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EISA ELECTION OBSERVER MISSION REPORT

LESOTHO



NATIONAL ASSEMBLY ELECTIONS

17 FEBRUARY 2007



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EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa.

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EXECUTIVE SUMMARY

In line with its goal of promoting credible elections and democratic governance in Africa, EISA deployed an observer mission to the Lesotho National Assembly elections which were held on 17 February 2007.

The EISA mission was led by Sir Ketumile Masire, former President of Botswana and EISA Patron. The mission's Deputy Leader was Mr Denis Kadima, Executive Director of EISA. The mission comprised altogether 17 members who were nationals of various countries, namely Botswana, Democratic Republic of Congo (DRC), Mozambique, Namibia, South Africa, Zambia and Zimbabwe (see Appendix 1). The members of the mission represented electoral commissions, academic institutions, a variety of civil society organisations (CSOs) and donor organisations.

This report sets forth the assessment of the EISA mission to the Lesotho elections of 17 February 2007, including the mission's observation and analysis of the electoral process from the pre-election phase and the polling phase to the tabulation and announcement of the election results and allocation of National Assembly seats. The report also presents the mission's findings and recommendations.

The observation of elections began with the deployment of a pre-election assessment mission which was in Lesotho from 9 to 12 January 2007. Its role was to assess the pre-election environment as well as to ascertain whether conditions existed for the deployment of a mission to observe the elections. The pre-election assessment mission judged that conditions existed for the deployment of an observer mission.

On 8 February 2007 the observer mission's advance team arrived in Maseru and was followed by the arrival of the remainder of the observers on 11 February. On 12-13 February, members of the mission attended briefing and training sessions which covered the theoretical foundations of election observation and the standards and principles used for election assessment. The briefing session also included presentations from Lesotho electoral

stakeholders who gave the historical and political background to the 2007 snap election.

On 14 February, six teams were despatched to seven districts within Lesotho, with a mandate to assess the pre-election period as well as the voting and counting of ballots at the polling stations. On the polling day, these teams covered 84 polling stations in eight districts.

The mission began departing from Maseru on 19 February. A member of the mission remained in Lesotho until 23 February to observe the tabulation and announcement of results at the National Results Centre and the allocation of National Assembly seats.

The mission used the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO) as the basis for its election assessment. PEMMO is a document that was developed under the auspices of EISA and the Electoral Commissions Forum (ECF) of Southern African Development Community (SADC) Countries. It outlines standards and best practices for the conduct and assessment of elections in the SADC region.

Using PEMMO, on the basis of its observations up to 18 February 2007, the mission concluded that, notwithstanding the challenges created by a snap election, the National Assembly elections in Lesotho held on 17 February 2007 were conducted in a manner and environment that, to a large extent, allowed the Basotho people to express their will freely.

ACKNOWLEDGEMENTS

EISA's mission to Lesotho would not have been possible without the assistance and support of a number of people and institutions. The mission expresses its gratitude to all those who directly or indirectly contributed to the mission's success

We thank the Independent Electoral Commission of Lesotho (IEC) for inviting EISA to observe the 2007 National Assembly elections in Lesotho and for facilitating the accreditation of observers as well as being available to respond to the mission's queries. The information provided was useful to the mission in achieving its objectives and especially in understanding the context within which the elections were being held.

Thanks go also to the political parties, CSOs and academics in Lesotho who made themselves available, not only for the briefing session but also to meet with EISA observers in Maseru and in the districts.

The mission is indebted to the people of Lesotho for their warmth, and willingness to share their experiences and their opinions on the elections as well as political developments in their country. We commend their peacefulness, which was evidenced by the calm environment within which the elections took place. Our gratitude is also extended to the Swiss Agency for Development and Cooperation (SDC) in Pretoria, the British Department for International Development (DFID) in Kinshasa and the Swedish International Development Agency (SIDA) in Kinshasa, without whose generous funding the mission would not have taken place. Thanks go to the Elections and Political Processes Department of EISA, which organised and coordinated the mission, and to Belinda Musanhu, who prepared this report with the assistance of Nosipho Mokoena and Naphtaly Sekamogeng.

THE EISA APPROACH TO ELECTION OBSERVATION

EISA seeks to realise effective and sustainable governance in Africa through strengthening electoral processes, good governance, human rights and democratic values. In this regard, EISA undertakes applied research, capacity building, advocacy and other targeted interventions. It is within this broad context that EISA fields election observer missions to assess the conduct of elections in the SADC region.

The EISA regional election observer mission was part of the organisation's ongoing support to the democratic process in Lesotho which began with its contribution to the design of the Mixed Member Proportional (MMP) electoral system in use in the Kingdom, and continued with the observation and support of the National Assembly elections of 1998 and 2002 as well as the local government elections of 2005.

During the pre-election assessment and the observer mission itself, EISA representatives met with the IEC, political parties and other electoral stakeholders at national and district levels in order to gain an understanding of the political context within which the elections were to take place. During these meetings the EISA teams gained information and an understanding of whether and how crucial steps in the electoral process such as voter registration, boundary delimitation, selection of candidates and candidate nominations had taken place and how the campaign was proceeding. The mission also considered and examined legal documents governing the conduct of elections in Lesotho.

The arrival of the mission on 11 February was followed by a two-day observer briefing session on 12-13 February 2007. The briefing programme (see Appendix 3) included the following subjects:

- The rationale for election observation;
- Terms of Reference for Election Observers;
- The PEMMO.

During the briefing, the observers were addressed by Lesotho electoral stakeholders who made presentations on their assessment of the electoral campaign and process to date. The IEC gave an overview of what had taken place in the process since the announcement of the election date and the commission's general state of preparedness for the elections.

All of the teams, except the Maseru team, were comprised of two observers each who were deployed to undertake an on-site pre-election assessment by meeting with district representatives of political parties and CSOs and branches of key organisations and by attending political rallies. During their deployment, observers also met and consulted with other international observer teams. This period was also used by the teams to familiarise themselves with the local context in which the elections were to take place and to observe the campaigning, the voting and the counting.

On election day, EISA teams observed the voting and counting of ballot papers at polling stations. Following this a team was also deployed to the National Results Centre at Manthabiseng National Convention Centre in Maseru to follow the tabulation and announcement of results and allocation of seats.

1

Historical and Political Overview



- Historical and political background
- Politics and elections up to 1998
- The Interim Political Authority (IPA)
- The 2002 elections
- The local government elections of 2005
- Recent political developments
- The role of the SADC Troika

1.1 HISTORICAL AND POLITICAL BACKGROUND

Formerly a British colony, the Kingdom of Lesotho is a landlocked country of 30 355 square kilometres. The country, which gained independence from Great Britain on 4 October 1966, is completely surrounded by South Africa, where over 30% of its adult population works, mainly in the mines but increasingly in the skilled sectors. The country relies on remittances from miners employed in South Africa and customs duties from the Southern African Customs Union (SACU)¹. In recent years, a small manufacturing base has developed, utilising farm products. The economy is still primarily based on subsistence agriculture, especially livestock, although drought has decreased agricultural activity. In 2004 Lesotho had a population of 1 798 000 with a life expectancy of 36.2 years for females and 34 years for males².

One of the distinctive features about Lesotho is that it has an ethnically and linguistically homogeneous population with over 99.5% of the population belonging to the Sotho ethnic group. This, however, has not protected the country from periodic political crises. Lesotho is a parliamentary constitutional monarchy headed by the king, a hereditary monarch who, according to the Constitution of 1993, is a 'living symbol of national unity' with no executive or legislative powers. The national legislature consists of a bicameral Parliament made up of a 120-member National Assembly and a

33-member Senate. The leader of the majority party in the National Assembly becomes prime minister and heads the government.

1.2 POLITICS AND ELECTIONS UPTO 1998

The political history of post-colonial Lesotho is closely linked to elections and their aftermath. Most, if not all, of Lesotho's elections since 1965 have been marred by allegations of fraud, followed by a period of political instability. All of these elections, up until 2002, used the First-Past-the-Post (FPTP) electoral system. The pre-independence elections in 1965 were won by the Basotho National Party (BNP), which secured 41.6% of the vote and 31 seats, followed by the Basutoland Congress Party (BCP) with 39.7% of the vote and 25 seats and the Marematlou Freedom Party (MFP) with four seats. The 1970 elections are believed to have been won by the BCP, with 49.85% of the vote, followed by the BNP with 42.2 % and the MFP with 7.3% of the vote. However, the then ruling BNP withheld the results, cancelled the election outcome, suspended the Constitution, declared a state of emergency and remained in power until 1985 when, succumbing to international and domestic pressure for change, the government agreed to hold National Assembly elections. Participation in these elections was restricted to the ruling party and therefore they were 'mock' elections with no credibility or real legitimacy. Not surprisingly, in 1986 there was a military coup and the government which was installed lasted until multiparty elections were held in 1993.

The BCP won the 1993 elections with 74.85% of the vote but because of the electoral system took 100% of the 65 seats in the National Assembly. The BNP received 22.59% and the MFP 1.44% of the vote but both parties failed to secure a single seat in the chamber. Even these elections were marred by allegations of fraud which, however, were not sustained in the resulting court challenge.

Soon after the BCP government took office, tensions emerged between the new government and the army, which was accused of remaining loyal to the BNP. The BCP also struggled to gain control of the state machinery and govern effectively. King Letsie dismissed the BCP government and appointed a provisional government. This so-called 'monarchical coup' was unpopular and was met with resistance within and beyond the borders of Lesotho.

Under pressure from the Southern African Development Community (SADC), particularly the governments of South Africa, Botswana and Zimbabwe, the BCP government was restored to power in 1996. This government, which did not have viable opposition in Parliament, was largely seen as being arrogant, unaccountable and unresponsive to the needs and concerns of the people. The BCP party split in June 1997 with 41 of the members, including the prime minister, crossing the floor and forming the Lesotho Congress for Democracy (LCD), thus reducing the BCP to an opposition party.

Following the elections in 1998, the LCD took 78 (98.7%) of the 79 contested seats³ with just over 60% of the total valid votes cast. The opposition, which had splintered further, took only 1.3% of the seats, with about 40% of the votes. These results were not acceptable to segments of the population, although the majority of observer groups declared that the elections had been free and fair. Political tension culminated in demonstrations outside the King's Palace because the king had not responded to the public's plea to dissolve Parliament. In reaction to the military's attempt to control these demonstrations, armed opposition supporters took control of the capital, Maseru. Violence broke out, accompanied by rioting and looting. Seventy-five Basotho lost their lives. Law and order was only restored after intervention from South Africa and Botswana, which intervened under the banner of SADC, but the economy had been damaged.

1.3 THE INTERIM POLITICAL AUTHORITY (IPA)

Following the restoration of peace and order, an Interim Political Authority (IPA) was established in December 1998. This body was made up of 24 members, two from each of the parties that had contested the 1998 elections. It was established to promote conditions for holding free and fair elections. Included in its mandate was a review of the electoral and parliamentary model of Lesotho which would result in recommendations to make it more inclusive and level the playing field. The IPA also had powers to review the Constitution and the framework for the Independent Electoral Commission (IEC).

Most participants agreed that the new model should be a combination of the FPTP and proportional representation (PR) electoral systems. The 18-month mandate of the IPA was extended because the parties could not agree on the total number of seats for the National Assembly or on the exact nature of the

new model. Some wanted a Parallel System, whilst others wanted a Mixed Member Proportional (MMP) electoral system.

The legislation resulting from the IPA process:

- An MMP system⁴ was enacted with 120 seats, of which 80 come from the constituency ballot and 40 are allocated on a PR basis to compensate the best losers of the constituency ballot.
- The code of conduct for political parties was revised.
- A tribunal was established, to be appointed by the IEC, to enforce the code.

1.4 THE 2002 ELECTIONS

The May 2002 elections were preceded by a split in the ruling LCD, which led to the formation of the Lesotho People's Congress (LPC), launched in 2001 following the cross-over of 27 MPs from the ruling party to the new party. Although the BNP was also experiencing an internal struggle, the party did not split. The election was characterised by controversy over indemnity for those persons involved in the violence of 1998 as well as how to mix the PR and FPTP systems to the satisfaction of all stakeholders. However, the very introduction of the MMP system engendered a hope for change in the population and these elections were largely incident-free. Nineteen parties registered to contest the elections.

After the elections on 25 May 2002, the National Assembly in Lesotho was made up of the following:

Despite some logistical problems, local and international observers lauded the 2002 elections and commended the IEC for the transparent manner in which it had conducted the elections. Again the ruling party won the majority of the seats in the constituency votes. But that turned out to be the optimum situation for a demonstration of the system's compensatory mechanisms, as the ruling party did not receive any seats from the PR system. The executive, however, remained the preserve of the ruling party.

At 67%, voter turnout in this election was high, showing the Basotho people's hope and trust in the system.

