

Lesotho National Assembly Elections

3 June 2017



The Commonwealth

Map of Lesotho



Source: Economist Intelligence Unit

Lesotho National Assembly Elections

3 June 2017

Table of Contents

Letter of Transmittal.....	vii
CHAPTER 1	1
Introduction.....	1
Terms of Reference	1
Activities.....	1
CHAPTER 2	3
Political Background	3
Political Situation since 2015	3
Political Parties Contesting the 2017 National Assembly Elections	4
CHAPTER 3	5
Electoral Framework and Election Administration	5
National Legal Framework	5
Legislature and Executive.....	5
Independent Electoral Commission (IEC)	5
Voter Eligibility and Registration	6
Party registration.....	6
Political party campaign funding.....	6
Electoral System.....	7
Candidate Eligibility and Nominations	7
Failure of constituency elections	7
Advance Voting	7
Election Offences and Petitions	7
Election Security	8
General Security.....	8
Conflict Prevention, Management and Resolution Initiatives.....	8
Pre-Election Commitment to Post-Election Reforms.....	9
Pre-Election Preparations	9
IEC Consultative Committees.....	10
Voter Registration	10
Party and Candidate Registration	10
Training	10
Civic and Voter Education.....	11
Logistics.....	11
Security	12
CHAPTER 4	13
The Campaign and Media	13
Election Campaign	13
Media	13
Participation of women, youth and persons with disabilities.....	15
CHAPTER 5	17
Voting, Counting and Results.....	17

Voting	17
Advance Voting	18
‘Failed’ Elections.....	18
Voting in Prisons.....	18
Observation of Voting.....	18
Counting	19
Observation of Counting.....	20
Turnout	20
Results	20
CHAPTER 6	22
Conclusions and Recommendations	22
Recommendations	22
 Annex I.....	 24
Biographies of Chairperson and Observers	24
Annex II	26
Arrival Statement	26
Annex III	29
Deployment Plan	29
Annex IV	30
Interim Statement	30
Annex V	36
Political History Since the Adoption of the MMP System	36
The MMP System and the 2012 National Assembly Elections.....	36
Commonwealth Engagement Post-2012 Elections	36
Coalition Crisis.....	37
Crisis in the Security Sector	37
Alleged Attempted Coup 2014.....	38
SADC-Facilitation	38
Annex VI	40
Political Parties Which Contested The 2017 Elections.....	40
Annex VII	42
Electoral Code of Conduct.....	42
Annex VIII.....	50
Electoral Pledge.....	50

Letter of Transmittal



Commonwealth Observer Group 2017 Lesotho National Assembly Elections 3 June 2017

8 June 2017

Dear Secretary-General

We have completed our final report on the 2017 National Assembly Elections in Lesotho, and are pleased to submit it to you.

We commend the Basotho for the peaceful and orderly manner in which they voted on 3 June. We conclude from our observations both prior to, and on Voting Day that these elections were competitive, and basic freedoms of association, assembly and movement were not compromised. Aspects of the election campaign that we were able to observe were peaceful and characterised by active participation.

These elections were the third held within a period of five years. We commend the IEC and its staff for having successfully managed the conduct of these elections within a substantially compressed timeline, which imposed a number of cost and administrative burdens on them.

We welcome the measures taken to promote political tolerance and laud the public commitment of all stakeholders, especially political parties, to the implementation of reforms and peaceful, inclusive elections, through the signing of pre-election pledges. These were welcome developments and contributed to an environment conducive to the conduct of these elections.

As we now depart Lesotho, we are pleased to note also the signing of a commitment by political parties on 7 June, accepting the outcome of the results. It is our hope that the peaceful tenor that prevailed throughout the electoral process, will be sustained for the political transition to a new Government.

We urge that electoral reforms are implemented through an inclusive, nationally-driven process, and that these form part of broader reforms to embed political stability in Lesotho.

It has been an honour and a privilege to serve the Commonwealth in this way and trust that our recommendations will be received in the constructive spirit in which they are intended. We urge that the Commonwealth Secretariat and other relevant organisations remain engaged and to continue to support democracy and development in Lesotho through the post-election phase.



Mmasekgoa Masire-Mwamba
Chairperson



Kenneth Abotsi
Ghana



Lomcebo Dlamini
Swaziland



Peter Wardle
United Kingdom

CHAPTER 1

Introduction

The Commonwealth Secretary-General, The Rt. Hon Patricia Scotland QC, constituted an Observer Group for the 3 June 2017 National Assembly Elections. This followed a formal invitation from the Independent Electoral Commission (IEC) of the Kingdom of Lesotho and consultations between the Secretary-General and a broad range of stakeholders during her goodwill visit to the country in April 2017.

The Commonwealth Observer Group for the 2017 National Assembly Elections was led by former Commonwealth Deputy Secretary-General Mrs Mmasekgoa Masire-Mwamba of Botswana. A three-person staff team from the Commonwealth Secretariat supported the Observer Group. A full list of the members of the Group is at **Annex I**.

Terms of Reference

“The Group is established by the Commonwealth Secretary-General at the invitation of the Independent Electoral Commission of Lesotho. The Group is to consider the various factors impinging on the credibility of the electoral process as a whole.

It will determine in its own judgment whether the elections have been conducted according to the standards for democratic elections to which the country has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgment accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Lesotho, the Chairperson of the Independent Electoral Commission of Lesotho, leaders of political parties, and thereafter to all Commonwealth Governments.”

Activities

The Observer Group began arriving in Lesotho on 27 May 2017 and departed on 8 June 2017.

The Group received briefings in Maseru on the preparations for, and run-up to, the National Assembly Elections, during which it met with the Independent Electoral Commission of Lesotho (IEC); representatives of political parties; civil society organisations; faith leaders; traditional leaders; media; the Lesotho Mounted Police Service; the Lesotho Defence Force (LDF); the diplomatic community; and other international and citizen observers.

The Chairperson of the Observer Group made an Arrival Statement on 29 May 2017 (**Annex II**).

Members of the Observer Group were deployed from 1 to 5 June to the following districts: Berea; Butha-Buthe; Leribe; Mafeteng; Maseru; Mohale’s Hoek; Qacha’s Nek; and Quthing (see **Annex III**). During their deployment, members of the Group observed preparations for

the electoral process, the environment in the immediate lead-up to polling, all aspects of the electoral process on Voting Day (Saturday 3 June) and the counting of ballots and declaration of results. In doing so, Group members met with district electoral officials, district police officials, members of the public and citizen and international observers.

The Chairperson of the Observer Group paid courtesy calls on His Majesty King Letsie III; the Prime Minister, The Rt. Hon Dr Bethuel Pakalitha Mosisili; the Minister of Foreign Affairs and International Relations, Hon Dr 'Mamphono Khaketla; and leaders of other international election observer missions.

On the basis of the Observer Group's findings, the Chairperson issued an Interim Statement (**Annex IV**) on Monday 5 June 2017, highlighting the Group's preliminary findings and observations. The Group's final Report was agreed in Maseru before the Group left Lesotho on 8 June 2017, and was thereafter transmitted to the Commonwealth Secretary-General.

CHAPTER 2

Political Background

Political Situation since 2015¹

In April 2015, Prime Minister Mosisili rescinded Gen. Mahao's promotion and restored Gen. Kamoli as Commander of the LDF. On June 25, 2015 Gen. Mahao was shot dead. In protest against the government's alleged failure to mount a serious investigation into the circumstances surrounding Gen. Mahao's death, opposition parties boycotted the National Assembly. Following this, the leaders of the All Basotho Convention (ABC), the Basotho National Party (BNP) and the Reformed Congress of Lesotho (RCL), namely Mr Thomas Thabane, Mr Thesele Maseribane and Ms Keketso Rantsho fled to South Africa, citing security concerns.

Upon a request by Prime Minister Mosisili, SADC set up a Commission of Inquiry into Gen. Mahao's death, led by a Motswana judge, Mpathi Passevil Phumaphi. The report of the Phumaphi Commission which was published in early 2016, among others, recommended the following:

- The immediate removal of Gen. Kamoli as LDF Commander
- Suspension of LDF officers implicated in cases of murder, attempted murder and treason
- Amnesty for 23 soldiers who were being court-martialed for alleged mutiny

Gen. Kamoli was eventually retired in November 2016 and replaced with Lt-Gen. Motsomotso, previously the Deputy Commander.

In the same month, an Amnesty Bill was introduced to the National Assembly to grant immunity to members of the security forces who had committed crimes between 2007 and 2015.

Also in November 2016, senior members of Prime Minister Mosisili's DC, led by the DC deputy leader Monyane Moleleki, announced withdrawal of their support for the government, citing corruption and the government's failure to implement key constitutional, security sector, parliamentary and public sector reforms. Four DC ministers subsequently resigned from Government.

Mr Moleleki eventually formed a new political party, the Alliance of Democrats (AD), and signed a pact with Mr Thomas Thabane's ABC, envisaging a new coalition government. Mr Moleleki also announced his intention to table a motion of no confidence in Prime Minister Mosisili's government.

In January 2017, the Secretary-General of Deputy Prime Minister Metsing's LCD formed another new political party, the Movement for Economic Change (MEC), further weakening the government.

In February 2017, the three opposition leaders who had been exiled in South Africa since mid-2015 returned to Lesotho to support a vote of no confidence in Prime Minister Mosisili's

¹ For an overview of the earlier political history since the adoption of the MMP system, see Annex V.

government.

The vote of no confidence was passed on 1 March 2017, after which King Letsie III accepted Prime Minister Mosisili's advice to dissolve the National Assembly and hold snap elections. Elections were set for 3 June 2017. The Opposition had subsequently challenged the Prime Minister's advice in court, on the basis that the King should have instead sought the advice of the Council of State for the dissolution of the National Assembly, and had also attempted to have Parliament recalled to debate and endorse the budget for the snap elections. The court challenge was ultimately unsuccessful.

Political Parties Contesting the 2017 National Assembly Elections

Twenty-seven (27) of the 30 political parties registered with the IEC contested the 3 June 2017 National Assembly Elections (see **Annex VI** for a full list of the political parties).

CHAPTER 3

Electoral Framework and Election Administration

The June 2017 National Assembly Elections were the third such elections in just over five years. Elections had been held in May 2012 and February 2015.

National Legal Framework

The legal foundation for the conduct of elections in Lesotho is contained in:

- The Constitution of Lesotho of 1993 (“the Constitution”);
- The National Assembly Electoral Act 2011 (“the Act”).

Legislature and Executive

The Parliament of Lesotho consists of two chambers: the Senate (the upper house) and the National Assembly (the lower house). The Senate has 33 nominated members, 22 hereditary chiefs and 11 individuals appointed by the King on the advice of the Council of State, each of whom serves a five-year term.

The National Assembly has 120 members, each elected for a five-year term. Eighty members are elected in single-member constituencies through the FPTP system while 40 seats are allocated through proportional representation, reflecting the share of the national votes given to each party. The formula for the allocation of seats is set out in Schedule Three of the Act.

