



3rd MARCH 2015

LESOTHO COUNCIL OF NGOS (LCN)

OBSERVATION MISSION

INTERIM STATEMENT

1. INTRODUCTION

Lesotho held its 2015 Snap National Assembly elections dated 28th February 2015. These elections were held in the 80 National Assembly constituencies where political parties and independent candidates contested the elections against a background of fallout of the coalition government that affected the security formations of the country, thus inflicting the high density of insecurity in the country. The Southern African Development Community (SADC) appointed the facilitator, His Excellency Mr. Cyril Ramaphosa the deputy president of the Republic of South Africa, to support Lesotho in addressing these critical challenges faced by the country and it was agreed that one way to move forward was to hold general elections.

The Lesotho Council of Non-Governmental Organizations (LCN) deployed over 320 observers in the country drawn from member organizations participating in the Democracy and Human Rights Commission. The LCN Observer Mission is inspired by international principles governing democratic elections and also in pursuance of its vision of striving for a democratic Lesotho, therefore LCN Observation Mission deployed elections observers across the country in the following manner:-

- National Office Team responsible for logistical support and deployment of the different teams on the ground
- Mobile Teams responsible for observing different polling stations in the 80 constituencies in the country,
- Stationed Observers Teams charged with the responsibility of observing the identified polling stations throughout the voting day.

All the above teams also observed the counting process. This approach helped in synergizing different experiences and is necessary ingredient for electoral observation across the globe.

Prior to the deployment of LCN Observation Mission, the observers were given refresher training as to facilitate their work. The checklist was used as a standard instrument for all observers to determine whether the elections complied with the generally accepted standards for democratic elections. When formulating the checklist, careful consideration of local laws, SADC principles for democratic elections and international conventions guiding democratic elections was made.

Although the LCN Observer Mission covered some pre-elections activities such as political parties' stars rallies and candidates' forums that have the direct bearing on the electoral process, the thrust of this observation was on the Election Day. On the elections day, the Mission observed the voting process, the conduct of Independent Electoral Commission (IEC), vote counting and the general atmosphere around the elections. The pre-elections process report will be made and submitted to the IEC for consideration and other stakeholders in order to improve democratic governance practice and norms in Lesotho.

2. MAIN OBSERVATIONS

2.1 The Voting Station

Our observation is that while the voting stations were generally accessible to the voters, most areas had a challenging terrain and could not be reached easily by both elections observers and voters (people with disability). While we have complained about visibility of most voting stations in the past, but there is a notable improvement on the matter as there were visible IEC banners for most polling stations. It is noted that

some voting centres which have been stipulated in the IEC list of voting stations were no longer the same, for instance people were returned from Moeti Primary School to Souru Primary school in the Tsoelike # 71 as a result of changing voting station.

Our observation checklist also entails determining whether the voting stations opened on time and closed on time. Our findings were therefore that most of the stations opened and closed on time as prescribed by the law, except in one station in Mabote # 29 where ballot boxes did not have lids, thus delaying opening. The only hiccup was with Correctional Services voting stations which mostly opened way after the time prescribed by the law. Although reasons for such delay is beyond IEC control, it is regrettable that inmates nearly failed to vote because of wardens grievances which are not election related. In Thaba-Tseka # 73 the inmates were only allowed to vote around 16: 30hrs.

2.2 Election Materials

LCN was informed that elections materials used for these elections including relevant forms as required by law were packaged at the central level and distributed to the polling stations. It was generally observed that elections materials were in voting stations on time in most cases though once again LCN notes with concern that the lighting equipment was still not adequate in some voting stations and where it was provided, it was of poor quality.

2.3 Independent Electoral Commission (IEC)

It is noted that IEC generally conducted these elections in an independent and impartial manner, although there were some isolated incidences where the polling stations officers portrayed lack of confidence during the counting or decision-making processes in the polling stations. It can be concluded that the majority of the polling staff had little or lacked proper training about the electoral process. The other observation is that in the urban areas some polling staff were very casual in the case of Hoohlo Primary school in the Maseru # 32 and in the Machache # 39 in almost all polling stations engaged new time polling staff. Most polling stations staff especially polling station managers could not reconcile figures on time in this constituency.

Our mission observed that some of polling stations were not aware of the role of observers and they did not want or expect observers in the stations. It has been observed that in the polling stations some of the political parties did not have agents at polling stations and further, it was difficult for agents to comprehend English as it was used in every IEC documents.

