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### LESOTHO'S GENERAL ELECTIONS

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Published with the assistance of  
SIDA

## Lesotho's Election Day

### Introduction

This report presents an overview of Election Day activities of the 2007 Lesotho parliamentary elections. The elections were held on Saturday 17 February 2007. They marked the fourth opportunity for Basotho to elect a government of their choice

democratically since the country's return to multiparty democracy in 1993, following decades of authoritarian rule. These elections, generally referred to as "snap elections", took place amidst a flurry of events that included the much publicised formation of a new political party, the All Basotho Convention (ABC), led by Thomas Thabane, the former Minister

of Communications, Science and Technology; the formation of political coalitions/alliances by major political parties, such as the Alliance of Congress Parties (ACP); pre-election litigation; and hasty voter registration processes that left some eligible voters off the voters' roll. Election Day, although falling on a Saturday, was declared a public holiday, a factor

which contributed to a positive voter turnout and an environment conducive to voting. Altogether 14 political parties contested the 2007 elections.

This report gives an overview of the political environment on the polling day and some account of the activities and processes that took place in different polling stations. It offers an analysis of factors that determine whether the elections were credible or not, such as the secrecy of the ballot, the voting process, citizen participation, gender issues, voter turnout, and the voting behaviour of citizens; and briefly summarises and concludes the *Update* on the polling day.

### **The Political Environment**

Although the pre-election period was marked generally by a tense political atmosphere, there is no gainsaying that the polling day environment was calm and peaceful, without intimidation, and thus it provided a good space within which citizens could cast their votes. The voters conducted themselves in an orderly manner. They respected the Code of Conduct for Election Day: on 17 February, there was an absence of political party campaigning and voters turned up in neutral clothes that did not display their support for any particular political party. There was

also noted an absence of the singing or chanting of any party slogans.

The political environment on the day of the elections is largely determined by events preceding the event. The proceedings of these elections are therefore analysed against provisions of the Electoral Code of Conduct, whose “objective is to promote conditions that are conducive for free, fair and transparent elections...”<sup>1</sup> All political parties and candidates were mandated to observe and promote the code of conduct in carrying out their affairs and to ensure that their followers did the same.

The Independent Electoral Commission (IEC) specified that there should be no political campaigning of any kind seven days before the day of elections. This implied that people were not expected to demonstrate their political preferences either by displaying their parties’ symbols, chanting their parties’ slogans or wearing the parties’ colours. Political party leaders and their followers complied with the Electoral Code of Conduct. For instance, the ABC pulled down its campaign billboards on the last day of the campaign period. Some exceptions were noted, however, as a

day before the polling day, a top Lesotho Congress for Democracy (LCD) party official was seen wearing the party colours.

Furthermore, the *Public Eye* newspaper<sup>2</sup> reported that, three days after the expiry of the campaign period, “members of the ruling party led by some ministers did not merely display party symbols but transported villagers in government-registered vehicles to the voting stations”. Many of the anomalies were attended to during Election Day, while others form part of post-election petitions submitted by opposition parties. Just a day prior to elections, the IEC acted swiftly and decisively to impede the LCD candidate for Machache constituency number 38 who was about to breach schedule 4 of the Electoral Law of 1992 by attempting to distribute various forms of aid in the form of computers, clothes and food packages to the people in that constituency. The intervention by the IEC was timely because had the candidate succeeded in distributing those items, not only would the national Electoral Law have been violated, but also Section IV (9) of the African Union declaration on the principles governing democratic elections in Africa, which

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<sup>1</sup> Schedule 4 of the Electoral Act of 1992

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<sup>2</sup> *Public Eye*, 23 February and 9 March 2007

condemns the “practice of granting favours to the public for the purpose of influencing the outcome of elections”. Despite the above misgivings, a cursory look at the events that took place in various polling stations suggested that the political ambiance on Election Day was one of peace and tolerance. There was no reported political campaigning nor intimidation taking place, at least within the vicinity of the voting stations.

To demonstrate this, a number of political leaders appeared on national television (Lesotho Television) casting their votes at various polling stations, showing a considerable degree of confidence and tolerance, to such an extent that some announced outright that they would accept the outcome of the elections. As much as some opposition party leaders, like the leader of the Basotho National Party (BNP), still clearly articulated their dissatisfaction with general preparations for the elections, none incited or appeared to want to instigate their followers to violate the relevant sections of the Electoral Law. Further, the voters at stations where party leaders voted refrained from shouting party slogans, cheering, taunting members of the other parties or displaying any kind of behaviour that ran counter to

the Electoral Code of Conduct.