Where Parliament has been dissolved, the National Assembly shall meet no later than fourteen days after the holding of a general election.²

After the election, the King appoints as prime minister the member of the National Assembly who appears to the Council of State to be the leader of the political party or coalition of political parties that will command the support of the majority of the members of the National Assembly.³

Independent Electoral Commission (IEC)

Section 66 of the Constitution establishes the Independent Electoral Commission (IEC). The Act provides the regulatory framework for the administration and conduct of elections. The functions and mandate of the IEC include the following:

- Demarcate constituencies and electoral divisions
- Voter registration and compilation of the National Electors’ Register
- Administration and oversight of elections
- Policies required for the administration of elections
- Certification and announcement of the election results.

² Constitution of Lesotho, Section 82(1)(b)

³ Ibid. Section 87(2)

On the advice of the Council of State, the King appoints the IEC Chairperson and two Commissioners, who constitute the Board of Commissioners. Each Commissioner serves a five-year term, which may be renewed once. The current Chairperson of the Commission is the Hon. Justice Mahapela Lehohla.

Under the oversight of the Commission is a Secretariat, headed by the Director of Elections, who is charged with managing the operational aspect of elections. The Director of Elections is also the Chief Executive and the Chief Accounting Officer. He or she is appointed by the Commission upon terms and conditions determined in consultation with the Public Service Commission.

For the conduct of these elections, the IEC recruited and trained approximately 17,304 polling staff. Most of these individuals were from the public sector. The operational structure for the conduct of the election was as follows:

- 10 District Administration Offices, one for each district, managed by District Electoral Officers, responsible for coordinating the process at the district level;
- 80 Constituency Offices, one for each constituency, managed by Returning Officers, responsible for managing the process at the constituency level;
- 2,884 Voting Station Managers, one for each polling station, responsible for managing the polling stations on Election Day.

Voter Eligibility and Registration

Under the Act, voter registration is compulsory. In order to be eligible to vote, one must be a citizen of Lesotho, at least eighteen years of age and be of sound mind. A person is disqualified from voting if they are declared to be of unsound mind, acknowledges allegiance to a foreign power or state, or is under a death sentence. The registration of electors is a continuous process.

Party registration

The Act provides that any political party must register with the IEC if it is to contest an election⁴. The requirements for registration are that the party is registered under the Societies Act 1966; its membership is voluntary and is open to all citizens of Lesotho without discrimination; has adopted a name and symbol that conform to prescribed limitations; has adopted a constitution which conforms to prescribed minimum requirements; and has a paid-up membership of at least 500 electors⁵.

Political party campaign funding

Under the Act a political party may raise donations from any person or organisation inside or outside Lesotho. Any source of funds or donation exceeding LSL 200,000.00 must be disclosed to the IEC. A political party registered with the IEC is eligible to receive state funding for campaigning and the payment of party agents. In the case of a political party which has contested the previous election, funding is allocated according to the number of votes received, whilst in the case of a political party which has not contested the last elections funding is allocated according to the threshold requirement for registration with the IEC.

⁴ National Assembly Electoral Act 2011, Section 23

⁵Ibid, Section 24

Electoral System

Lesotho's electoral framework is a mixed member proportional (MMP) model, which combines the first-past-the-post system (FPTP) with proportional representation (PR).

Candidate Eligibility and Nominations

Under the Constitution and the Act, in order to be eligible to stand as a candidate for election to the National Assembly, a person must be a citizen of Lesotho, a registered voter and be able to speak, read and write one of the national languages or English. A person is disqualified as a candidate if, s/he is of unsound mind, owes allegiance to a foreign power, or is an un-rehabilitated insolvent.

The Act provides that a prospective candidate must submit to the returning officer of the constituency concerned an application supported by a proposer and seconder and accompanied by a deposit of LSL 200. A candidate may not stand for election in more than one constituency. The law allows for the nomination of both independent and party candidates.⁶

For the nomination of the party list candidates, the Act provides that a party must submit to the Director of the IEC a list of nominated candidates which must: contain between 40 and 120 names; arrange the candidates in order of preference with a female or male candidate immediately followed by a candidate of the opposite sex; have an equal number of women and men. The list must be accompanied by various declarations, undertakings and statements and a deposit of LSL 8,000.00.

Failure of constituency elections

The law provides that constituency elections will fail upon the death of a candidate.⁷ The King then proclaims a date for fresh constituency elections.⁸ In the meantime voting proceeds in respect of proportional representation elections⁹ and a special ballot paper is prepared for this purpose.¹⁰ Votes cast using these special ballot papers are taken into account when calculating the number of party political votes which are then used to determine the number of seats allocated according to party lists.¹¹

Advance Voting

The Act allows certain public officials and individuals with responsibilities on election day, such as candidates, polling officials and police officers, journalists, medical personnel and security personnel to vote in advance. The IEC receives and approves applications for advance voting. Thereafter the IEC creates an Advance Voting Register.

Election Offences and Petitions

The Act contains an Electoral Code of Conduct which is binding on political parties, candidates, and their supporters. In addition, the Act outlines a series of election offences,

⁶ National Assembly Electoral Act 2011, Section 41(3)

⁷ Ibid, Section 44(1)

⁸ Ibid, Section 44(2)(b)

⁹ Ibid, Section 44(4)

¹⁰ Ibid, Section 44(5)

¹¹ Ibid, Section 104(2)

and corrupt and illegal practices for which offenders can be prosecuted. These include: bribery; treating; undue influence; personation; illegal voting; false statements; disorderly conduct on election day; failure to comply with requirements of electoral officers; and intimidation. Each offence is punishable by a fine and/or imprisonment.

Under the Act, the High Court has exclusive jurisdiction to hear and determine election petitions. Petitions are heard in open court. The IEC, a voter, political party, candidate or the Attorney General may file an election petition with the High Court to complain of an undue return or undue election. A petition must be submitted within 30 days of the declaration of the official election results. The High Court has 30 days from the date of the last hearing to give its final order in relation to the petition.

Election Security

The Police was generally in charge of election security. An estimated 3,146 police assistants were also recruited across the country to help the Police maintain law and order, combat crime and protect voters and electoral materials.

General Security

Opposition parties expressed concern about general insecurity in Lesotho and were particularly worried over the safety of their leaders who had returned from exile in South Africa to contest the elections.

Citing the continuing difficult relations between the LDF and Opposition, they expressed unease about the activities of the LDF prior to the elections and questioned the motive of an LDF request to Government to deploy troops to certain strategic highpoints ahead of the elections. This fueled suspicion of a possible rejection of electoral outcomes by the LDF and the incumbent Government should the opposition win.

The attention of our Group was also drawn to the existence of a Special Police-LDF Unit whose mandate was unclear and whose activities were causing disquiet among opposition parties.

Subsequently, there were calls for the LDF to remain in the barracks on Voting Day. We consequently met with the LDF Deputy Commander who explained that they had a legal mandate to maintain peace and stability, and assured us that their conduct before, during and after the elections would be professional and neutral.

While the Group noted that the LDF Act allows the LDF to perform a role in support of law and order, and the functions of the police, it urged the leadership of the LDF to exercise these powers with discretion.

Conflict Prevention, Management and Resolution Initiatives

In order to promote peaceful and credible elections, an Extraordinary Summit of SADC held on 18 March 2017 urged political stakeholders in Lesotho to pursue a multi-stakeholder national dialogue ahead of the elections. During a subsequent visit to Lesotho in early May by the SADC Facilitator, Mr Cyril Ramaphosa, it was decided that this dialogue should be pursued after the elections. The SADC Summit also formed an Oversight Committee to monitor the political and security situation in Lesotho during the election period.

In addition, the IEC facilitated the signature by all contesting parties of the Electoral Code of Conduct (signed on 18 April 2017¹² - see **Annex VII**), which committed the parties to ‘promote conditions conducive to the conduct of free and fair elections and a climate of democratic tolerance, in which political party activity may take place without fear or coercion, intimidation or reprisals’.

At the local level, civil society organisations (CSOs) led by the Christian Council of Lesotho (CCL), with support from UNDP Lesotho and others, also facilitated the signing of an Electoral Pledge (see **Annex VIII**) by 20 of the 30 registered political parties, which reaffirmed the parties’ commitment to honour Lesotho’s Constitution, laws and institutions of governance; to observe the Electoral Code of Conduct; to do everything within their ability to uphold peace during and after the election campaign; and to accept the outcome of the 3 June elections when declared free and fair by duly authorised independent observers.

Pre-Election Commitment to Post-Election Reforms

Before the elections, with support from some local CSOs and international and regional partners including the European Union (EU), United Nations Development Programme (UNDP) and the Southern African Development Community (SADC), the CCL initiated a move to have registered political parties publicly commit to an inclusive process of implementing a package of reforms. These reforms were in the areas of the constitution, the security sector, judiciary, parliament and public service - recommended by both national and international stakeholders for Lesotho’s long-term peace and political stability. Twenty-five (25) of the 30 registered political parties, including all of the major parties, signed this pledge.

The Commonwealth Secretariat was among the international witnesses to the signing of the Reforms Pledge. The Commonwealth Secretary-General visited Lesotho soon after, welcoming the initiative and encouraging the remaining political parties to pledge their support. She also reaffirmed the Commonwealth’s commitment to supporting Lesotho with the implementation of reforms.

Pre-Election Preparations

Despite the significant logistical and administrative challenges involved with managing a snap election - including some apparent delays in the provision of funds to the IEC - we found that the IEC was well-prepared for the elections on 3 June 2017. In our discussions with stakeholders the consistent message that we heard was that the IEC was well-prepared and that the pre-election environment was conducive to the conduct of peaceful and credible elections.

¹² The Leaders of political parties registered with IEC Lesotho individually and jointly signed the pledge to the Electoral Code of Conduct on 18 April 2017, which committed each political party to: (1) Observe and be bound by the Electoral Code of Conduct; (2) Ensure that the followers and supporters of their political parties observe and abide by the Electoral Code of Conduct; (3) Ensure that the office bearers of their respective political parties observe and abide by the Electoral Code of Conduct; and (4) Ensure that candidates of their respective political party observe and abide by the electoral code of conduct.

IEC Consultative Committees

The IEC established eight Consultative Committees¹³ to engage political parties and other stakeholders about all aspects of preparations for the elections. The political parties told us that they welcomed this approach. Some CSOs told us that the IEC could have done more to involve them in these consultative structures, although they acknowledged that the IEC had maintained good relationships with them in other ways.

Voter Registration

The IEC conducted a voter registration exercise from 13 to 19 March 2017, a shorter period because of the short-notice elections. We heard that some citizens had faced challenges in registering during this short period, especially if they needed to travel some distance to the relevant IEC Constituency Office. We also heard that some persons with disabilities had found it difficult to access information about the registration process, because it was not available in accessible formats. However, we heard that the IEC's Data Management Consultative Committee agreed that the register was sufficiently robust to provide the basis for the elections; and we heard no significant views to the contrary in our discussions with stakeholders. We were pleased to note that the IEC took steps to remove from the register duplicate entries and entries for deceased persons, in line with one of the recommendations made by the Commonwealth Observer Group in its report on the 2015 elections.

As of Voting Day, 1,253,681 electors were registered: 556,509 men and 679,172 women. The register included 560,040 people in the 18-34 age group.

Party and Candidate Registration

In the run-up to the 3 June elections, 30 political parties were registered with the IEC. Twenty-seven (27) of these parties contested the elections.

