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PRESS STATEMENT BY THE LESOTHO COUNCIL OF NGOS DEMOCRACY AND HUMAN RIGHTS COMMISSION ON ELECTORAL PROCESS AND CURRENT SECURITY SITUATION

MASERU – LESOTHO

February 9, 2015 - The Lesotho Council of NGOs (LCN) Democracy and Human Rights Commission (DHRC) held a meeting on the 5th February 2015 to reflect and deliberate on the current Electoral process and existing security situation in the country.

This is a continuous effort by the Democracy and Human Rights Commission to ensure that the culture of democracy and human rights is inculcated in Lesotho. Basotho will recall that civil society has been actively monitoring electoral process and the prevailing security situation leading up to the 2015 Snap National Assembly elections, following the collapsed relations among partners in the Coalition government led by Rt. Honourable Prime Minister Dr Motsoahae Thomas Thabane, Honourable Deputy Prime Minister Ntate Mothetjoa Metsing and Honourable Minister Morena Thesele 'Maseribane.

On several occasions Lesotho Council of NGOs (LCN) Democracy and Human Rights Commission (DHRC) has engaged with key stakeholders and made statements regarding various political and security events, always with the aim of promoting peace and stability for a democratic Lesotho. In keeping with these actions, LCNs Democracy and Human Rights Commission (DHRC) continues its commitment towards contributing towards sustainable peace and development, and would like to pronounce its position on the current electoral process and existing security situation in the country.

Although the Commission has no doubt the Independent Electoral Commission's (IEC) level of preparedness to deliver credible elections, demonstrated by its ability to roll out the Election Time-table without significant hassles and also the recent report of the Monitoring Committee to the IEC forum of political party leaders, the Commission, however note the following issues:

- Security situation
- Governance
- The effectiveness of the SADC facilitator
- Compliance of political party campaigns with the Electoral Code of Conduct
- The role the media in elections
- Role of the civil society and the church in elections

National Security Situation

The public will recall that the SADC intervention was caused by the highly deteriorated political and security situation in the country. The SADC Double TROIKA plus Two held in Pretoria on 15th September 2014 initiated a facilitation process to restore political and security stability in Lesotho. These led to the signing of the following:

- Maseru Facilitation Declaration
- Maseru Security Accord
- Electoral Pledge

The Commission noted with mixed feelings the progress made and challenges faced, with regard to these commitments, notably, the dissolution of parliament, leave of absence for the three top security officials and persistent insecurity as evidenced by the recent shootings of the Lesotho Defence Force members where an innocent security guard at the Ministry of Education and Training lost his life. In addition, the mixed feelings were further ignited by the contradicting statements with regard to the security situation from government, and security formations as pronounced by the government and army spokesperson. The contradiction is also seen where the SADC Observer Team Mission and the army spokesperson have issued conflicting statements with regard to the deployment of LDF security officials.

Lesotho Council of NGOs Democracy and Human Rights Commission condemns the shootings of the entrusted national security officers in the vicinity of civilians and destruction of public property, and therefore appeals to government to demonstrate control over the security formations. In addition, the Commission calls on the SADC Facilitator to ensure the restoration of political normalcy, stability, law and order, peace and security in the Mountain Kingdom and further appeal to the international community, in this regard, the United Nations to play a supportive role to the current SADC Facilitation Mission to Lesotho.

Governance

The fallout between the main coalition partners continues to make it difficult for the leaders to work together as evidenced by the redeployment of ministers in the Ministry of Communications, Science and Technology and the Constitutional Crisis caused by the Attorney General's case against the State while he is still the first legal defendant of the state.

It is noted that the current situation does not exonerate coalition partners from their obligation under the Constitution of Lesotho.

In this regard the DHRC reminds the coalition leaders that as long as they remain in office, it is their responsibility both individually and collectively to uphold the rule of law and play their politics within the confines of the law. In addition, they are also responsible for leading the country to free, credible and fair elections scheduled for 28th February 2015.

SADC Facilitator

There are views from the public, some media houses and some political parties that the speed of SADC Facilitator is not up to the expectation. Some hold very strong position on this one and call for the retirement of the SADC Facilitator His Excellency Deputy President of the Republic of South Africa Cyril Ramaphosa as facilitator in Lesotho.