Table 1
Seat Allocation after 2002 Elections

Party	No of PR Seats	No of Constituency Seats	Total No of Seats
Basutoland African Congress (BAC)	3	0	3
Basutoland Congress Party (BCP)	3	0	3
Basutoland National Party (BNP)	21	0	21
Lesotho Congress for Democracy (LCD)	0	79	79
Lesotho People's Congress (LPC)	4	1	5
National Independent Party (NIP)	5	0	5
National Progressive Party (NPP)	1	0	1
Lesotho Workers' Party (LWP)	1	0	1
Marematlou Freedom Party (MFP)	1	0	1
Popular Front for Democracy (PFD)	1	0	1
Total	40	80	120

Source: IEC Lesotho

1.5 THE LOCAL GOVERNMENT ELECTIONS OF 2005

On 30 April 2005, Lesotho held its first local government elections since independence. Observers contended that the registration of voters for this election was not well managed and that a large number of citizens who turned 18 after the voter registration exercise could not participate.⁵ Political parties also complained about their inability to access the voters' list in order to raise claims and objections. Further complaints were raised about the provision made for one-third of all seats to be reserved for women. Smaller parties also complained about the continued use of the FPTP electoral system for local government elections instead of the MMP model used in the National Assembly elections.

The overall assessment of the elections, however, was that they were acceptable. The voter turnout (30%) was low, a fact attributed to the threat of a boycott by opposition parties and the claim that the electorate had not

been fully informed about the relevance of local government elections. The elections were won by the LCD, followed by independent candidates, the BNP and the LPC. Observers identified several issues needing attention before the elections of 2007. These included access to the voters' lists for voters and political parties; bringing voting stations closer to the voters; and the need to improve the IEC's media and information strategy.⁶

1.6 RECENT POLITICAL DEVELOPMENTS

The 17 February 2007 elections in Lesotho were the fourth national elections held since Lesotho returned to electoral democracy in 1993 after two years without a poll. These elections were eagerly awaited by the public as it was felt that the ruling LCD, with a two-thirds majority in Parliament, had done little to improve the material conditions of life for the ordinary Basotho. Continuing poverty and inadequate delivery of services led to growing public disenchantment with the government, which could partly explain the voter apathy in the 2005 local government elections. On the basis that the previous elections had been held in May 2002, it was widely expected that the next elections would be held around May 2007, as the law stipulates that elections should be held every five years.

In late 2006, for the first time, the country faced an increase in suspected politically motivated killings, such as the still unresolved assassination of the prime minister's son and alleged attempts on the lives of the foreign minister as well as the minister of trade and information. These developments created insecurity in the country as the election drew closer. The fact that none of these cases had been solved added to the uncertainty.

1.7 THE ROLE OF THE SADC TROIKA

In response to concerns raised by stakeholders, a delegation from the SADC Ministerial Troika of the Organ for Politics, Defence and Security Cooperation⁷ visited Lesotho on 5-6 January 2007 to assess the situation in the country ahead of the 17 February elections. After holding consultative meetings with stakeholders, the troika, whilst not reaching any conclusions about the political situation, encouraged all the stakeholders to commit themselves to the electoral process and make the elections a success.

2

Legal and Institutional Framework



- The Constitution
- The electoral law
- The Independent Electoral Commission
- The Mixed Member Proportional system

Elections in Lesotho are governed by the Constitution of 1993 and its relevant amendments, the National Assembly Election Order of 1992 and the National Assembly Election (No 1) (Amendment) Act of 2001.

2.1 THE CONSTITUTION

The Constitution of Lesotho was promulgated in 1993 and amended in 1999. It establishes Lesotho as a constitutional monarchy where the king is the head of state without executive or legislative powers, which are vested in the government and National Assembly respectively. The Constitution sets forth basic civil and political rights, including freedom of movement, freedom of expression, freedom of association, freedom of assembly and the right to participate in government. The prime minister is elected from the party with the most seats in Parliament and he or she is also head of the armed forces.

2.2 THE ELECTORAL LAW

The National Assembly Election Order of 1992 as amended by the National Assembly Election (No 1) (Amendment) Act of 2001 gives further provision and direction in terms of the electoral commission. Chapter 2 Section 5 recommends the means for the safeguarding of the commission's independence.

The Order also gives directions on the registration of voters, such as in Chapter 3 Section 14 subsection 3, which states that one cannot register if absent from Lesotho and that during a specially prescribed period, a 17-year-old who would be eligible to register if s/he were 18 years old should be given the opportunity to register. The prospective voter then is added on

to the voters' list as soon as s/he turns 18. The order also provides for the director of elections to provide a general voters' list which can be amended to correct mistakes until the seventh day before an election. A provisional list should be prepared as soon as possible after the dissolution of the National Assembly or when it appears to the director that an election is imminent. After the registration of voters has been suspended, the director of elections should prepare an electoral list for each constituency and this should be made available free of charge to an authorised representative of each political party.

Sections 35–37 of the Order state the conditions under which political parties intending to contest an election should be registered with the IEC. They should submit a form, signatures of 500 supporters, a registration fee as may be prescribed by the commission, as well as details of a bank account into which all contributions of the party should be paid and from where all election expenses will be settled. Prohibitions on the registration of parties include ethnically based parties or those which advocate violence, those which are not internally democratic or parties whose symbols or emblems are very similar to those of an already registered party.

Sections 58 and 59 of the Constitution state that in order to stand as a candidate in a National Assembly election, a person must be a citizen of Lesotho registered in the constituency s/he wishes to contest, and must be capable of speaking, writing and reading Sesotho or English. S/he should not have been convicted of an election offence or hold membership of the Lesotho Defence Force, the police, the National Security Service and the Prison Service or public office. Ministers/assistant ministers, chiefs and headmen, and part-time members of the defence forces are exempt from this prohibition. The voting age is 18.

2.3 THE INDEPENDENT ELECTORAL COMMISSION

Section 66 of the Constitution of Lesotho as amended in 1997 establishes the electoral commission as a constitutional body made up of a chairperson and two commissioners. Each commissioner is appointed by the king to serve a maximum of two three-year terms. In appointing the IEC, the king is advised by the Council of State⁸ and selects the prospective commissioners from a list of no fewer than five names that are jointly nominated by all registered political parties. The IEC is responsible, amongst other things, for the following:

- Conducting the election of members of Parliament and local authorities;
- Declaring and publishing the election results;
- Delimiting constituency boundaries;
- Supervising voter registration;
- Carrying out voter education;
- Registering political parties.

In order to fulfil these responsibilities, the IEC is required to prepare and maintain a general electoral register and also a register for each constituency.

Other duties of the IEC, as designated in the election Order, are to:

- Establish and maintain relations with civil society actors and political parties;
- Undertake and promote electoral research;
- Review legislation and make recommendations for improvement;
- Promote civic education;
- Facilitate the development and transfer of electoral technology;
- Develop and maintain a register of candidate and party political symbols.

According to Section 66 of the Constitution, the IEC is not to be subject to the direction or control of any person or authority in the carrying out of its duties and is funded by and accountable to the Parliament of Lesotho. Funding for the commission comes from parliamentary appropriations.

Section 5 of the National Assembly Election Order makes special provision for the protection of the independence of the commission. The director of elections has the status of a public officer and should be of high moral character and personal integrity (Section 9D of the National Assembly Election Order).

The commission that was responsible for the 2007 elections was made up of Mr Leshele Thoahlane, Mrs Limakhatso Mokhotu and Mr Malefetsane Nkhahle. The director of elections was Mr Khothatso Ralistic.

Section 6 of the National Assembly Election Order gives every political party the right to nominate at least two delegates to the commission, each of whom shall be a registered elector. The commission is required to regularly consult with all parties and inform them of all sittings and decisions of the commission. These consultations are done through these party delegates.

2.4 THE MIXED MEMBER PROPORTIONAL SYSTEM

Following the impasse caused by the disputed 1998 elections, and following intense discussions and negotiations, a new electoral model, the Mixed Member Proportional (MMP) electoral system, was introduced in Lesotho on 12 January 2002. In essence, MMP systems provide for two combined electoral systems using different formulae for the election of members to the National Assembly. The votes for both systems are cast by the same voters using two different ballots and contribute to the election of representatives under both systems.

The Lesotho MMP system combines the FPTP system with the PR system. This arrangement provides for a National Assembly of 120 members, where 80 members are elected using FPTP in 80 constituencies and the remaining 40 members come from party lists using PR. The system is designed in such a way that the 40 PR seats are used to compensate the 'best losers' of the FPTP votes. As a result, the more seats a party receives in the FPTP ballot, the less it qualifies for the PR seats. Through its PR component, the MMP offers an opportunity for the inclusion of marginalised groups such as women and youth, although it should be noted that the success of this depends on the political commitment of the party leaders or, where applicable, quotas that may have been enforced by law. (See Appendix 4 for a fuller explanation of the MMP system used in Lesotho.)

It should be noted that Lesotho is one of only seven countries in the world and the only one in Africa which uses the MMP system. When the model was first applied in 2002, it was lauded as having very successfully dealt with post-election conflict. A number of countries in southern Africa contemplating electoral reform have chosen MMP as the preferred system that they would like to convert to. As such, coming into the 2007 elections, there was great hope that the elections would build on the successes of the 2002 elections and would in fact entrench the system in southern Africa.

3

The Pre-Election Phase



- Proposed amendments to the Electoral Act
- The All Basotho Convention
- Developments within the IEC
- Announcement of election date and election calendar
- Political parties and alliances
- State of preparedness and funding
- Registration of voters, voters' list, voter education
- Media and the election
- The participation of women
- Funding and use of public resources
- Campaigning

3.1 PROPOSED AMENDMENTS TO THE ELECTORAL ACT

A consultative process between the government, the IEC and political parties which began in 2002 resulted in a gentlemen's agreement to amend the Electoral Act to enhance the capacity of the electoral commission to deliver a credible election. It was agreed in July 2006 that given the short period to the next election (at that time about a year), the amendments should focus on a number of key issues which could realistically be incorporated into the Electoral Act in time for elections in 2007. The issues identified were a review of the electoral model; a review of the period of nomination; and the need to make the election day a public holiday. It was expected that these amendments could be presented and passed by Parliament when it sat after its last recess of 2006. This same sitting of the National Assembly would also have passed any appropriations for the election budget from the government treasury.

3.2 THE ALL BASOTHO CONVENTION

On 13 October 2006, Tom Motsoahae Thabane, Minister of Communications, Science and Technology, a former LCD stalwart, announced that he was leaving the LCD to form a new party, the All Basotho Convention (ABC). He

said that he was leaving the LCD because the government had failed to deliver on its election promises. He was followed by 16 members of the LCD. Another member of the LCD who had previously been expelled from the party also joined the ABC. The ruling party's majority was reduced to 61 seats. With this slimmest of majorities, the government faced imminent collapse because in order to forestall a vote of no confidence, all the ruling party's MPs had to be present in the National Assembly at all times, assuming that all the opposition MPs would have voted in favour of a vote of no confidence. Such a prospect would have restricted the ability of cabinet ministers who are also MPs to attend to government business effectively.

The ABC immediately gained popularity, particularly amongst the elite, the middle class. It attracted support not only from the LCD but also from disgruntled and discontented members of other parties such as the BNP. The party was widely perceived as an urban party; members of the ABC claimed that the party had gained popularity in the rural areas, but this was not borne out by the election results, which recorded ABC victories mainly in the urban areas.

The party's obvious and unexpected public support made it the greatest threat that the LCD had faced since 2002, an obvious difficulty in light of the imminent election. More critically, however, it became difficult for the ruling party to govern. The government was therefore incapacitated.

3.3 DEVELOPMENTS WITHIN THE IEC

The terms of office for two of the IEC commissioners, including the chairperson, were due to expire in 2006. Although one of these commissioners did retire, the contract of the chairperson was extended on the grounds that there was a need for continuity as the country was preparing for an election. The argument was that someone was needed who clearly understood the MMP system and that it would be imprudent to appoint a new person to head the commission just a year before the elections. Opposition parties were unhappy with this move.

3.4 ANNOUNCEMENT OF ELECTION DATE AND ELECTION CALENDAR

The maximum lifespan of the Lesotho National Assembly is five years. However Section 83 of the Constitution allows the prime minister to dissolve

Parliament at any stage during its tenure, following which an election should be held within 90 days.

Most electoral stakeholders and the public were preparing for elections between May and August 2007. Included in these preparations was the continuous registration of voters, which would have been supplemented by a targeted national voter registration exercise ending around December 2006. This would have allowed the IEC to undertake the required data capturing and produce a provisional voters' list for inspection, following which a final voters' list to be used for the nomination of candidates would be released.

