

Acknowledgements

We would like to express our gratitude to all those who facilitated our work during our time in Lesotho. We are especially grateful to Mr Leshele Thoahlane, the Chairman of the Independent Electoral Commission, and his colleagues at both the IEC headquarters and in the district and constituency offices who were consistently helpful in answering our many questions despite the great demands upon their time.

We also appreciate the time and effort taken by all those who briefed us on the backdrop to the election, including the representatives of political parties, the IPA, the Lesotho Council of NGOs, the media, academics, and Commonwealth High Commissioners.

Thanks are also due to the United Nations Electoral Assistance Secretariat and the representatives of the international and domestic observer groups whom we met both in Maseru and during our deployment.

We would not have been able to carry out our task without the invaluable assistance and support given by our drivers, whose local knowledge of the language, terrain and people and whose reliability under often very trying conditions made our work possible. We also wish to acknowledge the commitment and support of the Commonwealth Secretariat staff team, who made it possible for us to achieve our mandate.

A special thanks is due to one of our Group, Joram Rukambe, whose experience of the electoral process in Lesotho – gained through his observation of voter registration and work as Advance Observer – ensured that we were admirably equipped to carry out our task.

We extend our appreciation to the Rt Hon Don McKinnon, the Commonwealth Secretary-General, who gave us the opportunity to participate in the consolidation of democracy in Lesotho. Finally, we would like to thank the people of Lesotho for the warm welcome we received wherever we went.

Composition of the Commonwealth Observer Group

Sir James Mitchell KCMG (St Vincent and the Grenadines – Chairperson)

Sir James Mitchell was the Prime Minister of St Vincent and the Grenadines from 1984 to 2000. He also became the longest serving leader in office in the Caribbean and retired as Chairman of the Caribbean Community with special responsibility as lead negotiator on bananas with the European Union and the United States. He represented the Grenadines in Parliament for over 35 years and served in several ministries culminating in his country's leadership. He founded the New Democratic Party in 1975 and led successfully in four general elections. He has experience as an Election Observer in Nicaragua and Hungary and also involved in mediation exercises as representative of the Caribbean Community in Haiti, St Kitts and Nevis, and Guyana. He has authored several technical publications and three political books, namely, *Caribbean Crusade*, *Guiding Change in the Islands*, and *A Season of Light*. Sir James was educated at the Imperial College of Tropical Agriculture and the University of British Columbia. He is an agronomist, hotelier, company chairman and father of four daughters.

Mrs Marie-Claude Arouff-Parfait (Mauritius)

Mrs Marie-Claude Arouff-Parfait was a Member of Parliament from November 1995 to September 2000. She represented Mauritius in the ACP-EU and was also Minister for Youth and Sports. She has also represented her country in many international forums dealing with women and equal opportunities and has also participated in various meetings of Commonwealth parliamentarians.

Dr David MacGibbon (Australia)

Dr David MacGibbon was elected to the Senate of the Australian Parliament and served as a Senator for 21 years until his retirement on 30 June 1999. He was Chairman of the Joint Foreign Affairs, Defence and Trade Committee, the largest and most prestigious committee of the Australian Parliament. As well as serving as Chairman or member of many other committees he was Parliamentary adviser to the Australian Permanent Mission to the United Nations for the 1983 General Assembly. His particular interest, apart from Defence and Foreign Affairs, was Parliament as an institution and the democratic process. Before entering Parliament he was a Dental Specialist and held appointments at the Universities of London, Michigan and Queensland. Since leaving the Senate he has been actively involved with his family as a grazer in the beef cattle industry. He is married with four adult children.

Ambassador Akinjide Osuntokun (Nigeria)

Ambassador Akinjide Osuntokun is currently Professor of History and International Relations at the University of Lagos, Nigeria. He has previously taught at the Universities of the West Indies, Dalhousie, Western Ontario in Canada, and Ibadan and Maiduguri in Nigeria. He was Adviser to the Foreign

Office in Nigeria and served in Canada and the United States as Education Attaché before serving as Ambassador of Nigeria in Germany, 1991-95. He is currently Adviser on Foreign Relations to Nigeria's President. He is an author of several articles and books on history, politics, environment and the international relations of Nigeria. He is a member of the Editorial Board of *Comet*, a major Nigerian newspaper, and a regular columnist. He is also Chairman of the Environmental Protection Society of Nigeria.

Mr Joram K Rukambe (Namibia)

Mr Joram K Rukambe has been Director of Elections and Chief Electoral Officer of Namibia since 1997. He was an adviser to South Africa's Independent Electoral Commission in 1994 and 1999, and has observed elections there and in Botswana and Zimbabwe. He was a consultant for the Zambia Electoral Commission during the 2002 Presidential and Parliamentary Elections.

