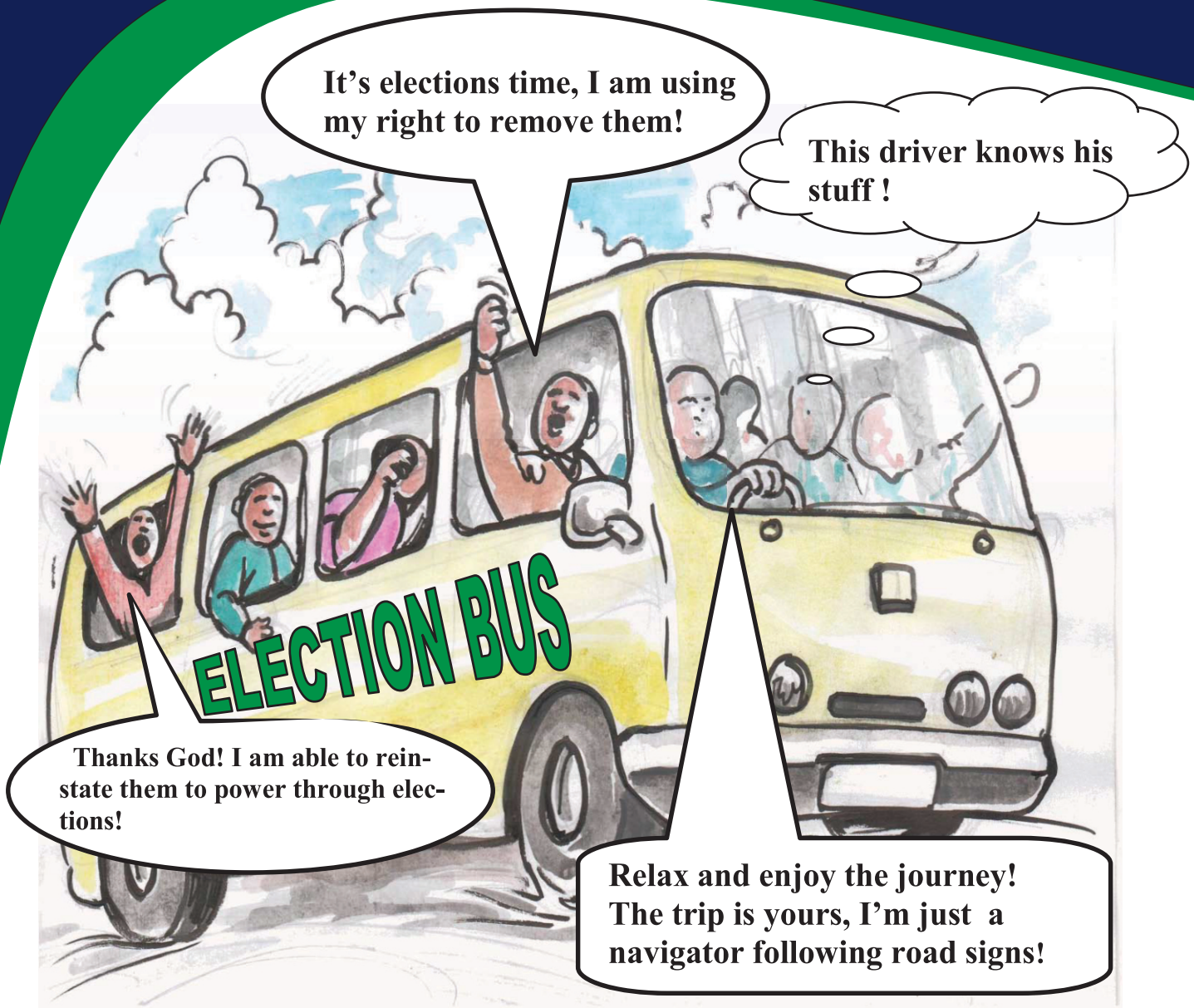
Electoral Education *Manual*



NATIONAL ASSEMBLY ELECTIONS
RISE! REGISTER & VOTE!!

KHETHO EA HAO! KE MATLA A HAO!

IEC LESOTHO

KHETHO EA HAO
KE MATLA A HAO!

Electoral Education Manual
National Assembly Elections

ACKNOWLEDGMENTS

This Electoral Education Manual is a product of a collaboration between Independent Electoral Commission (IEC) on the one hand and the stake-holders in the election processes; Civil Society Organisations, Political Parties, Church and Academia among others. The IEC wishes to express its sincere gratitude to the people who represented these groups in the validation process of this manual both collectively and individually for their input. Further, IEC acknowledges material and illustrations used in this manual adopted from: Shale,S., Günther Gugel of Tübingen Institute for Peace Education,Kayser,U.2003 and Rohr,P. IEC invites Basotho to utilise this user friendly manual which could be helpful to Teachers, Pastors and Priests, Community Leaders, Civil Society Organisations, Academia, Independent Trainers as well as Political Parties.

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CHAPTER ONE
EDUCATING FOR ELECTORAL & CIVIC PARTICIPATION

The purpose of this chapter is to expose the user to different ways of imparting knowledge on electoral education in a manner that persuades them to rise, register and vote in the coming General Elections. This chapter is not a content on its own rather a key to understanding others, a tool to apply throughout the manual. If people's attitude, perceptions and desire to participate in elections or not was this car;

then, this chapter would better be explained as those tools skillfully applied to transform it into…..

At the end of this chapter you will be able to

- Explain Electoral Education, its purpose and role in electoral process;
- Differentiate between **Enabling** methods of education and the **Conventional** authoritative approaches;
- Identify suitable methods and approaches to different settings and target groups in delivering Electoral Education;
- Use different methods effectively to stimulate active learning among different target groups;
- Use interactive learning to simplify otherwise complex electoral process matters.

1. ELECTORAL EDUCATION: THE DEFINITION AND THE PURPOSE

Electoral education is a process of involving electorate in the election processes through persuasive and effective communication. Electoral education provides key factual information regarding electoral law, procedures and other important responsibilities of electors. It serves to:

- Help people understand all important electoral process steps and play active role in their realisation such as registration, cleaning the voter register, reporting irregularities etc;

- Dispel misconceptions about different electoral process stages and replace them with clear and factual information;

- Mobilise people to participate in peaceful electoral activities;

- Build confidence and competence among electorate in the electoral process;

Whose mandate is it? Although the overall responsibility lies with Independent Electoral Commission (IEC) mainly for the purposes of maintaining standards and quality, electoral education is a multivariate task. Different stakeholders in elections have a responsibility to educate people about electoral law, encourage them to participate and ensure that elections remains a process of free will and choice, free from any form of coercion and intimidation.

- **Political Parties** are expected to provide electoral education to the masses and mobilise them to stand up to register and vote. They are expected to do this during their campaigns and other educational activities;

- **Civil Society Organisations** are involved in civic and governance programmes, they have responsibility to mobilise people to participate in elections and have specific activities aimed at providing electoral education to the people;
- **Church leaders, chiefs** and **other community leaders** are expected to participate in electoral education by (i) imparting knowledge to the people they lead and (ii) collaborating with other stakeholders by encouraging their people to participate in the organised electoral education activities;

- **Media** may have own electoral education programmes, popularise electoral education programmes of other stakeholders, host thought provoking electoral programmes that expose concerns of electorate and generate interest in electoral processes;

- **IEC** provides electoral education to the general public and it targets various sectors within political parties e.g. women, youth, party secretaries, party agents.

NB: Electoral Education is an objective exercise and should not be used to advance a certain political party interest to the detriment of another. Since electoral education is provided to the people of different age groups and interests there are important issues to recognise in order to make it effective.

2. ENABLING VERSUS CONVENTIONAL APPROACHES TO LEARNING

Enabling methods of education present an alternative to the conventional ways of learning which are characteristic of highly organised and institutionalised methods.

Conventional methods have recognised and authoritative holders of knowledge who have gone through certain identifiable programme of learning to attain such positions. Because of their achievements in learning and certification in recognition of that, it is generally believed that they are a source and wealth of wisdom that can help better define and perhaps explain the world dynamism. These are the people who hold various educational credentials: certificate, Diploma, Degree, Honours Degree, Masters, Doctorate, Professorship etc. In this approach of learning one's level in terms of certification determines the level of influence one may have in society. **On the other hand;**

Enabling methodologies are mainly adult learning approaches. They encourage use of one's life experience to question the social environment with the aim of transforming for the better. The Conventional Approaches are normally for the academic excellence while the Enabling are relevant for functional literacy and activism. **Compare these two sets of illustrations! Which is Banking and which is Enabling?**

One of the Critical Educationists, Paulo Ferreira provides the best distinction between the two; he refers to the *Conventional* as **Banking** while *Enabling* as **Liberating**.

BANKING/DEPOSIT	LIBERATING/ENABLING
Dictates to people what are the requirements for living in peace and the prescribes punishment for deviants.	Attempts to draw people on their natural desire to live in peace
Teacher holds all wisdom and knowledge.	Acknowledges students' potential and seeks to unveil, explore and develop it
It develops obedient citizens and conformists to learning authorities.	Develops critical consciousness among citizens
It is the Teacher's knowledge that counts.	Students' reality forms basis for learning

Followed to its logical conclusion, the table above tells us that the banking system is a depositing type that suggests that the depositor expects to reap from the particular reaction of the people on what they been taught. This is one of the sentiments of controlling people-whereas liberation suggests independence. For the purposes of Electoral Education, the liberating method is chosen.