The National Assembly went into recess on 17 November 2006. On 24 November the king, on the advice of the prime minister, announced that Parliament had been dissolved and that the next elections would be held on 17 February 2007.

The election calendar subsequently announced by the director of elections of the IEC compressed activities and events that would have been held over eight months to a period of just under three months. Predictably there was outrage expressed mainly by opposition parties who viewed the calling of an early election as a ploy by the government to compromise the fundraising and campaigning capabilities of the opposition and save itself from an election defeat. Concern was expressed at a 'lack of respect' for Parliament shown firstly by not consulting Parliament on the election date but also by dissolving such an august body whilst it was in recess. This was seen as having undermined the spirit of democracy and consultation. The early election also meant that there was no time and no Parliament to pass the proposed amendments to the electoral legislation.

3.5 POLITICAL PARTIES AND ALLIANCES

At the time of the election, there were 19 registered political parties in Lesotho. These included traditional parties such as the BNP, which was the party of the government before the LCD. In mid-2006, three Congress parties which had themselves been formed as a result of earlier party splits from the Basotho Congress Party (BCP), namely the Lesotho Peoples' Congress, Basutoland African Congress and the Basutoland Congress Party, formed the Alliance of Congress Parties (ACP), not only for the purpose of contesting the election

but also as a prelude to a future unity for all parties that had been associated with the 'Congress parties'. In terms of this electoral alliance, the members of the coalition would not field candidates in the same constituency for the 17 February elections.

In order to forestall the possibility or to minimise the prospect of losing PR seats as a result of gaining a high number of constituency seats, the ABC and the LCD formed alliances with the Lesotho Workers Party (LWP) and the National Independence Party (NIP) respectively. The ABC and LCD did not stand on the party ballot but instructed their supporters to vote for the party's alliance partner. That meant that supporters of the ABC were to vote for the LWP and supporters of the LCD were to vote for the NIP. The LWP did not stand on the constituency ballot. However for the LWP and NIP, the party lists submitted to the IEC for the PR ballot contained the names of members of the party as well as of the party's alliance partner. This seemed to have been well understood by most voters, although there were a few incidents noted when voters did not cast the ballot for their party because they could not find it on the ballot.

The leader of the NIP, Anthony Manyeli, contended that the alliance between the NIP and the LCD was illegal because it had been entered into by the NIP executive committee without his consent as party leader. The LCD maintained that the alliance had been made with an official representative of the party and that the leadership wrangles were a matter of internal 'politics' for which they could not be responsible.

Manyeli initially brought the case before the High Court, saying that the list submitted to the IEC which contained the names of LCD functionaries was illegal. He was awarded victory and the IEC ordered to reject the list, which it did. However the NIP executive committee took the matter to the Appeals Court, which ordered the IEC to accept the original list. Manyeli and seven other members of the NIP stood on the constituency ballot.

In effect there were two NIPs participating in the election, one on the constituency ballot (i.e. the Manyeli faction) and the other on the party ballot (i.e. the faction allied to the LCD). Also standing in the elections was the Basotho Democratic National Party, a splinter party from the BNP.

Most parties held primary elections for the nomination of candidates for the constituency ballot. These were relatively transparent, as evidenced in the ABC when six of the 17 parliamentarians who had split from the party actually lost in the primary elections. These included the ABC chairperson, Molobeli Soulo, who failed to win the approval of supporters despite the party's leader urging supporters to vote for the LCD 'renegades' who had crossed the floor with him. Soulo eventually stood as an independent candidate after Thabane indicated that he would not impose candidates on the people. In Lithoteng constituency the High Court ordered fresh primary elections in the LCD after the loser cried foul. He lost the primaries again and took the case back to court. Following the High Court ruling against him, he stood as an independent candidate.

3.6 STATE OF PREPAREDNESS AND FUNDING

Although many described the 17 February elections as snap elections, and suggested that they were illegal, the polls were not unconstitutional. The major area of disquiet raised in connection with the election was the preparedness of the different stakeholders, particularly the IEC. The manner in which the date was set and the announcement made was seen by some as an act of bad faith on the part of the government as it had 'violated' the gentleman's agreement made in July 2006 between the IEC, the government and the opposition parties that the electoral legislation would be amended before the next election. There can be no argument against the view that the IEC was not prepared for the elections, as evidenced by the problems with voter registration as well as the voters' lists and provisions of voters' cards, amongst other things. Some argued that the commission could have rejected the election date, given that they were not prepared. However, Section 84 of the Constitution, which instructs the commission to prepare an election within three months of the dissolution of Parliament, does not give the commission any room to refuse, reject or postpone an election. A more convincing argument would be that the prime minister should have established the state of preparedness of the commission before advising the king to dissolve Parliament. One could, however, argue that given the looming paralysis of government business, an election was urgent.

3.7 REGISTRATION OF VOTERS

Lesotho uses a system of continuous registration whereby prospective voters can register at district offices at any stage during the election cycle. As all

prospective voters do not necessarily take this opportunity to register, it is always necessary to call for an election-specific voter registration exercise to remind those who are eligible to register as well as to capture those voters who are due to turn 18 (the legal voting age) by the day of voting. Provisions for these election-specific registrations are made in Chapter 3 Part 2 of the National Assembly Election Order.

Given that the election was envisaged to take place in mid-2007, December 2006 had been tentatively identified as the end of voter registration for the 2007 elections. This date would have allowed for the return of those Lesotho nationals who attend school or work outside the country to register for the election. However in order to meet an election date of 17 February the electoral commission designated 1 December 2006 as the official start of the election period and in line with the provisions in Sections 14 and 19 of the National Assembly Order, the commission had to end voter registration on 8 December 2006, seven days after the start of the election period.

The registration of voters faced a number of challenges. It was slow, as in some instances, information did not filter down to the rural areas to inform villagers of the deadline for registration. This was critical, given that the election date was earlier than anticipated. In these areas, registration officials wasted time waiting for prospective voters to arrive. In other areas, some of the voter registration material was not available (e.g. films and application forms) or was not working properly (e.g. cameras). In some cases the registration centres were actually sharing one camera.⁹ In these centres, prospective registrations were turned away and not all of them returned, particularly in cases where they had to walk long distances to the registration centres. Some centres had more people turned away than registered¹⁰.

Students at boarding school and in tertiary institutions were unable to register in their home areas as their schools had not yet closed so they could not return home.

Others who had planned to register during the festive season, particularly migrant workers in South Africa, could not come back in time to register. Those who registered received receipts, not cards, and were instructed to return when the call to collect voters' cards would be made by the IEC.

3.8 THE VOTERS' LIST

The provisional voters' list was scheduled to be open for inspection from 25 December 2006 to 1 January 2007. The fact that the inspection fell in the middle of the festive season already compromised the potential turnout for inspection as it was holiday time.

When the inspection began, two facts were immediately apparent. Firstly most of the new (young) voters who had registered up to 8 December had not been captured on the provisional voters' list. It appeared that the roll was largely a reproduction of the list that had been used in the 2002 elections. As reported to EISA teams in Leribe, Butha Buthe and in Mokhotlong, the names of dead people had not been removed from the roll. Although it did not give an explanation for the second error, the commission did acknowledge that, in fact, there were serious omissions of the voters who had registered for the very first time in 2007 and cited the failure of computer equipment.

As a result of heightened interest in the election caused by the political dynamics at the time and the prospect of a very competitive election, including the emergence of the ABC, the number of new voters was higher than had been forecast. This contributed to an increase in the volume of data entries. When the snap election necessitated the quick production of a voters' roll, the computer system was unable to handle the entry of large amounts of data in a compressed space of time and it crashed. To exacerbate matters, the computer technicians who were managing the system were not only based out of the country in South Africa but they were also on holiday.

The IEC acknowledged the errors and undertook to correct them, release another provisional roll for inspection from 12-15 January and produce a final voters' roll in time for nominations on 19 January. Needless to say, given the perception that most of the support for the opposition came from the urban youth, the omission of the names of the new registrants and the 17-year-olds led to allegations that it was a deliberate ploy by the government in partnership with the IEC to weaken the opposition. However to many people, the problems with the voters' list merely highlighted the folly of holding the election under such extreme pressures of time.

Another shortcoming which was exposed was the reliance and dependence on foreign expertise. The IEC relied on an information technology firm based in South Africa, *arivia.com*, and after problems with the roll were identified, an IT consultant was seconded by Electoral Reform International Services (ERIS), another external organisation. Clearly there is a need to build the capacity of the IEC's ITC department, a need that was reiterated by the IEC chairperson when he gave his public address at the National Results Centre following the announcement of the election results.

3.9 VOTER EDUCATION

The various stakeholders involved in electoral education were not well prepared for the election and faced challenges in raising funds and organising themselves effectively enough to carry out a voter education campaign. The situation was graver for the IEC because the compressed election calendar necessitated that the electoral commission had to constantly inform voters and other stakeholders of the frequent changes. The IEC should be commended for advertising the election date widely in print and electronic media, on pamphlets and on public transport vehicles. Non Governmental Organisations, most under the banner of the Lesotho Council of NGOs, organised voter education workshops in 44 of the 80 constituencies.¹¹

It should be conceded that whilst all the stakeholders did what they could, more could have been done with more time and resources.

3.10 MEDIA AND THE ELECTION

Lesotho has approximately 18 newspapers and periodicals, none of which are dailies. Since 1998, when the government opened up the sector to independent media houses, there has been growth in the private media, although the state media, which has a monopoly on national coverage, continues to reflect the government position.

Section 47K of the National Assembly Election Order states that every political party has the right to have the substance of its campaigns broadcast on the public media. The electoral commission is also required to monitor that coverage to ensure access and arrange with the government media to allocate time for political parties to present their manifestos to the public. Most of the political parties were of the view that the public media, namely Radio

Lesotho and Lesotho National TV, were biased in favour of the governing party. During the pre-election assessment mission, the leader of the ABC alleged that his party had been banned from the public media even though it was willing to pay for slots on the radio. This was particularly so in the early stages of the election.

Commendably the IEC responded to these concerns by establishing a media monitoring panel to support the IEC in its efforts to monitor how media was covering the elections, although it was not clear what sanctions would be applied to those who infringed the code of conduct.

By the end of the election campaign, political parties had been given at least two hours of a simultaneous broadcast on public radio and television. Some stakeholders did concede, however, that, because of the skewed manner in which the election was being covered by the public broadcaster, the private media tended to inversely focus on the opposition, which meant that neither the private nor the public media were impartial in their coverage of the election.

During the EISA pre-election assessment, the mission met with the regional chairperson of the Media Institute of Southern Africa (MISA), who alleged that he had received death threats from members of the ruling party over his coverage of corruption issues which tainted the image of the ruling party. He also cited two other reporters who had received death threats. These threats had been reported to the police and letters had been written by Reporters without Borders to the prime minister. These threats or perceptions of threats were thought to have led to a certain amount of self-censorship on the part of the media. On 22 February 2007, MISA Lesotho issued a statement highlighting all its complaints.

3.11 THE PARTICIPATION OF WOMEN

Unlike in the local government elections, where a quota of one-third of seats for women was applied, there is no quota for women in the National Assembly. The short time that most parties had for planning for the 17 February elections was said to have worsened the situation in a country where it is traditionally difficult to persuade voters and prospective female candidates of the value and need for their participation

The LCD put in place a mechanism which would help to facilitate the participation of women. All LCD committees must have 30% female participation. Further the party claims that its criteria¹² for selecting parliamentary candidates are designed to favour young women candidates. For the constituency-based voting, the party used primaries at the sub-branch level. In Butha Buthe, the EISA team was informed that the MFP had put in place a quota for women. The ACP candidate for the Mafeteng constituency indicated that in his mother party, the LPC, the quota was that one out of every five candidates was a youth whilst one in three had to be a woman.

According to EISA's *Election Update* consultant, women's organisations had not been able to organise a campaign promoting the participation of women in the election as they claimed that they had not had enough time to raise funds. The poor economic position of women also militated against them because most parties are not adequately funded for campaigns and expect candidates to fund their own campaigns.

On election day, out of a total of 617 constituency candidates, 107 (17%) were women and of the 606 names on the party lists, 197 (33%) were women. Although the percentage of women on the party lists was an improvement on the constituency elections, these women clearly did not feature high enough on the lists. Of those 107 female candidates, only 13 women actually won their constituencies. Another 13 went to Parliament through PR. The political party with the largest number of women in Parliament is the LCD (13 women), followed by the NIP (seven women) and the ABC (four)¹³. This means that this National Assembly has 21.7% female representation, which is an improvement from 3.8% in 1998 and 11.7% in 2002.