Mr Michael Terry OBE (United Kingdom)

Michael Terry served as Executive Secretary of the British Anti-Apartheid Movement from 1975 until its dissolution following South Africa's first non-racial elections in 1994. During this period he participated in numerous United Nations, Commonwealth and other international conferences. Previously he was Deputy Director of Research of the International Defence and Aid Fund for Southern Africa. He was also involved in other non-governmental organisations concerned with Southern Africa. He was on the Secretariat of the Liaison Group of AAMs in the EU; Secretary of the Bishop Ambrose Reeves Trust (a charity providing educational material on Southern Africa) and Vice-Chair of the Executive of the Southern Africa Coalition. He is currently Head of Physics at a secondary school in north London and takes up the post of Curriculum Leader Science at a new school this September. He chairs the London Region of the Association for Science Education. Mr Terry graduated in 1969 with a BSc in Physics from the University of Birmingham and gained a PGC in Education from King's College, London in 1996. He was National Secretary of the National Union of Students of the UK from 1971 to 1973. In 1994 he was awarded the UN Medal for his contribution to the international campaign against apartheid and in 2001 was awarded an OBE for his services to human rights.

Secretariat Support Staff

Miss Di Stafford	<i>Team Leader</i>
Ms Kishwer Falkner	<i>Assistant to Observers</i>
Mr Martin Kasirye	<i>Assistant to Observers</i>
Ms Nishana Jayawickrama	<i>Assistant to Observers</i>
Miss Ama Kwaw-Swanzy	<i>Secretary/Administrative Officer</i>

Arrival Statement, 18 May 2002



Commonwealth Observer Group

Lesotho General Election, 25 May 2002

News Release

ARRIVAL STATEMENT BY SIR JAMES MITCHELL CHAIRPERSON OF THE COMMONWEALTH OBSERVER GROUP

We are here in Lesotho at the invitation of the Government of Lesotho and the Independent Electoral Commission. Upon receiving the invitation, the Commonwealth Secretary-General sent an Assessment Mission to Maseru earlier this month. The Mission consulted with political parties and NGOs and established that there was 'broad support for the presence of Commonwealth Observers to the General Election'. The Secretary-General subsequently confirmed his intention to send an Observer Group.

We have been invited in our individual capacities: we do not represent the views of the governments of our countries or of the Commonwealth Secretariat. The mandate set for us by the Commonwealth Secretary-General, reflects the intention of Commonwealth governments that Commonwealth observer groups should consider the various factors impinging on the credibility of the electoral process as a whole and to determine in our own judgment, based on what we see, 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. 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.

We were briefed yesterday by the Chairman of the Independent Electoral Commission on preparations for the election. Over the next few days we will meet with political parties and civil society, aiming to gain as full a picture as possible of the campaign, the issues and the electoral environment as a whole. We will also observe the final rallies that will take place over the weekend. After this initial set of briefings here in Maseru, we will deploy to various districts of the country in two-person teams, where we will meet with local electoral officials, party representatives and electors. Together with other observers- both domestic and international- we will be observing advance voting on the 23 May 2002. On polling day itself we will visit as many polling stations as possible, being present for the opening of the poll, the voting, the closing and the count. We will not be everywhere but we do intend to obtain a representative sample of the election. An Advance Observer, Mr Joram Rukambe, and a Secretariat staff member arrived in

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Lesotho on 8 May and have been travelling widely throughout all areas of Lesotho since then. They have observed the preparations for these elections in all 10 districts of Lesotho and have already fully briefed me on their impressions. The Commonwealth was also present during crucial stages of the voter registration process: Mr Rukambe was part of the Commonwealth team that observed registration and display of the voter lists. I believe therefore, that we embark on our observation equipped with a full picture of the early stages of preparation for this election.

After observing the poll and the count we will regroup in Maseru where we will write our report. We will then send it from Maseru to the Commonwealth Secretary-General, who will forward it to the Government of Lesotho, the Independent Electoral Commission and to the parties who have taken part in the election. Shortly after that it will be made available to Commonwealth governments and will then be freely available for all to read.

On behalf of the Group I would like to express our honour at being present during this important election. We look forward to our mission and hope that we will be able to make a positive contribution to the strengthening of democracy in Lesotho.

