



**AFRICAN UNION ELECTION OBSERVATION MISSION TO THE
7TH OCTOBER 2022 NATIONAL ASSEMBLY ELECTIONS IN THE
KINGDOM OF LESOTHO**

PRELIMINARY STATEMENT

Maseru, 9th October 2022

I- INTRODUCTION

1. The Chairperson of the African Union Commission (AUC), His Excellency (H.E.) Mr. Moussa Faki MAHAMAT and on the proposal of the Commissioner for Political Affairs, Peace and Security (PAPS), H.E. Ambassador Bankole ADEOYE, designated Her Excellency Dr. Speciosa WANDIRA Kazibwe, Former Vice President of the Republic of Uganda, to lead the African Union Election Observation Mission (AUEOM) to the 7 October 2022 National Assembly Elections in the Kingdom of Lesotho. The Mission was enhanced by the effective support of Mrs. Patience Zanelie CHIRADZA, Director of Governance and Conflict Prevention within the AU PAPS Department. It should be recalled that the African Union (AU) deployed from 23 June to 1 July 2022, a Pre-Election Assessment Mission led by Honourable Lady Justice Effie Owuor, Member of the AU Panel of the Wise.
2. The Mission comprised 40 Short-Term Observers (STOs) drawn from 22 Member States of the AU, namely Algeria, Benin, Chad, Comoros, Congo, Democratic Republic of Congo, Eritrea, Eswatini, Ethiopia, Gambia, Kenya, Nigeria, Rwanda, Saharawi Arab Democratic Republic, Seychelles, South Africa, South Sudan, Tanzania, Togo, Uganda, Zambia and Zimbabwe. It constituted of Ambassadors to the AU in Addis Ababa, Pan African Parliamentarians, members of African Election Management Bodies, Civil Society Organisations (CSOs) and Independent Experts. The AU Observers arrived in Maseru, Lesotho, on 28 September 2022 and will stay until 13 October 2022 in the country.
3. The AUEOM assessed the 2022 National Assembly elections in the Kingdom of Lesotho against its continental instruments for democratic elections contained in the 2007 African Charter on Democracy, Elections and Governance (ACDEG), the 2002 OAU/AU Declaration on Principles Governing Democratic Elections in Africa, the 1981 African Charter on Human and Peoples Rights (ACHPR), the SADC Principles and Guidelines Governing the Conduct of Elections, as well as the Kingdom's national legal framework for elections.
4. As part of its methodology, the AUEOM engaged with members of the Government and key electoral stakeholders, including the Prime Minister, the Minister of Foreign Affairs, the Independent Electoral Commission (IEC), the Attorney General and Minister of Justice, the Judiciary, Political Parties, Security Agencies, Representatives of Civil Society Organisations (CSO), Media and Government Officials.
5. This Preliminary Statement presents the initial findings and recommendations of the AUEOM on Election Day. It will be completed by a comprehensive Final Report at the conclusion of all processes.

II- OBJECTIVE AND METHODOLOGY OF THE MISSION

6. The Mission falls within the framework of the objectives set by the African Union. It contributes to the transparency of the polls as well as to its proper conduct in accordance with national prescriptions and relevant international standards.

7. The Mission aims to be impartial, objective and independent in accordance with the relevant provisions of the African Charter of Democracy, Elections and Governance (ACDEG). It is based in its theoretical and empirical methodology on a neutral observation of the electoral process and of polling day. The Mission met internal and external stakeholders with whom it interacted positively to better understand the issues and challenges as well as their expectations. This preliminary statement is based on the fieldwork of STOs deployed across the country who visited polling stations in rural and urban areas as well as the election campaign. It is also based on the analysis of the forms – checklists completed on the election day.

III- PRELIMINARY FINDINGS

8. The AUEOM makes the following preliminary observations:

(a) Political context of the elections

9. The 7 October 2022 National Assembly elections in Lesotho were the tenth to be held since 1965. They were preceded by the 2017 snap elections, which were characterised by mistrust among political stakeholders, disregard for the rule of law and politicisation of state institutions. The elections were also preceded by four successive unstable coalition governments resulting from a hung Parliament.

10. The AUEOM noted that the 2022 elections were the tenth to be held since 1965. The Mission also observed the increase in the number of contestants and Political Parties in the 2022 elections. The Political Parties contesting the polls increased from 27 in the 2017 elections to 52 in 2022. Indeed, the Mission also noted that three political party alliances and a number of independent candidates had been registered.

11. Following the 2017 elections, the AUEOM recommended effective reforms to enhance the separation of powers and safeguard the independence of institutions, the professionalisation of the civil service and the clarification of the role of civilian authorities in the control of the security sector. While efforts to pursue inclusive consultative processes to give effect to such reforms were embarked on, proposed reforms were stalled and could not be legally affected before the 2022 elections.

