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**AFRICAN UNION ELECTION OBSERVATION MISSION TO THE 3  
JUNE 2017 NATIONAL ASSEMBLY ELECTIONS IN THE  
KINGDOM OF LESOTHO**

**Preliminary Statement  
Maseru, 5 June 2017**

***“The AUEOM commends the largely peaceful, free, fair, transparent and competently managed elections; calls for calm while awaiting the final election results; and further urges a concerted, speedy and inclusive reform process for the sustenance of political stability in the Kingdom of Lesotho”.***

## **1. Introduction**

- At the invitation of the Independent Electoral Commission the Kingdom of Lesotho, the Chairperson of the African Union Commission, H.E. Moussa Faki, deployed an African Union Election Observation Mission (AUEOM) comprising 32 election observers to the 3 June 2017 National Assembly elections. The AUEOM is led by H.E Joaquim Chissano, former President of the Republic of Mozambique and comprises six election experts who arrived in the country on 13 May 2017 and were joined by 26 short-term observers on 28 May 2017.
- The 3 June 2017 National Assembly election was the third in the last five years. The AUEOM commends the Government of the Kingdom of Lesotho for affording its citizens the opportunity to peacefully and democratically elect its representatives. However, the AUEOM has noted that the frequency of elections, within five years, is indicative of deeply-rooted political and structural challenges facing the country which cannot be resolved through elections alone. The African Union observed the 2015 snap National Assembly elections and made recommendations aimed at finding sustainable solutions to the recurrent political and institutional challenges facing the country.
- The mandate of the AUEOM is derived from the African Charter on Democracy, Elections and Good Governance, ratified by the Kingdom of Lesotho; the Guidelines for African Union Election Observation and Monitoring Missions; and other relevant international and regional norms and standards.
- In discharging its mandate, the AUEOM met with various stakeholders, including His Majesty King Letsie III, the Prime Minister, Right Honourable Pakalitha Mosisili, Chief Justice Nthomeng Majara, the Chairperson of the Independent Electoral Commission (IEC), Hon. Justice Mahapela Lehohla, and heads of Lesotho Defence and Police Forces, political parties, civil society organisations and religious institutions, among others.
- This interim statement presents the preliminary findings of the AUEOM, highlighting its key observations, conclusions and main recommendations. A final and comprehensive report of the AUEOM will be produced within two months.

## **2. Summary of Key Findings**

### **2.1. *Political Context***

- The 2017 National Assembly snap elections were precipitated by a political conflict within coalition partners in the government that was formed after the 2015 National Assembly snap elections. The intra-party disagreement led to a successful vote of no confidence in the Government and subsequently a call for snap elections by His Majesty the King.
- The AUEOM notes that there have been tensions that have accompanied the political and security environment in the Kingdom of Lesotho over the past five years. This has created deep-rooted conflict and dissension among political leaders which has further weakened social cohesion in the country.
- AUEOM also notes the increase of contestants in the 2017 National Assembly elections which has heightened the competitiveness of the polls. The number of political parties contesting the 3 June 2017 polls increased from 18 in the 2015 snap elections to 27 in 2017. There has also been an increase in the number of registered parties, some of which are splinter groups from the old parties, thereby increasing the level of competition.

### **2.2. *Electoral and Legal Framework***

- Similar to the 2015 elections, the conduct of the 2017 National Assembly elections was governed by a framework comprising the 1993 Constitution of the Kingdom of Lesotho (as amended), the 2011 National Assembly Electoral Act, as well as other relevant laws.
- Chapter II of the Constitution provides for a Bill of Rights, which includes civil and political rights that relate to the electoral process. These include freedom of movement, freedom of expression, freedom of association, freedom from discrimination and the right to participate in government. Collectively, these rights and freedoms satisfactorily enable citizens to exercise their democratic rights through participation in political and electoral processes.
- The Kingdom uses a Mixed Member Proportional Representation (MMP) electoral system, which is a combination of a First-Past-The-Post (FPTP) electoral system and a Proportional Representation (PR) electoral system to elect the National Assembly. Under this system, 80 out of the 120 members of the National Assembly are elected on a FPTP basis within single member constituencies and the other 40 members are elected on a PR basis.