Instead of telling people what and what is not in relation to elections, it is better to help people understand issues by posing problems and encouraging them to argue and engage on them to seek answers and exchange views. This makes learning interesting and challenging. This is necessary because the intention is to help people make own decision to **RISE, REGISTER AND VOTE IN THE COMING GENERAL ELECTIONS.**

There are many ways of Enabling Education; these are the ways that unlike Conventional means which end with examination, result in a changed behaviour. Some are: Community Mobilisation, Codes, Role Play and Simulations.

CONCEPTUAL UNDERSTANDING

- **Code-** concrete presentation of a particular situation related to *community* with a purpose of challenging critical thinking of participants.
- **Role-Play**- Acting certain role in pretense with a purpose of anticipating potential response/role of another party when the particular real situation is happening.
- **Simulation-** A structured replication exercise or a mock-up with a purpose of helping people understand and experience how it feels like to be in a certain situation.



A CODE is always used to provoke questions and not generate answers. For example you can put a photo of a person holding a Ballot paper and ask people to explain what they see on the picture, what is it that they think a person is doing, why do they think so, why would the person be doing that ?

A ROLE-PLAY gives one person opportunity to imitate another. For example Participants in the Electoral Education workshop can be asked to role play the voting stages. One may role play an Elector casting vote, the Voting Station Manager and another the Official Witness etc.



HOW THESE APPROACHES COULD BE USED INTERCHANGEABLY ?

Community Mobilisation

Target the crowd pulling activities where people go in large numbers without being pushed such as soccer, horse raising, litolobonyeng, etc. Can be used to reach out to many people. Other places such as selibeng, café, busstop, church, and funeral can be used to pass information about Activities-only invite people and not attempt to provide electoral education at the funeral.

Simulations

It is used to help people understand complex processes by involving them in a certain premeditated situation imitating a particular system.

It helps people identify shortfalls or strengths of the systems by being involved, something which may be difficult by mere explanation.

Codes

Can be in any of the following or other forms: Pictures, Slide(s), Films, Poster, Play, Article, Case -study, Poems.

It can be used to prepare participants for the active engagements in the coming discussions.

It poses a problem and does not provide answers to the situation.

Role Play

Gives participants opportunity to imitate certain roles to be played by certain actors in a system.

Helps people test the knowledge they think they hold.

Looking at these approaches one will realise that one may be good in a particular and not in another setting. What is most helpful is to know which one to use and when. Since Electoral Education in Lesotho should not only provide facts but also deal with perceptions and misconceptions, it is advisable to use these approaches interchangeably.

Approaches in electoral education simply refer to the way used to deliver or provide electoral education. The approaches mentioned above are useful as complimentary activities and not methods on their own. For an example, **Codes** could be used effectively in a workshop where people have time to engage in discussion. **A simulation** could be best used in a public gathering to engage a large number of people actively by taking part in the process that is necessary for people to understand but also difficult to explain thoroughly to a large group of people. Because they would have been involved in the various steps of the process, their enthusiasm to ask, comment and argue may help the facilitator to make relevant explanations, responses and summaries. **Role Plays** are effective in testing whether people master the process, particularly those expected to lead others. As people do the role plays, they also experience how it feels to be in the process. They are good in helping to convince and correct misconceptions and doubts. They are very good for trainers and leaders! **Use these 3 case studies to test your understanding!**

Which approach can you apply to deal with each of these situations?

- *Well I am confused because Mr Ramaruo-ruo has just helped us by giving 'Mamphe a job in his shop. This rich man wants my family and I to vote for him in the coming elections, but on the other hand our party wants us to be loyal and they are telling us they will know if we do not vote faithfully. They say the computer tells who voted what and that is terrible, I do not want to suffer afterwards….*

- *In Lesotho elections is stolen because they announce results over the radio while the ballots are still at the constituencies…..I do not trust this system.*

- *The changes made to the electoral model are not good…look now that we have one ballot, what will happen if someone dies before elections but after nomination? Elections fails, so people of that constituency cannot determine Parliament?*

WHAT TO CONSIDER IN PUBLIC SPEAKING?

- Dress simple, but smart and wear clean clothes. Whether female educators can put on their jeans is a matter of community perception. While this has been an issue in community work in the past, it is no longer. But coming to communities with glamorous hairstyles, heavy makeup and fancy dresses count against your attractiveness and should be avoided.
- You definitely do not need a costume or a double-breasted straight cut black suit with a tie when you visit community;
- Speak loud enough for everyone to hear;
- Stand where everyone can see you;
- Are you scared that all eyes are on you? Look at the audience and establish eye contact with two individuals, seated at different sides in the crowd; look at one, move your eyes away to another and keep on doing that. In this way you appear confidant and people will not know that you are not looking at them per say, but will begin to have confidence in you. The more people have confidence in you, the more courage you gain. Speak Sesotho, don't speak English You are not doing yourself any favour. You are just irritating your audience and exposing your incompetence. Appearing to be struggling for Sesotho words demotivates people and some begin to see you as a pure *khooana ts'oana.*
- Move your hands with purpose when you stress points, explain, enforce, clarify, etc. If you do not, be cautious as they may send a wrong signal to the community and expose you as reckless and unprepared. Imagine a person emphasising a point yet folding his/her arms. This is unusual and demonstrates unpreparedness. When you stress a point, show by gesture, stretch your arm and demonstrate harmony between words and bodily movements. If you know some people by names, mention them in your address, but be aware not to belittle them. Your movements should be flexible and relaxed; that increases audience confidence in you.
- You can crack jokes, sing or do other things which facilitate relation and break the barriers between you and your audience.
- Be careful in your selection of words. There are usually two mistakes: Firstly, some words are like a red flag to a bull and once they are used they could destruct one from listening e.g. majelathoko, lisebelisoa, linqaloka. Secondly, some words have ambiguous meanings, be careful that you communicate exactly what you want to.

CHAPTER TWO: WHAT IS DEMOCRACY?

The purpose of this Chapter is to help citizen understand democracy as not only a foreign concept but a system through which people can enjoy their fundamental rights to live freely and be ruled by the people they have chosen and they can instruct and even remove from power.

At the end of this chapter you will be able to

- **Define Democracy and its types;**
- **Describe types of government and choose which one you prefer;**
- **Identify features of democratic government and how you can build it;**
- **Identify State Organs and their Roles in a Democratic Lesotho;**
- **Explain how Elections strengthens democracy;**
- **Identify and Explain Principles/Signposts of democracy.**

WHAT IS DEMOCRACY?

Democracy is the most frequently used term in governance. It has however as many definitions and manifestations as it is applied widely. There are many democracies or democratic countries in the world but that does not mean that they have same laws. How and why is this the case? Some countries are assessed as strong democracies, others weak, emerging or failed, what are the key indicators used to assign countries these statuses?

Democracy is the combination of Creek words ***Demo*** which means people and ***Kratos*** which means authority.
This can mean many things to different people hence many definitions but for the purposes of this manual, Democracy is the **government** of the **people** by the **people** for the **people**

with the **people**. Government is the form of authority and that authority has to come from people, be used for the benefit of the people, be applied by the people accountable to the people and be shared with the people for a government to be democratic.

Power and the types of Government

Power is the ability to make others do as one desires even if they would otherwise not do on their own intuition. Since government has power, it makes laws and enforces them. **Look at these sets of pictures and answer why in each people are obliged to obey the authority?**

It is important to look at the different types of government.

Look at these types of government; compare, contrast and make judgment on which one best suits you .

DICTATORSHIP	AUTHORITARIAN	TOTALITARIAN	DEMOCRACY
1.One person holds power.	1. A clique holds power	1. Power held either by a clique or one person	1.Power shared among offices and institutions
2.Governance goes as the ruler wishes; She/he is superior to any other institution.	2.The rulers are powerful and accounts to no one.	2.Seek(s) to control every facet of life and therefore suppress people's liberties	2.System protects civil and personal liberties.
3.Tortures people especially those who challenge the regime.	3.No respect for human rights.	3.People cannot exercise rights against national programmes e.g how many children to have.	3.Personal rights are protected by law.
4.Leader is not elected.	4.Put through questionable elections-may be only one party contests elections.	4.Gets to power either through free-fair elections or military means	4.Rulers are elected through free, air and periodic elections.
5.Relies on military force to sustain his stay in power and silence people.	5.Use forceful means to ensure their bad laws are obeyed.	5.Use state machinery to control people's lives	5.The military and the state machinery used to make people's lives good.

Every one of these types of government has power to make laws and enforce them but how does Democratic Government differ with them?

