1998 Parliamentary Election: Issues, Problems and Results
- The May 2002 Parliamentary Elections
 - Main Political Parties and Candidates contesting the 2002 election: their ideological orientation and sources of support
 - The Main Issues

10h30 – 11h00 Tea/coffee break

11h00 – 12h00 Briefing and discussion of the August 2001 Lesotho voter registration exercise

Presenter: Hon. G. Lefhoko, Leader of the SADC Parliamentary Forum Voter Registration Observation Mission to Lesotho

12h30 – 14h00 Lunch break

14h00 – 15h30 Briefing from the Independent Electoral Commission of Lesotho (IEC)

Presenter: Mr. A. L. Thoahlane, Chairperson of the Lesotho IEC
Chair: Hon.A.F. Junior, MP, Angola

15h30 – 15h45 Tea/Coffee break

Consultations with Political Parties

Chair: Hon. Speaker Amusaa Mwanamwambwa

15h45 – 16h30 Lesotho Congress for Democracy (LCD)

16h30 – 17h15 Lesotho Peoples Congress (LPC)

DAY THREE: SATURDAY 18 MAY 2002

Consultations with Political Parties (Continued)

Facilitator: Hon. Speaker Amusaa Mwanamwambwa

08h30 – 09h00 Basotholand Congress Party: **Representative did not show up.**

09h00 – 09h30 Basotho National Party (BNP)

09h30 – 10h00 Basutoland African Congress (BAC)

10h00 – 10h30 Break

10h30 – 13h00 **Press Conference**

By Hon. Speaker Amusaa Mwanamwambwa, Leader of the SADC Parliamentary Forum
Election observation mission to Lesotho

13h00 – 14h00 Lunch break

Consultations with other stakeholders

Chair: Hon. Charles Majange, MP, Zimbabwe

14h00 – 14h45 Lesotho Council of NGOs (LCN)

14h45 – 15h30 Women and Law in Southern Africa Research Trust

15h30 – 16h00 Tea/Coffee break

16h00 – 16h45 Media Institute of Lesotho

16h45 – 17h30 **Voting and Counting Checklists**

Presenter: Mr. Denis Kadima
Chair: Hon.F.Z. Simenda, MP, Zambia

17h30 – 18h00 **Assessment Methodology**

Presenter: Mission Leader, Hon. Speaker A. Mwanamwambwa.
Chair: Hon. Mngomezulu, MP, South Africa

18h00 – 18h30

Deployment Plan

Presenter: Mr. Takawira Musavengana

Chair: Hon.Mngomezulu, MP, South Africa

SUNDAY 19 MAY 2002

National Rallies of BAC, BNP, LCD, LLP and LPC in Maseru

MONDAY 20 MAY 2002

Departure for Districts

THURSDAY 23 MAY 2002

Advance Voting

SATURDAY 25 MAY 2002

Voting Day

SUNDAY 26 MAY 2002

District teams return to Maseru

MONDAY 27 MAY 2002

De-briefing and release of an interim statement

TUESDAY 28 MAY 2002

Departures

APPENDIX 6: DEPLOYMENT PLAN

MAY 2002 LESOTHO ELECTION OBSERVATION MISSION

DEPLOYMENT PLAN

	DISTRICT NAME	CONST	POLLING STATION	TEAMS	COUNTRY	TEAM DETAILS	PARTY
1	Maseru	20	561	Mwanamwamwa A. Hon Mandalo D (Mr)	Zamiba Zambia	Chairperson	
	Maseru			Motsumi L. Hon Kwaangw' O S Hon Chisanu S (Mr)	Botswana Tanzania Malawi	Maseru T 01	Ruling Ruling
	Maseru			Khumalo M T Hon Mafudze H Hon Mosenyi G (Ms)	Swaziland Zimbabwe Botswana	Maseru T 02	Opposition
2	Butha-Buthe	5	125	Mngomezulu Hon Mlomo DJ Hon Nhundu R (Ms)	South Africa Malawi Secretariat	Butha-Buthe	Ruling Opposition
3	Leribe	13	354	Majange C Hon De Camarar M L Hon Shauri J (Ms)	Zimbabwe South Africa Tanzania	Leribe T 01	Ruling Opposition
	Leribe			Junior A F Hon Mabunda A G Hon Cardoso V (Ms) Manhica F (Mr)	Angola Mozambique Secretariat Mozambique	Leribe T 02	Ruling Opposition
4	Mafeteng	9	234	Modubule N Hon Dokora L Hon Mahlangu C (Mr)	Botswana Zimbabwe	Mafeteng	Opposition Ruling
5	Mohale's Hoek	8	232	Simenda FZ Hon Mbatia S Hon Nambahu F (Ms)	Zambia Tanzania Namibia	Mohale's Hoek	Opposition Ruling
6	Quthing	5	152	Katjita L Hon Mbhamali R Hon Gule M (Ms)	Namibia Swaziland Swaziland	Quthing	Ruling
7	Berea	10	255	Makinda A S Hon Maruatona J Hon Tsvarai CT Mr	Tanzania Botswana Zimbabwe	Berea	Ruling Ruling
8	Thaba-Tseka	5	173	Francisco P P Hon Lamera S Hon Cambiete G (Mr)	Mozambique Angola Angola	Thaba-Tseka	Ruling Opposition
9	Mokhotlong	4	119	Jangiya R Hon Mulanda M Hon Manamolela K (Mr)	Malawi Zambia Lesotho	Mokhotlong	Ruling Ruling
10	Qacha's Nek	3	103	Chata L Hon Mhlanga R Hon Ntho L (Ms)	Namibia Swaziland Lesotho	Qacha's Nek	Opposition

