



**LESOTHO COUNCIL OF  
NGOS (LCN)  
POLITICAL LEADERS  
DIALOGUE  
AND  
2014 LOCAL GOVERNMENT  
AND  
NATIONAL ASSEMBLY  
BY-ELECTIONS  
OBSERVATION  
REPORT**

Funded by UNDP Lesotho



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## 1.0 Introduction

This Report is the reflection of Political Leaders Dialogue which was aimed at enhancing the culture of dialogue amongst political leadership and continuation of creating credibility for Independent Electoral Commission (IEC) as one of the pillars of democratic governance. It was further intended to strengthen the culture of tolerance among political parties and to voice out their concern in constructive manner. The Dialogue was necessitate by the fact that some political parties were not happy with the selection process of the IEC Commissioners and Lesotho Council of NGO (LCN) felt that it is important to afford political parties with an opportunity to constructively engage on this matter rather than to throw stones at the establishment. This Report is the highlights of key issues related to IEC preparedness for 2014 By-elections for Local Government and National Assembly, issues raised with regard to consolidation of the previous dialogue gains, the credibility and importance of respecting public institutions and the conclusion thereof.

## 2.0 Context

In the past ten years (10) African countries have been in different transitions where after turning the change of power through democratic elections have been considered as a good practice, now they are faced with the challenge of consolidating democracy. In most cases, some African countries are beginning to consider the importance of fighting corruption in all of its forms including the Illicit Flow of Resources both within the African continent and outside Africa, the strengthening of public institutions and their adherence to laws. In most African countries, the governance landscape is characterised by the lack of citizens' participation, their structural exclusion from governance processes and exclusion from the policy dialogue space and this hinders the expected outcome that Africans can excel in fighting poverty and promotion of good governance. The net results of these are the entrenched and increasing vulnerability of these public institutions and perceptions on how they are constituted.

The internal wars in some of countries such Demo-

cratic Republic of Congo, Republic of Sudan, Egypt and Tunisia just are few examples that show that Africa should consolidate democratic governance.

In Lesotho in particular, the democratic governance agenda is still under consolidation and there is a need for the Coalition Government to strengthen governance institutions such as judiciary, legislature and acceptance of Independent Electoral Commission. The perception and utterances by other political parties that IEC is partisan can erode the investment made in the past, thus tarnishing the credibility of this institution.

In addition to this challenge, it was anticipated it would be hard to some role players to accept the elections results particularly 2014 by-elections which seem were contested. It was noted that once the political leadership attention is diverted, the service delivery agenda at local level would suffer.



SOME of the participants of the Candidates Forum at Linakeng, Mashai in Thaba Tseka

The civil society participation in governance and development has not yet been institutionalised hence the need for Lesotho Council of NGOs to organised Public Dialogue in the country for political leadership as a means to reduce the tension but also to take the stock of progress made by IEC and how best could the political leadership in the country could iron out their differences either perceived or really.

LCN believes that in a situation where dialogue is

not used a means to attain political stability, public accountability would be in danger. Civil society organisations under LCN had developed some mechanisms which contribute to the building of the culture of dialogue. These mechanisms included mediation to political impasse from 2007 general elections to extend where SADC was invited to mediate.

### 3.0 Rationale to LCN intervention

It is accepted by many actors that LCN is continuing to play a significant role in enhancing the culture of dialogue and upholding of democratic values and culture in Lesotho. By running different types of projects, LCN together with its members are at the core in complementing the government's and communities' efforts in development.

It does not need much convincing to note that the role of civil society in governance and development in Lesotho is a very significant one and critical in building Lesotho democracy. The real issues around interventions at national level hinge around commitment which can be expressed in many ways and the commitment of the civil society in this regard is unwavering. It is for this reason that involvement and facilitation of LCN seem to be of the most viable strategies which have been tried and trusted by political parties in the country.

### 4.0 IEC preparedness for the 2014 by-election for Local Government and National Assembly

The IEC Director indicated that all the processes related to by-elections are almost complete including the printing and delivery of the ballot paper. It was also mentioned that IEC had packaged all elections material from the head office and this is a new approach. It was further stated that objection forms are part of the package and if any candidate want to object anything should fill such objection form.

The IEC Commissioners contributed by indicating that they have been engaged in voter elections in some rural areas and the turn out of the electorate was satisfactory. They added that the party committees which are formed by representatives of political parties have been involved throughout and

have shown the level acceptance to the process. Based on the IEC presentations, political parties in attendance were shown the level of acceptance on the preparations and commit to the by-elections results.