ANNEX III

Schedule of Engagements

Friday, 17 May

- 1045 Arrival in Maseru
- 1300 Welcome and Briefing by Chairman
- 1400 Briefing by Lesotho Congress for Democracy (LCD):
Hon Mlalele Motaung (Secretary-General)
- 1500 Independent Electoral Commission: Mr Leshele Thoahlane
(Chairman) and Mr Khothatso Ralitsie (Director of Elections)

Saturday, 18 May

- 0900 Arrival Press Conference, Lesotho Sun Hotel
- 1115 Briefing by Media Institute of Lesotho:
Mr Khutliso Sekoati (Director)
- 1230 Briefing by Interim Political Authority:
Mr Malefetsane Nkhale (Executive Secretary)
- 1400 Briefing by Advance Team
- 1515 Briefing by Basotho National Party (BNP):
Mr Bereng Sekhonyana (Deputy Leader)
- 1630 Briefing by Basutoland Congress Party (BCP):
Mr Tseliso Makhakhe
- 1830 Cocktail Reception

Sunday, 19 May

- 0900 Briefing by Lesotho People's Congress (LPC):
Mr Kelebhone Maope (Leader)
- 1015 Briefing by Lesotho Workers Party (LWP):
Mr Macaefe Billy (Leader)
- 1100-1500 Observation of political rallies around Maseru
- 1730 Briefing by Commonwealth High Commissioners:
HE Mr Japhet Mbongwa Ndlovu (High Commissioner,
South African High Commission) and Mr Matthew Forbes
(Deputy High Commissioner, United Kingdom High Commission)

Monday, 20 May

- 0900 Briefing by the media: Ms Violet Maraisane, Lesotho News
Agency; Mr Thabo Thakalekoala, Editor, *Mopheme/The Survivor*;
Mr Bethuel Thai, *Public Eye*; Mr Mohlomi Letsenya, Catholic
Radio; Mr Candy Ramainoane, Moafrika radio and newspaper;
and Mr Nthkeng Selingane, Media Institute of Lesotho
- 1045 Briefing by Lesotho Council of NGOs:
Mr Steven Motsamai (Director)
- 1200 Briefing by UN Electoral Assistance Division and international
observer groups
- 1500 Deployment Briefing

Deployment of Observers



Commonwealth Observer Group

Lesotho General Election, 25 May 2002

News Release

COMMONWEALTH OBSERVERS DEPLOYED FOR ELECTIONS

Since its arrival in Lesotho, the Commonwealth Observer Group (COG) to the General Elections has met representatives of the Independent Electoral Commission, the Interim Parliamentary Authority, many political parties, non-government organizations and the media.

The COG observed five political rallies in and around Maseru last Sunday.

This morning the Observers split into teams consisting of two people each for deployment in various districts. The Observers will meet with electoral officials, candidates, party officials and the people in the districts to which they are deployed. They will observe both Advance Voting on 23 May and the poll on 25 May and will visit as many polling stations as possible to obtain a representative sample of the electoral process and to assess, as accurately as possible, the voting process.

The teams of observers are deployed in the following districts –

Maseru, Mafeteng and Berea	Sir James Mitchell , Chairman, of the Commonwealth Observer Group Miss Dianne Stafford
Butha-Buthe and Leribe	Prof Akinjide Osuntokun Ms Kishwer Falkner
Thaba-Tseka	Mr Joram Rukambe Mrs Marie-Claude Arouff-Parfait
Qacha's Nek	Mr Mike Terry Martin Kasirye
Quthing and Mohale's Hoek	Dr David MacGibbon Ms Nishana Jayawickrama

Maseru
Tuesday 21 May 2002

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Observation Notes and Checklist for Polling Station Visits

6.	Complaints by Party Agents	No/Yes	Details:
7.	Complaints by Voters	No/Yes	Details:
8.	Domestic Observers present	No/Yes	Details:
9.	Atmosphere at station?	Orderly? Tense? Chaotic?	
10.	Secrecy of the Ballot	Assured? Poor? Uncertain?	
11.	Voting		
	(a) Personation attempts alleged:	No/Yes	
	(b) Multiple voting attempts alleged:	No/Yes	
	(c) Women deterred from voting Details:	No/Yes	
12.	Closing of Poll	On time? Numbers still in queue? Procedures followed?	No/Yes
13.	The Count	Are procedures being observed?	No/Yes
14.	Post Count	Procedures followed? Boxes secure?	No/Yes
15.	Apparent fairness overall?	Good? Acceptable? Questionable?	
16.	Other Comments		

COMMONWEALTH OBSERVER GROUP – LESOTHO GENERAL ELECTION
25 MAY 2002

CHECKLIST FOR POLLING STATION VISITS

Team Member(s):

Constituency:

District:

Polling Station:

Time of Arrival:

Time of Departure:

Voters in Queue: Rate of Processing:

- Opening of Poll**

On time? No/Yes	Procedures followed? No/Yes
Details:	
- Register Process**

State of the register? Are voters on it?
Is there a Supplementary Register?
Are there many objections?
Are people able to pick up voter ID cards?
- Layout and Facilities**

Good? Adequate? Poor?
- Polling Staff**

Efficient? Satisfactory? Poor?
- Security Presence**

Discreet? Intrusive? Oppressive?