3.12 FUNDING OF POLITICAL PARTIES AND USE OF PUBLIC RESOURCES

Political parties in Lesotho depend largely on membership contributions, donations and the personal wealth of the leaders and candidates to fund their administration and campaign. There is no provision for funding of political parties in between elections. This explains the bitterness with which opposition parties received the election date, as they had to collect campaign funds in a short space of time. Some of the respondents noted that the ABC appeared to be well funded and questioned the source of the funding, alleging that the party was buying support by providing free food, alcohol

and transport to its election rallies. It was also alleged that LCD members were using government resources. These accusations were made to EISA teams in Maseru as well as in the districts. The EISA team in Thaba Tseka was told by members of the opposition that the LCD candidates used government vehicles for campaigning.

One of the reasons given for this was the fact that some of the candidates in the election retained their ministerial and government positions after the dissolution of Parliament. As in many countries, the abuse of public resources is difficult to document and to penalise. It should have been easier though to monitor party finances. According to the Electoral Order (Section 35), each party should have an account into which all the party's income is deposited and which the IEC has access to for the purpose of monitoring its use. Section 47N further regulates that all donations to a political party exceeding M20 000¹⁴ should be reported to the IEC by the secretary of the party concerned. However the IEC admitted that it did not carry out the task of monitoring party finances, which was unfortunate, given that the amount of advertising and promotional material produced by the parties had raised questions about the source of funding for some of them.

The IEC has traditionally provided election-related funding to all the parties participating in the election. This funding is supposed to be used for campaigning and is usually used by parties for the nomination of candidates and the deployment of party agents for the elections. In the earlier phases following the announcement of the election date, there was uncertainty about if and when the campaign funding would be available for the election, given that many were not sure where the money for the election itself would come from. The commission delayed the release of this money in order to minimise the potential for abuse of this mechanism, citing the 2002 elections, when some of the parties which were funded by the IEC did not actually contest the election. Although this funding was eventually given to the parties after nomination day (19 January), the total amount given to all the parties contesting the elections was R500 000. Parties found that this amount was not adequate.

The IEC provided M17 million for the deployment of party and candidate agents. The commission also trained the polling agents at the same time as

the polling officials. Most party and independent candidates had at least one polling agent in the majority of polling stations.

3.13 CAMPAIGNING

According to Section 47D of the Election Order of 1992, campaigning should take place for two months and end 48 hours before the election day. By all accounts the campaigning was accompanied by heated exchanges between the contestants, particularly the leadership of the LCD and the ABC. The LCD, particularly its leader, was accused not only of abusing government events to campaign but of using abusive language amounting to hate speech against the ABC. The ABC itself also attracted a lot of controversy because of the support that it received from popular figures such as musicians and private businesses. It was further alleged that the supporters of the ABC were engaging in unruly and riotous behaviour.

Although the campaign was heated, incidences of violence and intimidation associated with the election were few.

4

Election Day



- Polling stations
- Voting materials and equipment
- The voting process
- Polling station personnel
- Voters' cards and the voters' list
- Counting of votes
- Transmission of results
- National Results Centre
- The constituency results
- Allocation of proportional representational seats

On election day, EISA observers visited 84 polling stations in 23 constituencies in eight districts. The teams observed the opening of polling stations, voting throughout the day and the closing of polling stations and counting of ballots at the polling stations. In addition two Maseru teams were deployed to observe proceedings at the National Results Centre where the results were being tabulated.

4.1 POLLING STATIONS

Most polling stations opened exactly on time or within 30 minutes of the official opening time, which was 07h00. Late opening of polling stations was caused by logistical problems, such as late arrival of materials. In some areas at the beginning of the day it was difficult to identify all of the electoral staff, as was the case in a number of constituencies in Mafeteng District, where the IEC T-shirts and badges were distributed after the stations had opened. This however was minor and did not have a material effect on the voting itself.

Most polling stations were well set up in a manner that would promote the easy flow of voters throughout the polling station. To a large extent voters were able to vote in secret. At Makhaola polling station in Qacha's Nek

constituency, the team observed that the ballot box controller was too close to the voting booth itself.

The number of polling stations provided was adequate, as was the number of polling officials in the polling stations.

4.2 VOTING MATERIALS AND EQUIPMENT

Ballot papers were available at all polling stations observed from the beginning of voting until the close of the polling stations. However in some instances, supplementary materials, for example envelopes for the forms or the counterfoils, were not available at the beginning of the day, such as at Jonathan ACL Primary School in Mohobollo constituency (Leribe District) and LEC Primary School in Mohale's Hoek constituency, where the envelopes for the counterfoils were not available. Koenaneng Primary School in Matlakeng constituency opened late as there were no labels for the ballot boxes. The problem of no labels for the ballot boxes was also observed at Pheellong Primary School in Qacha's Nek, where a voter put the wrong paper in an unlabelled ballot box. When this was observed the ballot boxes were immediately labelled.

There were enough ballot boxes provided, although the type and colours of seals used varied, as observed by the Mokhotlong and Mafeteng teams. In Thaba Tseka at Thabong Moreneng, the incorrect tags were placed on the ballot boxes.

4.3 THE VOTING PROCESS

The voting process itself was slower than expected, even after taking account of the fact that voters received the two ballots separately and had to effectively vote twice before leaving the polling station. The team in Thaba Tseka reported that it was taking an average of six minutes to process one voter, whilst at Makopo Moreneng in Butha Buthe constituency the processing took 10-15 minutes. In some stations such as Qacha's Nek High School in Qacha's Nek constituency only one voter was allowed in the station at a time, whilst at LEC Primary School in Mohale's Hoek the voting began with one voter in the station at a time, which was increased to two after voters complained. The number of voters allowed in the polling stations at any one time varied from one in the urban areas of Thaba Tseka to three in the rural areas.

In those stations which were very busy, in an attempt to reduce the queue as well as reduce voter frustration, polling officials attempted to have a number of voters in the stations at the same time. In these cases, the area in front of the polling officials' desk tended to become rather crowded as voters went back either to hand in the counterfoil or receive the second ballot. At Makena High School in Likhoele constituency, this resulted in some confusion as the person receiving the counterfoil from the first ballot which had already been cast was the same person who was issuing the second ballot and voters would stand and wait for the polling official to be finished with one voter before dealing with another.

In Senqu constituency in Mokhotlong District it was noted that voters needed repeated instructions on how to vote, how to fold the ballot and which box to place it in. This tended to slow the voting process and in the future could be alleviated with more voter education. However in most instances voters waited patiently for their turn to vote and once in the station followed the instructions of the various polling officials. However the Thaba Tseka team noted that IEC staff seemed uncertain of some of the procedures and frequently referred to the procedures manual.

The voting procedure currently in use should be reviewed as it could cause significant delays in those elections where the voter turnout is high. Also the fact that polling officials allowed different numbers of voters in the stations at any one time points to the need for a measure of clarity and consistency. Although this may not have materially affected the voting and the ballots inside the boxes, it did point to inconsistency in the application of laid-down procedures which may raise questions about the consistency of the training of electoral staff.

4.4 POLLING STATION PERSONNEL

The Leribe and Thaba Tseka teams noted a gender balance in the polling staff, whilst the teams in Mokhotlong and Qacha's Nek reported that most of the polling officials were female. At some of the stations visited by the Mafeteng team on Friday, 16 February, presiding officers could be seen conducting refresher courses for their staff. The differential application of voting procedures noted in this report suggests that training of the electoral staff may have been insufficient and inconsistent. In Thaba Tseka constituency

at Paray Primary School, the hourly return form was incorrectly filled in and spoiled ballots were not labelled.

There were party and candidate agents in all the stations visited by the EISA observers, which can be attributed to the funding that was provided by the IEC to parties and candidates to pay their agents. The IEC is to be commended for including party agents in the training that was held for polling officials, thereby giving them knowledge of what the polling officials were expected to do and giving them a standard by which they could assess the electoral officials.

However it was observed that party and candidate agents played a somewhat passive role and intervened mostly at the behest of the presiding officers. This may have been because not all the agents were members of the parties they represented in the polling station. It was alleged that some of the parties could never have marshalled the number of people needed as party agents. And as such there was no real party or candidate loyalty. Most teams observed that party agents did not complete the observation of counting process and in some instances left the counting station without signing the results sheet.

Official witnesses were present in all the stations visited by the EISA observers and played the role of verifying the identity of all the voters who were on the roll but did not have their voters' cards or other forms of ID. Police officers and/or police assistants were also available in all polling stations to secure proceedings, although the number deployed was inconsistent. For instance the Leribe team reported that most stations had one police officer and two police assistants whilst the Qacha's Nek team reported that there was one police officer and three police assistants. Again this did not affect the voting or election outcome in a material way and unlike in other elections, the deployment of police personnel was not perceived to be intimidating in any manner.

4.5 VOTERS' CARDS AND THE VOTERS' LIST

The challenges with the voters' list have been noted above. In Lesotho, voters' cards are collected from the district office of the IEC after registration. It should be conceded that the election calendar compressed the time for the updating of the voters' roll as well as for production and distribution of

voters' cards. The situation was exacerbated by the fact that the IEC had to engage in an operation to clean up the voters' roll in time for the nomination deadline of 19 January 2007. In meetings with IEC officials it was not apparent how voters without cards would receive them in time to vote. The IEC head office in Maseru indicated that only those whose names were on the voters' roll would be allowed to vote.

Although the IEC district returning officer for Qacha's Nek indicated in a meeting with the EISA team that voters' cards would be available at the polling stations, this and the instruction above from the IEC were not necessarily well disseminated to all voters. However most communities seemed to be aware of this and on voting days, voters were observed collecting cards from IEC representatives. Others brought their registration receipts and exchanged these for voters' cards.

We commend the move by the IEC to promote everyone's right to vote and recommend that in future the fact that the voters' cards would be available should be better publicised. Given the very negative publicity by the media and statements made by some politicians about the voters' list, the IEC could have done more to restore the public's confidence in the roll and to reassure voters that mechanisms had been put in place to enable them to vote. Uncertainty about the voters' roll and voters' cards may have contributed to a lower than expected turnout. Where a voter did not have a card or any other form of identification, but was on the roll, s/he was allowed to vote based on the testimony of the official witnesses.

4.6 COUNTING OF VOTES

Counting took place at the polling stations immediately after the close of the polling station at 17h00. Counting was done by the same officials who had been in charge of the voting.

The prescribed counting process was as follows:

- Reconciliation of ballots against voters' lists and counterfoils;
- Counting of votes;
- Sealing of ballot boxes;
- Completion and signing of results sheets by presiding officers and party agents;

- Announcement of polling station results inside and outside the polling stations;
- Transmission of results to the constituency returning officer.

The management of the counting process varied across the different stations where EISA teams observed the process. In some stations, not all the counting procedures were followed, such as the recording of the seals after the end of voting and the signing of the results sheet by party and candidate agents. This was not necessarily the fault of the polling staff as a number of party and candidate agents left the polling stations before the completion of this process.

The IEC should be commended for supplying the polling stations with gas lamps to facilitate the counting process and in most cases these lamps worked well.

At Thabong Moroneng in Thaba Tseka, the voting ended late and there was inadequate lighting in the counting station, which was a tent without electricity. The teams observed that counting in this station proceeded slowly because the polling officials were tired. At this station the counting in all the tents was eventually stopped because a candidate objected strongly to counting with a candle and all the electoral materials were taken to the IEC office and counting was scheduled to resume the next day.

At Mokhotlong Primary School, initially some of the lamps did not work and the officials ended up using candles until the problems were rectified. At this same station, the EISA team observed that technical questions about how to treat overseas and advance ballots delayed the process and could have been addressed through comprehensive education for the polling staff, the candidates and their agents before the election day.

Despite these technical problems, the counting of ballots itself proceeded by consensus. Decisions to reject or accept questionable ballots were made following consultation with the candidates and agents who were present. Most results were only announced inside the polling stations as there were no voters remaining in the perimeter of the polling station when the count was finally completed.

Following the announcement of the results at the polling stations, the presiding officer was required to take the results sheet to the constituency office where all the polling station accounts would be used to tabulate the result for the constituency. These results would be announced at the constituency office and from this point, the media would be free to publicise them. From the constituency office, the results would be transmitted to the district office for faxing to the National Results Centre in Maseru where they would be announced as soon as possible after they had been received, to allow time for the data entry into the computer system. The allocation of the 40 PR seats could only be done after all the final constituency results had been declared.

4.7 TRANSMISSION OF RESULTS

According to the IEC¹⁵ the results were to be managed through the following process:

- Reconciliation and counting
- Completion of counting

Provision was made for at least one car for each constituency returning officer. This car was used to transport ballot materials and equipment and was also the same one which would be used where necessary to collect the results sheets and take them to constituency centres. The inadequacy of having only one car was already exposed in a number of constituencies when the late arrival of polling materials delayed the start of voting at some polling stations. The inadequacy became more apparent when the transmission and announcement of results was delayed because of the non-availability of transport. Some presiding officers waited for the returning officer to come and collect the results sheet. This in turn delayed the announcement of the results at the National Results Centre, as all the results had to be received by fax first, and then captured in the computer system, before being formally announced.