A total of 1,368 candidates - 410 women and 958 men - stood for election across Lesotho's 80 constituencies, 45 (15 women and 30 men) were independent candidates, the rest in the name of political parties. In addition, the 27 political parties contesting the elections submitted lists of candidates for the 40 National Assembly seats allocated by proportional representation - there were 1,152 names on these lists: 576 women and 576 men, in accordance with the National Assembly Elections Act 2011 (NAEA), which requires parties to include equal numbers of women and men on the lists, arranged on the 'zebra' principle (i.e. each name on the list must be followed by the name of a candidate of the opposite gender).

Three candidates in the constituencies of Hololo, Teyateyaneng and Thupa-Kubu sadly died during the pre-election period. In accordance with legislation, the IEC declared that the elections for these seats had 'failed' (they must be held not later than 90 days after 3 June); but, as provided by legislation, electors cast their votes on 3 June in respect of the seats allocated by proportional representation.

Training

In the run-up to the elections the IEC conducted training for its own Voting Station staff and for other stakeholders, including candidates, candidate and party agents and party activists;

¹³ Monitoring, Party Leaders, Law, Security, Data Management, Media Liaison, Logistics, Civic & Voter Education.

police officers, Police Assistants, National Security Service officers and Lesotho Correctional Service officers; journalists; and Chiefs. This training covered the provisions of the NAEA including electoral offences and the Electoral Code of Conduct, the role and mandate of the IEC, electoral procedures and the role and responsibilities of all those involved. We heard that Voting Station staff received fewer days of training than would normally be the case, because of the short-notice elections, but that this was in many cases compensated for by the fact that many staff had worked at the 2015 elections, so had relatively recent experience. Voting Station Managers received three days of training and Voting Station Officers received two days of training (the normal figures would be five days and three days respectively).

Civic and Voter Education

Despite the short pre-election period, the IEC conducted a significant civic and voter education exercise, with support from the European Union and the GIZ¹⁴. Eight Lesotho civil society organisations (CSOs) supported the exercise, which set itself the ambitious target of encouraging 85% turnout, and included particular focus on youth, women and persons with disabilities. We heard some criticism from political parties who were part of the incumbent governing coalition that the CSOs conducting the civic and voter education exercise were not impartial, but either favoured the opposition or were mouthpieces of the international organisations who funded the exercise, and the CSOs told us that this political criticism had a negative effect on their efforts. Overall, however, we commend the efforts made by the IEC and its partners to conduct effective civic and voter education.

The IEC operated a call centre from 15 April, staffed around the clock, to deal with any questions about the election process. It made a wide range of election-related material available on its website. It broadcast information about the elections through TV, radio, newspaper and roadside advertising and direct SMS messages to electors; and gave regular press briefings.

Logistics

The IEC established 2,884 Voting Stations - 239 stations were in a total of 219 areas that were dealt with as 'inaccessible', i.e. difficult to reach by road. The Lesotho Defence Force (LDF) provided support to the IEC to deliver voting materials to these 'inaccessible' stations by helicopter.

Ballot papers were printed in Durban, South Africa, and were delivered to Lesotho on 18 May. Printing and delivery was observed by IEC staff, political party representatives and media.

All voting materials were delivered from District IEC stores to Constituency IEC stores; and then, in the two to three days before 3 June, from the Constituency stores to Voting stations (including by helicopter where necessary). This exercise was supervised by IEC and police officers, and observed by candidates' and party agents. Once voting materials reached Voting Stations, IEC and police officers, together with agents and witnesses, remained at the Voting Stations until all electoral procedures had finished, generally spending one or two nights at the Voting Station in the process.

¹⁴ *Gesellschaft für Internationale Zusammenarbeit*

Security

A National Joint Command Centre (NJCC) was established during the pre-election period, with participation from senior officers of the Lesotho Defence Force (LDF), the Lesotho Mounted Police Service (LMPS), the National Security Service, the Lesotho Correctional Service and the IEC. Equivalent District Joint Command Centres were established in each of the ten Districts of Lesotho. We were told that issues were dealt with as they arose, by consensus.

We were told by representatives of the political parties forming the incumbent coalition government that the IEC tribunal had failed to deal effectively with allegations of bribery, reportedly citing a lack of evidence on which to determine whether the Code had been breached. The representatives of these parties said that the IEC should establish more effective procedures for monitoring compliance with the Code.

The Lesotho Mounted Police Service (LMPS) told us that no alleged election offences had been reported to them during the pre-election period. The LMPS gave out public messages in the immediate run-up to Voting Day, reminding citizens of the rules about public order in and around Voting Stations.

CHAPTER 4

The Campaign and Media

Pursuant to the proclamation of 10th March 2017 by His Majesty King Letsie III, fixing 3 June 2017 as the date of the election, the IEC published the election timetable in accordance with Section 37 of the National Assembly Electoral Act of 2011. The timetable set out the time frames within which key aspects of the election process were to be implemented, commencing with the beginning of the elections period on Monday 13 March 2017, and ending on 10 June 2017 with the publication of final election results.

Election Campaign

The official campaign period for the 3 June 2017 National Assembly Elections began after Parliament was dissolved by His Majesty the King, following the passing of a vote of no confidence in the government of Prime Minister Mosisili. This then set the stage for election campaigning, as provided for by section 59 of the National Assembly Electoral Act, which states that “*A political party registered with the Commission is entitled to conduct elections campaign to enable it to disseminate its intended policies to electors for discussion and consideration.*” The campaign officially ended at 0700 hrs on 2 June, 24 hours before voting.

The Group witnessed the final rallies of some of the parties and noted that the campaigns were without major incidents, that they were therefore generally peaceful, and characterised by active participation of large numbers of women and youth. We noted that in Maseru, election campaign material of different political parties, such as flyers, posters and mobile billboards, was widely distributed and clearly displayed.

The final political party rallies we attended were conducted in an almost festive atmosphere with political party members clad in their different political party colours and different kinds of attire, with campaign messages freely demonstrating support to their parties and candidates. A number of vehicles were decorated with party colours, flags and messages, and were moving around the city freely. No incidents of disruption or violence of these campaigns were observed. We also did not observe any campaigning in the immediate 24-hour period before Voting Day as stipulated by the National Assembly Electoral Act and no campaigning material was distributed by any of parties at voting stations.

A small number of issues were brought to our attention, the most significant of which was that the period in which the registration of citizens turning 18 and for transfers on the voter register was deemed too short by some individuals; that state resources were used for election purposes; and that there were breaches of the Electoral Code of Conduct.

Media

The media landscape in Lesotho comprises a plurality and diversity of electronic and print media. Broadcasters include Lesotho TV and eighteen radio stations, comprised of two state-owned, four community, four church-owned, and eight privately-owned stations. Only the state-owned broadcasters have national coverage while community radio operate within a radius of 50kms each. In terms of print media, there are nine weekly publications, of which one, Lesotho Today is state-owned, one is church-owned and seven are privately owned. Print media is largely in circulation in Maseru, the capital.

Social media, mainly Facebook, Whatsapp and Twitter have gained increasing popularity as platforms for information dissemination and discussion of political issues. According to the Media Institute of Southern Africa (MISA), social media is favoured because it enables greater freedom of expression, despite the challenges it presents in respect of inaccuracy. It was also noted that the youth are more active on this platform.

Section 67(1) of the National Assembly Electoral Act provides that “A *political party registered with the Commission shall have the right to have the substance of its campaign propaganda reported on news broadcasts of the Government-owned media and in any newspaper in circulation in Lesotho*” and that “*the media shall maintain neutrality of the manner of reporting the news of the propaganda campaign of a political party registered with the Commission and generally in its commentaries.*” Despite this, however, media practitioners and civil society highlighted that media in Lesotho reflects the existent political polarisation in the society and media support to particular political parties is easily identifiable. Given the absence of a regulatory mechanism, concerns regarding professionalism of the media in reporting during elections were also raised. In an attempt to address this, MISA and the IEC collaborated to train journalists in professional and ethical reporting, and the provisions of the “Guidelines for the Coverage of Elections on Radio and TV in Lesotho” and the “Code of Conduct for Media Personnel and Media Houses during Elections.”

During the pre-election period, access to state-owned broadcasters, namely, Lesotho TV and radio, was limited to the “election hour” provided by the IEC, which acquired airtime for all political parties to disseminate information about themselves, their manifestos and campaigns. However, media practitioners, civil society and media advocacy organisations reported that opposition political parties were not able to access state-owned media beyond this, while parties within the governing coalition received additional coverage in the news. This, together with the suspension of operations of *Lentsoe La Basotho* (Lesotho Today), for alleged biased reportage, is contrary to the provisions of the National Assembly Electoral Act and the provisions of the 2015 SADC Principles and Guidelines Governing Democratic Elections. The Principles require member States to “*promote necessary conditions to foster transparency, freedom of the media; access to information by all citizens; and equal opportunities for all candidates and political parties to use the state media.*”¹⁵ In one instance, it was reported that Lesotho TV was prevented from airing a live debate hosted by civil society featuring most of the main parties. Of additional concern were reports of threats against and victimisation of journalists and media houses, including threats of arrest and closure by Government officials, police and members of the Lesotho Defence Force (LDF) and correctional services. As a result, a number of journalists reported a high level of self-censorship in their reportage to avoid punitive consequences.

During the pre-election period, political parties were broadly covered by private and community broadcasters and had equal opportunity to buy additional airtime for their campaigns. The private print media also provided coverage of a wide spectrum of political parties, with The Lesotho Times, The Post, Public Eye and providing an opportunity to political parties to disseminate information about themselves in special election supplements. Reports on and usage of social media platforms such as Facebook were reflective of the diversity of political parties in Lesotho.

On Voting Day, state broadcasters conducted extensive coverage. Live TV and radio programmes featured most political parties as well as commentary throughout the day. A broad spectrum of political party leaders, observers, political analysts and civil society were

¹⁵ Section 4.1.6, SADC Principles and Guidelines Governing Democratic Elections [as revised in 2015].

interviewed. Additional coverage was provided by 40 journalists on 12 private and community radio stations, deployed by Media Institute of Southern Africa (MISA) to the ten districts. Similarly, journalists were able to engage with a broad section of political party leaders and electors. Journalists were able to access all voting areas targeted and report freely. There were no reports of harassment or intimidation of journalists. There was also some coverage by regional and international media, notably by the South African Broadcasting Corporation (TV and radio), which is widely available in Lesotho.