- The AUEOM notes that while the MMP system aims to promote inclusion in governance institutions and processes, it has resulted in coalition politics which are inadequately regulated by the legal framework. In particular, the legal framework does not satisfactorily regulate the practice of floor-crossing in the National Assembly, which in effect, has led to political party splintering and overall instability in government.
- In order to form government, the Constitution provides that a political party must attain a majority of seats in the National Assembly, including through formation of a coalition. Although coalition governments are probable under the current electoral system, the legal framework does not adequately provide a regulatory framework for the formation and functioning of coalition governments.

### **2.3. *Management of Elections***

- The AUEOM notes with satisfaction the IEC's competent conduct of the elections despite operational and time constraints. The IEC carried out supplementary voter registration for eligible voters who would turn 18 years by 3 June 2017 polling day, in order to maximise enfranchisement of eligible voters. In addition, the IEC introduced an Automated Fingerprint Identification System in order to enhance the accuracy and integrity of the electors' register. The Commission also successfully undertook candidate nominations and deployed election materials. The Lesotho Defence Force also played a critical role in assisting the IEC in the distribution of election materials in inaccessible areas.
- The AUEOM notes the collaboration of the IEC and civil society organisations in voter education. Together they embarked on a voter mobilisation campaign in April 2017 targeting 85% turnout for the 3 June polls. Voter education campaigns have mainly comprised door-to-door sensitisation and public meetings.

### **2.4. *Election Campaigns and Campaign Funding***

- The AUEOM observed that the campaigns were largely peaceful and took place unimpeded and in a celebratory atmosphere, in spite of isolated incidents of violence in some areas of the country.
- The AUEOM notes that the campaigns were hampered by late disbursement of campaign funds by the IEC to political parties. This was reportedly attributed to delays in receiving funding from the Government for the snap elections, as well as delays by some parties in submitting audited expenditure reports for campaign funds disbursed during the 2015 elections to the IEC.

## **2.5. Security Environment**

- Security agencies play an important role in safeguarding electoral and political processes by providing an enabling environment for conducting political activities. Whilst the pre-electoral environment was generally peaceful, some stakeholders expressed anxiety with regard to the role of the Lesotho Defence Force, alongside the role of the police in providing election security.
- The AUEOM notes an overlapping mandate between the army and the police. The Lesotho Defence Force Act of 1996 [Sec. 5 (c)] gives the Defence Force the mandate of “maintenance of law and order and prevention of crime”. This mandate is equally conferred on the Lesotho Mounted Police Service subsequent to [Sec. 146 (1)] of the Constitution. This overlapping mandate between the two security sector institutions has created challenges of interpretation related to the scope and role of each of these institutions in the electoral process.
- Furthermore, the lack of a clear constitutionally designated Commander in Chief of the Armed Forces in Lesotho, have contributed to the real or perceived politicisation of the security sector which has resulted in deep mistrust on the role of the military in the electoral process in the country.

## **2.6. Media Environment**

- Lesotho has a diversity of media houses which are allowed to operate and carry out election reporting. The AUEOM notes that media houses are polarised and openly partisan in election reporting. The state-owned Lesotho TV and Radio Lesotho have generally provided unbalanced coverage in favour of the ruling party and its coalition partners, inconsistent with the provisions of the current national legal framework, and contrary to the provisions of various relevant international, continental and regional norms and standards. Private FM radio stations are split between those conveying messages favourable to the ruling party and those providing a platform for opposition party messages. The major newspapers in the country, all of which are weekly tabloids, appeared sympathetic to the opposition. The Mission notes that media reporting on elections in Lesotho generally falls short of the code of conduct for media personnel and media houses during elections prescribed by the IEC.

## **2.7. Women's Participation**

- The AUEOM notes the low number of women contestants. Out of 1,374 candidates vying for parliamentary seats, 416 (30.2%) were women, including 15 independent candidates. This can be attributed to a

patriarchal culture and inadequate political will of political parties to facilitate the participation of women.

## **2.8. Advance Voting**

- The AUEOM observed advance voting for IEC staff, members of security agencies and public servants who would be on duty on polling day. This took place on 27 May 2017 and the AUEOM observed voting in four constituencies. The Mission notes the increase in number of advance voters from 3,549 in the 2015 election to 7,668 in the 2017 election – an increase of 100%.
- Voting was generally smooth and competently conducted. Minor logistical issues observed included late opening of a few polling stations, poor functionality of some of the indelible ink markers and inaccessibility of some polling stations by persons with disabilities.