Study this situation and answer the following questions:

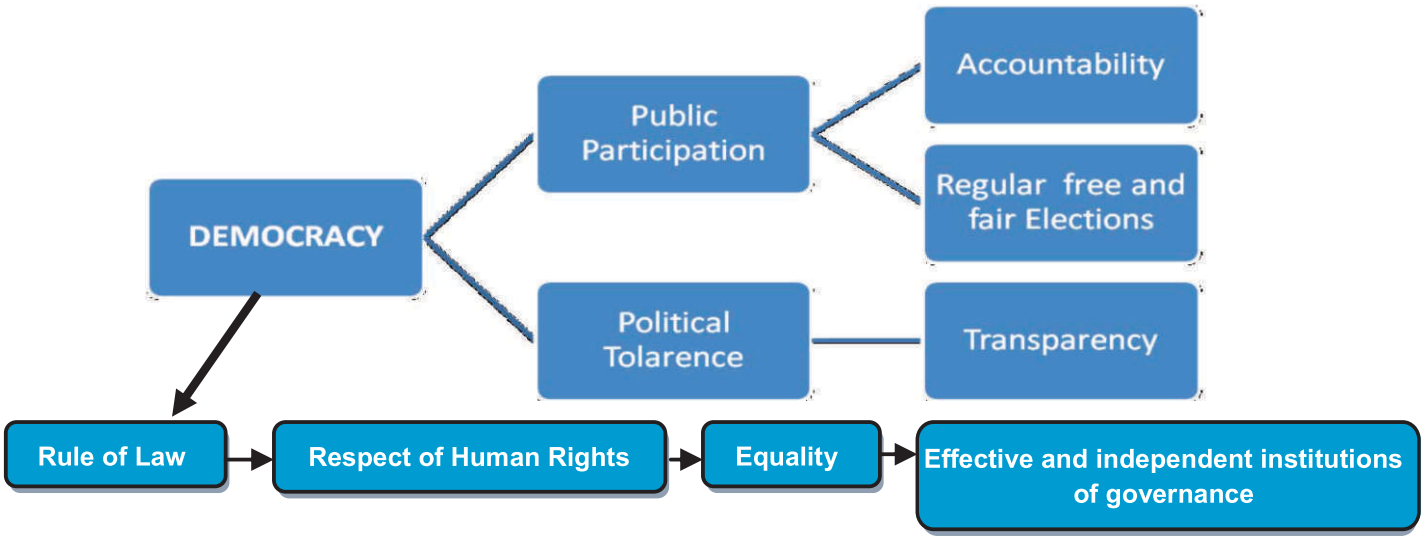
Nkhono 'Mamahuoaneng has just received her monthly old age pension and decides to go for a shopping in Maseru; as usual she would stay over at her daughter's place and do the shopping tomorrow and come back. She remains the only person in the taxi and the driver and the

conductor immediately tells her that it is beyond six so they have to drop her where she was. This was in town but Mak'hulo could neither locate the bus terminus nor find her way to her daughter from that place. Immediately two teenagers came, one pulled out the gun while the other bellowed instructions: handover your wallet! surrender your jewellery! put off every piece of cloth on you! lay down and be ready for sex! As the Mosalimoholo takes off the bra "*Hold*!" cries the Police man from the other corner with his gun pointing up. The police man ordered the Mak'hulo to dress up, the boys to hand over what they have taken from her and he handcuffed them. He took them to the charge office.

i. What is similar about the actions of the teenagers and the police?
ii. What is similar about the reaction of the old woman and the teenagers?
iii. Who was using power?
iv. Who had a right to use power? **Explain Which type of government is best explained by which component of the situation you have just discussed?**

What are the signposts of Democracy?

Democracy is based on certain fundamental principles. There are many but here only the key signposts are listed. They help us to recognise whether government is democratic or not.



Public Participation: People vote for government and take part in governance. They express their views, on the media about governance, Contributing ideas into the formulation of policies, laws, budget, make submissions to the parliamentary portfolio committees, summon MPs etc.

In a democracy people should be **tolerant by:**

- Appreciating ideas advanced by others even if one does not agree with;
- Encouraging freedom to hold views even if they are different from those held by others;
- Accepting to run public affairs in the manner that people can see how various stages of government processes are handled;
- Accepting election results;
- Listening to the minority views.

?

Can democracy have features of dictatorship

Can democracy have no sign posts.

There is **direct** and **indirect** (representative) democracy. Given the growing population and other reasons, direct democracy is becoming increasingly impossible.

In a representative democracy, people elect representatives to run their affairs. Some countries use *Presidential* system while others use *Parliamentary* democracy. In the Presidential system, the Head of State is directly elected by the people and that is done separately from parliamentary elections. In the Presidential system the Head of State is not necessarily accountable to Parliament. In the Parliamentary democracy, the Head of Government emerges from the parliamentary majority. Lesotho is the example. The Prime Minister, the Head of Government is a member of National Assembly who enjoys the majority support of the House. This means that for one to be a Prime Minister in Lesotho must have been elected to the National Assembly first.

N:B Representative Democracy however takes the design agreed by the people and enshrined in the constitution.

How Does Government Function

Government functions within a certain form of authority as indicated above. If it is a democratic government, its authority to rule is derived from the people through elections. Besides, other branches of government are guided by the law that is informed by the principle of respect for human rights. This consolidation of rules, principles and procedures is referred to as the constitution.

The constitution:

- Establishes the state Organs (Branches of Government) **Legislative**-which is the law making organ of state; **Executive**-the Cabinet and the government functionary which implements the programme of the government of making life not only possible but better too; **Judiciary**-the courts of Law.

- Provides for the Bill of Rights which guarantees the individual rights and freedoms. This further limits the chances of abuse of power by those in authority by making such rights justiceable i.e. the courts have power to enforce them.
- Is a supreme law in the land. This means that all other laws that are made by parliament must comply with the constitution. If they are against the constitution they are null and void ***to the extent they conflict with the supreme law.***

The dictatorships and other types of government still have legislatures, executive and courts; how different then are they from democracy? It is the extent to which these organs are able to provide *checks* and *balances* on the work of each other that makes democracy functional.

Imagine a typical Mosotho family made of Ntate 'M'e and Bana.

Ntate Sekolopata *Tortoise* Khulu, irritated by the attendance of his wife and children of the evening classes on Gender and women empowerment provided by one NGO declares the following rules to be followed by all in his house:

(i) No family member shall arrive at home later than the sunset without prior notification and approval;
(ii) Sharing jokes and stories about abusive fathers would be regarded as a blasphemy in the house and would not be tolerated;
(iii) Head of family should be respected by all and disrespectful exchange of words with him should be avoided;

Although the wife and the children had descending views on these laws, they were not given opportunity to question them. When the wife and children make a call that they would be held up from the classes, the liberal speaker is not at home. So they normally come later than expected but are still able to fulfil their duties.

A month down the line, Sekolopata comes home towards midnight singing his Alleluias and calling his wife and children by names. When he comes he demands to be served dinner and be waited upon as he enjoys his midnight meal. When the wife and children raise concern that he is not obeying the first rule, he argues that they are already contravening the third rule. He goes on to tell them that he is the Head of Family and his authority cannot be checked by anyone.

HOW CAN YOU DEFINE THIS SITUATION USING YOUR UNDERSTANDING OF HOW DEMOCRACY FUNCTIONS?

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HOW CAN YOU DEFINE THIS SITUATION USING YOUR UNDERSTANDING OF HOW DEMOCRACY FUNCTIONS?

In a democracy authority is shared among various institutions and does not lie with individuals. The governance authority is shared among the three organs of State namely;

(i) Legislature: This makes laws, approves the national budget, sanctions major decisions of government such as declaration of state of emergency, makes policies and monitors implementation of government policy. This is parliament. It is established through elections.

(ii) Executive: This runs the day to day business of government. It implements the laws approved by parliament and utilizes the resources (budget) approved by the parliament to advance people's live. Prime Minister is the Head of Government, the Cabinet and the functionaries of the government. These include Ministries and the Local Government councils though are guided by specific laws in dispensing their functions.

(iii) Judiciary: This interprets the law. It seeks to ensure that justice reigns by making decisions over matters where interpretation/understanding of the law may differ between two parties. It also limits government excessive powers over the citizens and even among themselves. These are the courts of law.

The legislature representing people directly that is bestowed with power to make laws. This means that a process of put ting people in parliament, which is elections, is extremely important in democracy. Although parliament is so powerful in the governance dispensation, it is itself vulnerable to the choice of people. This highlights the significance therefore of elections in a democracy because it ensures popular supremacy over the most powerful organ of governance.

Each country has its own systems and laws guiding its democracy. This is why democracies are not the same and not similar in the extent to which they could be referred to as democracies. Each country also has its laws governing elections. This relativism occurs however within a universal belief that systems and laws governing elections should be in such a way that people are able to express their preferences freely and without coercion or intimidation.

