



EISA ELECTION OBSERVER MISSION TO THE LESOTHO PARLIAMENTARY ELECTIONS OF 26 MAY 2012

INTERIM STATEMENT

1. Introduction

The Electoral Institute for Sustainable Democracy in Africa (EISA) was invited by the Independent Electoral Commission of Lesotho to deploy an Electoral Observer Mission to observe the Parliamentary Elections that took place on 26 May 2012 in the Kingdom of Lesotho.

The EISA Mission has made its preliminary observations, findings and recommendations that are being presented in this Interim Statement. Our observations are based on the African Union's Declaration on the Principles Governing Democratic Elections in Africa, the Declaration of Principles on International Election Observation and the Principles for Election Management, Monitoring and Observation (PEMMO).

EISA noted the efforts of Lesotho stakeholders in working together towards the improvement of the country's electoral system to further strengthen and consolidate their democracy. The EISA Mission commends the enthusiastic and peaceful participation of Basotho in the electoral campaign and in the voting.

The Mission extends its gratitude to Basotho for their hospitality and for having availed themselves to meet and share their views with the Mission.

EISA's preliminary assessment of the period covering the polling and early stage of the counting process is that the will of Basotho has been freely expressed. EISA will continue to follow the electoral process and will produce a comprehensive final report upon the

conclusion of the process. The report will provide an in-depth analysis of the Mission's observations, findings and recommendations.

2. Mission Composition

The EISA Election Observer Mission was led by His Excellency, Mr. Rupiah Banda, Former President of the Republic of Zambia, assisted by the Deputy Mission Leader, Mr. Vincent Tohbi, Director of Programmes of EISA. The Mission consisted of observers drawn from Electoral Commissions and civil society organisations from eleven African countries, namely, Burundi, Cote d'Ivoire, Kenya, Madagascar, Mozambique, Namibia, Rwanda, South Africa, Tanzania, Uganda and Zambia.

3. Mission Methodology

The Mission conducted a series of activities covering advanced voting on 19 May 2012, final campaign rallies, the polling and counting processes on 26 May 2012. The Mission met with a range of electoral stakeholders including the IEC at national and district levels, political parties, civil society organisations, the media and domestic and other international observer groups.

Following a two-day briefing session held in Maseru on 20 and 21 May 2012, EISA deployed 6 observer teams on 22 May 2012, to cover all the ten districts. Upon arrival in the districts, EISA teams held consultative meetings with local electoral stakeholders and other international observers. During this period, the teams also familiarised themselves with the local context and continued to observe the concluding stages of the campaigns and the pre-polling preparations.

On Election Day, the EISA teams visited polling stations and observed the opening of the poll, the voting and counting processes at the polling stations, followed by the beginning of the tallying process in selected constituency offices.

4. Preliminary Findings

The findings are based on relevant legislation and documentation, briefings by the IEC, Political parties, independent candidates, civil society organisations, government officials, media, and national and international observer missions. The findings were also based on the observations made by the team on ground. The teams were equipped with innovative technology tools (handheld computer tablets) which assisted them to collect and transmit election-day data to the Mission Coordination in Maseru in real time.

4.1 The Electoral System

Lesotho uses Mixed Member Proportional (MMP) system which is a combination of First Past the Post (FPTP) and Proportional Representation (PR) systems. The National Assembly Elections Act of 2011 provides for the use of one ballot instead of the two previously used under the National Assembly Elections Act of 1992 which has been repealed by the former.

This means that the party's FPTP national votes are now be used to determine its share of the PR compensatory seats. The law now specifically dictates that all political parties who form alliances should register such alliances with the Independent Electoral Commission if they intend to contest elections under those alliances.

What this change means therefore is that a party will now be compensated on the basis of the party votes it received only in the constituencies where it was contesting. It follows therefore that the higher the number of contested constituencies, the higher the chances of obtaining a PR seat. The smaller and less financed political parties have the likelihood to find it difficult to raise sufficient funds to contest elections in all the constituencies.

Against this background, the unintended consequence of the changes in the electoral law may be the elimination of the smaller parties and marginalised groups in the electoral contest.