## **3. Polling Day Observation**

- AUEOM observers visited 169 polling stations in urban and rural areas in eight districts in Lesotho to observe opening, voting and closing processes and noted the following:
  - 95% (161) of polling stations opened on time with delays of less than 30 minutes due to late arrival of polling materials and poor preparation by electoral officials;
  - Voting took place in a peaceful atmosphere and orderly manner;
  - Polling staff, most of whom were women (69%), implemented procedures competently;
  - An average of 13 party and candidate agents were present in polling stations and approximately 67% were women;
  - Security officials from the police were visible outside 94% of polling stations and conducted themselves professionally and discreetly. Military personnel were visible outside some polling stations, mainly in Maseru, Berea and Thabatseka districts, but they did not directly interfere with the voting and counting process;
  - Almost all polling stations were appropriately laid out allowing easy flow of voters and ensuring secrecy of the ballot, although space was limited in some venues;
  - Voters were processed within a reasonable time – less than six minutes where there were queues and less than three minutes where there were no queues;
  - Most voters requiring assistance to cast their ballot were assisted;
  - Most polling stations were accessible but 17% were not easily accessible for persons with disabilities as they had steps and stairs;
  - All registered voters who presented themselves at the correct polling station, were found in the voters list and were identifiable were allowed to vote;

- All polling stations where closing was observed closed on time; and
- There was inadequate lighting in some polling stations at night during counting which slowed down the process;
- The reconciliation and counting of ballots was conducted as prescribed; and
- Results were announced at the end of the counting process, signed by party and candidate agents; and posted publicly.

#### **4. Conclusion**

- The AUEOM commends the Basotho for participating in the National Assembly elections in order to choose their representatives. Despite the fact that these were the third elections within a span of five years, the electorate demonstrated the resolve, once again, to peacefully go to the polls to exercise their democratic right, which is the hallmark of democratic governance.
- The AUEOM commends the largely peaceful, free, fair, transparent and competently managed elections; calls for calm while awaiting the final election results; and further urges a concerted, speedy and inclusive reform process for the sustenance of political stability in the Kingdom of Lesotho.
- The AUEOM recognises that the National Assembly elections are not an end in themselves as these elections alone cannot address the underlying political and structural challenges facing the country. The root causes of the prevailing challenges need to be comprehensively addressed in the immediate post-election period through implementing the necessary constitutional and institutional reforms to address gaps and weaknesses in key institutions such as the Judiciary, Parliament, the Public Service and the Security agencies, among others.

#### **5. Preliminary Recommendations:**

##### **1. To All Stakeholders:**

- The AUEOM calls upon all stakeholders to ensure immediate and effective implementation of the reform pledge to carry out constitutional, security, civil service, parliamentary and judicial reforms. The reforms should enhance the separation of powers and safeguard the independence of institutions, while professionalising the civil service and clarifying the role of civilian authorities in the control of the security sector.
- The Mission urges all stakeholders to convene a national dialogue that will facilitate reconciliation and national healing. In so doing, the leaders are urged to put the interests of their country ahead of their own for posterity. Furthermore, the AUEOM urges the African Union Commission, SADC and other partners to support the Government and

people of the Kingdom of Lesotho to undertake the national dialogue and comprehensive reform process.

**2. To Political Parties:**

- The AUEOM urges political parties to honour their commitments to accept the official election results announced by the IEC. Should any political party be dissatisfied with the results, it should seek redress through lawful means.
- The AUEOM calls upon political parties to develop mechanisms to improve the representation of women in their leadership structures. The same applies to the representation of the youth and disabled persons.

**3. To the Independent Electoral Commission:**

- The AUEOM recommends that the IEC strengthens its guidelines for funding election campaigns by establishing a specified timeframe after an election within which political parties must submit audited reports for campaign funds received from the IEC. This will ensure that parties do not wait until too close to the next election to account for funds received in a previous election and that they are able to launch their campaigns as soon as possible after an election date is announced.

**4. To the Media:**

- The AUEOM recommends the establishment of a media regulatory framework.