Participation of women, youth and persons with disabilities

Lesotho's national legal framework recognises and guarantees the equal right of women, youth and persons with disability to participate in the election process. In addition to guaranteeing freedom from discrimination and equality before the law, in sections 18 and 19 respectively, Lesotho's national constitution guarantees the rights of these groups to participate in government. Section 30 provides that, *"(1) Every citizen of Lesotho shall enjoy the right (a) to take part in the conduct of public affairs, directly or through freely chosen representatives; [and] (b) to vote or to stand for election at periodic elections under this Constitution under a system of universal and equal suffrage and secret ballot."*

Section 30 of the National Assembly Electoral Act of 2011 further provides that,

- " (1) A political party registered with the Commission shall -*
- (a) facilitate the full participation by women, youth and disabled persons in political activities on the basis of equality;*
 - (b) ensure free access by women, youth and disabled persons to public political meetings, facilities and venues..."*

With respect to women, Section 47 of the Act additionally provides for gender parity in the proportional representation election by stipulating that the list of nominated candidates submitted by political parties should *"(b) arrange the candidates in order of preference from top to bottom, with a female or male candidate immediately followed by a candidates of the opposite sex; and (c) include equal numbers of women and men."*

Lesotho is also party to the following regional and international human rights instruments that complement the provisions in national law:

- i. Convention on the Elimination of All forms of Discrimination Against Women (CEDAW)
- ii. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
- iii. African Charter on Democracy Elections and Governance
- iv. African Youth Charter
- v. Convention on the Rights of Persons with Disabilities

Women and youth comprise the majority of Lesotho's population, with women and youth constituting 56% and 45% of registered voters respectively. According to the IEC, 1,253,421 citizens were registered for the election, of which 697,172 were women and 560,040 were youth. However, despite their numerical advantage and enabling policy and legislative framework, this was not reflected in terms of participation in the election as candidates. Women's rights organisations, who participated in conducting civic education in partnership with the IEC, attributed this to Lesotho's patriarchal system in which socio-cultural norms and gender stereotypes define women's roles being in the private rather than public sphere and thus limit their access to and participation in leadership and decision-making positions. Such attitudes also have an impact on youth in that leadership is traditionally perceived as the domain of elders. Access to and control of resources was also identified by women focus groups consulted by the International Federation of Women Lawyers (FIDA) as a key

impediment to their ability to participate meaningfully, as was the short period of preparation for the elections which negatively affected Sotho women migrant workers in neighbouring South Africa.

Mainstreaming of gender and inclusion of youth was most evident in the IEC and in the administration of the election itself. In this regard, the leadership of the IEC includes two women, one being a Commissioner and the other, the IEC Director. Similar to the 2015 election, women and youth also comprised the overwhelming majority of IEC officers deployed at various voting stations, with the majority of Voting Station Managers being women. In Lesotho, chiefs are an integral part of the process and are present at voting stations as Official Witnesses and a number of women chiefs were observed executing this function at voting stations. Voting station security, provided by police and police assistants, also comprised high numbers of women and youth. The majority of citizen election observers we met were women.

Women and youth also form a large proportion of the membership of political parties and a number of parties noted that they have women and youth wings. Indeed, large numbers of women and youth were extremely active during the campaigns and final rallies, and on Voting Day comprised a significant number of political party agents. However, this did not translate into similarly high numbers in the candidates for election. Out of 1329 party candidates contesting the elections at constituency level, 410 were women. In compliance with the proportional representation requirements, an equal number of women and men were represented in the party lists submitted. There was a greater level of gender parity amongst the 45 independent candidates.

While women were generally visible in voting queues, there was a glaringly low number of youth who actually voted.

In terms of the election results, eight women were elected at constituency level, while the only woman political party leader lost the election in her constituency. Fifteen (15) women were added through the proportional representation process. These results continue to be far below the 50/50 target that SADC countries committed to attain by 2015 in the SADC Gender and Development Protocol.

CHAPTER 5

Voting, Counting and Results

Voting

The National Assembly Election was held on Saturday 3 June 2017. Voting took place between the hours of 0700 and 1700. Voting Day was a public holiday in Lesotho. For the first time, the day before was also a public holiday, to make it easier for electors to travel to their Voting Stations.

We found that Voting Stations in all the areas we visited were well-prepared, with all material available and a good layout that allowed all the participants, including most importantly the voters, to play their part. Stations opened at 0700 or very shortly after. We observed queues of voters at some locations, waiting to vote; the queues were generally not too large.

Voting Stations and their surroundings were well-managed in a relaxed manner by Voting Station staff (wearing distinctive caps and shirts) and by police officers and Police Assistants (many of whom were young women and performed their duties well, assisting voters including persons with disabilities). We found that at least one police officer or Police Assistant was deployed to manage each Voting Station entrance. Throughout the day we observed a professional and low-key police presence, with very few weapons on display.

We observed small groups of well-armed LDF soldiers in the vicinity of some Voting Stations. We noted that many people, including senior IEC officers, were concerned about the risk that the LDF presence might cause concern to some electors.

We observed that the majority of Voting Station staff, including Voting Station Managers, were female, including Voting Station Managers. We also observed that a high proportion of Voting Station staff were young people.

In the Voting Stations we observed, there were generally around a dozen party agents present, wearing distinctive white armbands. As with Voting Station staff, the majority of party agents were female.

Local Chiefs were present in Voting Stations as official witnesses of the voting and counting process. Official witnesses wore distinctive green armbands.

The key procedures for voting are:

- Before voting begins, the Voting Station Manager shows the ballot box to all present to confirm it is empty; and then seals the box.
- Voters are admitted to the Voting Station one-by-one. They give their name and show their identification (voter's card, passport, driving licence or national identity card) to a Voting Station Officer, who announces the voter's name to all present, so that party agents can mark their copies of the voters' register. If a voter does not have the necessary ID but their name appears to be on the register and the local Chief can vouch for their identity, they are permitted to vote.
- Once identified, their name is marked off in the register.
- A Voting Station Officer then checks the voter's finger for any signs of indelible ink - if there are none, this is announced to those present, and the voter's finger is marked with ink.

- A Voting Station Officer writes the voter's registration number on the two counterfoils attached to the ballot paper; detaches the ballot paper from the ballot paper book, leaving the first (side) counterfoil in the book; stamps the ballot paper with the official mark and gives it to the voter; explains to the voter how to mark the ballot paper; and demonstrates to the voter how to fold the ballot paper after voting.
- The voter goes to the voting booth, marks her or his ballot paper, and folds it so that their vote cannot be seen.
- The voter returns to the staff table with their folded ballot paper (if the ballot paper is not folded so as to obscure the voter's mark, the Voting Station Officer asks the voter to re-fold it). The Voting Station Officer tears off 2nd (top) counterfoil and returns the ballot paper to the voter.
- The voter then puts their folded ballot paper into the ballot box.
- At 1700 hours, if there are still people queuing to vote, a Police Assistant stands at the end of the queue to prevent anyone else joining it; all those in the queue are allowed to vote, and then voting closes.

Advance Voting

Our Group observed Advance Voting on Saturday 27 May at the Sefika Voting Station in the Stadium Area constituency. Voting was conducted in a peaceful and orderly manner. IEC officials were professional, explaining each stage of the process clearly and addressing any issues that arose in a consensual manner with party agents present. Checking the number of ballots cast and reconciliations was done transparently in full view of party agents and observers. We were told that the ballot boxes containing ballots cast during Advance Voting were guarded around the clock by IEC and police officers, with party agents also present, until they were transported under the same escort to a Voting Station in the constituency to be counted alongside the Voting Station votes on Voting Day.

'Failed' Elections

Our Group observed voting in Thupa-kubu, one of the three constituencies where the death of a candidate meant that voters cast their ballot only in respect of the proportional representation National Assembly seats.

Voting in Prisons

Two of our teams, in Maseru and Qacha's Nek, observed voting in prisons.

Observation of Voting

We found that the voting process and procedures were followed in all the Voting Stations we observed, including on Advance Voting day. Voting Station staff were highly professional, methodical and meticulous at all times, which ensured a high degree of transparency. Voting Station staff explained all procedures carefully and were listened to with interest and respect. We note and praise the diligence of Voting Station staff.

There appeared to be a good mix of female and male voters, and we noted a fairly high proportion of older voters. However, it appeared to us that youth were under-represented among those who voted.

We saw few instances of voters being turned away from Voting Stations. We saw some voters being advised that they had come to the wrong Voting Station; often they were simply

directed to a Voting Station next door, because they had joined the wrong queue where there were two or more Voting Stations at the same location.

We noted that many Voting Stations were not easily accessible to persons with disabilities, often because access routes were quite uneven or because access to the station was via high steps with no ramps. We noted, and commend, the encouragement to voters in need of assistance to bring with them a trusted friend or relative, or to ask the Voting Station Manager to help them; and we commend the availability of tactile voting devices for visually impaired voters.

Certain procedures appeared to slow the voting process. In particular, we noted that the process of removing the top counterfoil on ballot papers after voters had cast their ballot slowed the process. We observed some voters who mistakenly thought they should leave their marked ballot paper with the Voting Station Manager and instead had to be reminded to take back the ballot paper and put it into the ballot box. More importantly, although we noted the efforts of Voting Station staff to ensure that marked ballots remained folded, this stage of the voting procedure carries a risk to the secrecy of the ballot. Generally, international good practice requires that no one apart from the voter should handle a marked ballot paper before it is placed in the ballot box. Our Group noted that, in line with Lesotho election law, the second counterfoils on ballot papers were removed only after the voter had marked their vote. However, this meant that marked ballot papers were handled by IEC staff before being placed in the ballot box, which carries a certain risk to the secrecy of the ballot.

We did not observe any signs of disorder in or around Voting Stations. We did not observe any apparent intimidation of voters.

Most rooms used as Voting Stations were of an appropriate size to allow space for all those involved, and to ensure that voters could cast their ballot in secrecy. However, we observed some Voting Stations that were small and cramped, which led to a certain risk of compromising the secrecy of the ballot.

We noted the presence of various citizen and international observers at Voting Stations that we visited.

Counting

The key procedures for counting are:

- Voting Station staff unseal the ballot box, and empty the ballot papers onto the table.
- Staff check for the official mark on the back of all ballot papers - any ballot papers without the mark are not counted.
- Staff then count each ballot individually, showing the papers to those present and announcing a vote for candidate X, or announcing that they propose to reject the ballot for a valid reason. Voting Station staff and party agents keep a running total of the votes cast.
- When all votes have been counted, Voting Station staff check that their totals match those of the party agents - if not, the votes are re-counted.
- Voting Station staff check that all aspects of the Voting Station account are completed (e.g. accounting for all ballot papers unused, rejected, etc - which

together with the valid votes should match the number of ballot papers that the voting station started with at 0700).

- When all the figures are agreed, the party agents sign the results sheets to acknowledge their involvement.
- The Voting Station Manager then announces the results (known as ‘preliminary results’) - both inside and outside the voting station - and a copy of the results sheet is attached to the door of the voting station.
- A member of IEC staff then collects a copy of the Voting Station preliminary results and takes them to the IEC Constituency office, where the results from each Voting Station are tallied to produce preliminary results for the whole constituency. Again, party agents observe the constituency-level tallying process and sign the constituency results sheets, which are then transferred to the District IEC Office.
- In the presence of party agents, other witnesses and the media, the District IEC Officer re-checks the figures for each constituency in the District and when they are all agreed, she or he transmits the final results sheets to the National Tally Centre in Maseru. If the District Officer finds a mistake in any of the figures reported from Voting Stations or constituencies, she or he will ensure that the figures are re-calculated in the presence of party agents (who sign the new, agreed figures).

Observation of Counting

All procedures were followed in a fully inclusive, although painstaking manner. Voting Station Managers explained all count procedures to those present and checked that they fully understood. As with the voting procedures, we observed that this highly inclusive approach led to a relaxed and co-operative atmosphere, and a high degree of ownership of the results.

We observed that there was scope for the IEC to streamline some of the procedures in the interests of a more efficient process. We also observed that the language used on some of the elections materials and forms was not easy for those present to understand. Voting station staff had to spend time explaining the meaning to party agents and others.

Voting Day fell during the winter months, and it was dark soon after the close of voting. In many of the Voting Stations we observed, there was insufficient lighting for the count procedures, and this led to noticeable delays in the counting process.