While some of the concerns are not unfounded, it would be wiser for Basotho to seek answers to the following questions, as a way of exploring the issue further to understand the nature of the problem:

- Is the mandate of Mr Cyril Ramaphosa as a Facilitator not a Mediator well understood?
- Is the government playing its role to enable the Facilitator to play his role?
- Is the Facilitator reporting to his principals, and are they content with his progress?
- Is SADC process embracing other similar process such as Commonwealth, Track II diplomatic initiatives and development partners' efforts?
- Where are the bottlenecks, in the nature of the assignment or in the implementation?

By answering these questions, we can develop helpful proposals to ensure peaceful and credible elections.

In this regard, DHRC calls for an urgent dialogue to explore the issues and possibilities on the matter. This call clearly discourages the antagonistic approaches that are being fuelled by instances where one side condemns the SADC Facilitator and the other supports him.

Media

The media seems to be highly responsible for the deteriorating levels of tolerance between and amongst the political parties and their followers. Media houses and practitioners who use their professional stance to advance antagonistic political messages are leading this country into a crisis and must be stopped.

The Commission implores the media to play its role as an impartial institution, there to hold the government to account and accurately inform the public regarding the political and security situation, rather than promoting overly political messages.

Further, the Commission appeals to Lesotho Communications Authority to commission a compliance committee for media houses and practitioners to the conditions of their service with respect to the electoral code of conduct and make necessary recommendations.

Electoral Code of conduct and Signed agreements

Political parties are not observing the Electoral Code of Conduct. Besides making antagonistic and inflammatory statements, their campaign messages instil fear and encourage rivalry between and among their supporters. Politicians must be held accountable for this and be encouraged to promote peaceful election environment.

In particular, the Commission has noticed activities that are non-compliant with the SADC Facilitation agreements namely the Electoral Pledge. Though failing to comply may be an indication of discontent either in the formulation or implementation process, it would be desirable for leaders to raise their issues and concerns about any agreements at any particular time instead of expressing it by undermining them and thus gaining advantage over parties that commit to the agreements.

In this regard, DHRC encourages the Independent Electoral Commission to monitor closely the political party rallies and campaign activities with a view of ensuring direct and constructive feedback on the one hand and necessary action on the other. The Commission also calls upon the SADC Observer Team Mission to engage relevant political parties with a view to understand the causes of the non-compliance.

Civil Society and the Church

Although civil society under the auspices of LCN made recommendations to SADC ahead of its Summit at Victoria Falls in Zimbabwe in 2014 that SADC intervention in Lesotho should embrace the on-going local mediatory and support initiatives implemented by CSOs, church, Commonwealth and the development partners. However, SADC has taken a different route. Previously, civil society and church have been deeply engaged in mediating national issues.

It is against this backdrop that the Democracy and Human Rights Commission wishes to remind SADC that while external mediation has many strengths; it also has weaknesses. The coalition leaders are further invited to recall the role of Civil Society Organisations in facilitating mediation after the SADC Team led by Sir Ketumile Masire failed to bring a long lasting solution to the country.

In particular when SADC Eminent Person in Lesotho retired his mission prematurely in 2009, it was Lesotho civil society that picked up the pieces and saved the situation from relapsing to the violent antagonism between government and opposition that prevailed when SADC was called in under the local mediation led by the Heads of Churches. It was this initiative that gave SADC way of coming back with pride to the pre 2012 peaceful elections.

Therefore:

- (i) The Democracy and Human Rights Commission declares that civil society will get more hands on to ensure that all parties work as expected to lead this nation to peaceful elections. This means closer working with all stakeholders;
- (ii) The Democracy and Human Rights Commission calls upon SADC to revise its approach to Lesotho issues with a view of allowing local mediatory process to inform the process;
- (iii) The Democracy and Human Rights Commission calls upon Basotho through their different formations and in general to work tirelessly to ensure that Lesotho goes for peaceful elections and embark on necessary reforms immediately thereafter, and;
- (iv) Requests all parties mentioned in this statement to take necessary measures to address the issues raised.

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