### 5.0 The credibility and importance of respecting public institutions and strategic issues emerging from previous mediation efforts

Under this topic it was emphasised that democracy is critical for any development and it is on this basis public institutions should be respected by the political leaders as it is a basis for hope by their followers that such institutions can play a meaningful role in development. It was also indicated that though sometimes leaders know the reality but if not handled well and can fuel unnecessary tension.



In reacting to the presentation, political parties narrated how the current IEC Commissioners were re-

cruited and they felt that this was different from the old tradition. It was noted by political parties that the two main political parties which labelled IEC Commissioners were wrong to do that because they know very well how transparent was the process. The representative of the two political parties which were All Basotho Convention (ABC) and Democratic Congress indicated that their leaders were wrong to publicly to associate the IEC Commissioners with certain political parties. It was mentioned that if any detraction is needed, such a move should be tactical and be made timeously in order build confidence of the electorate to the independence of IEC.



BACK ROW FROM LEFT . . . Jone Mahobe, LCD, Moferefere Sekhoane, BNP, Motsamai Lelala, DC, Masilo Monaheng, ABC, Chief Lekhooa Toloane of Ha Peterosi, Mathulo Ranyali, ADC and Tihakanelo Monaheng, PFD, pose for a photo with participants during the Candidates Forum at Khutlo-se-Metsi, Ha Peterosi.

It was during this Dialogue where the statements were considered to be detracted as both representatives stated that their leaders have full confidence to the current IEC. It was during this dialogue again where some political parties that intended to take the issue to court as violation of Electoral Code of Conduct indicated that the move is no longer viable because the Dialogue and it was highly emphasised by participants that they need IEC that is non-partisan and the can take political parties to free, fair and transparent elections.

## 6.0 2014 Local Government and National Assembly By-elections Observations

Lesotho Council of NGOs deployed 80 observ-

ers for the 2014 by-elections for both Local Government and National Assembly held on the 15th February 2014. The scope of the observation was broad though it can be summarised as to enhance credibility and to express the opinion on the polling day processes as far as the convention of free, fair, accessibility and are concerned. This was expressed in the form of issuing the Lesotho Council of NGOs (LCN) Observation Mission Statement on 2014 Local Government and National Assembly by Elections.

The observers were given refresher training prior to taking this assignment based on the check list that was used as a standard instrument for all observers to determine whether the elections complied with the generally accepted standards guiding democratic elections. The formulation of the check list was based on the electoral law and SADC principles for democratic elections and international conventions guiding democratic elections.

## 7.0 Why Observe Elections

Generally elections observation is critical in enhancing public confidence that the process attain necessary critical adherence that promote trust and transparency. It also provides a vital necessity that perpetuates the promotion and protection of right to participation as it is enshrined in the Constitution of Lesotho and other international conventions guiding democratic elections. The process of elections observations also deters manipulation, fraud and corruption by assisting with the implementation and heightened emphasis of human rights and democracy; through comprehensive observation of the process, assessment, reporting and recommendations.

Observation is a building block in sound democratic practises designed to gain honesty and confidence from the general public and the political participants in the electoral process and to expose or overrule biasness, errors and unlawful practises. It also encourages the involvement of people in the electoral process certifying the legitimacy of governments. It highlights the weaknesses encountered, thus, providing recommendations for improvements.

## 8.0 Structure of the LCN Observer Mission

The structure of the LCN Observer Mission for 2014 Local Government and National Assembly By-Elections was consisted of two teams; one field team which was both stationed and mobile and the head office team meant to support the field teams but also to observe the Maseru based urban Electoral Divisions. There were a total of 80 election observers for these elections.

Different organisations under the LCN umbrella were coordinated together. The employees were divided in groups of twos and deployed to observe in different polling stations in varying electoral divisions around the country. Whenever necessary, some of the observation teams moved from one polling station to another in order to assess the processes taking place and the procedures followed.



Voter casts a ballot at at Qaqatu during the by-elections held on February 15, 2014

## 9.0 Geographical Coverage

The Lesotho Council of NGOs (LCN) Observer Mission was assigned to cover all the 27 electoral divisions and part of National Assembly polling stations which amount to 80% of all polling stations in the ten (10) districts.

## 10.0 Key findings

The LCN Observation Mission reflected on the key finding narrated below. This is based on the analysis of the check lists submitted by the observers. The issues raised here were also raised in LCN Interim Election Observation Statement.

### 10.1 The Voting Station

LCN 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 the fact that banners were not placed appropriately. Though observer did not come across people who got lost during the polling day, this may lead to voter turnout in future if not taken seriously. 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.

LCN also observed that most of the voting stations opened and closed on time as prescribed by the law. It is noted that in some places the voting process finished earlier than the time indicated in the law and most voters on the roll have voted but the polling staff waited for the closure time. This may need the attention of the Electoral Commission to think about particularly where most stakeholders have indications that there are no more voters to come.