STATE ORGANS AND THEIR INTERACTION IN A DEMOCRATIC LESOTHO

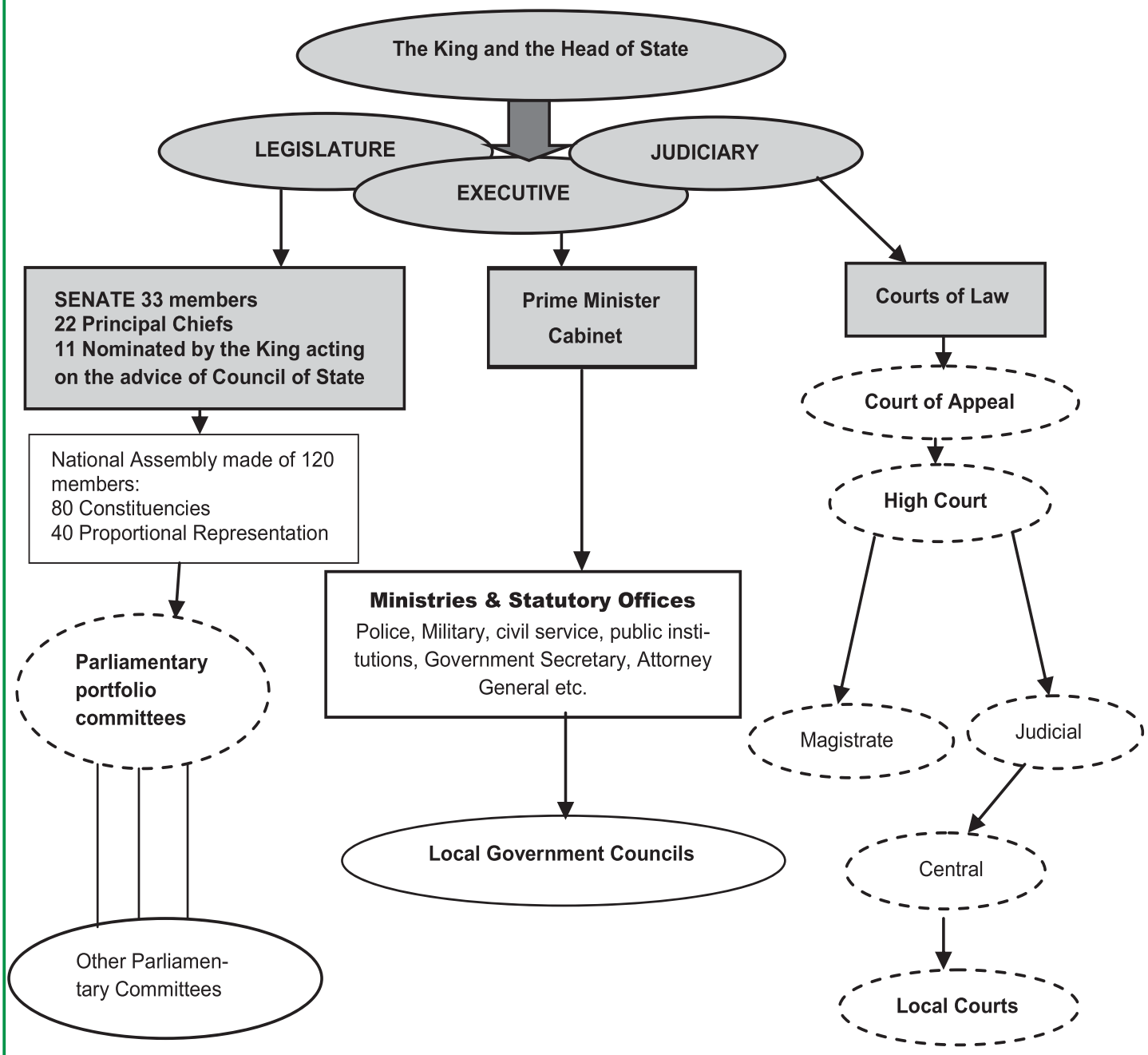


Figure 1 above demonstrates that various institutions that make governance possible fall within the different state organs. What is significant for the democratic governance is that each of these organs is able to do its work without undue influence of the other. It is the independence of each organ and therefore institution that makes democracy strong. This is called separation of powers-*Trais politika*.

The ***Legislature*** makes the law but it does not implement that law. Rather it is implemented by another organ which is ***Executive.*** Whether that law has been properly implemented or not or whether the implementation has been rightly or wrongly omitted, cannot be decided by the ***Executive*** itself but the *Judiciary*. It cannot even identify one as having been in conflict with the law and decide that one is therefore guilty. In this way chances of abuse of power are eliminated. In other words, government cannot target individual by making a law, and use it to sentence him/her. Once the law has been made, it will be the function of law enforcement agencies to ensure that it is implemented. Those who contravene it (in the opinion of the law enforcement agencies) shall not just be declared guilty but shall be put before the **courts** and prove that indeed one has violated the law and has to be found guilty. The **courts** go through a process of evidence and other considerations before deciding whether one is guilty or not.

In other words **Executive** cannot just trample over the rights of citizens; it can be stopped from doing that by the **courts** using the law made by **parliament.** This is called *Checks and Balances*.

Going back to Sekolopata case. Use your understanding of the interaction of state organs to define the law maker, law enforcement agent and the judge in the case of *Tortoise*.

(i) How does separation of powers enhance democracy?

(ii) Does Tortoise case resemble Dictatorship, Authoritarian, Totalitarian or Democratic government?

INTERACTION OF STATE ORGANS IN ACTION

EXECUTIVE

In Lesotho the King uses His Executive powers through the elected representatives and the institutions determined by the constitution to do so. For example He appoints as the Prime Minister a person who leads the majority in the National Assembly as advised by the Council of State, He appoints Ministers but through the advice of the Prime Minister etc. Ministries including the Ministry of Local Government and Chieftainship Affairs are established by the Prime Minister. The Local Government Councils are established through an Act of Parliament-Local Government Act and their functions are spelled out there.

LEGISLATURE

There are two houses of Parliament, the National Assembly and the Senate. The Law emanates from the National Assembly. The House has Portfolio Committees which have power to solicit public views on the Bills (the proposed laws) function of or any policy matter related to, the Ministry to which they are assigned. They have power to summon officials to answer before them. When the Bill has been passed it goes to the Senate. In this House it may be amended and then returned to the National Assembly. In the event that the National Assembly does not agree with the Senate, the decision of the National Assembly shall prevail. After the Bill has passed both houses, then it is taken to the King for Royal Assent(blessing/ signature) then it becomes an Act. Every constitutional amendment needs 2/3 majority support in each house! There are some clauses however which need both Houses to agree with failing which a referendum shall be called. Others can only be changed through referendum and that needs both houses to pass by 2/3 majority support.

JUDICIARY

The Chief Justice is appointed by the King acting on the advice of the Prime Minister. The King also appoints other Judges by the advice of the Judicial Service Commission.

HOW SHOULD ELECTORS CHOOSE CANDIDATES TO BE MEMBERS OF PARLIAMENT?

The daily lives of any nation, society, community, organisation, village or group are influenced by the people who hold positions of responsibility. Whether the family becomes a happy or miserable home that is greatly influenced by the people holding positions of responsibilities in it. In the foregoing chapters, it has been indicated that Parliament checks the Executive. This means that Members of Parliament are holding positions of responsibility.

HOW TO CHOOSE THE BEST MEMBER OF PARLIAMENT?

DUTIES,POWERS,RESPONSIBILITY	CHARACTERISTICS OF A GOOD MP
Duties: MP has a duty to attend parliamentary sessions;	In order to do this an MP should be a responsible and self motivated.
MP has a duty to read the Bills, consult with electorate;	To perform these duties an MP should be able to read English with comprehension.
MP has a duty to ensure that people's voice is reflected in the laws/ policies.	In order to do this an MP should be able to interact with people in meetings.
Powers: Hold government accountable;	Should be a person with capacity to understand functions of cabinet and powers of parliament.
Amend and change unacceptable and bad laws;	To use this power, an MP should be a person who lives in the area and is easily accessible.
Allocate budgets.	To exercise this power, an MP should understand needs of the country and the national policies.
Responsibilities: Raise concerns of his constituency/ party to the relevant Ministries;	To fulfill this, an MP should be approachable and be brave to speak in the presence of many people.
Relate well with public /civil and other servants;	In order to do this an MP should be able to work of councilors, officials and NGOs in the area.
Support local development.	To be trusted for this, an MP should be open-minded.

CHAPTER THREE
ELECTIONS: FREE, CREDIBLE AND FAIR PROCESSES

The Purpose of this Chapter is to help a citizen to understand Elections as not just a mere casting of vote in the interval of five year period rather as a holistic process embodied in the broader culture of participation in the democratic dispensation.

At the end of the Chapter you will be

- Able to define elections and identify activities related to pre elections, election and post election periods;
- Able to identify various stages of elections preparation and voting;
- Ready to participate in all elections activities including registration and voting;
- Ready to dispel misconceptions about elections and preach facts;
- Competent to make own judgment on the extent to which Lesotho complies with international requirements for free, credible and fair elections.

Refer back to the previous chapter and remember the definition of Democracy. The key word in the definition is *People*.

ELECTIONS

Elections is a process of putting someone into a position of responsibility. It is governed by a set of rules that should ensure:

- That every person who has attained the required age is able to vote freely and without coercion or intimidation;
- That all stages to be followed are clear and accessible to all citizens and parties contesting;
- That elections is run by the body that is not controlled by the party that has interest in elections.

As indicated elections is a process and there are various activities that are undertaken to make the process complete. Some happen before elections. This period is normally referred to as **Pre-Election**: This is when preparations are made for elections. The demarcation of constituencies, registration, announcement of important dates such as those for nomination, voting, announcement of results etc, campaigning, law making are those done before elections. The **Election Period**: This refers to actual casting of votes and the environment within which people are voting, while **Post-Election** refers to the activities thereafter.

The Party NaDemo is in power in a country of 4 million voting population and calls for elections. The Elections law made before elections among others provides that:

Elections shall be run by the Office of Attorney General;

A political party willing to contest shall participate in the party audit process where followers of each party shall queue behind the representative of the party in all the districts of the country. And further that in total those people should be at least 1 million. This is for *transparency* and to ensure that *public funds* are not wasted on elections while it is not necessarily needed.

Candidates should demonstrate that they have property in reserve that can sustain them and their families for more than 12 months without income. This is to prevent hawkers into the domain of public resources, so the law says.

No candidate shall use the name of the President in campaigning.

Before announcing results, the AG shall submit them to the President.

Use your understanding of the Free, Credible and Fair Elections to analyse this law and answer:

(i) Was this elections free, credible and fair? If Yes, why and If No, Why Not?