The Lesotho Defence Force provided air transportation, as did the South African National Defence Force, which made available three helicopters, although this led to murmurings about the state reinforcing its arsenal in case of post-election violence.

The final results were delayed whilst military helicopters were being dispatched to collect results from four constituencies which were inaccessible by road. Results were announced on the night of 20 February, three days after the election, which was relatively long, taking into account the size of the country as well as the total number of constituencies. More vehicles for each constituency should have been provided and this should be taken into account for the next election.

4.8 NATIONAL RESULTS CENTRE

The IEC established a National Results Centre at the Manthabiseng Convention Centre in Maseru for the purpose of receiving the results from the constituencies, announcing them and at the end tabulating the PR seats and determining the final seat allocation for the incoming National Assembly. Operations at the results centre were organised and managed well. The results centre had all the necessary equipment (computers, faxes, three large screens necessary to display the results). It was also very accessible as entry was not restricted to officials or observers only but was also open to members of the public. During the results announcement process, party supporters were to be observed following the fortunes of their parties at the National Results Centre. This should be commended, as should the provision of copies of all the announced results free of charge to members of the public who requested them.

Supporters of the ABC briefly demonstrated outside the National Results Centre because they claimed the IEC was announcing the wrong results. These demonstrations were however managed and controlled by a well behaved police contingent stationed at the centre.

4.9 THE CONSTITUENCY RESULTS

The final constituency results were announced as indicated in Table 2 p 30.

4.10 ALLOCATION OF PROPORTIONAL REPRESENTATIONAL SEATS

The MMP electoral system used to allocate seats in the Lesotho National Assembly is explained in Appendix 4. The formula for calculating the PR seats is based on an election where all the parties stand in both the constituency and party elections. This is the optimum situation for the compensatory mechanism to be applied. In Appendix 4, the example builds

on the normal situation, in which all parties both stand in constituencies (not necessarily all constituencies) and participate in the party elections by submitting a party list of candidates to be used for the allocation of compensatory seats. The MMP electoral model builds on the basic idea that parties have a strong interest in being present in the constituencies as well as an interest in getting their rightful share of the seats in Parliament on the basis of their share of party votes.

The two alliances of LCD/NIP and ABC/LWP saw the NIP faction allied to LCD and the LWP standing on the party ballot only, but not in the constituency ballot; while the LCD and the ABC fielded candidates only on the constituency ballot. This situation presented the IEC with the dilemma of how to calculate the compensatory seats, because the constituency totals were not for exactly the same group of parties as for the PR seats. The compensatory aspect of calculating the PR seats was thus undermined;

Table 2
Final Results for Constituency Elections

District	ABC/KOBO TATA	ACP	LCD	Total
Berea	2	1	7	10
Butha Buthe	1	0	4	5
Leribe	4	0	9	13
Mafeteng	0	0	9	9
Maseru	9	0	8	17
Mohale's Hoek	0	0	8	8
Mokhotlong	1	0	3	4
Qacha's Nek	0	0	3	3
Quthing	0	0	5	5
Thaba Tseka	0	0	5	5
Total	17	1	61	79*

Source: Independent Electoral Commission of Lesotho

* The constituency election in Makhaleng Constituency in Maseru District was postponed because of the death of a candidate

however in reality the IEC was left with only one option, i.e. to allocate seats according to the letter of the law.

The total number of party votes was 442 963. In the first round, 119 seats were to be allocated (an election in one constituency did not take place as a result of the death of a candidate) on the basis of a quota of 3 723 votes per seat (442 963 divided by 119, increased to the next integer), as shown in Table 3. The ABC and LCD were not included in this allocation round as they had submitted party lists. Consequently, the allocation of the overall number of seats to the other parties did not reflect that only 41 seats (40 compensatory seats plus one constituency seat won by another party other than the ABC and the LCD) were available for this purpose, not 119. Following the rules for seat allocation, a second round of allocation had to be conducted because the provisional allocation must include which in the first round of allocation had not got the number of seats they are entitled to (constituency seats and compensatory seats combined). In these elections this was the situation for all parties but the ABC and the LCD.

In the second round, 41 seats were available for proportional allocation based on the total sum of votes for the remaining parties, the same 442 963 votes as in the first round. The quota consequently increased to 10 804. On this basis, the 41 seats were eventually allocated to the eight parties as shown in Table 4. In this round the quota for each seat was 10 804 (442 963 divided by 41).

In the final round, shown in Table 5 (see p33), the NIP and LWP went on to receive a high number of seats which were strictly based on the fact that supporters of the LCD and ABC voted for them as directed by their respective alliance partners.

Table 3
Stage 1 of Seat Allocation for Lesotho National Assembly Elections 2007

Party Name	Total party votes (valid votes)	Party's quota of seats	Allocation based on full quotas	Highest decimal fractions	Rank	Party's provisional allocation total number of seats	Constituencies won by party	Party's provisional allocation of compensatory seats
Alliance of Congress Parties	20 263	5.442654	5			5	1	4
Basotho Batho Democratic Party	8 474	2.276121	2			2	0	2
Basotho Democratic National Party	9 823	2.638464	2	0.638464	3	3	0	3
Basotho National Party	8 783	2.359110	2			2	0	2
Basutoland Congress Party	29 965	8.048617	8			8	0	8
Lesotho Workers Party	107 463	28.8646625	28	0.864625	1	29	0	29
Marematlou Freedom Party	9 129	2.452055	2	0.452055	4	3	0	3
National Independent Party	229 602	61.671233	61	0.671233	2	62	0	62
New Lesotho Freedom Party	3 984	1.070105	1			1	0	1
Popular Front For Democracy	15 477	4.157131	4			4	0	4
All Basotho Convention							17	
Lesotho Congress for Democracy							61	
TOTAL VOTES	442 963	119	115			119	79	118
NUMBER OF SEATS	120							
FAILED ELECTIONS	1							
SEATS TO BE ALLOCATED	119							
QUOTA OF VOTES	3723 (442 963 / 119)							

Table 4
Stage 2 of Seat Allocation for Lesotho National Assembly Elections 2007

Party Name	Total party votes (valid votes)	Party's quota of seats	Allocation based on full quotas	Highest decimal fractions	Rank	Party's provisional allocation total number of seats	Constituencies won by party	Party's provisional allocation of compensatory
Alliance of Congress Parties	20 263	1.875509	1	0.875509	3	2	1	1
Basotho Batho Democratic Party	8 474	0.784339	0	0.784339	6	1		1
Basotho Congress Party	9 823	0.909200	0	0.9092	2	1		1
Basotho Democratic National Party	8 783	0.812940	0	0.81294	5	1		1
Basutoland National Party	29 965	2.773510	2	0.77351	7	3		3
Lesotho Workers Party	107 463	9.946594	9	0.946594	1	10		10
Marematlou Freedom Party	9 129	0.844965	0	0.884965	4	1		1
National Independent Party	229 602	21.251573	21			21		21
New Lesotho Freedom Party	3 984	0.368752	0			0		0
Popular Front For Democracy	15 477	1.432525	1			1		1
TOTAL VOTES	442 963	41	34			41	1	40
NUMBER OF SEATS	41							
FAILED ELECTIONS	1							
SEATS TO BE ALLOCATED	119							
QUOTA OF VOTES	3723 (442 963/119)							

Table 5
Lesotho National Assembly Elections 17 February 2007, Final Seat Allocation

Party Name	Total party votes (valid votes)	Constituencies won by party	Party's compensatory seats	Total Number of seats	% party votes (valid votes)	% Seats won (constituency + compensatory seats)
Alliance of Congress Parties	20 263	1	1	2	4,6%	1,7%
Basotho Batho Democratic Party	8 474	0	1	1	1,9%	0,8%
Basutoland Congress Party	9 823	0	1	1	2,2%	0,8%
Basotho Democratic National Party	8 783	0	1	1	2,0%	0,8%
Basotho National Party	29 965	0	3	3	6,8%	2,5%
Lesotho Workers Party	107 463	0	10	10	24,3%	8,4%
Marematlou Freedom Party	9 129	0	1	1	2,1%	0,8%
National Independent Party	229 602	0	21	21	51,8%	17,6%
New Lesotho Freedom Party	3 984	0	0	0	0,9%	0,0%
Popular Front For Democracy	15 477	0	1	1	3,5%	0,8%
All Basotho Convention	-	17	0	17	0,0%	14,3%
Lesotho Congress for democracy	-	61	0	61	0,0%	51,3%
Totals	442 963	79*	40	119	100%	100%

Source: IEC Website

* The constituency election in Makhaleng Constituency in Maseru District was postponed because of the death of a candidate

The LCD, through its control of the LCD/NIP alliance, controls 82 seats in the National Assembly and the ABC through its alliance with the LWP controls 27 seats in the National Assembly. The representation of political parties within the National Assembly has actually become even more skewed as the LCD has increased its majority from 77 in 2002 to 82 in 2007, whilst most of the smaller parties have lost seats, compared to the last election.

Table 6
Comparison of Seats 2002-2007

Party	Total No of Seats in 2007	Seats in 2002	Difference
All Basotho Convention	17	N/A	+17
Alliance of Congress Parties	2	11*	-2
Basotho Batho Democratic Party	1	N/A	+2
Basotho Democratic National Party	1	N/A	+1
Basotho National Party	3	21	-18
Lesotho Congress for Democracy	61	79	-18
Lesotho Workers Party	10	1	+9
Marematlou Freedom Party	1	1	same
National Independence Party	21	5	+16
National Progressive Party	0	1	-1
New Lesotho Freedom Party	0	N/A	n/a
Popular Front for Democracy	1	1	same
TOTAL	119	120	

* Combines the 2002 seats for the Basutoland African Congress (BAC) Basutoland Congress Party (BCP) and the Lesotho People's Congress (LPC)

5

The Post-Election Phase



- Disputed seat allocation
- The NIP case and the opposition boycott of Parliament
- The status of the opposition in the National Assembly
- Legal challenges to election results
- Political impasse and mediation of SADC and the Commonwealth
- Implications for the MMP system and future electoral reform

5.1 DISPUTED SEAT ALLOCATION

The allocation of the seats was contested by opposition parties soon after the announcement of the new composition of the National Assembly. The argument used by the parties was that the allocation should have been done as envisaged in the formula referred to in Appendix 4. In this scenario the NIP and the LCD would have been regarded as one party, as would have been the LWP and the ABC. Although these two alliances saw the participating parties register for the election separately and using different symbols, they were sharing party lists. For instance the prime minister and leader of the LCD, Pakalitha Mosilili, appeared sixth on the party list of the NIP. In fact as it stands, seven of the ten MPs for LWP who came into the National Assembly via PR are members of the ABC and 11 of the NIP PR MPs are actually members of the LCD.

If the seats had been allocated by regarding the two informal alliances as two formally constituted parties, the distribution of the seats would have been different and all the minor parties would have secured more seats than they currently control. The ABC would have increased its seats in the National Assembly by two. Regarding the two informal alliances as one party would actually have increased the proportionality of the system. It would have, however, left the LCD alliance with the slimmest of parliamentary majorities and raised the prospect of another hung Parliament.

The MFP brought a case before the courts challenging the allocation of seats. Although the party later sought to withdraw the case, a challenge to the withdrawal of the case by the main respondents (the IEC and others) was accepted by the courts and at the time of writing this report, the case was still pending before the High Court.

In retrospect, given the fact that the legislation is silent on some of the issues that the IEC had to face in 2007, such as informal and unregistered alliances and the manipulation of the MMP system, it is difficult to fault the IEC for adopting a formula which at the time may have seemed to be the most appropriate for dealing with the manipulation of the system by the political parties. It is unfortunate, however, that the outcome of the formula applied by the IEC as opposed to the one proposed by some political parties made it easier for opposition parties to subsequently accuse the commission of colluding with the LCD government in order to deny some of them their rightful number of seats.

5.2 THE NIP CASE AND THE OPPOSITION BOYCOTT OF PARLIAMENT

Although the Appeals Court ruled that the IEC should accept the list that was submitted by the NIP executive committee against the wishes of the party's leader, Anthony Manyeli maintained that he had not authorised the list and even though he was not on the list, as leader of the NIP, he should have a right to sit in the National Assembly. His colleagues in the NIP, however, insisted that the alliance with the LCD had been entered into with Manyeli's tacit approval as he had recused himself from making a decision on the alliance. On 15 March, five parties¹⁶ staged a sit-in at Parliament at the swearing-in ceremony for the new MPs in protest at the National Assembly's refusal to swear in Manyeli. These same parties also called for a three-day job stayaway on 19-21 March which, however, ended after two days when the SADC secretary general gave an assurance that the organisation would step in to mediate between the government and the opposition parties.