In the Botha-Bothe # 5 Constituency in one polling stations two political parties did not appear in the ballot book thus causing a delay. In resolving the matter, the secrecy of one voter was not secured.

2.4 Multi- Party Representation

In these elections, our mission observed that there was generally permissive environment for multi-party participation and indeed there were various political parties and independent candidates contesting elections. This is highly encouraged and considered as ingredients for sustainable democratic governance.

2.5 External Environment

The observer mission looked at all prevailing events that could have a bearing on the election processes. The general observation depicted a conducive environment where a general calm reigned. However, some political parties campaigned beyond closure of campaigning period which is 24hrs before election time and this is against the provisions of the Electoral Act as it discourages campaigning on elections day. There were some people who were in their political parties' regalia on the elections day.

There were few incidences observed where there were social activities in the vicinity of the polling stations, for instance in Mphosong # 7 there was an initiation school pass out which is against electoral act.

2.6 Security of the Ballot

In this election security features of the ballot were visible. It was observed that short people were not able to use booths to make their marks. In some areas where voting occurred in thatched roofed rondavels the space was so small that either IEC or Party Agents could see how an elector has voted. However, IEC equipment such as ballot boxes were always sealed with sealing keys.

2.7 Secrecy of the Ballot

The mission has observed there was a possibility of compromising secrecy of the ballot, as booths were exposed to party agents and IEC officials. The marking pen used in the booth was so thick that one could easily see through what the voter has voted for.

2.8 Participation of Elderly People and People with Disability

The main observation is that the electoral process did not provide a special treatment and/or support for the voting of the disabled people particularly the visually impaired and those with speech and hearing impairments for most polling elections. Voting for visually impaired is still done through the assistance of another person in most places. This clearly compromises the right to secrecy of the voter. This goes further to the physically challenged people who were not able to enter the polling stations.

2.9 Results and Counting Procedure

Counting was done in a transparent and open manner, however in some instances counting was done under poor lighting, which needs to be improved. Further as it has already been indicated in Machache # 39 where reconciliation was a challenge.

2.10 Dispute Resolution

It is vital that disputes that arise during electoral process be resolved as and when they arise through an all-inclusive and participatory decision-making. This principle was fairly applied as IEC officials managed to lead the process

3. GENERAL AND CROSS-CUTTING OBSERVATIONS

3.1 Registration

The voter registration exercise in Lesotho is compulsory for any citizen who is 18 years old or is about to attain the age of 18 at the time of elections. In order to enhance participation of citizens in the electoral processes a credible voters' roll is critical. In order to avoid this situation, there is a need to have new voters roll using current technologies that can afford any voter to vote anywhere in the constituency where she/he registered.

4. CONCLUSION

The LCN appreciates the overall conduct of electorates, IEC, political party agents, media houses and security agents who have contributed towards conducive environment for this elections. Our Mission also observed that the elections were peaceful and calm. Further, our Mission also applauds that a day preceding election and the Election Day were declared Public Holidays. The conclusion drawn from this elections is that the electoral process contributed to transparent and peaceful elections which are the cornerstone of credible election and that these elections are true reflection of the will of Basotho Nation.

5. RECOMMENDATIONS

- 5.1 It is recommended that registration of electorates should be conducted using modern technologies as to allow every voter to vote everywhere within the constituency they registered into.
- 5.2 It is recommended that the current voters roll should be overhauled and IEC should undertake new voter registration that will be integrated into civil registration. This should be given an urgent attention as the country is preparing for 2016 local government elections.
- 5.3 IEC personnel should be given intensive and practical training on their facilitative role during voting and counting to improve their confidence and efficiency.
- 5.4 It is recommended that the IEC should provide adequate resources towards smooth running of the elections in order to procure necessary facilities and materials such as lighting, enough space, vehicles etc.
- 5.4 It is further recommended that election materials should also be presented in accessible formats such as, in Sesotho, in braille, large print etc. to ease and promote participation of people with disabilities.

5.6 It is recommended that the Parliament should review all laws regarding elections to move towards harmonized elections.

Issued on 3rd March 2015
Maseru
Lesotho

Signed by Ms Palesa Ntakatsane

LCN Democracy and Human Rights Commissioner