(ii) What specifically in the law promotes or curtails the principle of Free, Credible and Fair elections?

STANDARDS FOR FREE, CREDIBLE AND FAIR ELECTIONS

In pursuit of democracy and freedom the international community develops standards which member countries should strive to achieve to ensure elections that is acceptable. The African Union, Southern African Development Community and Electoral Institute for Sustainable Democracy in Africa to name a few have guidelines that Lesotho has obligation to comply with.

ORGANISATION(S)	INSTRUMENT	KEY MESSAGE
African Union	African Charter on Democracy , Elections and Governance	Ensure fair and equitable access by contesting parties and candidates to state controlled media.
SADC	SADC Principles and Guidelines Governing democratic Elections	State to establish impartial, competent, inclusive accountable election management body to deal with voter registers, code of conduct, ensuring availability of adequate logistics and resources in carrying out democratic elections.
ECF and EISA	Principles of Election Management, Monitoring and Observation	Counting be transparent and done at the voting stations immediately after voting.

In general terms elections is taken to be:

Free when people participate on their own voluntary choice and will, and when people can vote for whomever they want without intimidation, coercion or any form of forced submission whatsoever;

Fair when contesting parties including independent candidates compete in an environment that treats all equally and when laws regulating elections are equally applied and no party uses resources that are otherwise public to advance its advantage over others; and

Credible when the various stages and processes of election are done in a transparent manner and no force or cheating is used to determine the verdict.

Management of Elections-Independent Electoral Commission
Elections Day announcement
Registration: Cleaning the Voter Register and its suspension
Contesting Elections
Nomination
Campaigning and Code of Conduct
Voting and Election Stages
Counting and Announcement

ELECTION MANAGEMENT BODY IN LESOTHO

On realisation of the need for a credible process of elections, and in recognition of the international standards for acceptable management of elections, Basotho decided that elections in Lesotho shall be run by the Independent Electoral Commission (IEC). In Lesotho there are three Commissioners: Chairperson and two Commissioners. The Commissioners:

(i) Are appointed by the King acting on the advice of the Council of State. Political Parties participate in the process of selecting the suitable people and submit to the Council a shortlist among which the Chair and Commissioners would be selected for the recommendation to the King to appoint;
(ii) Are required by the law to function impartially and Independently, in good faith, without fear, favour or prejudice. **IEC is operationally Independent**!

The Commission is given power to:

- Demarcate constituencies,
- prepare for and run elections & referenda,
- liaise and cooperate with political parties and groups on electoral matters,
- continuously review legislation and other matters relating to elections for appropriate recommendations;
- Promote knowledge of sound electoral practice;

- Appoint conciliators and tribunal to conciliate, hear and determine complaints on the Code of Conduct.

The Commission does not take instructions from any one on doing its mandate. No one can tell it what and what not to do!

For accounting purposes it reports on its activities, results of elections and use of finances (audited statements), to parliament through the Minister.

ANNOUNCEMENT OF ELECTIONS DAY

The King acting on the advice of the Council of State may proclaim the day(s) on which Elections shall be held. This may be done either before or after the Parliament has been dissolved. If it is done after dissolution, proclamation shall be made not later than 4 days after dissolution. The Proclamation is directed to the IEC. Once this is done, the Director of Elections shall publish:

ELECTIONS TIME-TABLE SPECIFYING:

- When elector registration shall be suspended;
- When and where nomination of candidates for constituencies shall be completed;
- When parties contesting the PR seats shall have submitted their lists;
- Names of people to be Returning Officers;
- Any other significant date including the period within which election results would have been announced.

CHAPTER FOUR: REGISTRATION PROCESS

Every Mosotho aged 18 and above is required by the law to register for elections. Failure to comply is an offence punishable by Law.

At the end of this chapter you will be able to

- Define and explain to others the importance of registration to the electoral process and the consequences of not registering;
- Mention qualifications and documents necessary for one to register;
- Know the conditions under which one may be disqualified from registration;
- Rise, register and motivate others to do the same;
- Tell the importance of cleaning of electors' register;
- Check electors' register, report changes needed to be made and encourage fellow colleagues to do the same;
- Ensure that your name appears in the electors' register and is correctly written.

Registration, ensuring that one's names appears in the Voters' Register, identifying and reporting irregularities such as misspelled names, wrong surnames or names etc, reporting the deceased are the responsibility of ALL. These activities help to clean the register-SO DO IT!

Unless one applies for transfer and that is successfully effected one will vote where one has registered. This means that the General Electors Register is arranged in such a way that every elector belongs to a certain constituency and a particular voting station. One has a right to apply for one's name to be transferred from a particular station to another.

QUESTIONS ABOUT REGISTRATION

- Can Chinese and other people living in Lesotho register and vote?
- Can I register at my work and at home so that I can vote whether am at work or home?
- When is registration starting?
- Why is it so important to register? Why can't we just vote and stop stressing?

RESPONSES

FACTS ABOUT REGISTRATION

One is not qualified to register if one owes allegiance to a foreign power/state;
One may only register once;
In Lesotho voter registration is continuous, meaning that one can register at any time until such time that registration is suspended, i.e. about seven days after commencement of election period. Registration of electors helps IEC to know how many people may vote and prepare accordingly, it also helps to ensure that only eligible people vote.

Not all 18 years Olds and above are eligible to register for elections under the laws of Lesotho. There are some conditions under which one may not be allowed to register:

- Owing allegiance, obedience or adherence to a foreign power/state;
- Sentenced to death by the courts of Lesotho;
- Found guilty of offences including
  - (i) false names and particulars in the electors register;
  - (ii) fraudulently assisting or causing one to appear in the electors' register knowing that such a person does not exist, is dead, is already registered as an elector, does not qualify as an elector,
  - (iii) seeking to cancel or remove from the register a person who is entitled to be in the electors register;
  - (iv) Obstructing or misleading IEC official doing his/her function of registration;
  - (v) Corruption and illegal practices concerning elections.

TO REGISTER:

Go to the IEC office with your positive identity, e.g. – passport baptismal, birth certificate and proof that you reside in the area where you apply to register at; otherwise you will need a sworn declaration by another elector confirming your identity.

One's finger prints, photo and personal details have to be captured into the IEC system. Once registered electors obtain elector registration cards and they appear in the general electors' register.

In Lesotho registration is continuous, meaning that one can register at any time. However, in preparation for elections, it is suspended. This happens within 7 days after dissolution of parliament. When registration is suspended no new applications may be introduced in the general electors' register. At this time those young people who have not yet attained the age of 18 years but would be 18 years old or above by the Election Day, are registered. ONE CANNOT VOTE WITHOUT REGISTERING SO, REGISTER TO VOTE.

TO CLEAN THE ELECTORS' REGISTER:

- Visit IEC office when the electors' register is displayed for public inspection;
- Check whether your name and other particulars appear in the register and correctly so;
- Report to IEC any names which do not appear in the register while they should appear and those which appear while they should not;
- Make sure that the final lists have everything correct because that is the list which is going to be used to verify one's eligibility to vote on election day;
- Apply for transfer if you want to vote in a different area from where you registered.

WHOSE RESPOSIBIBILITY IS IT TO ENSURE THAT THE GENERAL ELECTORS REGISTER IS CREDIBLE?

N: B Political parties should stand up and ensure that their members are correctly registered; **electors** should ensure that they appear correctly in the electors' register, **civil society organizations** should make people aware of the importance of checking their names in the electors' register and motivate them to do so. **The church leaders** should include in their sermons the encouragement to the believers to ensure that they are in the electors' register. **Chiefs** should use funerals, feasts, Lipitso and other means of meeting with people to motivate people to check the electors register and report necessary discrepancies to IEC. **Chiefs have the legal duty to report the deceased to IEC.**

CHAPTER FIVE: NOMINATION OF CANDIDATES FOR ELECTIONS

One of the key stages of electoral process is the nomination of those people who want to contest. These people are referred to as candidates. The candidates and political parties intending to contest elections express their interest formally through a process known as nomination. There are two ways of nomination; the first one is for the candidates contesting elections for the constituencies and the other for those listed under political parties contesting the PR seats.

At the end of this chapter you will be able to

- Define and explain who is eligible for nomination, who can nominate and the procedure;
- Explain the time lines related to nomination process;
- Explain the difference between the requirements for candidate(s) nomination and the presentation of PR Lists by parties;
- Explain what steps could be taken by an elector or a political party believing that one of the people nominated does not qualify; and what reaction will be expected from IEC.

Formal Nomination

For constituencies it is done in a prescribed form at the nomination courts, places so legally declared at the time and dates specified in an election time-table. For the party PR Lists, the Party Secretary or authorised official present the list to the Director of IEC on or before the set date.

Who can be nominated as a candidate?

Any person who is

- Registered as an elector;
- Not disqualified to contest elections in Lesotho;
- A citizen of Lesotho;
- Literate in either Sesotho or English language.

NOMINATION PROCEDURE FOR CONSTITUENCY CANDIDATES

A registered elector will submit to the Returning Officer, (as application) a completed nomination form signed by the proposer and seconder registered in the same constituency, and the candidate accepting nomination;

(i) A signature of a party official and the party symbol on the nomination form is needed if the candidate contests under the party flag; or

(ii) A declaration to the effect that the candidate is independent and that should be accompanied by his/her symbol;

(iii) A deposit of M200.00;

If an independent candidate does not have a registered symbol; he/she may choose one from those provided by the Director of Elections for that purpose.