5.3 THE STATUS OF THE OPPOSITION IN THE NATIONAL ASSEMBLY

As the party with the second highest number of seats in the National Assembly after the LCD, the NIP became the official opposition. According

to Section 3 (Interpretation Section) of the Members of Parliament Act No 18 of 1998, the leader of the opposition should be '... a member of the National Assembly who is the leader of the political party or coalition of political parties who commands the majority in the opposition and his party or coalition has at least 25% [30 seats] of the total membership of the National Assembly'. Thus the leader of the NIP in Parliament could not become the leader of the opposition. The ABC, LWP, MFP and BNP came together as an opposition alliance with a total of 31 seats between them. This alliance proposed that their designated leader in this instance, Tom Thabane, be appointed as the official leader of the opposition. However this was rejected by the speaker of the National Assembly on the grounds that the alliance has no legal status beyond being a set of agreements between the different parties in which the parties still retained their identity and independence without merging or forming one entity.

As it stands the Lesotho National Assembly is constituted in a very interesting manner. There is a ruling coalition made up of LCD and NIP. Then there is the opposition alliance referred to above as well as those opposition members of Parliament who are non-aligned. What is interesting about this scenario is that some of the members of Parliament appointed to cabinet posts were elected on the NIP party list even though it is well known that they are LCD members, which created a confusing situation.

Another issue creating concern was how the opposition is defined. It has already been mentioned that Mosilili and other senior members of the prime minister's party were on the party list of the NIP and the same applies to ABC members who appeared on the list of the LWP. In fact, of the ten PR members of Parliament brought in by LWP, only three are bona fide members of the LWP; the remaining seven are members of the ABC. Of the 21 members brought in on the proportional ballot by the NIP, only ten are bona fide NIP members; the remaining 11 are LCD members.

5.4 LEGAL CHALLENGES TO ELECTION RESULTS

In addition to the challenges to the allocation of seats, different parties also challenged the election results in a number of constituencies. For example the BNP contested results in a number of constituencies, citing procedural shortcomings in the manner in which the election was conducted. The ABC

also collected a copious amount of records of alleged electoral offences, including vote buying and ferrying of voters using government vehicles, and was expected to take these to the courts.

5.5 POLITICAL IMPASSE AND MEDIATION OF SADC AND THE COMMONWEALTH

All the above factors resulted in a political impasse in Lesotho which led opposition parties to call for assistance from SADC and the Commonwealth to resolve the conflict. It should be recalled that both of these groups gave their support and indeed witnessed the signing of the agreement between the IPA and the Government of Lesotho which brought in the MMP system on 3 December 1999. SADC has since then kept a special eye on Lesotho which in fact was part of the rationale for the first visit of the SADC Troika to Lesotho in January 2007.

The three-day stayaway was reduced to two days at the behest of SADC Secretary General Tomas Salomão, on the understanding that the SADC region would mediate for a resolution of the conflict.

In the same month, Lesotho was on the agenda of an extraordinary summit of Heads of State and Government of SADC which resolved that the Troika should visit Lesotho again in order to assist in resolving the impasse. The Troika met with stakeholders in Lesotho, including the 'aggrieved' opposition parties, from 11 to 14 April 2007. On Wednesday, 11 April, representatives of the Commonwealth also met with representatives of five opposition political parties¹⁷ to discuss specifically the allocation of seats.

Two months later, SADC appointed the former President of Botswana, Sir Ketumile Masire, who also led EISA's observer mission to the elections, as the official SADC mediator, with the specific mandate of resolving the impasse around the allocation of seats. This process was still ongoing at the time of the compilation of this report.

5.6 IMPLICATIONS FOR THE MMP SYSTEM AND FUTURE ELECTORAL REFORM

The manipulation of the MMP system and the resultant political impasse in the country characterised by the mass stayaway, simmering violence against top political leaders, and the continued defiance of opposition parties created

political instability in the country. The allocation of PR seats in the National Assembly is seen as illegitimate by some segments of the Basotho people. The system itself has been compromised within and beyond the borders of Lesotho.

The argument of the opposition against the results of the 2007 elections is not in itself an argument against the MMP system but against how the IEC interpreted the system, which resulted in the governing party gaining an unfair advantage. Thus, any future reform should address the identified loopholes.

The law should be clearer about the legal status of coalitions and any requirements for registration in order to give the IEC clearer directions. For instance in 2007, the ACP formerly registered itself and campaigned as one party, so it was a legally registered political entity. The two other coalitions did not register under one banner; so in fact the IEC was technically correct to calculate the formula only on the basis of those parties who were on the party ballot. Since the calculation of the quota of National Assembly seats is dependent on which parties have contested the constituency elections as much as who has contested the party elections, the law should rather guide the IEC as to how to calculate the allocation of the PR seats where the parties on the constituency ballot are not the same as those on the party ballot.

6

Conclusion and Recommendations



There are many lessons to be drawn from the electoral process leading to the 2007 legislative elections in Lesotho. The mission has highlighted its findings above and accordingly makes a number of recommendations below for improvements to be introduced in the next electoral cycle in the Kingdom of Lesotho.

We note the difficulties of allocating the National Assembly seats which were created by the manner in which party alliances were formed and executed. The situation was unprecedented and had not been envisaged in the original design of the MMP system.

6.1 ANNOUNCEMENT OF THE ELECTION DATE, AND THE ELECTION CALENDAR

- In future all stakeholders should be aware that calling a snap election is in line with the Constitution of Lesotho and they should always be prepared for such an event.
- Crucial election-related activities should not be organised over the festive or any other holiday season.
- Consideration should be given to designating the election date in the Constitution so that all stakeholders would be adequately prepared for the polls.

6.2 VOTER REGISTRATION

- There should be more awareness of the continuous registration system in order to avoid last-minute congestion when an election is announced.

- ❑ Lesotho should consider a system of national civil registry which would facilitate the extraction of an electoral list.
- ❑ Before a voter registration process begins, the relevant authorities should make sure that all the necessary equipment and materials are available for the process.

6.3 VOTERS' LIST AND VOTERS' CARDS

- ❑ We recommend that in future the IEC's electoral lists should be continuously updated to avoid system overload at election time.
- ❑ The IEC should increase its ITC capacity in order to repair any computer malfunctions as they occur.
- ❑ Instructions to voters and to local IEC staff about how voters who were not on the voters' lists and without voters' cards will be handled on election day should be made available and widely publicised.
- ❑ We would also caution against distributing voters' cards on election day as it may be difficult to undertake follow-up and audit trails of the distribution.

6.4 THE ELECTORAL SYSTEM AND POLITICAL PARTY COALITIONS

- ❑ Political parties should respect and uphold the spirit of the MMP system.
- ❑ There should be clear provision in the electoral legislation for managing political party alliances so that they do not undermine the MMP system.
- ❑ Clearer direction should be given in the electoral legislation as to allocating seats in a situation such as the one that faced the IEC in 2007.

6.5 CIVIC AND VOTER EDUCATION

- ❑ Civic and voter education should be continuous.
- ❑ The electoral commission should develop a voter information strategy in order to keep voters and other stakeholders continuously updated on election-related developments as well as any changes to election arrangements.

6.6 PARTY FUNDING AND CAMPAIGN FINANCING

- ❑ Electoral stakeholders in Lesotho should consider and determine

the amount and timeliness of campaign and election-related funding for parties.

- ❑ The relevant authorities should also enforce the law on the disclosure of campaign funding.
- ❑ Consideration should also be given to state funding of political parties in between elections. This will go a long way in developing and maintaining stable political parties.

6.7 THE PARTICIPATION OF WOMEN

- ❑ Parties should consider using quotas to increase the participation of women, including the possibility of quotas for women on all party lists.
- ❑ The National Assembly should also consider putting in place a quota for women's representation in Parliament, which would mean reserving some seats for women or providing incentives to political parties.
- ❑ Gender groups should intensify their efforts to educate and encourage women to stand as candidates in all elections as well as to encourage communities to accept women as leaders.

6.8 THE MEDIA

- ❑ All contesting parties should be allocated airtime on public media in an equitable manner from the beginning to the end of the campaigning period.
- ❑ Reported cases of intimidation against journalists should be fully investigated and if proven, should be prosecuted. This will show the seriousness with which such incidences are regarded and therefore act as a deterrent.

6.9 ELECTION MATERIALS

- ❑ The delivery of election materials could be expedited if more vehicles were provided for distribution of election materials or if the distribution of materials could start much earlier.
- ❑ Ballot boxes should be colour coded to make the casting of ballots easier for the voters.

6.10 VOTING

- ❑ The training and instructions given to polling officials should be reviewed and standardised in order to ensure uniformity in their application.
- ❑ In order to speed up the flow of voting and the processing of the voters, the voting procedures should be reviewed.

6.11 COUNTING AT POLLING STATIONS

- ❑ The training of polling officials should be reviewed to improve the application of counting procedures.
- ❑ Adequate lighting should be provided for all stations for the counting process.

6.12 ANNOUNCEMENT OF RESULTS AND ALLOCATION OF SEATS

- ❑ The transportation challenges in Lesotho are well known. Adequate planning should be made in order to avoid delays in the transportation of election results as they impact on the announcement of the results.
- ❑ The electoral law and procedures should give clearer direction to the relevant stakeholders on how the allocation of seats should be handled when parties do not contest in both the constituency and party ballots.

7 CONCLUSION

On the basis of its observations and using the guidelines enshrined in the PEMMO, the EISA Election Observer Mission concludes that the Lesotho National Assembly elections were conducted in a manner that, to a large extent, allowed the Basotho people to express their will freely, notwithstanding the challenges created by a snap election.

APPENDICES

APPENDIX I

Composition of the EISA Mission

Name	Organisation	Country	Gender
Sir Ketumile Masire	Self	Botswana	Male
Denis Kadima	EISA	DRC	Male
Norbert Katintima Basengezi	Independent Electoral Commission	DRC	Male
Anaia Bewa Lukombo	HOPROVI	DRC	Female
Bertha Chiroro	EISA	Zimbabwe	Female
Miguel de Brito	EISA Mozambique	Mozambique	Male
Malatsi R Malasti	Office of Former President	Botswana	Male
Zambia Maleka	Office of Former President	Botswana	Male
Bergsman Sentle	Office of the Former President	Botswana	Male
Irene Mambilima	Electoral Commission of Zambia	Zambia	Female
Zibane Maundeni	Researcher	Botswana	Male
Nosipho Mokoena	EISA	South Africa	Female
Nkgakong Mokonyane	EISA	South Africa	Female
Ingenesia Murangi	Former Member of the Electoral Commission of Namibia	Namibia	Female
Belinda Musanhu	EISA	Zimbabwe	Female
Subethri Naidoo	DFID-SA	South Africa	Female
Zahira Seedat	EISA	South Africa	Female

APPENDIX 2

EISA Observer Mission's Terms of Reference

This Terms of Reference memorandum describes your role and responsibilities as an EISA Observer during field deployment for the 2007 National Assembly elections in Lesotho. It essentially provides a summary of the mission's objectives and outlines your activities as an international observer.

Please remember at all times that EISA and all other international observers are invited guests in Lesotho and that the elections and related processes are for the Basotho people to conduct. As observers, EISA mission members are expected to support and assess these processes, but NOT to interfere. EISA believes that international observers can play a critically important supportive role by helping enhance the credibility of the elections, reinforce the work of domestic observer groups and eventually increase popular confidence in the entire electoral process.

The overall objective of this mission is in line with EISA's vision of promoting credible elections and democratic governance in Africa and beyond. Following an invitation extended by the Electoral Commission of Lesotho, EISA established a mission to observe the 2007 National Assembly elections in Lesotho.

Specific objectives for this particular mission include assessing the following:

- Whether the conditions exist for the conduct of elections that reflect the will of the people of Lesotho;
- Whether the elections are conducted in accordance with the electoral legislative framework of Lesotho;
- Whether the elections meet the benchmarks set out in the 'Principles for Election Management, Monitoring and Observation in the SADC Region' (PEMMO), developed under the auspices of EISA and the Electoral Commissions Forum of SADC countries (ECF).

Upon arrival in Maseru, EISA will gather for a briefing session during which delegates will receive information on the political situation in Lesotho, deployment plans and reporting requirements. A deployment kit including

all the necessary forms required to record your observations will be issued. Teams will also receive necessary funds to cover daily allowances to delegates and other incidental expenses. The specific deployment plans and schedules will be supplied during the briefing session in Maseru.