### 10.2 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. It is noted that this is not due to centrality of packaging the materials but perhaps long storage in the warehouses.

### 10.3 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. This calls to training of the polling staff and their recruitment. LCN believe the training has been well undertaken but may be people selected were not familiar with the electoral process and the engagement of the people who had participated in the previous if available should be given first priority as to speed up the polling process.



**Voters queue outside a polling station at Qaqatu during the by-elections held on February 15, 2014**

#### **10.4 Multi- Party Representation**

In these elections, LCN 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.

#### **10.5 External Environment**

The LCN Observer Mission looked at all prevailing events that could have a bearing on the elections 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.

The political parties' supporters are nowadays using their motor vehicles and paint them with stickers reflecting their colours. This has to be revisited as sometimes it is difficult to remove such colours during the polling day. This can be achieved by the improvement of the Electoral Act particularly sections that prevent party colours to be reflected during the polling day.

#### **10.6 Security of the Ballot and Secrecy of the Ballot**

LCN Mission observed that generally the ballot papers were secure and ballot boxes were sealed throughout the process of voting and were visible. The Mission further observed that there was a possibility of compromising

secrecy of the ballot, as booths were exposed to party agents and IEC officials. This is based fact that on the marking pen that were used in the booth was so thick that one could easily see through what the voter has voted for.

#### **10.7 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.

## 10.8 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. The lamps that were provided seem that they were either tested or stored for long hence they were not working.

## 10.9 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.

## 11.0 General Observation

The voting officers clearly explained the voting processes to voters as they entered the polling room with their different forms of identifications, which included registration cards, pass-ports, driver's licenses and official witnesses confirmed identities. Registered voters who appeared on the voters roll with sufficient identification documents were allowed to vote. In the presence of party agents, observers and candidates, the ballots counting were resumed in openness and complete transparency after the voting station had been closed at 5: 00 pm. All the ballot papers were put in relevant envelopes after counting and the agents agreed on the results. Most nearby businesses that offer services were closed during the day's activities and all political activities were put to a halt.

The IEC officers at the polling stations were slow in preparations and set ups of the station. They were offering assistance on how to fill forms to party agents.

## 11.1 Registration List/ Voters Roll

The names of eligible voters were checked on the elector's roll compiled by the IEC before they could vote to ensure that they had registered in their re-

spective areas of residences. Only people who are enrolled in the voters' roll there were allowed to vote.

Every citizen of Lesotho at the age of 18 years or 17 years soon turning 18 before or on the election day is qualified to be registered as a voter. In most cases, the voters were old people and this need IEC attention.



The voters' list shows the records of the elector's name, address, sex, date of birth, identity number and any relevant information. It is the IEC's duty to register people and clean the list through the removal of names of the deceased and update it with the names of those who haven't registered. This process seems to have some delays post 2012 General Elections.

## 11.2 Voter Education in the polling Station

Voter education was covered in all the electoral divisions in teams of three to five people depending on the area terrain and the volume of villages. However, other methods of voter education used included the media. Voter education was geared at providing the appropriate information and knowledge to voters with the aim that they understand who is eligible to vote, voter's rights, political systems, voting processes and the type of elections that would be engaged in. It was a critical focus of enhancing and

raising awareness on voter registration, procedure and participation. Voter education continued even on the Election Day at the polling stations explaining the voting processes, how to mark the ballot paper and fold it afterwards.

### 11.3 IEC Staff

The polling officials' gender composition was of both males and females, they were generally well trained. They showed the capacity and willingness to assist all voters regardless of age, ability and disability. In some areas, however, the pace of work speed slacked because of the limited confidence of the staff. The electoral staff's performance and competency varied from polling station to another.

### 12.0 Conclusion

From the above observations of the local government elections conducted on the 15th February 2014 in the kingdom of Lesotho, standard election procedures were followed. Peace and tranquillity were maintained at all times. The conclusion is that the election was peaceful, free, fair and transparent.

### 13.0 Recommendation

- The party candidates and agents were not completely conversant with their responsibilities and rights. Some parties failed to organize their agents for representation. Adequate training to the role players should be provided for.

- Registration sites should be brought closer to the people in areas where the geographical terrain is difficult.
- Special preparations and arrangements should be organised for people with disabilities
- It is recommended that registration of electorates should be conducted using modern technologies as to allow every voter to vote everywhere within the country.
- It is highly recommended that Election Days be declared public holidays to promote turn-out for voting.
- IEC personnel should be given intensive and practical training on their facilitative role during voting to improve their confidence.
- 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.
- 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.
- It is recommended that the parliament to review all laws regarding electoral processes to move towards harmonized elections.