### **Voting Day: Public Holiday**

Election Day, 17 February, was declared a public holiday by the government of Lesotho, which allowed people in formal employment an opportunity to vote without hindrance. Most importantly, the closure of all businesses meant few used this day for reasons other than for voting.

### **Security**

The presence of security forces at every voting station ensured that no person was subjected to unwarranted pressure. Despite the general tranquillity, there were a few reported arrests for offences related to the polling process. The security officers deployed at the voting stations appeared professional, vigilant and co-operative with the election officials. There was no undue interference by security forces in the polling processes. It is therefore safe to conclude that the political environment on 17 February 2007 was observed to be conducive to free elections.

### **Polling Stations**

There were 2 558 polling stations across the country. The voting stations were situated at neutral and easily accessible places, such as public schools. This relative

neutrality of the voting stations further enhanced the freedom of the political environment within which the elections took place. The majority of polling officers slept at their respective voting stations on the eve of Election Day in order to put logistical arrangements in place before the polls opened. The law provided that all polling stations open at 07h00 for the public to cast their votes. However, as a result of delays in transporting voting materials, some polling stations did not open until well after the specified time.

### **The Voting Process and the Secrecy of the Ballot**

A useful practice was noted in those polling stations where arrangements were made to speed up the voting process by establishing multiple stations in one centre so that one station would not serve more than 500 people. These multiple stations instituted a streaming system whereby voters were segregated in the queues according to their surnames and in alphabetical order. This idea was indeed commendable, although it created some challenges that affected the voting process. In some polling stations the queues were observed to be long, although they were short in others. Since voters had no prior information on the idea of alphabetic streaming, they had queued haphazardly and thus

complained when they were accordingly rearranged because they had to move from the positions they had occupied since dawn. It also caused some commotion as people repositioned themselves.

In most of the stations, there were long queues during the morning hours, with some people claiming to have arrived at around half past three in the morning. On average, the queues became shorter around 13h00. However, in some parts of the country, especially in the urban areas, Maseru, in particular, the queues grew longer again in the afternoon. People were not allowed to cross over, so that even in polling stations where the queues were shorter or non-existent, the officials would not relieve the longer ones. However, once sorted, on the whole this innovation qualified as best practice.

At the opening of the poll the necessary election material – ballot boxes, ballot papers, voters' registers, indelible ink, etc – were available. The electoral officers demonstrated to the electorate and party agents that the boxes were empty and these were sealed before voting began.

Upon entry into the voting room, voters were requested to produce one of the following as proof of the right to vote: voting cards,

voter certificates, a driver's licence or a passport. In a case where a person failed to provide any one of those, an official witness like a headman or his or her representative was requested to either confirm or disqualify the eligibility of such a voter.

On the whole the process went well; however, there were still some discrepancies noted in the final voters' roll. Some names were not reflected on the final roll, while other names had no photographs or were not compatible with the photographs beside them. Lesotho Council of Non-Governmental Organisations (LCN) observers reported that in some instances, the numbers on some of the voters' identity cards were incompatible with those on the voters' roll. A local newspaper reported that, at one voting station, a BNP party agent had a voters' roll that consisted of more names than the one which the presiding officer for that polling station possessed. Eventually the party agent's list was used because it had more names.

The IEC stated that the people whose names did not appear on the final voters' roll but appeared on the IEC website were to be allowed to cast their vote. It was indicated by some observers<sup>3</sup> that the list from the website was regarded as more

authentic than the hard copy list provided at the polling stations. These anomalies in the voters' rolls were considered by some observers to have been one factor accounting for the slow voting process at various voting stations.

At some stations, where there were no voting booths, the arrangement was that voters would just go to the corner where a desk facing the wall was placed and secret ballot papers handed to them. After each person voted, their fingers were immediately dipped in indelible ink, which was said to last for a maximum period of 21 days.