APPENDIX 7: STATEMENT ON THE CONDUCT OF THE POLL AND THE COUNT

27 May 2002

INTERIM STATEMENT BY THE SADC PARLIAMENTARY FORUM ELECTION OBSERVATION MISSION LESOTHO NATIONAL ASSEMBLY ELECTIONS 25 MAY 2002

INTRODUCTION

At the invitation of the Government of Lesotho by its letter dated 02 April 2002, the Southern African Development Community (SADC) Parliamentary Forum constituted a delegation to observe the 25 May 2002 elections. The Mission was led by the Speaker of the National Assembly of Zambia, Hon. Amusaa Mwanamwambwa, and comprised 25 Members of Parliament (MPs), 20 Forum Secretariat and parliamentary staff from 11 member parliaments. The May 25 Lesotho election was the eighth national election to be observed by the SADC Parliamentary Forum since 1999.

The SADC Parliamentary Forum election observers to Lesotho were MPs from 10 SADC countries, namely, Angola, Botswana, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The combination of MPs from both ruling and opposition parties, and the inclusion of both male and female MPs in the Mission, are among the main factors that continue to ensure a fair balance in the Forum's assessment of electoral processes in the SADC region.

Based on its appreciation of an election as a process comprising a series of related activities over a long period of time, the Forum's involvement in the electoral process in Lesotho started in August, 2001, when a six-member team was sent to the Kingdom to observe the registration of voters. At the end of its five-day assessment programme, during which the team consulted with stakeholders and visited 33 registration centres in three selected rural and urban constituencies, the team issued a statement endorsing the overall transparency of the process, and shared its findings and recommendations with stakeholders.

The advance coordinating team of the election observation mission arrived in Maseru on 5 May 2002, and was joined by Members of Parliament on 14 May 2002.

The purpose of the Mission was:

- to assess the conduct of the electoral process as to whether or not it has been conducted in a free, fair and democratic atmosphere which will ultimately reflect the will of the people of Lesotho;
- demonstrate regional support for a credible electoral process and thus encourage Basotho electors to come out in their numbers to exercise their right to vote; and
- to identify the strengths and shortcomings of the electoral process and make recommendations on possible areas of improvement.

As with other missions in the past, the delegation conducted its activities in an independent, objective, non-partisan, and professional manner in accordance with the Constitution and the laws of the Kingdom of Lesotho and the Forum's Norms and Standards for Elections in the SADC Region. The mission recognises that the people of Lesotho will ultimately determine the conduct and outcome of the election.

From 16 May 2002, the delegation held an extensive orientation programme involving consultations with stakeholders on the electoral system and process in order to be acquainted with the issues and challenges relating to the political and electoral processes leading to the 2002 National Assembly elections in Lesotho. These election stakeholders included the Independent Electoral Commission (IEC), the Interim Political Authority (IPA), political party leaders, non-governmental organisation representatives, the media and domestic observers. The Mission also sought to validate information received from the stakeholders. Mission members received and read several briefing materials, including the electoral legislation of Lesotho and party election manifestos.

The observers interacted with other regional and international observers to exchange views and share information and, where necessary, harmonise deployment plans in order to ensure a better geographical coverage of the districts and constituencies throughout the country. Members of the Mission also attended the national rallies of political parties around Maseru on Sunday 19 May, before being deployed in the countryside.

DEPLOYMENT IN DISTRICTS

The delegation was divided into 12 teams and deployed to all the 10 districts of Lesotho in order to ensure a broad geographical coverage of the country. Two of the teams were posted in Maseru district, two others were in Leribe district, and each of the eight remaining teams was deployed in one of the eight other districts.

During the period between deployment and the actual poll, all the teams consulted widely with relevant local electoral stakeholders, such as the district and constituency administrative and electoral authorities, political party representatives, civil society organisations and traditional chiefs, religious leaders and attended campaign rallies. They also visited several polling centres and stations in each constituency.