N:B Application for nomination which does not fall within this framework shall not be accepted by the Returning Officer.

Parties normally have their own internal elections selecting the person who may contest on their behalf ! This is not regarded as IEC election process! NB: Public Officials are not allowed to contest elections. This refers to IEC process!

Nomination of Candidates under Party Lists

A political party which intends to contest the PR seats shall submit to the Director of Elections a list of candidates it would like to occupy the PR seats allocated to it after elections. The Party Lists shall:

- Be made of people registered as electors and eligible for contesting elections;
- Not contain less than 40 candidates and not more than 120;
- Be arranged in order of preference from top to bottom;
- Have the male or female candidate as the case may be immediately followed by a candidate of the opposite sex throughout the construction of the list. This is called the ***Zebra*** list. **Once accepted the List will not change-It is called a closed List.**

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Any candidate who is nominated for a constituency seat may be included in the party list provided it is the list of the party under which she/he is contesting the constituency seat.

A party list shall not be accepted if it is not accompanied by

- An undertaking signed by the Secretary General (even the Alliance) any other authorised person or person holding political office/agents;
- A declaration that each nominated candidate meets the entire legal nomination requirements as per Constitution and National Assembly Elections Act, 2011. Such declaration must be signed by Secretary General/any other authorised person of the political party;
- A statement consenting to nomination signed by each candidate (this means there must be forty (40) or more signed statements depending on the number of candidates in a list;
- The number of men and women be equal;
- Any candidate who is nominated for elections for a constituency seat may be included in a list;
- A deposit of M8000.

A party is allowed to make rectification on the submitted lists provided that they are made only within the time stipulated by the law. This may include substitution and re-arrangement of names on the list.

In the case of Party List of an Alliance, Declaration shall indicate that;

- parties have formed an Alliance;
- Parties are contesting under one symbol;
- Parties are submitting joint lists of constituency and PR candidates and the Alliance shall ensure that:

NO PERSONS CONTESTING CONSTITUENCY SEATS UNDER DIFFERENT PARTIES OR ARE OFFICE BEARERS OF OTHER PARTIES SHALL APPEAR IN THE LIST OF THE ALLIENCE.

Other parties contesting PR but are not in Alliance(s) are also obliged to ensure that their lists do not include people contesting constituency seats under flags, or are office bearers of, other parties.

WHAT IF	ACTION PRESCRIBED BY LAW
Two or more candidates nominated to contest elections in a particular constituency?	Elections will go on as it appears in the Election Time table.
A nominated candidate dies or resigns before election day but after nomination?	There will be no elections for the constituency representative. But there shall be Special Ballot Paper listing parties contesting PR for people to vote. Fresh elections for constituency will be arranged!
Only one candidate is nominated in a constituency?	There will be no elections for the constituency representative. The nominated shall be declared a winner. But there shall be Special Ballot Paper listing parties contesting PR for people to vote.
A candidate who paid M200 and Party which paid M8000 lose elections?	A candidate who fails to secure at least 10% of the votes cast in the constituency shall forfeit the deposit, and if a party fails to secure even one seat of PR shall forfeit the deposit, to the consolidated fund.
No Candidate is contesting elections	No constituency elections will go on. But there shall be Special Ballot Paper listing parties contesting PR for people to vote. Fresh elections for constituency will be arranged.

In the event that a registered elector or a political party believes that one of the nominees is not eligible, such a registered elector or party may lodge an objection with IEC.
Note that an objection:

is lodged within the dates specified in the elections time-table,
is lodged in the prescribed form,
is lodged with the commission,
is considered and decided upon within 5 days of the lodging,

And that :
An objector and the objected are informed of a decision on the objection in writing. If an objector or an objected person is not satisfied with the decision of the Commission, such person may appeal to the High Court. The High Court shall hear and decide on the appeal at least 2 days before the date set in the elections time-table.

CHAPTER SIX:FORMAL RECOGNITION BY IEC

For a political party or a candidate to contest elections there are some requirements to satisfy. There are also some entitlements for the parties and the candidates.

At the end of this chapter you will be able to

- List qualifications needed from a political party to be registered with IEC;
- Explain conditions under which a political party can be de-registered by the IEC;
- Narrate the procedures followed by the IEC to deregister a political party;
- Tell what recourse political parties aggrieved by the IEC have and what are the procedures;
- Tell the entitlements political parties and the independent candidates have.

Since Lesotho uses a Mixed Member Proportional System which has both features of the Fist-Past-the-Post constituency Candidacy and Proportional Party List model, both Political parties and Independent Candidates may contest elections. **BUT what are the Requirements?** Every political party willing to contest elections shall register with the IEC. It should be noted that such party should already be registered with the Law Office under Societies Act.

Being registered with IEC means that a Party qualifies to contest elections upon fulfillment of the requirements guiding nomination!

The Party that seeks to register with IEC shall meet the following:

(a) Voluntary membership open to all without discrimination based on race, colour, gender, language, religion, nationality or social origin, property birth or other status;
(b) Name and symbol do not reflect the national codes; (national Flag, Royal Family, Code of Arms)
(c) At least 500 paid up members who are registered voters;
The constitution that clearly stipulates:
(i) Qualifications for admission and termination of membership;
(ii) Decision making, periodic democratic elections;
(iii) Procedure for appointment and removal of officials including party agents;
(iv) Establishment of office of Secretary General and the functions of that office;
(v) Bank account for the election related monies;
(vi) Procedure for constitutional amendment including dissolution.

Having verified at least 10% of the voters presented by the political party as its members and having satisfied itself that the Party satisfies all the requirements, IEC shall accept the Party. The Director shall then issue a certificate to this effect. But a Political Party registration may be cancelled if it ceases to meet the above requirements or if it dissolves. In that event Director shall notify the party of the intention to de-register it and the reasons thereof. He/she will request the party to show cause why it may object to that. If the party fails to do so with stipulated period, it shall be de-registered.

An Elector who intends to contest elections as an Independent Candidate may apply for a symbol to use in elections.

ENTITLEMENTS OF PARTIES AND CANDIDATES REGISTERED WITH IEC

May raise funds to finance its campaign from inside or outside Lesotho and declare any amount equivalent or above M200 000.00;

Is entitled to

(i) Campaign finance to pay for its campaign and Agents based on the votes it attained in the previous elections, provided they (those votes) were not less than the threshold for registration;

(ii) annual Party funding from consolidated fund which shall be distributed to Parties based on the number of seats it has in parliament; A Political Party for the purposes of this Section shall include independent candidate; in a case of coalition each party shall receive money;

A party that has not contested elections as yet, its support for the purposes of this Section will be taken to be equal to the threshold needed for registration;

Shall receive electors register for inspection. The expectation is for it to identify shortfalls and formally present them to IEC for improvement of the electors' register.

Parties shall have financial statements and report for the monies provided. IEC has power not to provide funds to the political party which does not account satisfactorily! It may as well do the snap inspection of the accounts and or seize any records etc for the purposes of establishing the way the public funds are handled!

CHAPTER SEVEN: CAMPAIGNING AND CODE OF CONDUCT

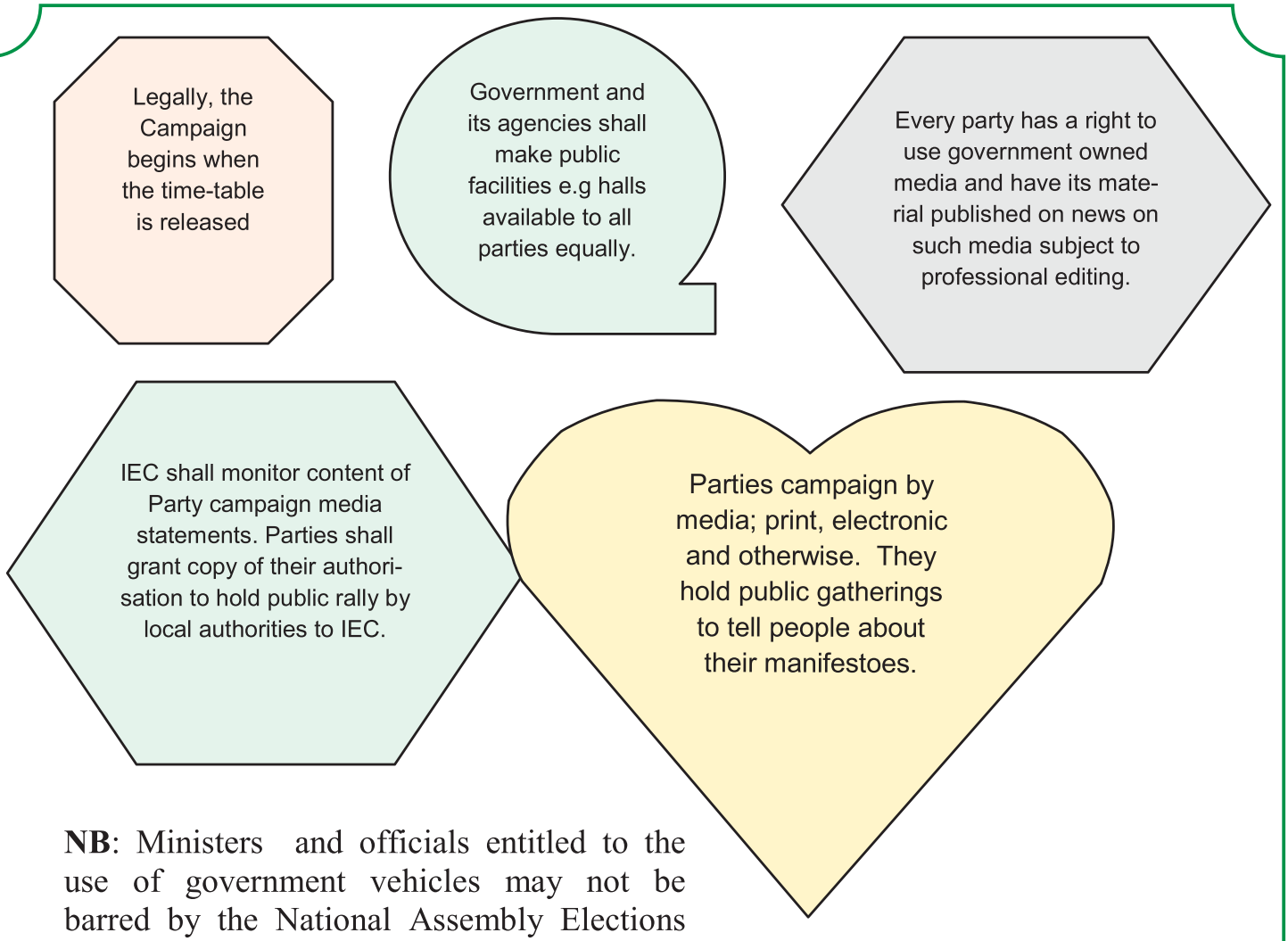
Every political party including the independent candidates have the right to campaign and canvass support. This however is guided by a Code of Conduct