The Kingdom of Lesotho prides itself on a literacy rate of around 82%. As such, voters did not encounter any problems reading the ballot paper to the extent that a polling officer had to be called upon to assist, which would have posed the challenge of compromising the secrecy of the ballot. Nonetheless, the lack of civic education ahead of the elections affected voters who did not know or confused party symbols or were not aware that some of the parties they would have wanted to vote for had formed pre-election pacts with others, so that their symbols could not be displayed on the ballot papers. In fact some observers opined that the issue of alliances confused

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<sup>3</sup> Justice and Peace observers

the voters so much that when someone did not find their party identity on the ballot paper, they shouted out to the polling officers, demanding to know why their party was not listed. In reference to this, the Conference of Catholic Justice and Peace observers noted that when people began to shout out demanding to know why the parties they wanted to vote for were not on the ballot paper, the secrecy of the ballot was undermined. This confusion also delayed the voting process, as the polling officers had to take some time to explain to people what should have been the responsibility of those providing civic and voter education. Overall the observers attributed this to a paucity of voter education ahead of the 2007 general elections.

### **Electoral Officials and Level of Training**

The IEC had, as much as possible, ensured that each polling station was staffed by seven people, including the presiding officer. Another good practice noted was the presence of independent auditors whose mandate was to verify the results at polling stations.

In its observer statement, the LCN<sup>4</sup> noted that the 2007 polling staff level of training does not compare well with

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<sup>4</sup> LCN Interim Statement 20 February 2007

the satisfactory conduct and management of the polling staff for the 2002 elections. The expectation would be for a better trained officer, but given the timing of the snap elections of 17 February, the IEC seemed to have tried hard but had not sufficiently trained the electoral officers. There was some level of incompetence observed among some of the staff in some of the polling stations. Their limited training was evident in a number of instances; for example, when procedures for assistance to the elderly and disabled were not followed or where officers marked for such voters; or when elderly people especially demanded or complained loudly that they did not see their parties which they sometimes mentioned by name. Despite the fact that in some voting stations the polling officers appeared not to fully know their roles and/or the voting procedures in their entirety, the voting process proceeded as provided for in section 21 of the National Assembly Act (No 1) of 2001. Furthermore the presence of both local and international observers<sup>5</sup>, members of the National Police Force and party representatives ensured a free voting process and secrecy of the ballot.

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<sup>5</sup> LCN, Justice and Peace, SADC Parliamentary Forum Observer Mission, American Embassy, Zimbabwe Election Support Network, SADC Youth Movement, National Democratic Institute (NDI), and EISA

### **Citizen Participation and Voter Turnout**

Citizen participation is a political right, which the Southern African Development Community (SADC) countries have pledged to promote. As a matter of fact, a working democracy is predicated on the principle of popular participation. In the main, citizen participation entails a right to access all pertinent information that will stimulate and enable citizens to express how they would like their country to be run. As an attempt to augment citizen participation, democratic governments have established and consolidated mechanisms and structures that facilitate and encourage eligible voters to register and to vote.

In democratic states, voter turnout is generally understood to be a percentage of eligible voters who actually cast a ballot in an election. Since there is an inextricable linkage between citizen participation and voter turnout, the degree of citizen participation in any election is, in part, measured by voter turnout. The more politically active the populace is, the more likely people are to actively participate in elections. Furthermore, the more eligible voters actually cast their ballots in a particular election, the more participative the political system becomes and the

more responsive to the citizenry the government becomes. Political theorists maintain that the authority of the government derives from the consent of the governed. Consequently, the lower the turnout, the less legitimate that particular government is, because the low voter turnout may not be an exact reflection of the will of the people.

The general voter turnout in the just-ended elections was around 49%. This is a very low percentage compared to 72% and 68% for the 1998 and 2002 elections respectively. It is true that several people were disenfranchised due to erroneous information on the voters' roll and, in some cases, the invalidity of their 1998 voter cards. Moreover, in some voting stations the official closing time (17h00) arrived while there were still voters waiting in the queues. Notwithstanding, it cannot be said with certainty that these factors accounted for this small percentage of eligible voters who participated in the election. Whether this low voter turnout was by design or by default; or whether Basotho intentionally boycotted the elections or were lethargic; or whether it was simply chance, this is a matter for further investigation.

