

Introduction

The Lesotho General Election of 25 May 2002 was the third national level election held in the country since the reintroduction of multiparty politics in 1993. Commonwealth Observers were present for the 1993 and 1998 elections.

The invitation to the Commonwealth to send observers for the 2002 election was issued by the Minister of Foreign Affairs of Lesotho on 6 February 2002. This election took place as a result of agreements reached in the wake of serious political turbulence experienced by Lesotho in the aftermath of the 1998 election. Long-term Commonwealth involvement in encouraging and assisting the democratic process in Lesotho and quiet diplomacy, has centred on the promotion of dialogue with the aim of reducing tension in relation to various political, electoral and governance issues affecting Lesotho. It was against this background that the Commonwealth Secretary-General welcomed the invitation and responded positively to the request for the presence of Commonwealth Observers at the 2002 General Election.

An Assessment Mission of two Commonwealth Secretariat officials visited Lesotho from 2 to 4 May 2002. They met representatives of major political parties, and other organisations and groups with an interest in the elections. The Assessment Mission established that there was broad support in Lesotho for the presence of a Commonwealth Observer Group. The Assessment Mission also made initial practical arrangements to facilitate the work of Commonwealth Observers.

On 9 May 2002 the Secretary-General announced the constitution of our Group and that of an Advance Group of one Commonwealth Observer and one Commonwealth Secretariat staff member who had commenced work the previous day. Our full Commonwealth Observer Group of six observers and five Secretariat support staff began its work on 17 May 2002 and were present for the final days of the campaign and the election held on 25 May 2002.

The Observer Group and its Terms of Reference

This was the 39th Observer Group to be constituted by the Commonwealth Secretary-General since October 1989, when Commonwealth Heads of Government agreed that election observation could help strengthen democratic institutions and processes in member countries. Heads of Government reinforced the Commonwealth's democratic values two years later, and set the context for the activities of Commonwealth observers, when they adopted the 1991 Harare Commonwealth Declaration to promote "democracy, human rights, the rule of law and just and honest government". This commitment has been reinforced at subsequent Commonwealth Heads of Government Meetings, most recently that held in Coolumberr, Australia, in March 2002.

The terms of reference for our Group were as follows:

The Group is established by the Commonwealth Secretary-General at the request of the Government of Lesotho and the Independent Electoral Commission. It is to observe relevant aspects of the organisation and conduct of the General Election in accordance with the laws of Lesotho. It is to consider

the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgement whether the conditions exist for a free expression of will by the electors and if the results of the elections reflect the wishes of the people of Lesotho.

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 judgement 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 Independent Electoral Commission, the parties taking part in the election and thereafter to all Commonwealth Governments.

Within the above terms of reference, the Group was required to form an independent judgement which in no way represented either the views of any government, the Office of the Secretary-General or any organisation to which its members belong.

The Rt Hon Sir James Mitchell, former Prime Minister of St Vincent and the Grenadines, chaired the Group. Other members of the Group were Mrs Marie-Claude Arouff-Parfait, Dr David MacGibbon, Professor Akinjide Osuntokun, Mr Joram Rukambe and Mr Michael Terry. Ms Dianne Stafford, Director of the Legal and Constitutional Affairs Division of the Commonwealth Secretariat, led the Secretariat staff support team. (The composition of the Commonwealth Observer Group is at *Annex I*.)

Method of Work

(a) The Advance Group of Observers

One Commonwealth Observer, Mr Joram Rukambe, Director of Elections of Namibia, supported by a Commonwealth Secretariat staff member began work on 8 May 2002. The Advance Group travelled widely throughout Lesotho and attended some political rallies. Wherever they went, the Advance Group met the electors, saw preparations for the elections and observed campaign activities. Mr Rukambe had previously been a member of the Commonwealth Team present at voter registration in August-September 2001, and was also present for the public inspection of the voters' register in December 2001.

(b) Arrival of the Full Commonwealth Observer Group

The Group assembled in Maseru on Friday, 17 May 2002, and was briefed by the Chairperson, who had arrived two days earlier, and by the Advance Group. Thereafter, the Commonwealth Observer Group began a series of briefings, including a briefing by the Chairman of the Independent Electoral Commission, Mr Leshele Thoahlane.

The following day we issued an Arrival Statement (see *Annex II*) at a press conference and continued our briefings. We met with representatives of the main political parties contesting the elections, the Interim Political Authority, the Lesotho Council of NGOs, Commonwealth High Commissioners, the



FACE THE PRESS . . . the Commonwealth Observer Group met the press on 18 May. In his Arrival Statement Chairperson Sir James Mitchell said: “We will report honestly and impartially on what we observe; we are concerned with the integrity and the credibility of the electoral process, *not* about who wins or loses”

UNDP Observer Co-ordinator, other Observer Groups and the media. (A schedule of engagements is at *Annex III*.)

On Sunday, 19 May 2002, our Group was present at five final political party rallies held in Maseru.

On Wednesday, 22 May 2002, Sir James Mitchell, our Chairperson, paid a courtesy call on His Majesty King Letsie III.

On Tuesday, 21 May 2002, we divided into five groups of two and deployed throughout the country (see *Annex IV*). Prior to polling day, each team travelled widely in both urban and rural areas, familiarising themselves with their areas of deployment, observing the closing stages of the campaign and meeting members of the public, election officials, candidates, community leaders and others in an effort to assess first-hand the state of electoral preparedness and the political climate in the run-up to the elections. We submitted daily reports of our observations to our Chairperson.

We were present at 28 Constituency Centres for the advance voting which took place on Thursday, 23 May 2002 for those voters who would be on official duty on 25 May 2002. On polling day, 25 May 2002, we observed the opening of the polling stations (scheduled for 7 a.m.), and voting at 124 polling stations, randomly selected, using observation notes and checklists prepared by the Commonwealth Secretariat (see *Annex V*). We inspected polling arrangements, and consulted with Returning and Presiding Officers, election officials, party agents, voters and other observers, both domestic and international. After the closure of the polls, we were present for the count at eight polling stations.

Our team reassembled in Maseru on Sunday, 26 May 2002 and met for debriefing. On the basis of observations reported, our Chairperson issued an Interim Statement that evening, expressing our assessment of election day and initial views on the electoral process and environment (see *Annex VI*). This statement was issued after the close of polls and before the outcome was known.

A Departure Statement was issued on 30 May 2002 (see *Annex VII*). The group left Maseru later that day after finalising its report to the Secretary-General.