APPENDIX 3
Observers' Briefing Programme

Lesotho Sun, Maseru
Monday 12 February–Tuesday 13 February 2007

DAY ONE – Monday 12 February 2007

- | | |
|--|--|
| SESSION 1
08h30-08h45 | WELCOME AND INTRODUCTIONS
Welcoming Remarks
<i>Sir Ketumile Masire, former President of Botswana</i> |
| 08h45-09h15 | Introductions |
|
 | |
| SESSION 2
09h15-09h45 | MISSION OUTLINE/BACKGROUND
This session will give a general overview of the mission and the activities to be undertaken
<i>Ms Belinda Musanhu, Senior Programme Officer–EISA</i> |
| 09h45-10h15 | EISA Mission Photograph–Coffee/Tea Break |
|
 | |
| SESSION 3
10h15-12h15 | PRINCIPLES FOR ELECTION MANAGEMENT, MONITORING AND OBSERVATION IN THE SADC REGION (PEMMO)
Assessing the Election in Accordance with PEMMO <ul style="list-style-type: none">• Discussion of the PEMMO and how it will be used to assess the elections• Key aspects of the Lesotho election to be placed under PEMMO scrutiny• Checklists <i>Ms Belinda Musanhu, Senior Programme Officer–EISA</i> |
| 12h15-13h15 | Lunch |

SESSION 4 THE HISTORICAL AND POLITICAL CONTEXT**13h15-14h30 The Political Context of the Lesotho Elections**

- Political History of Lesotho
- The Development of Political Parties
- Multipartyism

Dr F Likoti, Lecturer – National University of Lesotho (NUL)

SESSION 5 THE LESOTHO ELECTORAL SYSTEM**14h30-15h45**

- The system and the electoral politics
- The appointment and operation of the election management body
- The electoral legislation

Advocate Lekhetho Rakuoane, former Chairperson – Interim Political Authority (IPA)

17h00**PRESS CONFERENCE****Presentation of Arrival Statement**

Mission Leader

18h00**PEMMO Launch and Cocktail**

DAY TWO – Tuesday 13 February 2007

SESSION 6 CIVIL SOCIETY**08h30-10h00****The role of civil society organisations (CSOs) in the electoral process**

Mr Seabata Motsamai, Executive Director

– Lesotho Council on Non-Governmental Organisations (LCN)

10h00-11h00**The media and the electoral process**

- Independence
- Impartiality
- Coverage of different political parties and candidates

Mr Nchafatso Sello, Member – Lesotho Election Media Monitoring Panel

-
- 11h00-12h30** **Readiness of the Independent Electoral Commission**
- Preparations thus far
 - Elections in figures
 - The essential regulations/voting and counting procedures
 - Challenges
- Mr A L Thoahlane, Chairman – Lesotho Independent Electoral Commission*
- 12h30-13h30** **Lunch**
- SESSION 7** **THE PERSPECTIVE OF POLITICAL PARTIES**
- 13h30-14h30** Alliance of Congress Parties (ACP)
- Dr Debra Raditapule and Advocate Kelebone Maope*
- 14h30-15h30** All Basotho Convention (ABC)
- Mr Motsoahae Tom Thabane*
- 15h30-16h30** Lesotho Congress of Democrats
- Hon Mpho Maile*
- 16h30** **DEPLOYMENT PLAN AND LOGISTICS**
- Ms Nosipho Mokoena and Ms Zahira Seedat*

APPENDIX 4

Procedures for allocation of seats in the Mixed Member Proportional (MMP) system¹⁸

Below is an example of how seats are allocated in the MMP.

If after counting, the party results are as follows:

Red Party	101 237 votes
Blue Party	132 679 votes
Pink Party	268 103 votes
Total Votes	502 019

- 502 109 will be divided by 120 to get the quota of votes
- $502\,109 \div 120 = 4\,183.491$
- Rounding off to the next whole number gives 4 184, and therefore 4 184 will be the quota of voters.

The provisional allocation of votes will therefore be:

Red Party:	$101\,237 \div 4\,184 = 24.19622$
Blue Party:	$132\,679 \div 4\,184 = 31.71104$
Pink Party:	$268\,103 \div 4\,184 = 64.07815$

Without taking into account the decimal points, the seat allocation will be:

Red Party	24 seats
Blue Party	31 seats
Pink Party	64 seats
Total	119

120 Seats – 119 = 1 seat still to be allocated.

- If there are fewer seats provisionally allocated than the total number of seats in the National Assembly, the first remaining seat will be

allocated to the political party with the highest decimal fraction and so on.

- Taking the above example, Blue Party will be allocated an additional seat and will have 32 seats.

Each party's provisional allocation of proportional representation seats will be calculated by deducting the number of seats won by the party in the constituency elections.

If constituency seats are as follows:

Red Party	15 constituency seats
Blue Party	20 constituency seats
Pink Party	45 constituency seats

Provisional allocation of compensatory seats will be as follows:

Red Party 24 provisional seats less 15 seats actually won = 9 compensatory seats

Blue Party 32 provisional seats less 20 seats actually won = 12 compensatory seats

Pink Party: 64 provisional seats less 45 constituency seats won = 19 compensatory seats

In this example, the provisional allocation of seats is also final as there are no further complications.

The compensatory seats are the seats derived from the PR lists.

APPENDIX 5**Deployment of Observers and Stakeholder Consultations**

On 14 February, the EISA observers were deployed as follows:

Team	Members	Districts Covered
Butha Buthe	Ingenesia Murangi Irene Mambilima	Butha Buthe Leribe
Maseru	Sir Ketumile Masire Denis Kadima Bergsman Sentle Malatsi R Malatsi Zambia Maleka Nosipho Mokoena Nkgakong Mokonyane	Maseru Qacha's Nek
Mafeteng	Belinda Musanhu Zahira Seedat	Mafeteng Maseru Mohale's Hoek
Mokhotlong	Bertha Chiroro Zibane Maundeni	Mokhotlong
Qacha's Nek	Anaia Bewa Lukombo Norbert Katintima Basengezi	Qacha's Nek
Thaba Tseka	Miguel de Brito Subethri Naidoo	Thaba Tseka

APPENDIX 6**Arrival Statement EISA EOM to Lesotho National Assembly Elections****Monday 12 February 2007**

EISA is pleased to announce the arrival of its Election Observer Mission to the National Assembly elections in Lesotho scheduled for Saturday 17 February 2007.

The mission, which is led by Sir Ketumile Masire, former President of Botswana, is present in the country at the invitation extended by the Independent Electoral Commission of Lesotho. Mr Denis Kadima, EISA's Executive Director, is the Deputy Mission Leader.

The EISA mission in Lesotho consists of 17 members, who include representatives from electoral commissions and civil society organisations (CSOs) from different countries (namely Botswana, Democratic Republic of Congo, Mozambique, Namibia, South Africa, Zambia and Zimbabwe). The mission is based at the Lesotho Sun Hotel, Boardroom 3 in Maseru.

The overall objective of the mission is in line with EISA's vision of promoting credible elections and democratic governance in Africa.

Specific objectives for this particular mission include the following:

- To assess whether the conditions exist for the conduct of elections that allow the people of Lesotho to freely express their will;
- To assess and determine whether the elections are conducted in accordance with the electoral legislative framework of Lesotho;
- To determine whether the final results of the electoral process as a whole reflect the wishes of the people of Lesotho;

- To assess whether the elections meet the benchmarks set out in the 'Principles for Election Management, Monitoring and Observation in the SADC Region' (PEMMO), developed under the auspices of EISA and the Electoral Commissions Forum of SADC countries (ECF)

PEMMO was produced after three years of work by the ECF and EISA, in consultation with CSOs who work in the field of elections. Subsequently, the election principles, which serve as benchmarks in the conduct and assessment of elections in the SADC region, were adopted on 6 November 2003 in Johannesburg, South Africa. PEMMO has been applied for the assessment of all elections held since April 2004 to date in the SADC region.

- The deployment mission follows a pre-election assessment mission which was in the country from 9 to 12 January 2007.
- The mission's advance team arrived in the country on 8 February followed by the arrival of the substantive team of observers on 11 February 2007.

The observers will attend a briefing on 12 and 13 February where they will be addressed by Lesotho electoral stakeholders.

On Wednesday 14 February 2007, EISA will deploy teams throughout selected districts in Lesotho where they will meet electoral stakeholders, including electoral officials, representatives of political parties, and the media, CSOs and other observers and the voters ahead of the elections. On election day, 17 February 2007, the EISA teams will observe the voting and counting processes at the polling stations.

On Sunday 18 February 2007, all EISA teams will reconvene in Maseru where an interim statement expressing the mission's preliminary views and recommendations on the 2007 National Assembly elections in Lesotho will be issued. The principles enshrined in the PEMMO will be taken into account to direct the mission's assessment of the polling and results processes, as well as the electoral environment as a whole. Selected members of the EISA mission will remain in Lesotho until 27 February 2007 in order to observe post-polling activities, including the announcement of results.

The mission undertakes to cooperate closely with the Lesotho electoral stakeholders and other observers, and strives to act, at every stage of the electoral process under scrutiny, with impartiality, objectivity and independence.

EISA is a regional non-profit organisation established in 1996 and headquartered in Johannesburg South Africa with field offices in Angola (Luanda) the Democratic Republic of Congo (Kinshasa) and Mozambique (Maputo). The vision of the organisation is to promote credible elections and democratic governance throughout Africa. This vision is executed through the organisational mission to strengthen electoral processes, good governance, human rights and democratic values through research, capacity building, advocacy and other targeted interventions. EISA services electoral commissions, political parties, civil society organisations, governments and other institutions operating in the democracy and governance fields in Africa.

The EISA mission Secretariat is based at the Lesotho Sun, Maseru and can be contacted through the following:

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Sir Ketumile Masire
Mission Leader

APPENDIX 7**EISA Election Observer Mission Interim statement**

Maseru, Monday 19 February 2007

1.0. INTRODUCTION

At the invitation of the Independent Electoral Commission of Lesotho (IEC), EISA deployed an observer mission in Lesotho to observe the National Assembly elections which were held on Saturday 17 February 2007.

The general objectives of the mission conform to EISA's mission which is to promote credible elections and democratic governance in Africa. The mission sought in particular to determine:

- If the conditions existed for the conduct of elections that would allow the people of Lesotho to freely express their will and their choice;
- If the elections would be conducted in accordance with the legal and constitutional framework for elections that is established in the Kingdom of Lesotho;
- If the electoral process was conducted in conformity with EISA/ ECF Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO).

This statement presents our preliminary findings and recommendations and covers the pre-election phase, the voting and counting of votes at the polling stations. EISA will continue to follow the post-election processes and developments and will produce a final detailed report with a more systematic analysis of the process and definitive recommendations for the consolidation of democracy in Lesotho.

1.1 About EISA

EISA is a non-profit organisation established in June 1996. The vision of the organisation is to promote credible elections and democratic governance in Africa. EISA is based in Johannesburg, South Africa, and has field offices in Angola, the Democratic Republic of Congo (DRC) and Mozambique.

Observation of elections is a key component of EISA's work as it allows for the collection of relevant data and information on electoral practices. Equally important, election observation provides an opportunity for mission members to acquire and exchange experiences with respect to the organisation and conduct of democratic elections and to learn from the host country.

1.2 Composition of the mission

The mission was led by Sir Ketumile Masire, former President of Botswana, who was assisted by EISA Executive Director, Denis Kadima, who acted as the mission's Deputy Leader. The mission consisted of 17 members, including representatives of electoral commissions, civil society organisations (CSOs) and academic institutions from Botswana, DRC, Mozambique, Namibia, South Africa, Zambia and Zimbabwe.

1.3 Method of work

EISA's mission forms part of the organisation's ongoing support to the democratic process in Lesotho which began with its contribution to the design of the Mixed Member Proportional electoral system in use in the Kingdom, and continued with the observation and support of the National Assembly elections of 1998 and 2002 as well as the local government elections of 2005. The mission was a short term observation assignment. It started with the deployment of a pre-election assessment mission which was in the country from 9-12 January 2007 and was followed by the arrival of the mission's advance team on 8 February 2007. The substantive team of observers arrived in the country on 11 February and undertook the following activities:

- Examination of the legal framework governing elections in Lesotho;
- Meetings with electoral stakeholders, namely the IEC, political parties, CSOs, media groups at national and district levels and representatives of the diplomatic and donor community.

- Observation of the campaigning, including media coverage of the elections.
- Deployment to the districts and observation of voting and counting at polling stations.

The EISA mission was deployed to the following districts:

Butha Buthe
Leribe
Mafeteng
Maseru
Mokhotlong
Qacha's Nek
Thaba Tseka
Mohale's Hoek

On election day, EISA teams observed voting in 84 polling stations and counting in six polling stations.

2.0 PRELIMINARY FINDINGS OF THE MISSION

After analysing the observations made by its different teams deployed on the ground and basing itself on norms and guidelines contained in the PEMMO, the EISA mission has made the following findings:

2.1 The political context in Lesotho

The country was facing an increase in suspected politically motivated killings and assassination attempts which created insecurity within the nation as the election drew closer. The elections were also held at a time of heightened political activity and increased public and voter interest in the elections as a result of the floor crossing which took place in parliament and the emergence of new political parties and alliances. The prospect of a hung parliament and the disruption of government business led to pressure to dissolve parliament and pre-empt the looming political crisis created by the floor crossing.