At the end of this chapter you will be able to

- Explain what the Code of Conduct is and how it helps regulate conduct and interaction of actors;
- Define role of different stakeholders in upholding the Code of Conduct;
- Identify offences under the Code of Conduct;
- Explain measures to be taken and by whom when the Code of Conduct is violated.

Code of conduct provides guidelines in terms of how contesting parties should interact. It stipulates what would constitute unacceptable behaviour during elections and also states what are the fines for such unacceptable conduct. It generally seeks to promote peaceful elections and avoid coercive and cheating processes.

The Code of Conduct guides the behaviour of contestants towards each other, towards voters and the IEC so that elections is free from any form of violence and intimidation.



NB: Ministers and officials entitled to the use of government vehicles may not be barred by the National Assembly Elections Act.

Code of Conduct Stipulates that:

- All parties and candidates, their agents, members and or supporters shall abide by the Code;
- No party shall use violent means to get votes;
- All those bound by the Code shall refrain from publishing false and defamatory statements about others in connection with elections;
- All including the incumbent government shall not abuse their position of power, privilege or influence for political gains including state facilities and transport.

- No party shall force women to do activities which are against their free will.

Look at the illustration above very carefully, study the statements people are making and analyse them! What role is being played by women here? Have women freely chosen to play this role? Why are they playing it? Read what the last bullet point under Code of Conduct stipulates….. And then compare and contrast with your analysis of the illustration above! Does it happen in Lesotho? Share ideas on how the situation can be changed!

ANYONE MAY LODGE A COMPLAINT ON VIOLATION OF THE CODE!REFER TO THE CONFLICT CHAPTER

CHAPTER EIGHT: Voting and Election Stages

Having registered and participated in the cleaning of Electors' Register, one has to rise and cast the vote!

At the end of this chapter you will be able to

- Explain requirements for one to elect on the election day;
- Follow voting procedures;
- Cast vote in a manner that avoids errors leading to the reject of ballots;
- Explain and differentiate among rejected, spoiled and tendered ballots;
- Know what steps will be followed under various circumstances that may lead to one not being able to vote.

Voting refers to the casting of vote i.e. placing a tick against the candidate of one's choice on a paper showing a list of contesting candidates. This paper is called a ballot paper and has a number of features which collectively make it authentic and enhance the reliability and the accuracy of the process. The ballot book has counterfoils related to each ballot paper. This means that every ballot paper in the ballot box should be linked to the counterfoils in the book. There are Several steps followed by the elector to complete the voting.

This happens in the presence of party agents, chief and observers. There is one Ballot per elector but the Model remains the **Mixed Member Proportional (MMP**) system explained in the Chapter on Electoral Model.

The voting stages are elaborated in the information box below. The illustrations are also used in the following pages to elaborate some of the stages tabulated here.

VOTING STAGES

- When an Elector's name appears on the Electors' register, the officer uses a pen to cancel it from the list; *That is an indication that one reported for electing that day*;
- Then elector proceeds to get the ballot paper with the basic instructions on how to cast vote from the official; Then proceeds to the booth and elects secretly;
- Then gives back the ballot to the official folded as requested thus not showing which candidate/party elector voted for;
- The officer checks whether the ballot paper has official mark,etc;
- Elector dips finger in the ink as a sign that elector has voted;

Be accurate when you vote because your vote may be annulled if you do not tick well. If you make an error you may request another ballot paper. The original would be **a spoiled** ballot-one which will be recorded but not counted. If your tick is not clear, your vote will be **rejected during counting.**

A visually impaired person or one who needs help may bring own confidante or be helped by the official. Template may be used. The template is a device used by the visually impaired to vote independently! It ensures their secrecy of vote!. The ambiguous vote is one: where a voter ticks for more than one candidates or parties and as a result counters are not able to know who/which party the voter wanted to vote for or where a voter may make a very big mark that cuts across different candidates. Again in this case, it is not easy to locate the candidate voted for. **Such ballot will be rejected**. The voting station opens at 7:00 A: M and closes at 5:00 P: M. If at 5:00 P: M there are people on the queue for voting, they will be allowed to vote but no new people on the queue would be allowed.**NB** People, who would be on duty in the areas different from their areas of registration/voting, on Elections Day, may apply to vote as Advanced Electors. This means that they would be allowed to vote before Elections Day and their votes would be counted with the rest of other votes in their constituencies in the prospective voting station.

WHAT ARE THE POTENTIAL HICUPS IN VOTING?

• A voter may come to the Station
but find that his/her name is not in the List; **He/she will not vote!**
• A voter may find that his/her name has been cancelled as though he/she voted; if the Voting Station Manager is convinced with positive identify that this is the actual voter; **He/she will be allowed to vote but that ballot will be Tendered. This means that when counting is done, it will not be included. It can only be counted by the order of the court, if such petition is sent to court and the court so grants;**
• A voter may erroneously mark the ballot paper; **He/she can ask for the new one and mark properly;** The original will be a **spoiled ballot;**
• A voter does not clearly show which candidate is voting for; **It will be rejected.**

CHAPTER NINE:COUNTING AND ANNOUNCEMENT

Immediately when voting is complete, the Voting Station Manager shall announce closure of the station and call attention of everyone in the station to be ready for counting. This is the process where number of votes for different candidates is determined by finding how many have voted for a certain candidate; this process is called *counting*.

At the end of this chapter you will be able to

- Explain how ballot account reconciliation is done;
- Tell how counting is done;
- Appreciate and explain to others the process through which results go from the voting station right through to the Results centre;
- Understand how the results announced at the results centre are a reflection of what transpired at the voting stations;
- Define the role of party agents and other actors in ensuring that the verdict is secure at all levels and therefore credible.

Before the actual counting, the Voting Station Manager leads a process where all; Agents, Observers and the Voting Station staff do the reconciliation. This is a meticulous process of checking total of ballot papers issued against record of electors who voted, number of recorded spoiled, and ballots in the box. Then envelopes for votes for Advance Electors if available are mixed with other ballots. The Voting Station Manager then ensures that all the ballot papers from the box have the features/marks expected. Once this reconciliation has been done, counting takes place. The Manager ensures that every person sees and agrees to the pronunciation he/she makes on whose vote is each ballot. On the basis of this it is determined who the winner is.

THE VOTING STATION MANAGER

- Voting Station Manager after the announcement inside asks every Agent to sign the results form; if the Agent does not sign, he/she loses the right to lodge a complaint;
- He/she goes outside the voting Station and announces the results and put the results copy conspicuously on the Voting station;
- He/She takes the ballot boxes and the results form to the office of Returning Officer in the company of Police. Agents may decide to accompany the results;
- Returning Officer having ensured that the proper reconciliation has been done he/she dispatches the Results to the Director of Elections and District/Area Electoral Officer in the presence of Candidates, Agents and Observers. The ballot envelopes and boxes shall remain with the Returning Officer for later transfer under security for storage by the Director until such time that the law permits;
- The District/Area Electoral Officer dispatches/faxes the Results to the Results Centre Maseru where the Commissioners, Political Parties and the Observers see them on the big screen as they enter;
- IEC then announces to the media, the Results as they come in.

CHAPTER TEN:ELECTORAL MODEL: SEATS ALLOCATION

At the end of this chapter you will be able to

- Explain the Mixed Member Proportional (MMP) system that Lesotho uses;
- Explain how seats allocation is calculated;
- Do practicals on application of the MMP, resist and dispel any form of manipulation on the correctedness or otherwise of the final allocation done by IEC;
- Make own judgment on the appropriateness of the application of the model by IEC after the final announcement.

Lesotho uses the Mixed Member Proportional System. This is s combination of two Electoral Model families namely First-Past-the-Post (constituency) and Proportional (PR) system. This means that Members of National Assembly come to Parliament through two ways; winning a constituency and winning a PR seat.