**COMMONWEALTH OBSERVER GROUP – LESOTHO GENERAL ELECTION
25 MAY 2002**

OBSERVATION NOTES FOR POLL AND COUNT

PART A

The Observers may focus particular attention on the following aspects of the conduct of the election:

THE CAMPAIGN

1. Balance of TV/radio election coverage and extent and nature of access by party and other candidates.
2. Print media: nature of coverage and extent of access by the political parties
3. The tone and content of material put out by the candidates, access to printing facilities
4. The conduct of political meetings/rallies (permits for public meetings?)
5. The conduct of house-to-house canvassing of voters.
6. Nature, scale and effectiveness of Independent Electoral Commission and other voter education on radio and television, in the print media and by other methods.
7. Activities/measures to encourage the participation of women
8. Access to funds and sources of funds

Note: because the campaign will have effectively ended by the time you are deployed much of the evidence of the above is likely to be anecdotal and/or second hand information

THE POLL

1. The location of polling stations
2. Distances travelled by voters to polling booths, particularly in rural areas.
3. The procedure followed at the opening of the poll.
4. The length of time voters wait to cast their votes.
5. The adequacy or otherwise of facilities at polling stations and their state of readiness.
6. Availability of adequate supplies, e.g. ballot papers, official stamps and stamp pads etc
7. The performance of electoral officials at the polling stations visited
8. The procedures in place to ensure proper security of ballot papers, ballot boxes and official seals
9. Arrangements to facilitate voting by women
10. The steps taken to ensure that the secrecy of the ballot is assured.
11. The general atmosphere at the polling stations visited.
12. Access of party agents and domestic observers to polling stations
13. Whether illiterate voters are assured of a vote in secret
14. Whether the security of ballot boxes in transit is assured.

THE COUNT

1. Inspection of seals
2. The process of reconciling the number of people who voted with the number of ballots in the boxes
3. The determination of invalid ballots
4. The facilities for party agents and their representatives to witness and verify the count and overall transparency

5. Access by domestic and international observers
6. The conduct of election officers.

PART B

Questions that may be put and which you may ask yourself:

1. Was the Voters' Register compiled in a satisfactory way? Were people missed out? Were the names of dead people or "phantom voters" included?
2. Who are the election officials? How were they chosen? Are voters confident that they will be impartial?
3. Is the person in the street satisfied with arrangements? Will he/she vote? If not, is he/she afraid to do so? Were there any attempts to discourage/encourage the participation of women and were they effective?
4. Have all parties been able to campaign freely? Has the campaign been free of intimidation etc? Have all parties had full access to the mass media?
5. Is there freedom to advertise and distribute posters, leaflets etc?

ON POLLING DAY

1. Before polling starts, are the ballot boxes empty? Are they properly sealed? Are all procedures being adhered to?
2. Are all the parties/candidates represented at polling stations? Are they satisfied with the process?
3. Are the voters apparently voting freely? Are they enthusiastic? Do they talk freely? Do they exhibit signs of fear or intimidation?
4. Do voters understand the procedures properly? If not, are the procedures being explained fully and impartially? Are attempts being made to suggest how voters should vote?

5. Does the turnout indicate that women have been deterred from attending to vote?
6. Is only one person at a time being allowed into the voting compartment?
7. How long are voters waiting to vote? If a long time, are some being put off?
8. Will all parties be represented at the polling centres throughout voting and the count? Are agents adequately trained and vigilant?
9. Will domestic and foreign observers have free access to all stages of the process?
10. Is the security presence effective/oppressive?

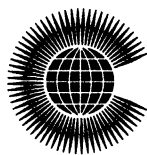
THE COUNT

1. Are the boxes kept safe until opened? Are all parties present at the opening?
2. Does the number of used ballot papers tally with the record of those who voted?
3. Are the papers counted properly? Are counting agents present? Are they satisfied with the procedures of the count?
4. Are the proper procedures followed for declaring votes as invalid?
5. Is the result of the count posted on the wall of the polling station?

