



PRELIMINARY STATEMENT

BY

**HONOURABLE FRANS KAPOFI MINISTER OF DEFENCE AND
VETERANS AFFAIRS OF THE REPUBLIC OF NAMIBIA**

**THE HEAD OF THE SADC ELECTORAL OBSERVATION MISSION
(SEOM)**

TO

THE 7TH OCTOBER 2022 NATIONAL ASSEMBLY ELECTIONS

IN

THE KINGDOM OF LESOTHO

MASERU, 9TH OCTOBER 2022

Your Excellency, Mr. Danny Faure, former President of Seychelles and Head of the Commonwealth Electoral Observation Mission

Your Excellency, Mr. Speciosa Kazibwe, former Vice President of Uganda and Head of the African Union Electoral Observation Mission (AUEOM)

Distinguished Heads of International Electoral Observation Missions;

Distinguished Ladies and Gentlemen

All Protocols Observed.

I. INTRODUCTION

On behalf of the Southern African Development Community (SADC), it is my distinct honour to welcome you all to this important event where I will present the SADC Electoral Observation Mission (SEOM)'s Preliminary Statement on the conduct of the 2022 National Assembly Elections in the Kingdom of Lesotho. The elections were observed in line with the *revised SADC Principles and Guidelines Governing Democratic Elections (2021)* and the relevant laws of Lesotho.

As Head of the SADC Electoral Observation Mission to the Kingdom of Lesotho, appointed by His Excellency Dr. Hage Geingob, President of the Republic of Namibia, and the current Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, I maintained close collaboration with members of the Organ Troika, currently comprised of the Republic of Namibia, Republic of South Africa and Republic of

Zambia regarding the National Assembly Elections in Lesotho. The SEOM also benefitted from the Pre-election Goodwill Assessment Report of, and advice from the SADC Electoral Advisory Council (SEAC).

The SADC Electoral Observation Mission to the 2022 National Assembly Elections in Lesotho was composed of 63 delegates. Our observers were deployed to all the 10 districts of Lesotho. (Berea, Butha Buthe, Leribe, Mafeteng, Maseru, Mohale's Hoek, Mokhotonlong, Qacha's Nek, Quthing and Thaba Tseka).

During the pre-election phase, the Mission consulted key stakeholders, including political parties, the Independent Electoral Commission of Lesotho (IEC), Government, the Police, civil society, religious and traditional leaders, members of the diplomatic corps, the media and international observation missions.

This Preliminary Statement covers the Mission's observations of the pre-election period and voting day activities. The Mission's final report will cover observations of the pre-election, election and post-election phases, and is aimed at supporting and strengthening the democratic electoral processes in the Kingdom of Lesotho as a SADC Member State.

Your Excellencies, Ladies and Gentlemen

I now wish to share the summary of the Mission's key findings:

(a) Political and Security Environment

The Mission observed that the political and security environment in the pre-election phase and voting day was calm and peaceful. There were no security concerns that could adversely affect the conduct of the elections. The Mission did not observe any security breaches in all the areas of observation.

The Mission observed that the election campaign activities leading up to the election day, which included rallies by the contesting political parties, were conducted in a peaceful manner. This underscored the conducive political environment which is key for the conduct of democratic elections.

Article 13.2.6 (1) of the *revised SADC Principles and Guidelines Governing Democratic Elections (2021)* requires neutrality of security forces on electoral process. The Mission observed that the security agencies provided a supportive role including maintaining law and order during the election period.

(b) Electoral Law and Electoral System

The 2022 National Assembly Elections in the Kingdom of Lesotho are regulated by the Constitution of Lesotho of 1993, as amended. In addition to the Constitution, the Elections are governed by the National Assembly Electoral Act of 2011 and the Electoral Code of Conduct. The Mission noted that the High Court of Lesotho has original jurisdiction in all election petitions, whilst the Court of Appeal of Lesotho has appellate jurisdiction.

The Mission noted concerns raised by stakeholders regarding the non-completion of the national reforms process, particularly proposals to enhance the electoral system through the 2022 National Assembly Electoral Act Amendment Bill, and generally through the 2022 Constitutional Amendment Bill. The Mission concurs with the views expressed by stakeholders that the reforms would strengthen democracy, peace, security, stability and good governance in the Kingdom of Lesotho. The Mission noted the commitments made by stakeholders to prioritise the completion of the reforms once a new government is in place, following the 2022 National Assembly Elections.

(c) The Management of the Electoral Process

The Mission noted that the elections in Lesotho are managed by the Independent Electoral Commission (IEC) in line with section

66 of the Constitution of Lesotho, as read together with the provisions of the National Assembly Electoral Act No. 14 of 2011.

The Mission noted the total number of registered voters was one million, three hundred and eighty-three thousand, one hundred and forty-four (1,383,144). There were also three thousand one hundred and fifty-one (3,151) voting stations across the country.