2.2 Announcement of the Election Date, and the Election Calendar

Most stakeholders expressed the view that the dissolution of parliament whilst it was in recess and the subsequent announcement of the election

should have been done with more consultation with the stakeholders who were expecting an election but not at the time it was announced. Whilst we recognise that it is constitutional for the government to initiate the dissolution of parliament and call for an election, it is the view of the mission that the election date set should have given the election managers the optimum amount of time to organise the elections. The political parties also required more time to carry out effective campaign activities as did the CSOs to conduct effective voter education campaigns.

The election calendar which was announced compressed a number of key electoral activities, including the all important registration of voters and inspection of the electoral lists, into a short period of time. The calendar also limited the time available to potential new registrants to register and inspect the list, particularly those who are domiciled outside of the country. Critically a number of key activities took place around the Christmas and New Year period and thus limited public participation as well as the responsiveness of service providers who were not available because of holidays. It is the mission's view that the elections would have proceeded better if the setting of dates had taken account of the holiday season.

We recommend that in future:

- **All stakeholders should be consulted to determine their preparedness before setting the election date.**
- **Crucial election related activities should not be organised over the festive or any other holiday season.**

2.3 Voter Registration and Electoral Lists

The mission noted that Lesotho follows a system of continuous voter registration which is supplemented by specific voter registration campaigns around election time. However the list released on December 25 was to a large extent a replication of the list used in 2002 and did not reflect new registrants. Furthermore this list reportedly also contained the names of dead people. This shows that the electoral lists were not being continuously updated. This was then exacerbated by the election calendar which required massive registration and data entries which the computer system was unable to accommodate.

We note that the IEC subsequently undertook to repair and revise the electoral list. However the final lists still contained imperfections and some voters went to vote without the voters' cards and although the commission distributed these on Election Day, not all the voters signed for the cards collected and this could be open to abuse.

We recommend that in future:

- **the IEC's electoral lists should be continuously updated to avoid system overload at election time.**
- **We would also caution against distributing voters' cards on Election Day as it may be difficult to undertake follow up and audit trails of the distribution.**

2.4 The Electoral System and Political Party coalitions

The 2007 elections marked the second time that Lesotho used the Mixed Member Proportional electoral system and thus it was also a test of the sustainability of the system. We recall that the system was introduced to reduce and diffuse political and election related conflict resulting from the under-representation of some political groups. The mission noted that some of the alliances have the potential to abuse the spirit of the MMP system by negating its compensatory mechanism. An example was the case of the National Independence Party (NIP) where the alliance partners were accused of manipulating the list that was submitted to the IEC. While we commend the move towards consensus based politics through alliance building, we regret that some of the alliances have been essentially opportunistic.

We call upon the political parties to respect and uphold the spirit of the MMP system.

2.5 Civic and Voter Education

Given that the elections were a surprise to most stakeholders, not least the voters, we note and commend the efforts made by all the stakeholders to educate voters about the election date itself. However we also consider the election period was not adequate for stakeholders to deliver the education required to reinforce voters' understanding of the electoral system as well as how to assess the candidates.

The mission recommends that civic and voter education should be continuous.

2.6 Party Funding and Campaign Financing

The mission noted that Lesotho does not have provision for funding political parties in-between elections and that even the provisions for campaign financing are not clear. The funding for campaigning was provided late in the campaign and in insufficient amounts. Given the shortness of the campaign period for the election, most parties were severely limited in terms of their campaigning and accusations were made of incumbents' abuse of government resources. Some parties claimed that they could not field candidates in all constituencies because of the lack of funding as contestants had to pay for their own campaigns. The mission also noted that parties did not disclose the sources of their funding as required by the law.

It is the mission's recommendation that:

- **Electoral stakeholders in Lesotho should consider and determine the amount and timeliness of campaign and election related funding for parties, using an agreed upon formula.**
- **The relevant authorities should also enforce the law on the disclosure of campaign funding.**

2.7 The Participation of Women

The level of women registration was high but few women stood for the elections. Most parties did not have a strategy to promote women leaders in their parties, citing various reasons including lack of time to mobilise women and lack of interest on the part of women themselves.

We recommend that parties consider using quotas to increase the participation of women, including the possibility of quotas for women on all party lists.

2.8 The Media

Most parties were of the opinion that access to the media, particularly the public media, was inadequate and that the incumbent prime minister was abusing the media to gain an unfair advantage over other political parties. This was particularly critical because although Lesotho has a number of media outlets, they do not all reach the outlying districts which only the public media does and therefore it becomes more important that the public media is accessible to all contestants. However the parties did concede that

in the last three weeks of campaigning the national public media had responded to their complaints and the coverage had improved, although it was still not fully satisfactory.

The mission recommends that in future airtime be allocated to all contesting parties and candidates in an equitable manner from the beginning of the campaigning period.

2.9 The Campaign Process

The mission notes and commends the largely peaceful environment within which the election was held. Although the mission received reports of riotous behaviour from supporters of some political parties, these were isolated incidents and do not appear to have degenerated into some organised or systematic pattern of violence. All parties were free to express themselves and there were no unreasonable impediments to campaigning. Reports were received however that some of the political leaders traded insults, which did not support the spirit of competition.

2.10 The Poll

Election materials

The mission noted the use of transparent ballot boxes which went a long way to enhance the transparency of the process. However a number of voters were confused about which box to place the different ballots. In a few stations, presiding officers were still expecting some electoral materials such as envelopes in the middle of the voting day. This may be explained by the fact that most constituencies did not have enough transport.

The mission recommends that:

- **Ballot boxes should be colour coded to make casting the ballot easier for the voters.**
- **The supply of election materials could be expedited if more vehicles were provided for distribution of election materials or if the distribution of materials could start much earlier.**

Voting

The polling stations provided were adequate for the day and generally speaking, polling officials conducted themselves in a satisfactory manner. We noted, though, that not all the voting procedures were applied uniformly. Voter processing would have been quicker with a different layout of polling stations and removing some of the steps in the voting process taken by the voter, such as receiving the two ballots separately.

Although in the morning there were long queues at some stations, overall, voter turnout at the stations visited by members of the mission was low. The mission noted also the presence of many party agents in the polling stations we visited and that these agents were trained at the same time as electoral officials. We commend the application of this measure to enhance transparency. We also noted and commend the fact that many of the polling officials were female.

The mission noted with satisfaction that voting took place generally in a peaceful atmosphere.

The mission recommends:

- **An evaluation of the training and instructions given to the polling officials.**
- **A review of the voting procedures in order to quicken the flow of voting and the processing of the voters.**

Secrecy of the Ballot

The mission noted that the requirement to record the voter's registration number on the ballot paper counterfoil and the submission of a marked ballot paper to the polling official for the detachment of the counterfoil have the potential to undermine the secrecy of the ballot.

The mission recommends:

- **A review of the counterfoil procedures in order to enhance the secrecy of the ballot.**

2.11 Counting at the polling stations

Generally the counting process took place immediately after the end of voting. In some stations, the counting went on for a long time. The Commission made provision for lighting in most polling stations by providing gas lamps. However in a few polling stations counting was postponed until the next day because of inadequate lighting.

Some polling officials appeared not to be conversant with the steps to follow during the counting process and in some instances the reconciliation of ballots was not done. However the counting took place by consensus and there were no objections to the results at the polling stations that the mission observed.

The mission recommends that training of polling officials be reviewed to improve the application of counting procedures.

3.0 CONCLUSION

On the basis of its observations thus far and using the guidelines enshrined in the PEMMO, the EISA Election Observer Mission concludes that the Lesotho National Assembly elections were conducted in a manner that, to a large extent, allowed the Basotho people to express their will freely, notwithstanding the challenges created by a 'snap' election.

At the time of the release of this statement the tabulation, transmission and announcement of results are in progress. EISA will continue to monitor these processes until the final allocation of all the seats is complete. We encourage the people of Lesotho to continue to demonstrate their political maturity and to maintain peace and tolerance during this crucial phase of the electoral process.

EISA wishes to thank the Basotho people for their hospitality and cooperation which made the work of the mission successful and enjoyable.

Sir Ketumile Masire
Mission Leader

Mr Denis Kadima
Deputy Mission Leader

NOTES

- 1 SACU is made up of Botswana, Lesotho, Namibia, South Africa and Swaziland and aims to promote the free interchange of goods among the member countries.
- 2 EISA website, <www.eisa.org.za/WEP/les1.htm>
- 3 One seat was uncontested because of the death of a candidate and was later won by the LCD.
- 4 See Appendix 4 for an explanation of the MMP system
- 5 Report of the Commonwealth Expert Team on the Lesotho Local Government Elections of 2005
- 6 Ibid
- 7 The delegation included the Chairperson of the Ministerial Troika of the Organ, Hon Dr Asha Rose-Migiro (MP), who is also the Minister for Foreign Affairs and International Cooperation of Tanzania; Marco Hausiku, Minister of Foreign Affairs in Namibia; the Executive Secretary of SADC, Dr Tomaz Salomao; and other senior officials from the Troika member states, Tanzania, Angola and Namibia.
- 8 Made up of the king, the prime minister, two serving or former judges, the attorney general, the commissioner of police, the commander of the defence force, a principal chief appointed by the College of Chiefs, the speaker and two members of the National Assembly, a member of the legal profession in private practice and three persons appointed by the king with advice from the prime minister based on their special skills.
- 9 Lesotho Council of NGOs Pre-Election Statement – 15 February 2007
- 10 Ibid
- 11 LCN Interim Statement – 20 February 2007
- 12 Criteria include gender, age, education, popularity, rank in the party, and activity in the party.
- 13 Source: EISA Lesotho Election Update No 2
- 14 The LOTI (plural – MALOTI) is the official currency of Lesotho. 1 Loti = 1 Rand
- 15 IEC pamphlet on the National Results Centre
- 16 All Basotho Convention (ABC), Alliance of Congress Parties, Basotho National Party (BNP), National Independent Party (NIP) and Marematlou Freedom Party.
- 17 ABC, ACP, BNP, MFP and NIP
- 18 Source: IEC Lesotho

ELECTORAL OBSERVER REPORTS

CODE	TITLE
EOR 1	Mauritius Election Observation Mission Report, 2000
EOR 2	SADC Election Support Network Observer Mission's Report, 1999/ 2000
EOR 3	Tanzania Elections Observer Mission Report, 2001
EOR 4	Tanzania Gender Observer Mission Report, 2001
EOR 5	Zimbabwe Elections Observer Mission Report, 2001
EOR 6	South African Elections Observer Mission Report, Denis Kadima, 1999
EOR 7	Botswana Elections Observer Mission Report, Denis Kadima, 1999
EOR 8	Namibia Elections Report, Tom Lodge, 1999
EOR 9	Mozambique Elections Observer Mission Report, Denis Kadima, 1999
EOR 10	National & Provincial Election Results: South Africa June 1999
EOR 11	Elections in Swaziland, S. Rule, 1998
EOR 12	Lesotho Election, S. Rule, 1998
EOR 13	EISA Observer Mission Report: Zimbabwe Presidential Election 9-11 March, 2002 (P/C)
EOR 14	EISA Observer Mission Report: South Africa National and Provincial Elections 12-14 April 2004
EOR 15	EISA Observer Mission Report: Malawi Parliamentary and Presidential Elections 20 May 2004
EOR 16	EISA Observer Mission Report: Botswana Parliamentary and Local Government Elections 30 October 2004
EOR 17	EISA Observer Mission Report: Mozambique Parliamentary and Presidential Elections 1-2 December 2004
EOR 18	EISA Observer Mission Report: Namibia Presidential and National Assembly Elections 15-16 November 2004
EOR 19	EISA Observer Mission Report: Mauritius National Assembly Elections 3 July 2005
EOR 20	EISA Observer Mission Report: Tanzania Presidential, National Assembly and Local Government Elections 14 December 2005
EOR 21	EISA Observer Mission Report: The 2005 Constitutional Referendum in the DRC/ Le Référendum Constitutionnel en RDC 18-19 December 2005

- EOR 22 EISA Observer Mission Report: Zanzibar Presidential, House of Representatives and Local Government Elections 30 October 2005
- EOR 23 EISA Observer Mission Report: Zambia Presidential, Parliamentary and Local Government Elections 28 September 2006
- EOR 24 EISA Observer Mission Report: Madagascar Presidential Elections 3 December 2006
- EOR 25 EISA Observer Mission Report: DRC Presidential, Parliamentary and Provincial Elections / Elections Presidentielles, Parlementaires et Provinciales 30 July and 29 October 2006