On 23 May 2002, the teams observed the advance voting in a number of constituencies throughout the country. On 25 May, the Forum's delegates observed the poll, the count and tabulation of results at 215 polling stations throughout the country before heading back to Maseru.

OBSERVATIONS

Political Environment

- The people of Lesotho must be commended for their commitment to peace and for their willingness to embrace a new electoral system that would ensure improved inclusion of political parties in the National Assembly.
- There was an enabling atmosphere in which there was constant stakeholders' involvement and a conscious effort to build confidence and trust among the actors throughout the process
- The delegation noted the role played by the Interim Political Authority in levelling the playing field for all political parties.
- One of the dominant features of the process leading to the Lesotho 2002 elections has been the broad consensus-based consultative framework that ensured regular meetings between the Independent Electoral Commission and the political parties and candidates.
- We applaud the culture of political maturity and tolerance that was witnessed among the 19 political parties contesting the elections.
- We commend the Interim Political Authority, Independent Electoral Commission and the political parties for developing a conflict resolution mechanism, which has proved successful before and during the election. Such conflict resolution mechanism should be used in the future.

The Campaign

- The electoral campaign was quite intense but peaceful. None of our 12 teams reported cases of political violence and intimidation or voter buying.
- The exercise of freedoms of assembly, speech, expression and movement was noticeable for all parties and candidates. Political parties confirmed this and no widespread complaints were received. Further, there were no reports of "no go areas".

- The Independent Electoral Commission must be commended for ensuring fair access to public media to all the contesting parties. While this has been a contentious issue in a number of other elections in some SADC countries, political parties have validated our observation.

LOGISTICAL ARRANGEMENTS

- There were a large number of polling stations throughout the country. This helped to speed up the voting process.
- The use of transparent ballot boxes enhances transparency.
- The delegation noted some logistical shortcomings, which could be remedied by improved voter education and training of polling officers and party agents, and making available a timetable of the electoral process.

THE POLL AND COUNT

- The people of Lesotho must be commended for turning out in large numbers and for the patience and peacefulness displayed throughout the voting process.
- Party agents were present in virtually all polling stations throughout the country thus ensuring the transparency of the voting process. The presence of chiefs as official witnesses at the polling stations bore testimony of the inclusiveness of the process.
- We commend the system of counting at the polling stations immediately after polling as it enhances confidence in the credibility and integrity of the process.
- The verification of ballot papers by party agents and all present added to the legitimacy of the process and result
- It is significant that even prisoners were allowed to vote.

CONCLUSION

From the above observations, the SADC Parliamentary Forum election observation mission to the May 25, 2002 general election in the Kingdom of Lesotho concludes that the election was peaceful, free, fair, and transparent; it is thus a true reflection of the will of the people of Lesotho. Indeed, this largely conforms to the SADC Parliamentary Forum Norms and Standards for elections in the SADC region

We appeal to the people of Lesotho to maintain the prevailing peace and tranquillity, and thank them for the hospitality extended to our delegation.

Hon. Speaker Amusaa K. Mwanamwambwa, MP
Leader of the Delegation & Speaker of the National Assembly of Zambia

Hon. A.S. Makinda, MP
Deputy Team Leader, TANZANIA

Hon. A.F. Junior, MP
Deputy Team Leader, ANGOLA

Hon. F.S. Lameira, MP
ANGOLA

Hon. N. Modubule, MP
BOTSWANA

Hon. J. Maruatona, MP
BOTSWANA

Hon. L. Motsumi, MP
BOTSWANA

Hon. R. Jangiya, MP
MALAWI

Hon. D.J. Mlomo, MP
MALAWI

Hon. P.P. Francisco, MP
MOZAMBIQUE

Hon. A.G. Mabunda, MP
MOZAMBIQUE

Hon. L. Chata, MP
NAMIBIA

Hon. L. Katjita, MP
NAMIBIA

Hon. G.P. Mngomezulu, MP
SOUTH AFRICA

Hon. M.L. Da Camara, MP
SOUTH AFRICA

Hon. M.T. Khumalo, MP
SWAZILAND

Hon. R. Mbhamali, MP
SWAZILAND

Hon. M. Mhlanga, MP
SWAZILAND

Hon. O.S. Kwaangw', MP
TANZANIA

Hon. S.J. Mbatia, MP
TANZANIA

Hon. M.S. Mulanda, MP
ZAMBIA

Hon. F.Z. Simenda, MP
ZAMBIA

Hon. C. Majange, MP
ZIMBABWE

Hon. L. Dokora, MP
ZIMBABWE

Hon. H. Mafudze, MP
ZIMBABWE

Dr. Kasuka Mutukwa
SECRETARY GENERAL

