

25 MAY 2002 LESOTHO GENERAL ELECTIONS REPORT

REPORT BY:

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INTRODUCTION

We observed the Lesotho 25 May 2002 Election as from 20 - 28 May 2002 under the SADC Electoral Support Network [SADC-ESN] which is being hosted by The Electoral Institute of Southern Africa [EISA]. Foundation for Democratic Processes (FODEP) of Zambia was co-ordinating the observer mission of 15 members.

Background

Since its 1966 independence from Britain, Lesotho has experienced two coups and seven years of military rule. At independence in 1966 Lesotho adopted a constitutional monarchy and a First - Past - The Post (FPTP) electoral system. In 1965 elections the major parties Basotholand Congress party (BCP) (like South Africa's ANC) and Basotholand National party (BNP) a Conservative Party led by Chief Leabua Jonathan contested the elections. BNP won the elections and Chief Jonathan became the first Prime Minister of the Kingdom of Lesotho. The opposition parties especially BCP which had support of most civil servants disputed the election outcome amongst allegations of BNP's tacit collaboration with the British colonial administration and that it got massive support from South African apartheid regime.

This was followed by clashes resulting in loss of human life, stripping of King Moshoeshoe II's traditional powers and ban of political parties activities. In 1970 election BCP regained power again. The King after an exile in Holland came back and attempted to form a government of national reconciliation which resulted in some BCP members rejoining the government. BCP leader Mr Ntsu Mokhehle resisted and staged a failed coup in 1974, which resulted in the death of many BCP supporters and the imprisonment of BCP leadership. BNP of Chief Jonathan kept power for 16 years under continued repressive regime which saw souring of relations between BNP and South Africa as they began criticising the apartheid regime and call for return of land in the Orange Free State original part of Basotholand.

In 1986 the Lesotho military headed by Major General Metsing Lekhanya took over and deposed Chief Jonathan. The King was restored as head of state and the ban of political parties was lifted. In 1990 King Moshoeshoe II was deposed in favour of Prince Monatso, Bereng Seeiso (Letsie III) his son. Elections in 1993 resulted in the BCP government coming back in power. The election was well administered with few incidents of limited supplies of materials, which cannot cast doubt

of the outcome as a landslide victory for (BCP) Matlosa, 1999:11). However the BNP challenged the election outcome on the basis that many incidents of electoral fraud took place.

In 1994 the BCP government encountered problems and the King attempted to dismiss the government. In 1995 Letsie III abdicated in favour of his father and five years after being deposed Moshoeshoe II was reinstated as king and restored some calm in Lesotho after years of unrest. In January 1996 he died in a car accident and Letsie III was again made king.

Establishment of Independent Electoral Commission

In September 1995 a National Dialogue was held which established the Independent Electoral Commission (IEC) to manage the electoral process, set up 80 constituencies an additional 15 new constituencies from 65 as was the case in 1993 General election. In 1995 the BCP was split between those who wanted Prime Minister Ntsu Mokhehle to remain as leader and those who opposed him. Mokhehle formed the breakaway Lesotho Congress for Democracy (LCD) and continued to govern.

In 1998 elections were held and LCD won with 79 seats out of 80. Although many international observers assessed that the elections were free and fair some opposition parties challenged the results through the courts and then followed by marches, demonstrations, protests amidst allegations of cheating by the LCD. Tensions between the public service was so obvious and the military was split.

In late September 1998 the LCD government requested the military intervention from SADC neighbouring countries to restore order and peace which resulted in further loss of lives and property. A troika of South Africa, Botswana and Zimbabwe put in place some measures to restore peace in Lesotho.

Establishment of an Interim Political Authority (IPA)

A compromise between the government and opposition political parties was put in place as IPA composed of 2 members from each of 12 parties that contested the 1998 General election and worked in the form of a parallel parliament. IPA was mandated to prepare for the holding of the general elections. The government had earlier on agreed to have new elections in 2000, but due to tense political situation and lack of adequate preparation, the elections were postponed to early 2001. Further disagreements over the composition of the National Assembly, method of voter registration led to the postponement of the General Elections to early 2002. However in terms of

the constitution the National Assembly's term is 5 years. IPA was a good initiative for reducing political tensions and ensure wider consultations, and debate on electoral reforms and electoral framework.