Turnout

The final turnout figure was 46.2%, slightly lower than the figure at the 2015 elections. Various possible reasons were suggested for turnout being significantly lower than the ambitious target of the voter education campaign.

Results

The IEC published the final results on the afternoon of Tuesday 6 June:

Political Party	Constituency Seats	Proportional Representation Seats	Total Seats
ABC - All Basotho Convention	47	1	48

AD -	1	8	9
BCP - Basutoland Congress Party	0	1	1
BNP - Basotho National Party	0	5	5
DC - Democratic Congress	26	4	30
DPL -	0	1	1
LCD - Lesotho Congress for Democracy	1	10	11
MFP - Marematlou Freedom Party	0	1	1
MEC -	1	5	6
NIP - National Independent Party	0	1	1
PFD - Popular Front for Democracy	1	2	3
RCL - Reformed Congress of Lesotho	0	1	1
Totals	77	40	117

Total valid votes cast: 579,666
 Total registered voters: 1,254,506
 Turnout: 46.2%

CHAPTER 6

Conclusions and Recommendations

We wish to congratulate the people of Lesotho for yet again demonstrating their commitment to peaceful, inclusive elections.

A snap election can present significant logistical and administrative challenges for any Election Management Body and the IEC has yet again successfully overcome these. The IEC has delivered a successful, transparent and peaceful process. We commend its professionalism, its inclusive and consensus-based approach to addressing challenges, as well as its proactive communication to the public and with key stakeholders.

We welcome the measures taken to promote political tolerance and laud the public commitment of all stakeholders, especially political parties, to the implementation of reforms and peaceful, inclusive elections, through the signing of pre-election pledges. These were welcome developments and contributed to an environment conducive to the conduct of these elections. We urge that these commitments continue to be upheld, and that electoral reforms are implemented as part of a broader reform process.

Though we have highlighted some shortcomings, we do not believe that these had any substantial effect on the overall conduct of the elections.

We hope that the recommendations we have made are received in the constructive spirit in which they are intended and that those which impact on improving the conduct of future elections in Lesotho will also be implemented without delay.

We urge the Commonwealth to remain engaged with the people of Lesotho, in close partnership with both local and international agencies.

Recommendations

Media

- Undertake a process of review and reform of media-related legislation with a view to address existing restrictions and create an enabling environment for the operation of the sector, including in respect to access to information, and protection of media freedom.
- To ensure greater and more equitable access, undertake process of transforming the state broadcaster into a public broadcaster.
- Continue to implement training and other development initiatives for media practitioners to enhance their practice of professional standards in reporting, including on effective reporting of political and election issues.
- Establish a self-regulatory mechanism for the media.

Electoral System

The MMP system supports pluralism, and the representation of a greater variety of views, by ensuring that a greater variety of parties are represented in the National Assembly.

The Commonwealth Observer Group that observed the 2015 National Assembly elections recommended a review of the electoral system, and in particular the consideration of introducing a threshold (e.g. between 2% and 5%), below which parties would not gain

proportional representation seats in the National Assembly unless they separately win one or more constituency seats. If parties gain a total number of votes that is above the threshold, they can still win PR seats even if they have not won any constituency seats.

Various other suggestions for changes to the electoral system have also been put forward, and the IEC has studied these in some detail.

We recommend that a review of the electoral system should now be undertaken.

Electoral Procedures

We recommend that the IEC should conduct a full post-election review, to include an analysis of the costs involved. This should be informed by the observations and recommendations of all observers of the 3 June elections and involve consultation with a wide range of stakeholders, including in particular the political parties and civil society groups. This post-election review should consider the following recommendations:

- The IEC should provide adequate lighting in voting stations at all future elections.
- The IEC should keep the electoral register under continuing review, so that the welcome achievements in cleaning the register in advance of the 3 June elections are sustained.
- The IEC should review voting and counting procedures to identify opportunities to make changes that will streamline and simplify procedures without reducing the important benefits of transparency and openness that we observed. In particular, the IEC should review the arrangements for removing the top counterfoil from ballot papers after they have been marked, with a view to making changes that will ensure that marked ballots are not handled by anyone other than the voter before they are placed in the ballot box.
- The IEC should ensure that the language used on all election stationery and forms can be easily understood by all.
- The IEC should improve access to voting stations and all other phases of the electoral process for persons with disabilities, both physical and intellectual.
- The IEC should continue its impressive efforts in training voting station staff and all others present at voting stations, and continue to mount comprehensive civic and voter education programmes.
- The civic and education programme should include instruction on the voting process and explanation of the electoral system.
- The IEC should conduct and share a comprehensive analysis and research on the low voter turnout.

Election security

- The IEC and LMPS should continue the practice of deploying police assistants to support the electoral process.
- Lesotho law provides that the LDF may play a role in maintaining law and order and assist the police in the discharge of their responsibilities. However, these are discretionary powers. In the context of an election it is especially important that, if the military is to be deployed, it should only be after careful consideration and in consultation with the IEC.

Annex I

Biographies of Chairperson and Observers

Mmasekgoa Masire-Mwamba (Botswana)

Mrs Mmasekgoa Masire-Mwamba served two terms as the Deputy Secretary-General for the Commonwealth. As the most senior woman of the 53 country intergovernmental organisation, she actively promoted women as agents of change, in leadership and at different levels throughout the Commonwealth. With a career spanning over 30 years, Mrs Masire-Mwamba has had an extensive experience and exposure in diplomacy, development, investment promotion, telecommunications and branding. She has also served on various boards and community service institutions in the fields of tourism, business, civil aviation, and banking among others.

Mrs Masire-Mwamba has an engineering background having graduated from the University of London with a specialization in Electronics and Physics. This is complemented by a law degree from the University of South Africa. Furthermore, she obtained her Master's in Business Administration from University of Pittsburgh. She completed the Advanced Management Programme from IESE in Spain. In 2015, she was awarded Distinguished International Alumni from University of Pittsburgh. She was also recognised in the legal field by the Honourable Society of Middle Temple Inn, awarding her Honorary Bencher status in 2009. Mrs Masire-Mwamba is the Executive Director of The Masire-Mwamba Office (TMMO), which is setup to provide high impact capacity-building, advocacy and advisory services.

Kenneth Abotsi (Ghana)

Kenneth Abotsi is an international development practitioner with extensive experience in governance, peace and security in Africa. He is currently the Component Manager for Peace & Security for the German Agency for International Cooperation (GIZ) with advisory responsibility to the SADC Organ on Politics, Diplomacy & Security Cooperation especially the Mediation Support Unit, the SADC Regional Peacekeeping Training Centre and the Civilian Component of the SADC Planning Element for the SADC Standby Force. Before then, he was a GIZ Senior Advisor to the Kofi Annan International Peacekeeping Training Centre (KAIPTC) in Ghana.

As an elections expert, he has made significant contributions to the development of an Election Management Course for KAIPTC and the elevation of KAIPTC's Election Observation Course to a flagship programme for the ECOWAS region. Kenneth has also played a pivotal role in the design and delivery of an Election Observation training programme for the East Africa region. Since 2005, Kenneth has served on several Election Observer Missions (EOMs) for the Economic Community of West African States (ECOWAS), the African Union (AU), The Commonwealth and the West Africa Civil Society Forum (WACSOF).

He has also made modest contributions to conflict prevention initiatives across Africa including facilitating the training of conflict experts at KAIPTC in Ghana, the SADC Regional Peacekeeping Training Centre in Harare and the Goree Institute in Senegal. In 2015, he conducted a Pre-Election Conflict Assessment in Zambia for the Commonwealth Secretariat in preparation towards Zambia's Tripartite Elections.

Kenneth holds an MA (Social Policy Studies) from the University of Ghana has received further professional training in Results-Based Management, Monitoring and Evaluation (RBM & E) from The George Washington University (USA), Harvard University (USA), IMA International (UK) and the Ghana Institute of Management & Public Administration (Ghana).

He also holds certificates in Mediation and Negotiation from the Dispute Resolution Institute of the Mitchell-Hamline School of Law (St. Paul, Minnesota, USA)

Lomcebo Dlamini (Swaziland)

Lomcebo Dlamini is a lawyer whose work focuses on gender, human rights, good governance and democracy. As National Coordinator for Women and Law in Southern Africa Research Trust (WLSA), she promoted women's rights and gender equality through socio-legal action research; legal rights education, advice and assistance; as well as advocacy for policy and law reform. She has served as Executive Director of Swaziland Coalition of Concerned Civic Organisations (SCCCO), a collective of NGOs, workers', youth, women, faith-based, private sector and informal economy organisations advocating for democracy and good governance in Swaziland. As Executive Secretary of Constituent Assembly of Civil Society in Swaziland (CA) she continued to work on democratic transformation, peacebuilding and conflict resolution. Ms. Dlamini is a founder member of Lawyers for Human Rights Swaziland (LHRS) and has been involved in using regional and international human rights mechanisms to promote and protect human rights and fundamental freedoms. As a member and part of the national and regional leadership of Media Institute of Southern Africa (MISA), she has contributed to advocacy for protection of freedom of expression and the media in Swaziland and the SADC region. She has also been a member of Swaziland's Judicial Services Commission (JSC) and the Prime Minister's multi-sectoral Task Force on People Trafficking and People Smuggling.

Ms. Dlamini is currently supporting the Human Rights Society of Swaziland (HURISWA) as a Gender and Human Rights Specialist. She is also involved in promoting human rights and access to justice through the Justice and Law Initiative (JULISA), as well as in mobilisation and capacity-building of Swaziland's women's movement and youth for effective and meaningful participation in Swaziland's 2018 national election.

Peter Wardle (United Kingdom)

Peter Wardle spent 10½ years as chief executive of the United Kingdom's independent Electoral Commission. During that time, the Electoral Commission exercised oversight and reported on the conduct of three UK general elections and around a dozen other major elections and referendums, including the 2014 referendum on independence for Scotland. Peter was involved in major changes to the electoral registration system, and to the framework for ensuring compliance with the UK's regulations for campaign finance. He has a range of international elections experience, particularly in European and Commonwealth countries, and is now working on various projects in the elections and democracy field. He was a member of the Commonwealth Observer Group to Ghana's Presidential and Parliamentary elections in 2016. Before joining the Electoral Commission, he worked in a range of senior roles in the UK civil service, including the Inland Revenue and Cabinet Office.

Annex II

Arrival Statement

Arrival Statement by the Chair of the Commonwealth Observer Group, Mrs Mmasekgoa Masire-Mwamba

Former Commonwealth Deputy Secretary-General, Mrs Mmasekgoa Masire-Mwamba, arrives in Maseru to lead the Commonwealth Observer Group to Lesotho's National Assembly Elections, scheduled for 3 June 2017.

Our Commonwealth Observer Group was constituted by the Commonwealth Secretary-General, the Rt Hon Patricia Scotland QC, following an invitation from the Independent Electoral Commission of Lesotho, and is composed of experts with a varied range of backgrounds, including governance, peace and security, electoral administration, human rights and law. I am honoured to have been asked to lead this Group, and will be supported by three officials from the Commonwealth Secretariat.

Our Group began arriving in Lesotho from 27 May and have also had the opportunity to observe the pre-election environment and advance voting. We will remain in the country until 8 June 2017.

