

Election observation mission to Lesotho

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SADC Lawyers' Association participated in a co-ordinated civil society election observation mission to Lesotho for the National Assembly Elections held on 28 February 2015. The mission was in conjunction with the SADC Council of Non-Governmental Organisations and the Media Institute of Southern Africa. These much anticipated elections were held to ease political instability in the country following an attempted coup in 2014 and stalled peace talks between deadlocked political parties. This followed a breakdown in the coalition government after only two and a half years of ruling the country. South Africa played a key role in bringing about stability to the country and led the SADC brokered talks to hash out a solution to the crisis. It was believed that early elections could restore stability to the country and give the people of Lesotho a voice in ending the crisis. It was against this backdrop that the coordinated civil society mission observed the elections to determine the preparedness of the Independent Electoral Commission (IEC) of Lesotho to host the elections and overall, whether the elections were free, fair and transparent.

The mission observed that Lesotho has a relatively strong electoral framework governing and regulating elections. The constitution of Lesotho 1993 (amended in 1997) guarantees electoral democracy (s 83) and provides for the right of all citizens to vote and stand for public office (s 20); the right to freedom of assembly (s 15), association (s 16) and expression (s 14) with certain limitations dealing with public safety and the rights and freedoms of others. The National Assembly Electoral Act 14 of 2011 (the Act) specifically provides that political parties must facilitate the full participation by women, youth and disabled persons in political activities on the basis of equality. The Act has attempted to ensure gender equality in the Parliament as political parties are also required to have an equal number of men and women in their party lists, and to adopt a zebra style of one man, one woman for the proportional representation party lists (s 30 of the Act). The legislative framework further establishes the IEC to conduct the elections (s 66 of the Constitution) and it guarantees the independence of the electoral management body with the body accounting to Parliament (s 143 of the Act).

A voter casting her ballot in Maseru.

Even though the legislative framework in Lesotho is strong and has benefitted from a number of amendments in previous years of instability around the electoral process, a number of issues still remain. The mission noted in a pre-election assessment that civil society stakeholders raised concerns about the security challenges and related persisting tension and division among elements of security sector, namely the police and the defence force. There were also issues with the polarisation of the media along party lines, corruption and tension among political parties that demonstrated a leadership vacuum in terms of a clear vision for the country's recovery from the crisis to adequately address the factors that led to the current instability.

The mission observed that the media had made great efforts to facilitate voter education and expand the reach of its reporting. They were also able to report on the pre-election campaign and the election process without fear of censorship or intimidation. However, the mission witnessed a lack of professionalism and adherence to media ethics throughout the electoral campaign process. The mission was also concerned by the uneven reportage and distribution of airtime to political parties and candidates. Lesotho has a weak legal framework dealing with the media and there are still archaic laws that criminalise free expression such as insult, defamation and sedition laws.

The mission was also of the view that despite the short time in order to prepare for the elections, the IEC was well prepared to conduct free and fair elections. However, the mission did note that many people could not register to vote, as the suspension of the registration period came earlier than expected. Further issues have been raised about the credibility of the voters' roll. The IEC, did however, state that these inaccuracies would have no effect on the results but it is critical that the voters' roll is clean and accurate as possible.

The mission noted that the voting on Election Day was generally peaceful and free but there was overall a low turnout of voters of only 47%. The mission did not receive any reports of intimidation or coerced voting. In some polling stations, the secrecy of the voters were compromised as a result of congestion. The mission further observed that counting proceeded well but that at some counting stations there was no light and cellphone torches were used to count the ballots.

The mission has made a number of recommendations for the improvement of the electoral environment. These include repealing the archaic laws that criminalise free expression such as insult, defamation and sedition laws. The IEC is encouraged to invest in ensuring that the voters' roll is revised and accurate. These elections have not addressed the underlying security sector problems as well as the tension between political parties. As a result, the government of Lesotho should consider the reforms to the legal framework and security reforms to strengthen the arrangement of the coalition government to ensure an effective and stable government. Further, SADC is called to continue supporting Lesotho in consolidating peace and stable governance, especially in the implementation of the above reforms.

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