### **Gender Issues**

Section 36A of the National Assembly Act of 2001 (as

amended) states "as far as practicable, facilitate the full participation by women in all political activities on the basis of equality". Perhaps pursuant to this legal provision, the Kingdom of Lesotho has shown a considerable degree of effort to promote representation and participation by women in all spheres of the political system. However, there is still a long way to go for the polity to realise this grand ideal. Be that as it may, the following observations were made: women (compared to men) were observed coming later in the afternoon to vote after completing their day's domestic chores; and there was a balanced representation of women and men among polling staff, officers, presiding officers and party agents. While the polling staff was comprised mostly of young boys and girls, among party agents there was a mixture of all ages. Further, women were included in observer missions, though not heading them. Both female and male party candidates were aggressively active in their constituencies on polling day.

It was highlighted in the first series of this *Update* that of the 617 constituency candidates, 107 or 17.3% were women. As is the case with the rest of the SADC countries, female constituency candidates do not, on average, fare as well as their male counterparts.

Of those 107 female candidates, only 13 women actually won their constituencies. Another 13 went to Parliament through proportional representation. The political party with the largest number of women in Parliament is the Lesotho Congress for Democracy (13 women), followed by the National Independent Party (NIP) (seven women) and the ABC (four).

### **Counting of Votes, Compilation and Announcement of Results**

The counting of votes and compilation of results was orderly but very slow. The presence of electoral auditors throughout all constituencies made the process of compilation a very transparent and accurate exercise. However, some level of incompetence was noted in some of the polling stations, a fact which resulted in a delay in the finalisation of the counting process. For instance, some of the polling stations finished counting in time but could not transmit results to the constituency level promptly, because of logistical delays. The LCN observer report pointed to specific constituencies that were badly affected by this challenge: Mechechane, Motete and Malimong. The LCN further noted that as a result of staff incompetence, the constituency of Mashai had to recount all ballot papers from 36 polling

stations at the office of the returning officer. They reported that the decision to recount was a consensus by the candidates and the returning officer.

As soon as counting was completed at the constituencies, the results were routed to IEC headquarters and announced by the IEC at the Election Result Centre at the Manthabiseng Convention Centre over a period of two days. Announcement of election results was painstakingly slow and arduous, thereby raising suspicions among ordinary voters about possible cheating, fraud and rigging.

### **Voting Behaviour and Voting Patterns**

The people of Lesotho returned the Lesotho Congress for Democracy (LCD) into power. Out of 79 constituencies, the LCD won 61 and the All Basotho Convention (ABC) 17, while the Alliance of Congress Parties (ACP) won only one constituency. While the LCD derived its support from the rural and mountain areas, the ABC won most of the urban constituencies. The ratio between the rural and urban constituencies is 2:1. This means that the LCD won most of the rural-based constituencies while the ABC took the urban-based constituencies.

The two political parties that political analysts and observers watched closely were the LCD and the ABC. The distribution of votes proved that the two biggest contestants in this election were the above-mentioned parties. The LCD formed a pact with the National Independent Party (NIP), while the ABC was in alliance with the Lesotho Workers Party (LWP). This meant that the NIP and LWP supporters would vote for the LCD and ABC constituency candidates, while the latter's supporters would vote for the former for the party votes. The NIP won 21 parliamentary seats on the proportional representation compensatory mechanism, while the LWP won 10 parliamentary seats through proportional representation.

Both in the rural and urban areas, the margins of victory between the two parties were as large as 4 000 votes for the winner.

### **Conclusion**

While the recently held elections were free, it cannot be said that they were fair.

The concepts of "free" and "fair" are fundamental towards judging whether particular elections were democratic and credible. It was therefore prudent that this report assessed the just-ended elections against these

two significant concepts. While most of the local and international observer teams have endorsed the 2007 Lesotho parliamentary elections as having been conducted in a free atmosphere, opinion is varied on the aspect of their fairness. For elections to be free, the concept entails, primarily, the absence of intimidation and/or violence among all the stakeholders on or before the polling day. In these elections there was a great deal of political tolerance and accommodation among the political parties before and on the day of elections. No voters were reported to have been subjected to undue pressure to cast their ballots in a way that ran counter to their wishes at that point in time.

In conclusion, the Lesotho 2007 elections were generally well administered, largely peaceful and highly competitive, as they offered a variety of choice for the Basotho people. Basotho exercised their universal suffrage in a relaxed, peaceful and cordial atmosphere on Saturday 17 February 2007.



**Promoting Credible Elections and  
Democratic Governance in Africa**

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