12. The AUEOM notes that notwithstanding the absence of reforms, there was broad agreement among stakeholders that failure to conclude their promulgation was unfortunate and that the government arising from the 2022 elections needed to prioritise them.

13. The Security situation in the country was also observed to be conducive for the conduct of elections. However, concerns were raised regarding the increased crime rate attributed to illegal miners.

(b) Legal Framework

14. Overall, the AUEOM observed that the 2022 National Assembly elections were generally conducted based on the same legal framework as the 2017 election.
15. Nevertheless, the Constitution of the Kingdom of Lesotho contains a comprehensive bill of rights that encompasses fundamental freedoms central to the extension of the franchise to its citizens. In addition to freedoms of expression, association, peaceful assembly and participation in government, the supreme law outlines the composition and election of the National Assembly members, including the qualifications for one to register to vote.
16. The AUEOM further noted that the Constitution provides for the establishment of a three-member Independent Electoral Commission inclusive of the Chairperson who are appointed by the King following the recommendation of the Council of State based on a submission from all registered parties in the Kingdom. All election related processes, including, but not limited to, administration of polls, registration of voters, registration of political parties, and to delimit constituency boundaries, are under the purview of the IEC. The Mission acknowledges that housing all key election processes under a single body promotes efficiency and coordination in election management.

(c) Electoral System

17. The Kingdom of Lesotho continues to use the Mixed Member Proportional Representation system (MMPR) adopted in 2001. The combination of first past the post and proportional representation continues to facilitate the sharing of power among political parties in the Kingdom, which is positive for fostering inclusion. However, the AUEOM noted that while the system provides for some affirmative action using the zebra system to allocate the 40 proportional representation seats for the National Assembly, the nomination of individuals on the closed party lists is still too discretionary to allow for a merit-based appointment of representatives.

(d) Election Management

18. The IEC is the statutory body established by Section 66 of the Constitution and is responsible for managing public elections and referenda.
19. The AUEOM noted that the current IEC was fully established in December 2020, two years before the election.
20. Regardless of challenges relating to the absence of the much-needed reforms and constraints related to accessing the required resources, the AUEOM recognised that the IEC generally enjoyed the confidence of the major political and electoral stakeholders. Where such confidence was doubted, stakeholders contested through litigation and accepted the verdict of the courts. Similarly, the IEC was observed to comply with court

judgements which, in the view of the AUEOM, enhanced stakeholder trust in the election management body.

(e) Voter Registration and the Voters' Roll

21. The IEC explained to the AUEOM that the 2022 National Assembly elections voters' roll had seen the addition of 522,116 new registrants producing a total of 1,379,714 voters. It is commendable that technology was used to aid the verification of voters based on national identity numbers.
22. The Mission received reports that the voters' list was partially audited to assess its integrity. However, stakeholders raised concerns about the currency of the document, which was said to have been twenty years old. There were further aspersions about the failure of the IEC to meet legal timelines to avail the final voters' register to political parties.
23. Regardless, the AUEOM observed that the party agents were issued a copy of the voter's roll to facilitate the independent verification of voters allowed to vote.

(f) Campaigns

24. Campaigns for the 2022 elections started from the day of promulgation of the election date on 20 July 2022 and ended 24 hours before polls opened on voting day. The AUEOM noted that they were generally peaceful and without violence. Parties and candidates were able to carry out their campaign activities freely without intimidation or interference, and that equal access to airtime was provided for candidates in the media.
25. The AUEOM also observed that security personnel were seen to be impartial and gave all candidates equal treatment to conduct their political activities freely. The Mission noted a very vibrant campaign with politicians and voters interacting through rallies which largely took a festive mode.
26. In relation to the political party and campaign funding, it was observed that the law provides for registered parties to receive funding from the consolidated revenue fund for campaigns. However, the Mission received concerns from various stakeholders regarding private funding of political parties, which has the potential to compromise the level playing field.
27. While the AUEOM received complaints about vote buying from some parties, it was noted that no formal complaint was made to the IEC by those affected as stipulated by law.
28. The AUEOM commends the holding of debates at the national level, which further enhanced citizen participation and pluralistic democratic maturity.

(g) Inclusion in Electoral Processes

29. The AUEOM noted that of the 2,560 candidates vying for Parliamentary seats, only 876 (33%) were women versus the 30.2% in the 2017 elections. Notwithstanding, this is a slight increase of 2.8%. This implies that the quota of women candidates is in line with the standards of the African Union's Vision 2030, which is 30% by 2030 at the continental level.
30. The AUEOM further observed with satisfaction the IEC's provision of voting templates for the visually impaired to allow these voters to make their electoral choice autonomously and in secret.
31. The AUEOM however noted that Persons with Disabilities (PWDs) were not fully represented by the candidates, and the country had not enacted laws to increase the participation of Special Interest Groups in the electoral processes.
32. The Mission was pleased that the IEC extended the right to vote to prisoners as provided for by the Lesotho electoral legislation.

