



**18<sup>th</sup> February 2014**

## **LESOTHO COUNCIL OF NGOS (LCN) OBSERVATION MISSION**

### **INTERIM STATEMENT ON 2 NATIONAL ASSEMBLY CONSTITUENCIES AND 27 LOCAL GOVERNMENT ELECTORAL DIVISIONS BY-ELECTIONS FOR 2014**

#### **1. INTRODUCTION**

Lesotho held its democratic National Assembly and 27 Local Government Electoral Divisions by-elections on the 15<sup>th</sup> of February 2014. The National Assembly by-elections were held in two constituencies of Thaba-Phechela and Thaba Moea in the Mafeteng and Thaba Tseka districts. The holding of elections was necessitated by the replacement of 27 Local Government councillors and two National Assembly Parliamentarians.

The Lesotho Council of Non-Governmental Organisations (LCN) Observer Mission is inspired by international principles governing democratic elections and also in pursuance of its vision of striving for a democratic Lesotho, the Council deployed observers across the country. The total number of observers was 68 comprised of mobile and stationed observers drawn from its membership already working in the area of democracy and human rights.

The LCN Observers Mission covered all the ten districts of the country and about 80 percent of the polling stations. The observers were given refresher trainings 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, LCN was based on local laws, SADC principles for democratic elections and international conventions guiding democratic elections.

Although the LCN Observer Mission covered some pre-election such as candidates' forums that have the direct bearing on the elections, the thrust of the observation was on the Election Day. On the Elections Day, the mission observed the voting process, the conduct of elections management body (IEC), vote counting and the general atmosphere around the elections areas.

## **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). In addition, visibility of most voting stations was still problematic due to fact that banners were not placed appropriately. The IEC used schools classrooms and chiefs offices as voting stations. It is noted that some voting centres which have been stipulated in the IEC list of voting stations did not exist, for instance Ratjomose Primary School, this made it difficult for observers deployment on the ground on time.

Our observation 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.

### ***2.2 Election Materials***

LCN was informed that elections materials used for these by-elections including relevant forms as required by law were packaged at the central level and distributed to the polling stations. These were made available to the station managers on time, but the ink used initially had to be replaced

by new markers as it dried up quickly, therefore causing delays and inconvenience to the voting process.

### ***2.3 Election Management Body (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 confidence about the electoral process.

### ***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, political parties' regalia was identified in some instances such as Mosotho Primary in Thaba Phechela constituency and this is against the provisions of the Electoral Act as it discourages campaigning on election day.

### ***2.6 Security of the Ballot***

Our mission observed that generally the ballot papers were secure and ballot boxes were sealed throughout the process of voting and were visible.

### ***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 process and/or support for the voting of the disabled people particularly the visually impaired and those with speech and hearing impairments. Voting for visually impaired is still done through the assistance of another person. 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 (Moeketsane Primary School) where one voter voted on horse back.

## ***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.

## ***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 in the case of Thaba Phechela constituency that is Bongalla and Ha Maoela polling stations where IEC party agents and independent candidates resolved the dispute amicably.

# **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 this by-elections it seems that there two sets of voters rolls (old and new). 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 in any place in the electoral division where she/he registered.

### **3.2 Election date**

The election date was announced in time, thereby allowing voters and the general populace to prepare and exercise their right to vote.

### **3.3 Rejected Ballots**

It was observed that there were few rejected ballots as compared to the previous elections. This indicates growth and quality voter education which came as a result of IEC and civil society partnership.

### **3.4 IEC preparedness**

Generally, IEC preparedness for this particular by-elections was satisfactory, however there were some incidences of lack of confidence on the part of the polling staff, resulting in unnecessary delays.

### **3.5 Placement of Party Agents**

Political parties and independent candidates were availed the opportunity to place party agents in each polling stations, although, some failed to utilize this opportunity.

## **4. CONCLUSION**

The LCN is impressed with the overall conduct of electorates, IEC, political party agents, media houses and security agents who have contributed towards conducive environment for this by-elections. Our mission also observed that the elections were peaceful and calm. The conclusion drawn for this showed that the stages of the electoral process contributed to transparent, credible and peaceful elections which are the cornerstone of free and fair election.

## **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 country.

5.2 It is highly recommended that Election Days be declared public holidays to promote turn-out for voting.

5.3 IEC personnel should be given intensive and practical training on their facilitative role during voting to improve their confidence.

5.4 It is recommended that the lighting should be effective in the rural areas so as to allow the smooth running of counting processes in the evening.

5.5 It is further recommended that election materials should also be presented in accessible formats such as braille, large print etc. to ease and promote participation of people with disabilities.

5.6 It is recommended that the parliament to review all laws regarding electoral processes to more towards harmonized elections.

Signed by Thuso Ramobolu

LCN Commissioner for Democracy and Human Rights Commission