4.2 Voter Registration and Voters' List

The Mission has noted that there were some challenges regarding the registration of voters due to a number of factors. There was also the problem of data accuracy as the register still contains names of deceased persons. This is mainly attributed to the weakness of the civil registry process from which the IEC draws information in order to update the voters' register accordingly.

4.3 The Electoral Campaign and Campaign Finance

The Mission noted that the Electoral Law provides for campaign finance and accountability mechanisms. This has eased pressure on the parties' campaign budgets.

The Mission has noted with satisfaction that electoral campaign was conducted in a generally peaceful manner and different political party supporters demonstrated a high

level of political tolerance. There were no reported incidences of violence with the exception of two isolated cases of disruption of rallies of one of the parties by their opponents.

4.4 The Role of Security Forces

The Mission noted that there was anxiety among sections of the population regarding the perceived or real involvement of the army in the electoral process. The fears were triggered by the statement in which the army instead of the police called upon perpetrators of violence to desist or face consequences.

This notwithstanding, there was visible policing in all the voting stations across the country which ensured law and order.

4.5 Civic and Voter Education

The Mission has noted with satisfaction that IEC collaborated with civil society organisations to carry out voter education throughout the country. This included door-to-door and public gathering sensitisation. These commendable efforts were clearly manifested through massive mobilization of voters and low number of spoilt ballot papers.

4.6 The Polling Process

Most polling stations opened and closed on time as provided for in the electoral procedures.

4.7 Party agents

The Mission has noted with satisfaction that there was a strong presence of party agents in all polling stations visited which ensured the transparency of the polling process.

4.8 Gender Representation

In all polling stations visited, there was a remarkable representation of women as polling personnel (70 per cent) and party agents (85 per cent). The Mission encourages that this be sustained as a best practice.

The Mission also notes that the electoral law provides for a 50 per cent representation of women in the PR candidates but does not provide for the same under the First Past the Post candidates. According to our statistics, only 25 per cent of candidates for constituency seats were women.

4.9 Ballot Papers, Ballot Boxes and Election Materials

The Mission commends the IEC for the timely distribution of election materials which were in sufficient quantities. No reports were brought to the attention of the Mission regarding any shortage of election materials. However, some of these materials were defective such as the lamps and ultraviolet lamps and in some polling stations visited .

4.10 Secrecy of the Ballot

The Mission noted that the polling booths were placed facing the direction opposite the party agents and polling personnel. From that position, voters could be seen marking their ballot papers.

Furthermore, the process of removing the top counterfoil from the ballot papers after the voter has marked could compromise the secrecy of the ballot.

4.11 Polling officials

The polling officials showed proper knowledge of the polling procedures manifesting that training was well conducted. They were also clearly identified by T-shirts and caps that made it easy for the voters to access them.

4.12 Closing and Counting Process

All polling stations were closed according to the election procedures. Voters on the queue were allowed to vote.

The counting process was conducted in accordance with the election procedures. The process took place in the presence of party agents and observers hence ensuring transparency.

4.13 The Electoral Independent Commission

The Mission would like to praise the IEC for the manner in which it managed the whole electoral process, permanently consulting all electoral stakeholders.

5. Preliminary Recommendations

- The Mission encourages the parties to ensure equal representation of women in selection of candidates for the constituency-based elections;
- The Mission encourages the IEC and all stakeholders to re-examine the current system in order to provide electors with a wider choice between candidates and party lists.
- There is a need to clean up the voters' roll so as to ensure accuracy
- The counterfoil of ballot papers should be removed before the voter is issued with the ballot paper in order to safeguard secrecy of the ballot

6. Conclusion

The Mission would like to congratulate the Basotho for conducting a peaceful electoral process which showed maturity in democracy.

The Mission is of the opinion that the elections were conducted within the legal framework of Lesotho

The Mission encourages all parties to accept the results and resort to appropriate channels to resolve their disputes.

Maseru, 27 May 2012

His Excellency Mr. Rupiah Banda

Mission Leader of the EISA Observer Mission