Mixed Member Proportional System (MMP)

On 25 August 1999 IPA agreed to (MMP) as an electoral model for Lesotho Parliamentary elections. The system uses both the proportional representation mechanism and First - Past - The - Post as a basis for the overall allocation of seats as in New Zealand, Germany, Italy, Mexico and Venezuela. MMP system retained 80 constituency seats to be contested under FPTP system and 40 to be contested under (PR) to make a total of 120 seats in the National Assembly. This means that even small parties can get seats in the National Assembly and hence ensure peace among the opposition parties who rejected the 1998 election outcome.

Electoral Amendments

In view of the forthcoming elections amendments were put in place to which gave effect to MMP, establishment of clear and transparent procedures for casting of votes, counting of votes, revision of conduct, establishment of tribunal appointed by IEC to enforce the Code of Conduct, stop the ruling party from abusing public property and privileges and prohibit political parties from harassing members of the media.

Preparations

Voter Registration

It started in August 2001 to February 2002. About 830 000 voters were registered. Registration slips, voting cards, passport or Drivers licence were required identification documents for voting. Most contesting parties and NGO's showed confidence in the voters register compiled with photographs , image identification and fingerprints recorded in order to reduce incidences of corruption in the electoral process. Concerns were raised on the delays to release the final voters register.

Voter Education

The content of voter education was agreed upon by political parties, NGOs and the IEC. Despite the new electoral system put in place evidence on the ground showed effective voter education as

they were few spoilt ballot papers. However there is need to continue with civic education in order to make elections issue based and not personality focussed. There was lack of ideological difference among contesting political parties and hence a personality issue based election in the Lesotho 25 May poll.

Voting Materials

Concern was raised of errors on the ballot papers and hence the reprinting of them in Durban. It was alleged the tender for reprinting was not done in an open and transparent manner. Most observers and opposition political parties wondered on how the spoilt ballot papers would be destroyed.

Indemnity from Prosecution

The question of indemnity from prosecution of 1998 offenders including some contesting candidates was controversial. Whether they would be granted amnesty or imprisoned is a big question, which is a challenge for LCD on how to ease tensions of pre - election and post election backlash from the winning party.

Dates of Nomination

The cut-off dates for nomination was another issue of concern raised by opposition political parties. Concerns were raised on two [2] constituencies not being contested as the reasons for that vary. Opposition parties alleged that the ruling party felt that it had not adequately prepared for the elections in the 2 constituencies and hence postponed them to be done as by elections after 25 May 2002

Access to state resources

They were complaints from the opposition parties that the ruling party (LCD) had an upper hand in accessing state resources for campaigning. However the code of conduct put in place limited the excessive abuse by LCD of state resources including media.

Campaigns

No incidents of violence were reported. The election period was generally peaceful. No campaign materials in the form of posters were visible except for BNP.

Polling Day & Post Elections Days

The Basotho nation cast the ballot on the 25th of May 2002.

Opening of Poll

Polling generally began at 0700 hours in most urban and countryside polling stations.

At most polling stations observed, e.g. Mapotsoe Anglican Primary school, by 0630 hours the Presiding Officer addressed party agents, observers and her staff on the run down to the opening at 0700 hours.

She generously allowed almost all the party agents time to go out and look for pen and paper as they would then be noting down critical aspects during the day.

At one polling station in Leribe district the voting materials kit had no voters' roll / register. This was discovered at 7.00am for polling and the constituency registrar was notified.

She did her best to seek a duplicate copy from the IEC in Maseru and this resulted in polling delays of about 4 hours. Notwithstanding this, most stations completed business within the stipulated hours.

Some polling stations were congested with about 30 people comprising of 1 Presiding Officer, 2 Policemen, 6 polling officers, and 20 party agents [2 per party and in this case 19 political parties contesting]

We observed that a big number of officials inside a polling station could intimidate some voters.

Gender

Many women filled positions of presiding officers, polling officers and many were in line as voters. Lesotho has 1:7 women to men ratio. Moreover most Basotho men work and live in South Africa.

Processing of Voters

Despite the fact that a new electoral system was put in place voters knew how to vote. It went on smoothly despite the fact that it was a slow process.

Conduct of Officials

Most of them conducted themselves in a professional manner and they seemed confident and knowledgeable about their roles.

Assistance to blind and illiterate

This was done in a non- - intimidatory manner as they were asked to bring a trusted relative or friend to assist them.

Voter Turnout

Despite about 830 000 eligible voters registered only about 554 386 actual voted. There is need to motivate higher turnout and put in place provisions for Basotho people working in South Africa to be able to cast their votes.