Our Group wishes to extend its sincere appreciation to the people of Lesotho and all stakeholders for the warm welcome and the hospitality shown to us. We are grateful for the willingness of various stakeholders to meet with us and for their readiness to assist us as we undertake our mandate to observe the elections.

Our task as the Commonwealth Observer Group is to consider all the factors, to our knowledge, that would impact the credibility of the electoral process as a whole. We will act impartially and independently as we scrutinise its organisation and conduct. We will seek to assess the pre-election environment, polling day activities and the post-election period against the backdrop of Lesotho's national legislation, regional and international commitments. We will then take a view as to whether the process has been conducted to the international, Commonwealth and regional standards to which Lesotho has committed itself, including its own laws.

We wish to commend all the political parties for reaffirming their commitment to peaceful, inclusive elections through a peace pledge, which they signed earlier this month.

Our presence at this time will consider, among other things, the general preparedness of the country's electoral systems and processes - including whether there is a level playing field that allows all political parties and all candidates to take their campaigns to the Basotho people; whether the voter register was compiled in such a way that all eligible voters who chose to register to vote had the ability to do so; and whether sufficiently robust mechanisms exist to ensure the integrity of the register. Additionally, we will consider whether the state apparatus and public media are impartial; whether freedom of expression is provided for;

whether voters are free to express their will; and whether the results process is transparent and timely.

The Group will engage with key players and receive briefings from the Independent Electoral Commission, political parties and local stakeholders; including citizen observers, women's groups and youth. We will also be consulting with the diplomatic community and other international observer missions during our observations.

From Thursday 1 June, our Observers will be deployed to different parts of the country. They will be in small teams and will arrive to observe preparations ahead of polling day and meet with political parties, the police, election officials and other stakeholders. On Election Day, they will observe the opening, voting, closing, counting and the results management processes.

We will issue an Interim Statement on our preliminary findings on 5 June 2017. A final report will then be prepared and submitted to the Commonwealth Secretary-General, and subsequently shared with relevant stakeholders and the public.

The Group will leave Lesotho on 8 June 2017. We are aware of the significance of these elections to the people of Lesotho and hope that our presence here affirms the support of the Commonwealth to the country and its democratic processes.

On behalf of the Group, I wish the people of Lesotho well as they go out on 3 June to exercise their franchise in conditions of peace.

Note to Editors:

The Commonwealth Observer Group will function impartially and independently and will conduct itself according to the standards expressed in the International Declaration of Principles for Election Observation. The four Commonwealth Observers will be in Lesotho from 27 May to 8 June 2017.

The Commonwealth Observer Group members are:

Mrs Mmasekgoa Masire-Mwamba (Chairperson)
Former Commonwealth Deputy Secretary-General
Botswana

Mr Kenneth Abotsi
Electoral Affairs and Conflict Resolution Expert
Ghana

Ms Lomcebo Dlamini
Human Rights Lawyer
Swaziland

Mr Peter Wardle
Former Chief Executive
The Electoral Commission
United Kingdom

The Commonwealth Observer Group is supported by Mr Linford Andrews, Mr Mark Guthrie and Ms Hilary McEwan from the Commonwealth Secretariat.

Media Contact:

Staff Team Leader: Mr Linford Andrews, mobile: +44 (0)7525 392 496 (UK) or +266 688 89495 (Lesotho), email: l.andrews@commonwealth.int

Annex III

Deployment Plan

DISTRICTS/LOCATION	NAMES
Maseru/Berea/Mafeteng	Mrs Mmaskegoa Masire-Mwamba (Chairperson) Mr Linford Andrews Ms Hilary McEwan
Qacha's Nek	Ms Lomcebo Dlamini Mr Mark Guthrie
Quthing/Mohale's Hoek	Mr Peter Wardle
Leribe/Hlotse	Mr Kenneth Abotsi

outcome of the 2017 Elections. These were welcome developments and contributed to an environment conducive to the conduct of these elections. We urge that these commitments continue to be upheld.

The Campaign:

- Aspects of the election campaign that we were able to observe were generally peaceful, and characterised by active participation of large numbers of women and youth. The final political party rallies we attended were conducted in a festive atmosphere with political party members clad in their different political party colours and different kinds of attire with campaign messages freely demonstrating support for their parties and candidates. A number of vehicles were decorated with party colours, flags and messages, and were moving around the city freely. No incidents of violence or disruption of these campaigns were observed.

Media:

- We heard that during the pre-election period, access to state-run broadcasters, was limited to the “election hour” provided by the IEC, which acquired airtime for all political parties to disseminate information about themselves, their manifestos and campaigns. To give effect to the provisions of the National Assembly Electoral Act of 2011, we recommend that greater access and balanced reporting is provided throughout the election period.
- Private media, although in some instances identified with particular political parties, in general provided broader coverage and access.
- On Voting Day, we commend the state broadcasters for focussing attention on the elections, and providing extensive, informative coverage. Live TV and radio programmes featured most political parties as well as commentary throughout the day. A broad spectrum of political party leaders, observers, political analysts and civil society were interviewed. Additional coverage was provided by 40 journalists on 12 private and community radio stations deployed by Media Institute of Southern Africa (MISA) to 10 electoral districts. Here too, the journalists were able to engage with a broad section of political party leaders and electors.

Advance voting:

- Our Group observed advance voting on 27 May at the Sefika voting station in the Stadium Area constituency. Voting was conducted in a peaceful and orderly manner. IEC officials were professional, explaining each state of the process clearly and addressing any issues that arose in a consensual manner with party agents present. Checking the number of ballots cast and reconciliations was done transparently in full view of party agents and observers.

Management of the Electoral Process:

- The 3 June National Assembly Elections in Lesotho were the third elections conducted within a period of five years; we commend the IEC and its staff for having successfully managed the conduct of these elections within a substantially compressed timeline, which imposed a number of cost and administrative burdens on them.
- The decision by the IEC to establish various consultative committees was a positive step. This contributed to a high level of openness, which was apparent at all levels, from regular communication between the senior structure of the IEC and all stakeholders, to the professional manner in which voting station staff ensured that procedures were fully transparent on Voting Day.
- The IEC successfully accommodated large numbers of party agents throughout preparations, voting and counting, allowing for a high degree of transparency in the process. Likewise, the presence of local chiefs in voting stations enabled Voting Station Managers to seek assistance in identifying voters if they had no identification documents on them. Their presence throughout the day as witnesses also contributed to greater transparency in the process.

Conduct of Voting Day:

- The Voting process and prescribed procedures were adhered to throughout the day. Voting station staff were highly professional, methodical and meticulous in the application of procedures at all times, which ensured a high degree of transparency in the presence of the large numbers of party agents that were in voting stations. We note and praise the diligence of voting station staff.
- Prior to the opening of polls, all prescribed procedures were followed. Queues were orderly, and the processing of voting was steady, though quite slow at times due to the meticulous application of procedures by voting station staff.
- Two of our teams, in Maseru and Qacha's Nek, reported that they observed voting in prisons.
- Our team in Maseru visited voting stations in Thupa-kubu, one of the constituencies where the IEC had declared a failed constituency election due to the death of one of the candidates, and noted that party list elections went ahead there, using a special ballot paper.
- After the close of polls, all prescribed procedures were followed in a fully inclusive, although painstaking manner. The shorter winter day also posed another challenge in that voting station staff had very limited daylight after the close of polls in which to conduct the reconciliation and count processes. Poor lighting provision, however,

impeded the speed with which these meticulous processes could be conducted. We urge the IEC to provide improved lighting for future elections.

Voter Turnout:

- We commend the IEC for its attempts at encouraging a high voter turnout, including among the youth, through a voter education campaign which promoted the aspirational target of 85 percent. We note, however, that despite these efforts, there were reports of a lower-than-expected voter turnout on Voting Day in many voting locations, including among the youth. We encourage the IEC to conduct analysis and research on the turnout.

Participation by women and youth:

- We note, however, and commend the active participation of large numbers of women in the electoral process, making up a significant proportion of voting station staff, party agents and voters. In addition, many police assistants were young women, who supported the management of queues, and assisted elderly or disabled voters.

Persons with disabilities:

- We noted that many voting stations were not easily accessible to persons with disabilities.
- We also noted and commend the availability of tactile voting devices for visually impaired voters in all the voting stations visited.

Security arrangements for Voting Day:

- We note that, as in past elections, the Lesotho Defence Force (LDF) successfully provided logistical support to the IEC by transporting ballot materials to inaccessible locations. Lesotho law provides that the LDF may play a role in maintaining law and order and assist the police in the discharge of their responsibilities. However, these are discretionary powers. In the context of an election it is especially important that the military is deployed after careful consideration and consultation.

Conclusion

- We wish to congratulate the people of Lesotho for yet again demonstrating their commitment to peaceful, inclusive elections. A snap election can present significant logistical and administrative challenges for any Election Management Body and the IEC has yet again successfully overcome these. The IEC has delivered a successful, transparent and peaceful process. We commend its professionalism, its inclusive and consensus-based approach to addressing challenges, as well as its proactive communication to the public and with key stakeholders.

- Though we have highlighted some shortcomings, which will be reflected in more detail in our report, we do not believe that these had any substantial effect on the overall conduct of the elections.
- As the results process continues to unfold, we hope that the peaceful tenor of the electoral process thus far will continue to prevail and urge all political parties, their supporters and other stakeholders in the Lesotho electoral process to continue to show restraint and magnanimity, and to uphold their pre-election commitments to peace and reform with the same spirit of national unity, peace and solidarity.
- We also hope that the recommendations we have made are received in the constructive spirit in which they are intended and that those which impact on improving the conduct of future elections in Lesotho will also be implemented without delay.
- The Commonwealth will continue to remain engaged with the people of Lesotho, as we support the journey to consolidate their democracy, in close partnership with both local and international agencies.
- In our Final Report we will reflect on possible areas for strengthening and improvement. This report will be submitted in due course to the Secretary-General of the Commonwealth, the Rt Hon Patricia Scotland QC, who will subsequently share it with relevant stakeholders before it is made public.
- It has been a special honour for me and my team to be in Lesotho at this important time and we wish to extend our sincere appreciation to the people of Lesotho and all stakeholders for the warm welcome and the hospitality shown to us. We trust that our work will contribute to the continuance of democracy and good governance in the future.

Note to Editors:

The Commonwealth Observer Group members are:
 Mrs Mmasekgoa Masire-Mwamba (Chairperson)
 Former Commonwealth Deputy Secretary-General
Botswana

Mr Kenneth Abotsi
 Electoral Affairs and Conflict Resolution Expert
Ghana

Ms Lomcebo Dlamini
 Human Rights Lawyer
Swaziland

Mr Peter Wardle
Former Chief Executive
The Electoral Commission
United Kingdom

The Commonwealth Observer Group is supported by Mr Linford Andrews, Mr Mark Guthrie and Ms Hilary McEwan from the Commonwealth Secretariat.

Media Contact:

Staff Team Leader: Mr Linford Andrews, mobile: +44 (0)7525 392 496 (UK) or +266 688 89495 (Lesotho), email: l.andrews@commonwealth.int

Annex V

Political History Since the Adoption of the MMP System

The MMP System and the 2012 National Assembly Elections

In March 2000, following several years of dialogue among political stakeholders in Lesotho, Parliament approved the fourth Amendment to the 1993 Constitution, by which a new formula for representation in the National Assembly, the Mixed Member Proportional Representation (MMP) system was adopted. The MMP model is a blend of both the first-past-the-post (FPTP) and proportional representation systems. MMP replaced the strictly FPTP system which had provided for a winner-takes-all outcome in previous electoral processes, especially the 1998 elections in which the incumbent Lesotho Democratic Congress (LDC) had obtained 61 percent of the votes cast and won 79 out of the 80 contested seats in the National Assembly.