TRANSPORTATION OF BALLOT BOXES

1. What arrangements are made for transportation of ballot boxes to constituency and district centres?
2. Can party agents and observers follow the boxes and observe arrangements for storage overnight?

Interim Statement, 26 May 2002



Commonwealth Observer Group

Lesotho General Election, 25 May 2002

News Release

INTERIM STATEMENT BY THE CHAIRMAN, SIR JAMES MITCHELL

The Commonwealth Observer Group has been represented in Lesotho since 1 May 2002 by advance observers with the main team arriving on 17 May. The team consists of six eminent persons, senior electoral officials and former parliamentarians drawn from across the Commonwealth. The Observers are supported by a team of five staff from the Commonwealth Secretariat in London.

During preparations for these elections senior Commonwealth electoral officials visited Lesotho to observe the voter registration process in all its stages.

Prior to deployment to the districts, the Independent Electoral Commission, the Interim Parliamentary Authority, representatives of political parties, the media, non-governmental organisations and other groups briefed the team. Members of the team were present in all ten districts of Lesotho before the elections. On polling day they observed voting in nine districts and covered a large number of polling stations.

On polling day, members of the Group were on the scene at polling stations across Lesotho to witness the opening of the poll and to satisfy themselves that all required preparations were complete. Although a relatively small percentage of polling stations opened late the team saw no evidence of organised irregularities.

The interim conclusion reached by the Commonwealth Observer Group is that up to the time of the close of polls the election was, despite some administrative and logistical problems, conducted in a manner that provided the people of Lesotho with the opportunity to vote freely for the candidates of their choice. We do not consider that the administrative and logistical problems experienced detracted from the overall organisation of the election so as to affect the true expression of the will of the people.

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Members of the Group were present in one constituency where party agents expressed concern that boxes containing ballot papers had been opened before delivery to polling stations. This issue was resolved following discussions between IEC officials and party agents and the ballot papers eventually delivered to polling stations. The delayed commencement of voting in this constituency necessitated the extension of voting to midday on Sunday 26 May. We witnessed this continuation of voting and welcome the action of the IEC in ensuring that electors were afforded the opportunity to cast their votes

Our Observers were present for the counting of votes in several polling stations. This process was very slow, impeded by lack of light, equipment and other minor administrative issues with the result that the count in the vast majority of constituencies is not available at this time. We are, however, satisfied that, when we were present, the polling station officials were acting fairly and we welcome the assurances of party agents that they were satisfied with the conduct of the poll.

We note with some concern that the results from a limited number of constituencies were announced in the national media this morning prior to the close of voting in all constituencies.

We wish to express our admiration for the voters of Lesotho who displayed quiet good humour, and great patience as they peacefully exercised their franchise.

The Group will make a final report to the Commonwealth Secretary-General in the days ahead.

Maseru, 26 May 2002

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Departure Statement, 30 May 2002



Commonwealth Observer Group

Lesotho General Election, 25 May 2002

News Release

Departure Statement by Sir James Mitchell KCMG Chairman of the Commonwealth Observer Group

The Commonwealth Observer Group left Lesotho today, after a two-week visit to observe the General Election held on 25 May 2002. The Chairman of the Group, the Rt Hon Sir James Mitchell, said on departure that the Group had fulfilled its mandate to consider the various factors impinging on the credibility of the electoral process as a whole, and had formed the judgement that the election was conducted in a manner that provided the people of Lesotho the opportunity to vote freely for candidates and parties of their choice. He added that in the view of the Group, the administrative and logistical problems experienced did not detract from the overall organization of the election so as to affect the true expression of will of the people.

Sir James said he had noted reports that some candidates and political parties did not accept the outcome of the ballot, and may take legal action to challenge the election results. He urged those with complaints to utilise avenues of hearing grievances provided by the courts and the laws of the Kingdom of Lesotho.

Sir James expressed the Commonwealth Observer Group's deep appreciation for the welcome and co-operation extended to it by the people of Lesotho during their stay in the country. He noted that members of the Group had been most impressed by the commitment to the democratic process demonstrated by the people of Lesotho.

Our report will be submitted to the Commonwealth Secretary-General Rt Hon Don McKinnon. It contains a number of suggestions on the electoral process which we hope will be of use to the Government, the Independent Electoral Commission and other political players in Lesotho. The report will be available to the Government of Lesotho, all Commonwealth Governments, the Independent Electoral Commission, all political parties with whom the Commonwealth Observer Group had contact, and thereafter, to the general public as soon as possible.

Maseru
30 May 2002

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IEC Voter Education Poster

**LET LESOTHO
PROSPER**



**YOUR VOTE IS
YOUR POWER**