Whilst acknowledging the efforts of the IEC in fulfilling its mandate, the Mission noted the concerns from stakeholders regarding inaccuracies in the First Certified Voters Roll published after voters verification exercise following the display of the Provisional Voters Roll. Specifically, that the First Certified Voters Roll did not include names of some registered voters and it contained names of some deceased persons and duplicated voters' names. Further, there were also complaints of delays in the publication of the Final Voters Roll.

The Mission observed that the Final Voters' Roll was published on an online platform before the elections held on 7th October 2022. However, by 30th of September 2022 when the advance voting was conducted, the Final Voters' Roll had not been published.

The Mission noted that Section 66D of the Constitution of Lesotho, as read together with Section 147 (1) of the National Assembly Electoral Act, requires the IEC to be provided with funds to enable it to effectively perform its functions. The Mission learned from the stakeholders that the IEC experienced budgetary constraints due to an inadequate budget allocation for the elections. The stakeholders informed the Mission that the budgetary constraints impacted the IEC in the discharge of its mandate.

The Mission noted the misunderstanding amongst some sections of the electorate with respect to the forms and documents to be used in identifying voters at voting stations. This

is despite the noticeable effort by the IEC to inform the members of public about the documents that were required for identification, namely national identification cards, IEC voters cards, passports and driving licenses, as well as identification by an official witness.

The Mission also noted concerns from some political parties regarding objections raised against a number of candidates. The Mission understands that the objections were upheld by the IEC, and that subsequent petitions and appeals to the High Court and Court Appeal were determined.

(d) Access to Media

The *revised SADC Principles and Guidelines Governing Democratic Elections (2021)* enjoin SADC 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*”. The Mission noted that Section 14 of the Constitution of Lesotho provides for the right to freedom of expression and of opinion, including freedom to hold opinions without interference and freedom to communicate ideas and information without intrusion, which provides guarantee to media freedom in the country. Section 62 (1) of the National Assembly Electoral Act entitles a registered political party to unhindered freedom of expression and information in the exercise of its right to campaign.

In this respect, the Mission noted that stakeholders were generally positive about the efforts made by the State-owned media to provide a balanced coverage of the campaign messages of the various political parties and candidates. Some stakeholders informed the Mission that the National Broadcaster could have increased programming time for the elections in order

to enhance the flow of information to the electorate. The Mission also noted the existence of a vibrant privately owned media.

(e) Participation of Women and Youth in Politics

The Mission noted that Section 30 of the National Assembly Electoral Act requires registered political parties to facilitate the full participation of youth, women and the disabled in political activities on the basis of equality.

The Mission observed that women make up 55.48% of registered voters compared to men who make up 54.52% of registered voters. Despite being the majority of voters, only eight hundred and seventy-six (876) women out of two thousand five hundred and sixty (2,560) candidates contested the elections.

The Mission noted that a number of political parties fielded young candidates, the youngest candidate being 18 years old.

(f) Political Party Funding

The Mission noted that Section 70 (4) of the National Assembly Electoral Act entitles a registered political party to funding from the Consolidated Fund for campaigning purposes and payment of party agents. In terms of Section 71 (1) of the National Assembly Electoral Act, a political party that participated in the election and won seats in the Parliament is also entitled to funding from the Consolidated Fund on an annual basis depending on the number of seats. Article 13.2.6 (f) of the *revised Principles and Guidelines Governing Democratic Elections (2021)* requires that where it is provided for, the funding to political parties for campaigns, and campaign spending be transparent and the oversight of both is to be in accordance to the laws of the country.

However, the Mission was informed about the lack of disclosure and transparency in party funding expenditures.

The Mission noted the proliferation of political parties, particularly towards election time. The Mission also noted that fifty-two (52) out of sixty-five (65) registered political parties contested the elections in 2022, compared with twenty-seven (27) in 2017. While this is intended to strengthen political participation in the democratic processes, it has the potential to place a financial burden on the public purse, especially in the context of constrained public finances.

III. OBSERVATIONS ON ELECTION DAY - 7 OCTOBER 2022

Based on the Mission's observation of one hundred and seventy-one (171) voting stations in the 10 Districts of the Kingdom of Lesotho, the following were observed:

- (a) The environment at the polling stations was peaceful and the voting proceeded in an orderly manner. There were no major incidents reported in the areas of observation;
- (b) Police presence was noted at the voting stations, and the police conducted themselves in a professional manner;
- (c) 87% of the voting stations observed opened on time; while 13% did not open on time for a variety of reasons, including slow opening procedures by polling officers and late distribution of voting materials;
- (d) In 80% of the polling stations observed, most people who turned out were able to vote. However, some were not able to vote. The reasons advanced for this was the non-appearance of the people concerned on the Voters Roll at the respective voting stations, while some of the concerned voters were redirected to the correct polling stations where they were able to vote;

(e) 67% of the voting stations observed were accessible to people living with disability and those with limited mobility. However, the Mission observed that 33% of the voting stations were not easily accessible for the disabled, mainly due to the challenging geographical terrain of the country. The Mission observed that the IEC officials at those voting stations managed to render assistance to the affected voters.