The MMP system was believed to offer better political representation, accountability and inclusiveness in the legislature. The new system provided for a 120 member National Assembly, with 80 members elected on the basis of the FPTP system under the country's 80 constituencies, and 40 members elected from political party lists in a proportional manner, to reflect their share of the national vote.

When the MMP system was initially introduced, voters were expected to cast two ballots: one for the constituency vote and another for the party. The 2002 and 2007 National Assembly Elections were conducted under this system. However, in 2011, a modification was introduced, through an electoral reform package - including the introduction of the National Assembly Electoral Act 2011 whereby voters were expected to only cast one vote which was used to determine both the constituency and proportional representation components.

The Commonwealth deployed observers to the May 2012 National Assembly elections. Although the Group concluded that the elections were transparent and credible, the elections resulted in a hung parliament as the incumbent Democratic Congress (DC), which had split from the LCD barely three months prior to the elections, won 48 seats (which constituted the highest number of seats) but could not form a government because it did not obtain the requisite majority. The All Basotho Congress (ABC- 30 seats), the LCD (26 seats) and the Basotho National Party (BNP- 5 seats) leaders, respectively Messrs Thomas Thabane, Mothejoa Metsing and Thesele Maseribane, formed a coalition government with the 61 seats which they collectively obtained. The 61 seats were one above 50 percent of the 120 seats in the National Assembly. The DC therefore became the main opposition party.

Commonwealth Engagement Post-2012 Elections

On 19 September 2012, the Secretary-General of the Commonwealth received a letter from the Government of Lesotho, requesting an Expert Adviser to support the Coalition Government with technical advice and dialogue facilitation. The Secretary-General subsequently appointed Dr. Rajen Prasad, a former New Zealand MP, as the Commonwealth Expert Adviser to Lesotho. In June 2014, under the auspices of the Commonwealth Expert Adviser, the Commonwealth, in collaboration with UNDP, organised and sponsored a study tour for some Members of Parliament and senior state officials from Lesotho to New Zealand, to provide them an opportunity to better understand the MMP system.

Following heightened political tension between coalition members, in July 2014, the Secretary-General appointed Dr. Prasad as his Special Envoy to Lesotho.

Coalition Crisis

Following the formation of the coalition government, Mr Thomas Thabane became Prime Minister, Mr Mothejoa Metsing became Deputy Prime Minister, while Mr Thesele Maseribane became Minister of Gender and Youth, Sports and Recreation. Other Ministerial positions were also shared among the three parties.

The LCD held a press briefing in June 2014 to reveal its discontent with the ABC party on many counts. The LCD expressed disappointment at Prime Minister Thabane's attempt to take control of the Lesotho Highlands Water Project, a project within a Ministry allocated to the LCD. A joint ministerial monitoring committee was later established to oversee this project. The LCD also expressed unhappiness over the Prime Minister's dismissal and appointment of several senior state officials, without consultation.

In June, the Prime Minister invoked a Constitutional provision and advised the King to prorogue Parliament. While the Prime Minister stated that the prorogation was intended to provide an opportunity to address disorderly behaviour within Parliament, the LCD and the DC protested against the prorogation, referring to it as undemocratic and intended to pre-empt the passing of the vote of no-confidence. The LCD and the DC jointly held a press conference and announced that they had formed an alliance and were ready to form a new government.

The crisis within the coalition government became most obvious in March 2014 when two Ministers from the ABC, Mr Molebeli Soulo and Mr Mophato Monyake, were fired. The LCD, a partner in the coalition, accused Prime Minister Thabane of taking important decisions unilaterally, without consulting other coalition partners. Hon. Monyake and another ABC MP, Thabiso Lit'siba, as part of an alliance that eventually emerged, signed a no-confidence motion against the Prime Minister, which was to be tabled in Parliament.

The National Assembly hurried through the approval of the national budget in time for the new April financial year, while the Prime Minister's sympathisers filed a civil suit in court, allegedly to halt the motion of no-confidence. The suit barred progress on the motion pending the decision of the courts.

Parliament was adjourned after the budget was passed. Meanwhile, the MP who had filed the no-confidence motion, the leader of a party holding one seat in Parliament, the Basotho Batho Democratic Party (BBDP), Jeremane Ramathebane, was arrested and kept in police custody on fraud charges relating to the registration of his party in 2006. Two youth leaders of the opposition DC were also reportedly arrested and held in custody on charges of treason, for stating on local radio stations that with the loss of the 2 Parliamentarians, the ABC-led government, left with 59 seats (1 less than the 50% majority), had become illegitimate.

Crisis in the Security Sector

Meanwhile, on the security front, tensions were brewing between the Lesotho Defence Force (LDF) and the Lesotho Mounted Police Service. In early 2014, the Police Commissioner had revealed that the police were investigating eight military officers for their suspected involvement in the bombing of three houses in Maseru.

The Commissioner of Police addressed a letter to the Army Commander Lieutenant General Tlali Kamoli, requesting the release of the eight suspected officers. When the Police

Commissioner's letter was not replied to, he brought in the Director of Public Prosecutions who reportedly issued warrants of arrest for the soldiers.

The Commander of the LDF consequently refused to cooperate with the police whom he accused of bias and partiality, stating that he would only cooperate with an independent inquiry into the bombings, or release the soldiers to the courts, not to the police. Commander Kamoli also accused the Prime Minister of not providing clear guidance when it came to handling issues of military discipline, referring to an incident in which Prime Minister Thabane had stopped a court martial, which he (the PM) later asked to resume under circumstances which the Commander deemed quite unclear.

Alleged Attempted Coup 2014

Tensions continued to rise while Parliament remained prorogued. A mass demonstration was planned by the DC and the LCD for 1 September 2014 to protest against the prorogation.

Amidst the tension, on 30 August, the military reportedly conducted an operation - which some analysts believed bore the hallmarks of a coup - in which it stormed the police headquarters and temporarily interrupted radio waves, allegedly to disrupt a plan by the police to provide weapons to some members of the ABC party. It was alleged that the weapons were intended to violently disrupt the planned mass demonstration.

The previous day, Brig. Gen. Maaparankoe Mahao, the Deputy Army Commander, had been promoted to the rank of Lt. General and simultaneously appointed new Commander of the LDF by the Prime Minister. General Kamoli had deemed his dismissal illegal and had refused to recognise the new Army Commander.

During the army's operation, referred to as a coup or an attempted coup by some, the Prime Minister fled to South Africa just before soldiers reportedly arrived at his residence. Speaking from South Africa, Prime Minister Thabane said that the army had staged a coup in Lesotho. The Prime Minister only returned to Lesotho several days later, under the protection of South African police guards, after the Pretoria Agreement was signed by the Coalition partners in South Africa under the auspices of SADC.

SADC-Facilitation

When political tensions began rising in mid-2014, the SADC Organ on Politics, Defence and Security deployed a mission to Lesotho to assess the situation. The coalition partners were invited to Windhoek, Namibia (Namibia was then Chair of the SADC Organ) for talks. This culminated in the signing of the Windhoek Declaration by all the coalition partners who agreed to continue to work together, while the LCD was requested to publicly renounce its alliance with the opposition DC.

In the aftermath of the alleged attempted coup, the SADC Troika appointed the Deputy President of South Africa, Mr Cyril Ramaphosa, as its Facilitator for the Lesotho Political Dialogue. The Facilitator was appointed to nurture dialogue among political leaders with a view to addressing the political and security challenges which the country was facing. In pursuit of this objective, he facilitated the signing of the Maseru Facilitation Declaration and the Maseru Security Accord.

Under the Maseru Facilitation Declaration, the parties agreed to open Parliament mainly to discuss the budget and preparations for fresh elections. The parties formally agreed that the way forward was to seek a fresh mandate through snap elections. Parliament was ultimately opened in October 2014 and dissolved by the King (in accordance with the

electoral laws) in December 2014, in preparation for elections which were announced for 28 February 2015.

Under the Maseru Security Accord, General Kamoli, his appointed successor, Gen. Maaparankoe Mahao, and the Police Commissioner, Khothatso Tsooana, were to undertake open-ended "working visits" to different countries to give way for reconciliation within and between the security forces. The three of them ultimately left the country. However, tensions within and between the police and the army continued, especially after a shootout between the police and the army in October 2014 and another between different factions within the army in January 2015.

During a visit by the SADC Facilitator in February, these concerns were raised, especially by the ABC and the BNP, who also expressed concern over the role of the military in the electoral process. It was agreed that the army will remain in their barracks on Election Day. The SADC Double Troika met in Pretoria on 20 February 2015 and leaders decided to deploy police officers from SADC member countries to assist the Lesotho Mounted Police Service with providing security for the elections.

Annex VI

Political Parties Which Contested The 2017 Elections

PARTIES REGISTERED WITH IEC

SYMBOLS

ABC - ALL BASOTHO CONVENTION



AD- ALLIANCE OF DEMOCRATS



ADC - ALL DEMOCRATIC COOPERATION



AUM - AFRICAN UNITY MOVEMENT



BAENA - BAENA



BANC - BASUTOLAND AFRICAN NATIONAL CONGRESS



BBDP - BASOTHO BATHO DEMOCRATIC PARTY



BCP - BASUTOLAND CONGRESS PARTY



BDNP - BASOTHO DEMOCRATIC NATIONAL PARTY



BNP - BASOTHO NATIONAL PARTY



BTS - BASOTHO THABENG EA SINAI



CFM - COMMUNITY FREEDOM MOVEMENT



DC - DEMOCRATIC CONGRESS



DPL- DEMOCRATIC PARTY OF LESOTHO



HDP- HAMORE DEMOCRATIC PARTY



LCD - LESOTHO CONGRESS FOR DEMOCRACY



LMM - LEKHOTLA LA MEKHOA LE MEETLO



LPC - LESOTHO PEOPLE'S CONGRESS



LWP - LESOTHO WORKERS' PARTY



MEC- MOVEMENT FOR ECONOMIC CHANGE



MDM- MAJALEFA DEVELOPMENT MOVEMENT



MFP - MAREMATLOU FREEDOM PARTY



NIP - NATIONAL INDEPENDENT PARTY



PD - PROGRESSIVE DEMOCRATS



PFD - POPULAR FRONT FOR DEMOCRACY



RCL -REFORMED CONGRESS OF LESOTHO



SSD - SANKATANA SOCIAL DEMOCRACY



TRU - TRUE RECONCILIATION UNITY



TSD - TSEBE SOCIAL DEMOCRATS

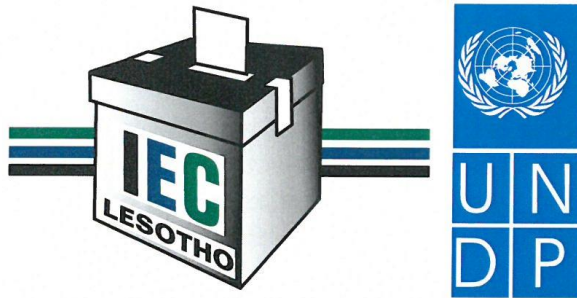


WHP - WHITE-HORSE PARTY



Annex VII

Electoral Code of Conduct



ELECTORAL CODE OF CONDUCT

SCHEDULE 2



SCHEDULE 2

ELECTORAL CODE OF CONDUCT (Section 122)

1. The objective of this Code shall be to promote conditions conducive to the conduct of free and fair elections and a climate of democratic tolerance, in which political parties activity may take place without fear or coercion, intimidation or reprisals.
2. All political parties and other persons bound by this Code shall endeavour to promote its object in order to enable free elections campaigning and open public debate to take place in all parts of Lesotho throughout the elections period.
3. Political parties and candidates further commit themselves -
 - (a) to give wide publicity of the Code;
 - (b) to promote electors education campaigns;
 - (c) to condemn violence and intimidation;
 - (d) to instruct their candidates, office-bearers, members and supporters accordingly; and
 - (e) generally, to affirm the rights of all participants in the elections:
 - (i) to express divergent political opinions;
 - (ii) to debate and contest the policies and programmes of other political parties;
 - (iii) to canvass freely for membership and support from electors;
 - (iv) to hold public meetings;
 - (v) to attend public meetings convened by others;
 - (vi) to distribute electoral literature and campaigning materials;
 - (vii) to publish and distribute notices and advertisements; and
 - (viii) to promote free electoral campaigns by all lawful means.