(h) Electoral Dispute Resolution

33. The law provides that the IEC appoints a Tribunal to hear and rule on complaints. During elections, the Electoral Court hears petitions against the IEC and the High Court at other times.
34. Section 126 (6) of the National Assembly Electoral Act, 2011 Law further states that election petitions must be submitted within 30 days of the end of the election period and must be heard within 30 days of filing.
35. The AUEOM noted that the IEC received 24 nomination complaints from candidates, most of which were inter-party in nature. Four of these cases were heard by the High Court, of which three were thrown out on the basis that they were civil servants contesting.

IV- ELECTION DAY OBSERVATION

36. The AUEOM deployed 40 observers across the country. They visited a total of 158 polling stations on Election Day to observe the opening, voting, closing and counting procedures in their areas of deployment, with 54% in urban and 46% in rural areas.

(a) Opening of polling

37. The AUEOM observed opening procedures at 15 polling stations across the Kingdom of Lesotho. The Mission noted that 87% of the polling stations opened on time, at 07h00. The IEC staff followed the required opening procedures and guidelines. The AUEOM noted that the Lesotho Mounted Police Service were present inside and outside the polling stations and acted professionally.

38. The AUEOM observed that there were well-controlled queues outside all the polling stations visited before and during the opening process.

(b) Election Materials and Personnel

39. The AUEOM noted that materials were delivered in advance, in sufficient quantities, in most of the polling stations visited. The polling staff were competent in carrying out their duties.

40. The AUEOM commends the IEC for deploying women and youth as polling officials.

(c) Polling Stations

41. The AUEOM notes that most polling stations were easily accessible to the voters. However, some polling stations were not easily accessible, especially to PWDs and the elderly.

(d) Observers and party/candidate agents

42. The AUEOM noted the presence of other international observers at some polling stations visited.

43. Party agents were able to monitor all phases of the process on election day. The AU observer teams noted an average of 11 party/candidate agents per polling station. The Mission is of the view that the strong party representation in the polling stations contributed to enhancing the transparency and credibility of election day procedures.

(e) Voting procedures

44. The AUEOM notes that the voting process proceeded uninterrupted throughout the day. Voting procedures were adhered to in all polling stations visited.

45. The Mission notes that priority and assistance were extended to persons with disability, the elderly, pregnant women and nursing mothers, as well as other persons with special needs.

46. The Mission noted instances of voters being turned away without voting because their names were not on the voters' roll.

(f) Closing of polls

47. Most stations observed closed at 17:00 hours. Some stations closed later than the stipulated time to make up for the late opening and to accommodate voters who were already in the queues.

48. The AUEOM notes that ballot reconciliation was done at the polling station at the end of polling.

(g) Counting of votes

49. Counting took place in a peaceful atmosphere at all polling stations visited by the AUEOM.
50. Results were displayed for public view at each polling station. The process was peaceful and transparent at all polling stations visited by the AUEOM.
51. The AUEOM noted the presence of both citizen and international observers during the closing of the Election Day operations.

V- CONCLUSION AND RECOMMENDATIONS

(a) Conclusion

52. The Mission commends the electoral and political maturity of the People of the Kingdom of Lesotho as well as the successful conduct of the Elections against the backdrop of a global pandemic and a multidimensional geopolitical crisis.
53. It further commends the work of the IEC and the hospitality of internal and external stakeholders.
54. The Mission reaffirms its total gratitude for the quality of the exchanges it had with the candidates, the election management bodies, civil society organisations, the media and the International Election Observation Missions, in particular: SADC, ECF-SADC, COMMONWEALTH and the EUROPEAN UNION.

(b) Recommendations

The Mission makes the following recommendations to the:

Government :

- Continue its efforts for consensual reforms that consolidate the electoral and political system;
- Strengthen the capacity and resources of the Independent Electoral Commission (IEC);

Independent Electoral Commission (IEC) :

- Further strengthen the capacity of its members and the culture of consensus in all stages of the electoral process as a guarantee of transparency and democratic consolidation;
- Stimulate the representation of women, youth and people living with disabilities in its fields of competence for more inclusiveness;

Political Parties:

- Pursue further efforts to achieve intraparty democracy and gender balance in their electoral representation.
- Continue to promote peace and use legal channels in case of disputes;

Media:

- Adhere to the principle of codes of good conduct by refraining from relaying hate speech or violence during electoral processes;
- Promote Republican equality between candidates and parties competing in elections;

International Community:

- Continue consultations and further harmonise its efforts to support the Kingdom of Lesotho in its quest to consolidate pluralist democracy, the rule of law, peace, security, stability and sustainable development.

Done at Maseru, 9 October 2022

**For the Mission,
H. E. Dr. Speciosa WANDIRA Kazibwe
Head of Mission**