(f) 80% of the voting stations observed accorded priority to persons with disabilities, the elderly, expectant and nursing mothers, while at 20% of the voting stations such priority was not accorded;

(g) Party agents were present at all times in the polling stations that were observed;

(h) Seals and serial numbers of ballot papers and ballot boxes were verified by party agents at polling stations that were observed;

(i) Most of the polling stations that were observed were not congested. The approximate average time taken to process a voter was four (4) minutes; and

(j) 86% of the voting stations observed closed at the scheduled closing time, while 14% did not close on time, in some instances this was to enable those voters still in the queue to cast their vote in accordance with the law, and to compensate for late opening.

RECOMMENDED IMPROVEMENTS IN THE ELECTORAL PROCESS

At this juncture, allow me to recall that the SEOM is continuing the process of electoral observation in the post-election phase. As such, the Mission will not be providing comprehensive recommendations or qualifications of the election at this stage. However, the Mission has observed the following areas of the electoral process and system that relevant stakeholders may wish to consider improving:

(a) The Management of the Electoral Process

- (i) The IEC is urged to implement Section 39 (1) (e) of the National Assembly Electoral Act and publish the Voters Roll not later than 30 days before elections day. Even where there are justifications for rectification of the Voters Roll in terms of Section 18 (1) of the Act, any changes should be completed at least seven (7) days before the set date of election as required by Section 18 (5) of the Act, and the Voters Roll published immediately. This will provide certainty to registered voters as to their stations of voting.
- (ii) Article 5.1.5 of the *revised SADC Principles and Guidelines Governing Democratic Elections (2021)* enjoins SADC Member States to “ensure that the Electoral Management Body is independent and that it has adequate logistics, human, financial resources and contingencies made available for the entire Electoral Cycle...”. In this regard, it is recommended that the Government of the Kingdom of Lesotho fully implements the above commitment to ensure that the IEC is adequately and timeously provided with funding to effectively carry out its mandate.

- (iii) Whilst taking into account the generally challenging geographical terrain of the country, the IEC and Government are urged to make deliberate efforts to ensure that people with limited mobility have access to voting stations. This is in line with Article 13.5.1 of the *revised SADC Principles and Guidelines Governing Democratic Elections (2021)* which provides for appropriateness of locations of polling stations and accessibility of their facilities.
- (iv) The IEC is urged to enhance civic and voter education to ensure that the electorate fully understands electoral procedures.
- (v) The Government is urged to ensure that the proposed reforms that were contained in the 2022 National Assembly Electoral Act Amendment Bill receive priority attention, in addition to the 2022 Constitutional Amendment Bill.

(b) Participation of women and youth in Politics

Political players in the Kingdom of Lesotho are urged to adopt deliberate policies that promote the participation of women and youth in elections in line with Section 30 of the National Assembly Electoral Act.

(c) Political Party Funding

- (i) The IEC should ensure compliance, by political parties, with the provisions of the National Assembly Electoral Act regarding accountability to party funding under the Consolidated Fund, in line with Article 13.2.6 (f) of the *revised SADC Principles and Guidelines Governing Democratic Elections (2021)*.

(ii) In line with the electoral reforms referred to above, the Government and the IEC, are urged to enhance requirements for access to public funding by political parties.

CONCLUSION

In conclusion, the Mission observed that political parties and independent candidates were able to freely campaign towards the 7th October 2022 National Assembly Elections. The Mission also observed that the pre-election and voting phases were calm and peaceful.

In terms of the *revised SADC Principles and Guidelines Governing Democratic Elections (2021)*, the Mission's Long-Term Observers (LTO) will remain on the ground to continue with the post-election observation until the 15th of October 2022. The SEAC shall return at an appropriate time, to undertake a post-election review to determine the extent to which the recommendations of the SEOM have been implemented and the nature of support, if any, that the Kingdom of Lesotho may require from SADC to implement those proposals.

In the event of any electoral disputes, the Mission appeals to all contestants to channel their concerns through established legal procedures and processes.

The Mission commends the people of the Kingdom of Lesotho for holding peaceful elections. The Mission will release its final report within thirty (30) days as provided for in the *revised SADC Principles and Guidelines Governing Democratic Elections (2021)*. The final report will be shared with the Government and IEC.

Thank you very much
Muito Obrigado
Merci beaucoup
Asante sana
Kea leboha