4. All those bound by this Code in terms of sections 122 shall, throughout the elections period, give effect to the following undertakings and stipulations:
- (a) to publicly and repeatedly condemn violence and intimidation and to avoid the use of language or any kind of action which may lead to violence or intimidation, whether to demonstrate party strength, gain any kind of political advantage, or for any other reason;
 - (b) to refrain from any action involving intimidation;
 - (c) to ensure that no arms or weapons of any kind are carried or displayed at political parties meetings or in the course of any march, demonstration or other events of a political nature.
 - (d) to refrain from publishing or repeating false, defamatory allegations concerning any person or political party in connection with elections;
 - (e) to co-operate and liaise in good faith with other political parties to avoid, in so far as possible, arrangements involving public meetings, demonstrations, rallies or marches taking place at the same time and venue as similar political events organised by other political parties.
 - (f) to do nothing to impede the democratic right of any political party, through its candidates, canvassers and representatives, to have reasonable access to electors for the purpose of conducting elector education, fund raisings, canvassing membership and soliciting support;
 - (g) to avoid plagiarising the symbols, colours or acronyms of other political parties and to discourage and, if possible, prevent the removal, disfigurement or destruction of political campaign materials of other political parties;
 - (h) to refrain from offering any inducement or reward to any person consideration of such person either joining or not joining any political party, attending or not attending any political parties event; voting or not voting (either at all, or any particular manner); or accepting, refusing or withdrawing such person's nomination as a candidate in elections;



- (i) to refrain from abusing a position of power, privilege or influence for political purposes, including -
 - (i) incumbent governmental power such as state facilities and transport; and
 - (ii) parental, patriarchal or traditional authority.
- (j) to avoid any discrimination based on race, ethnicity, nationality, class, gender or religion, in connection with elections and political activities;
- (k) in relation to the role of women -
 - (i) to facilitate full participation by women to all public political activities on the basis of equality;
 - (ii) to ensure free access by women to all public political party meetings, facilities and venues;
 - (iii) to respect the right of women to communicate freely with political parties; and
 - (iv) generally, to refrain from forcing women to adopt a particular political position or to engage in, or to refrain from engaging in, any political activity otherwise than in accordance with their free choice;
- (l) in relation to the Commission -
 - (i) to acknowledge its authority in the conduct of elections;

- (ii) to ensure the attendance and participation of political party representatives at meetings organised by or on behalf of the Commission;
 - (iii) to implement its orders and directives;
 - (iv) to facilitate its right of access through its officers or other representatives to all public political party meetings or other electoral activities;
 - (v) to co-operate in the official investigation of issues and allegations arising during elections period; and
 - (vi) to take all reasonable steps to ensure the safety of its officers and other representatives of the Commission from exposure to insult, hazard or threat in the course of their official duties;
- (m) to reassure electors with regard to the impartiality of the Commission, the secrecy and integrity of the ballot and furthermore, that no one will know how any other person has voted;
- (n) to take reasonable steps to discipline and restrain their party office-bearers, employees, candidates, members and supporters from -
 - (i) infringing this Code
 - (ii) committing any offence under this Act or any other law:
 - (iii) committing any prescribed electoral irregularity; and
 - (iv) contravening or failing to comply with any provision of this Act.
- (o) to refrain from –
 - (i) Involving the Defence Force, Police Service, National Security Service and Correctional Service in their political activities;
 - (ii) Exerting political influence on the Defence Force, Police Service, National Security Service and Correctional Service.

- (p) the Commission shall take responsibility to ensure that candidates and political party office bearers do not-
 - (i) abuse their positions for the purpose of their election campaigns
 - (ii) use government vehicles during elections period except for Ministers and other officials entitled to the use of such government vehicles.

If any political party registered with IEC contravenes the code of conduct, such party can be penalized with the following sanctions:

- (a) a formal warning
- (b) a prescribed fine
- (c) barring the political party from using media time made available by the Commission to the political party for electoral purpose for a certain period.

Barring or denying a political party its right to do the following:

- Holding public meetings, demonstrations or marches
- Entering any specified electoral districts or area for any specified electoral purpose
- Erection of placards or banners or to publish and distribute campaign literature or electoral advertising
- Cancelling of political party registered with Commission if the contravention involves violence, intimidation or gross or systematic violation of the rights of another political party, a candidate or elector and consequently its right to participate in the elections.
- Recounting of votes where it is found that a political party or candidates have fraudulently obtained votes
- Exclusion of a political party or candidates, members or supporters from a voting station that has inhibited free access to any political party registered with the commission

In the case where an office bearer, candidate, member or supporter of political party, or an independent candidate or the candidate's supporter contravenes the code such persons could result into being penalized as follows:

- (a) one or more of the penalties in (5) (a) to (d); or
- (b) banning from participating in the elections

A candidate, who is elected as Member of Parliament for a political party which has been cancelled under this sanction, shall be disqualified from Parliament.

Note

Any person, who realizes contravention of this code of conduct, is free to lodge a formal complaint concerning contravention of code of conduct with a prescribed form. Such case is referred to the Tribunal appointed by IEC to be dealt with.



INDEPENDENT ELECTORAL COMMISSION – NATIONAL ASSEMBLY
ELECTORAL ACT, 2011

[SECTION 139(2)] Form 11L

COMPLAINT IN RESPECT OF IRREGULARITIES IN THE ELECTORAL PROCESS

To the Director of Elections:

I _____
(Name of Complainant)

Address of complainant: _____

Hereby submits a complaint concerning an irregularity *or
irregularities* in the electoral process as follows:

Irregularity in the electoral process complained of:

(Legitimate Interest of Complainant)

(Briefly state interest in making complaint)

Signature of Complainant

Signed at _____

this day _____ of _____ 20 _____

*Whichever is applicable

Annex VIII

Electoral Pledge



ELECTORAL PLEDGE BY LESOTHO POLITICAL PARTIES ON PEACEFUL CAMPAIGNS AND ACCEPTANCE OF THE RESULTS OF THE NATIONAL ASSEMBLY ELECTIONS 2017

We, the political parties of Lesotho:

Mindful of the legacy of nationhood and the values of statesmanship bequeathed us by
Moshoeshoe I and the founders of our nation;

Desirous of assuring all Basotho of our dedication to democracy, the rule of law, and the
conduct of peaceful elections;

Hereby pledge:

To **honour** the Constitution and Laws of Lesotho;


To **observe** the Electoral Code of Conduct;


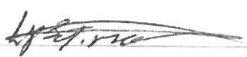

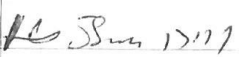

To **honour** the Institutions of governance of Lesotho;

To **do everything** within our ability to uphold peace and harmony among all Basotho during
the campaigns and after;


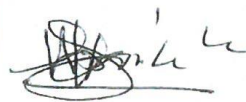




To **accept** the outcome of the 3 June 2017 elections when declared free and fair by duly
authorised independent observers.



Signed, this 17th day of May 2017

Political Party <i>(in alphabetical order)</i>	Represented by (Leader)	Signature
1. All Basotho Convention (ABC)	Dr. Motsoahae Thomas Thabane	

2.Alliance of Democrats (AD)	Mr. Monyane Moleleki	
3.All Democratic Cooperation (ADC)	Mr. Liphapang Setimela	
4.African Unity Movement (AUM)	Mr. Djama Gosene	
5. Areka Ea Baena (BAENA)	Moruti Paul Masiu	
6.Basutoland African National Congress (BANC)	Mr. Mathunya Jessie	
7.Basotho Batho Democratic Party (BBDP)	Mr. Jeremane Ramathebane	
8.Basotho Congress Party (BCP)	Mr. Thulo Mahlakeng	
9.Basotho Democratic National Party (BDNP)	Mr. Pelele Letsoela	

10.Basotho National Party (BNP)	Mr. Thesele 'Maseribane	
11.Basotho Thabeng Ea Sinai (BTS)	Mr. Moepa Thaanyane	
12.Community Freedom Movement (CFM)	Mr. Tieang Sefali	
13.Democratic Congress (DC)	Dr. Pakalitha Mosisili	
14.Democratic Party of Lesotho (DPL)	Mr. Limpho Tau	
15.Hamore Democratic Party (HDP)	Mr. Leqheka Ntjatsane	
16.Lesotho Congress for Democracy (LCD)	Mr. Mothejoa Metsing	
17.Lekhotla La Mekhoa Le Meetlo (LMM)	Mr. Malefetsane Liau	

18.Movement for Economic Change (MEC)	Mr. Selibe Mochoboroane	
19.Lesotho People's Congress (LPC)	Mr. Mabusetsa Makharilele	
20.Lesotho Worker's Party (LWP)	Ms. Rosa Lenea	
21.Marematlou Freedom Party (MFP)	Mr. Vincent Malebo /	
22.National Independent Party (NIP)	Mr. Kimetso Mathaba	
23.Popular Front for Democracy (PFD)	Mr. Lekhetso Rakuoane	
24.Progressive Democrats (PD)	Mr. Mophato Monyake	
25.Reformed Congress of Lesotho (RCL)	Ms. Keketso Rantso	

26.Sankatana Democrats (SSD)	Social	Mr. Lehlohonolo Tschlana	
27.The White Horse Party (WHP)		Mr. Mohau Thakaso	
28.Tsebe Social Democrats (TSD)		Mr. Motsamai Nyareli	
29. True Reconciliation Unity (TRU)		Mr. Tlali Khasu	
30. Majalefa Democratic Movement (MDM)			

Declaration of Principles for International Election Observation

The Commonwealth Secretariat is a signatory to both the Declaration of Principles for International Election Observation and the associated Code of Conduct for International Election Observation Missions, which were commemorated on 27 October 2005 at the United Nations in New York.

Commonwealth Secretariat

Marlborough House, Pall Mall

London SW1Y 5HX

United Kingdom

thecommonwealth.org



The Commonwealth