Salient Features

1. The Lesotho Voters Register features one's full name (s) , identification number and a passport size scanned photograph. These are as appears on a voter's identification card.
2. The Electoral Laws in Lesotho have adequate provisions for accessibility by both, illiterate and disabled voters, especially the blind. The blind have a special template ballot paper. Those needing any form of assistance have a right to bring their 'chosen assistance/aid'.
3. Party agents did not exhibit adequate training traits as opposed to polling officers.
4. The Basotho people are generally enduring and very patient in queues, something Zimbabwean urban dwellers need to emulate. They endured the cold, the snow in their heavy coats or traditional blankets and stood in there until each casted a vote.
5. The IEC put up a highly commendable ratio of polling stations to voters. On average each persons catered for 450 voters. Imagine this ratio for, Zimbabwe in 2005/6 respectively. Perhaps it remains a wish! In addition there would be clustered polling rooms per centre: Mapotsoe A, B, C, D & E, each of these taking surnames by alphabet arrangement. This made a smooth flow of the process.

COUNTING AND RESULTS

The process was open and transparently done though they may be need to put in place a seating arrangement conducive for all to see marked ballot papers against each candidate/party the. In some centres there was no adequate lighting. It is important also to reduce the movement of people in and out the counting centre during counting.

Contested seats

Party Vote	80 constituencies
Constituency Contests	78 constituencies (plus 2 failed elections)

The LCD has won 77 constituencies seats, and the LPC has won 1.

The total number of seats allocated to each party, including compensatory seats, are 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	5.9%	1
MFP	6890	1.2%	1
PFD	6330	1.1%	1
TOTALS	554386	98.6%	118

Post Election Observation

This was limited to essentially two days due to financial limitations. There generally appeared to be signs of continued peace and tranquillity in the country-an exhibit for acceptance of results and focus on national development. However BNP alleged election fraud.

Assessment

In view of the observations done by ZESN team of observers it is our assessment that the election environment was peaceful and conducive for a free and transparent election despite some logistical inadequacies in some areas.

Conclusion.

It is yet to be seen if the MMP poll model is a panacea for the conflict - ridden growing democracies in Africa. For it is to succeed there is need for political will and determination. It is now a challenge for the Basotho people to prove it to the world that it is possible to have a free and fair election in Africa.

Recommendations

1. Reprint of ballot papers should be avoided by all means it creates suspicion and lack of confidence in the electoral authorities.
2. Ballot papers should be printed within the country to cut financial costs, easy supervision of the safe keeping of consignment from the print to the relevant places when all players are involved for voter confidence.
3. Civic education must be intensified to the grassroots people to create competent voter participation and make elections developmental issue-based.
4. We commend highly the Independence of Electoral Commission however we request government to fully fund this Commission to do their work in time without financial constraints especially for voter registration.
5. Counting system though costing in time we recommend the process to continue because its transparent and encourages participation to all polling staff and party agency to avoid rigging.
6. Identification and direction arrows of polling station should be put in place international observers getting lost.
7. Polling stations must have facility of better lightening than use of poor gas ones. They should provide more lamps.
8. Capacity building of Local NGOs should be put in place in order improve the mobilisation, training and deployment of domestic observers.
9. Seating arrangement for the counting process needs improvement for all present to have access and see properly marked ballot papers.
10. Party agents need further training.
11. There is need to have one party agent inside the polling station at any given time instead of two [2] in order to reduce congestion and rotate with the one outside the polling station

Lesotho Election 2002 Observer Mission Statements

OAU Observer Team

" In general the elections were held in a transparent and credible environment, which enable the Basotho to exercise their democratic right in dignity."

SADC Parliamentary Forum Election Observer Mission

".....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."

Electoral Commissions Forum of SADC countries

"....the criteria of secrecy, transparency, fairness and freeness were met during the poll and the count."

SADC Extended Troika Observer Mission

"..... the elections were transparent, free, fair, peaceful, orderly and, therefore, reflecting the will of the people."

Commonwealth Observer Group

"..... up to the time of the close of the polls the election was, despite some administrative and logistical problems, conducted in a manner that provided the people of Lesotho with the opportunity to vote freely for the candidates of their choice."

Lesotho Council of Non Governmental Organisations Observer Mission

".....the Lesotho elections held on 25 May 2002 have been peaceful and the voting environment very conducive for every Mosotho, despite the weaknesses indicated in logistics and training."

International Election Observation Delegations (United Nations Electoral Assistance Secretariat - UNEAS)

".....the polling of May 25 2002 and the extended polling on May 26 2002 were free, fair and peaceful."