National Assembly has:

Constituency	80 seats
PR	40 seats
Total	**120**

The constitution provides that the allocation of seats shall be *based on the principle of proportional representation applied to the National Assembly as a whole.* This means that support of parties country wide (the number of votes they have nationally) shall be used to determine their proportionate number of seats in the parliament of 120 members.

- Constituency seats are easily determined as the candidate that has more votes than each of the competitors compared individually;
- The total number of votes cast countrywide is referred to as the **national/total votes**;
- The national support for each party is calculated by adding the votes of all candidates for that particular party; this is referred as **total party votes**.

The determination of quota is the first critical step. It should be noted that we do say we divide by 120 which is the number of seats for National Assembly; rather we say *number of seats* successfully contested. Why? Because this is what the law says. It may happen that one candidate dies just before elections. In that case the election for the constituency there will not proceed. This means therefore that we may no longer divide by 120 rather 119 or any number depending on how many are not contested.

NB: Please note that in the event that constituency elections does not materialise, IEC will facilitate that people of that constituency vote with a Special Ballot, which will only have list of parties contesting PR seats but not candidates. The results will be added to the National Party Votes of the different parties.

Please take it easy! If you concentrate you will definatly master the Seats Allocation-It is doable!!In fact understanding the allocation of seats is the most enjoyable part of knowing Lesotho MMP system. LET US GO!!!!!

The formula for calculating seats allocation is as follows:

STEP ONE: Determination of Quota

$$\frac{\text{Number of National/Total Votes}}{\text{Total Number of Seats successfully contested}} = \text{Quota}$$

e.g.	Party Khaka	200 000
	Party Khulu	100 000
	Party Pula	50 000
	Party Tsela	10 000
	National/Total Votes	**360 000**

360 000 ÷ 120 = 3000

STEP TWO: Seats each Party deserves

Once the quota has been determined, it will be used to establish the number of seats each party deserves proportionately to its support country wide. In other words the number of overall votes for each party/total party votes shall be divided by the quota to find how many seats it deserves in the parliament of 120 or seats successfully contested. **Look at this**:

Party Khaka	200 000÷ 3000 = 66.666
Party Khulu	100 000 ÷ 3000 = 33.333
Party Pula	50 000÷ 3000 =16.666
Party Tsela	10 000÷ 3000 =3.333

Total Seats **118**

At this stage no consideration of decimal fractions is made hence the total of the preliminarily allocated seats becomes 118. However it is clear that fewer seats than the total number of seats contested has been allocated. **Two more seats have to be allocated**! In this situation a consideration of the decimal fractions comes in. The first available (unallocated) seat shall be given to the party with highest decimal fraction. The second remaining seat be given to the party with second highest decimal, the process shall be the same until all seats would have been allocated.

Look at the table below-it only explains what has been said.

Party	Votes	Seats before decimal consideration	Seats Parties deserve due to decimal consideration	Provisional allocation
Khaka	200 000	66.666	1	67
Khulu	100 000	33.333	0	33
Pula	50 000	16.666	1	17
Tsela	10 000	3.333	0	3
Total	**360 000**	**118**	**2**	**120**

This is called a provisional allocation because it is not yet final. Remember final allocation considers both PR and Constituency Seats.

STEP THREE: Distribution of Constituency and PR Seats

Then we look at how many constituency seats each party has won and how many therefore of the PR compensatory Seats it deserves.

Parties	Provisional allocation	Constituencies won	PR seats deserving	Final allocation
Khaka	67 seats	67	0	67
Khulu	33 seats	10	23	33
Pula	17 seats	3	14	17
Tsela	3 seats	0	3	3
TOTAL	**120**	**80**	**40**	**120**

This allocation is final because consideration of both PR and Constituency seats have been made and all available seats have been allocated. It may however happen that:

- After allocation it is found that more than available seats (meaning more than 40 PR) have been allocated. In this case the new quota would be calculated;

- It will be done by deducting total party votes of a party which does not need compensation from total votes and deducting its seats from total constituency seats and then start determination of new quota and allocate consequentially. In this case it will be Party Khaka.

In the event that parties tie on the quota of seats or decimal fractions and no sufficient seats are available to be allocated to all (parties), preference will be given to the party with less constituency seats than the provisionally allocated otherwise IEC will use lot in the presence of parties to decide.

CHAPTER ELEVEN: Managing Electoral Conflict

Conflict is inevitable but the manner in which it is handled, whether violently or peacefully is a sole decision of those who deal with it. The purpose of this chapter is to shed light on the different ways of dealing with conflict and equip users with skills to apply those in the context of electoral processes in Lesotho.

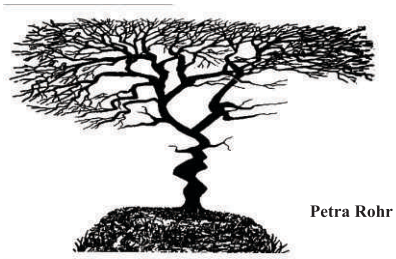
At the end of this chapter you will be able to

- Define and analyse Conflict and the relevance of such in the conflict management work;
- Explain potential in the different stages of electoral process in Lesotho;
- Understand the conflict management mechanisms provided by the law;
- Apply the prescribed conflict management procedures to different situations;
- Apply conflict handling skills as an art and science to inculcate the culture of peace in the electoral processes in Lesotho.

CONFLICT DEFINITION AND ANALYSIS

Some people work with conflict as trained professionals and academics while others deal with it practitioners who can- not achieve their objectives without effec- tively handling it. Whether one 1s a learned peace theorist or a hands-on media- tor, there are some
basics that they cannot avoid. One of this is understanding conflict that one deals with. This entails the definition and analysis. Unless one understands the conflict, one cannot easily choose how to effectively handle it.

Just look at this picture and define it. What is this? What do you see here?



Conflict definition is not a hard science, neither is it a mere art. It is a mixture of science and art. Without limiting any thinking on this question, Conflict in this manual is defined as:

An incompatibility of interests of parties. If in an attempt to achieve its goal one party limits chances of another to achieve its own, then a conflict of interests exists. What strikes about conflict is *an expressed struggle between at least two interdependent parties who perceive incompatible goals, scarce rewards, and interference from the other party in achieving their goals.* **So it depends, isn't it?**

In your view is Elections a **C**onflict, **C**ompetition or **C**ooperation?

What is equally important in understanding Conflict is its analysis. Unless it is properly analysed, conflict cannot be dealt with effectively. Analysis makes a significant contribution to the understanding of conflict.

What is Conflict Analysis?

There is a range of issues to consider when analysing conflict. This may at the first instance appear unnecessary particularly when the definition has been made but critically looking at it, conflict analysis is a necessity it a proper way of handling it is envisaged.

What is this? What do you see happening here? How can you relate this to Conflict Analysis? Does it tell you anything about conflict analysis in relation to conflict definition?

Again, the user is at liberty to reach own conclusion on what Conflict analysis is hence the one provided here does not fore close such innovation. **Conflict Analysis** is an intellectual exercise aimed at exposing the nature, depth and causes of conflict. When analysisng conflict look at who is involved how is he/she involved, what benefit does he/she get? Why are parties engaged in a conflict?

HANDLING CONFLICT

If Conflict definition and analysis have been done well, half of the task is complete. Conflict management is a professional discipline with its own peculiarities. However peaceful conflict handling is a practical endeavour that all can choose. When one does **Conflict Resolution** a deliberate process to address causes of conflict and change them is done. This seeks to end the conflict while **Conflict Management** is a process aimed at influencing course of events in conflict. Conflict management does not necessarily seek to end conflict but looks for avenues to deter it from being violent, looks for opportunities of peaceful co-existence. Parties are encouraged to look at wider picture and find ways of allowing each to attain its goals with the help and contribution of another and without hurting one another. **Conflict Transformation** is turning the negativity of conflict into positive process of building structures to prevent the similar situation from recurring. **Peace Keeping** is a military exercise aimed at ensuring that peace agreements are implemented. Nowadays there are civilian peace keepers who do non- military work such as facilitating People to People Peace Processes. **Peace Building** is a process of building procedures and institutions that do not only deter violence but which proactively respect human rights and do constructively handle conflict. **Non Violence** is a deliberate choice of life-style to deal with conflict through peaceful means. It is a commitment to means and ends towards peace.

Normally these ways of dealing with conflict are in either of the following categories:

CATEGORY	DEFINITION
Power based Approach	Power is a currency and the powerful party always has its way and determines the outcome. The procedure favours the powerful.
Righteousness Approach	Based on the norms, procedures and laws of the society or organisation. In this way settlement is based on the righteousness and the real issues affecting people are undermined.
Interest based Approach	It seeks to reconcile needs and concerns of the parties to conflict. This approach normally leads to the amicable settlement that is supported by all parties.

NB: For a number of reasons, people find it easier to resort to Power means of resolving conflict. They claim, it:

- Is effective;
- Ensures that uncertainty is cleared off once;
  Provides stability and ensures authority.

BUT in reality Power approach to conflict:
IS EXPENSIVE;
MAY STOP THE CRISIS YET LEAVE CONFLICT UNRESOLVED;
CONSOLIDATES DICTATORSHIP.

People or parties behave in different ways in conflict. Sometimes they are aware while in others they are not aware of the way they are reacting to the conflict and what could then be the consequences. Look at this table and answer the following:

Have you ever behaved in any of these ways to the conflict?
How have the other party to the conflict reacted to the way you behaved?

CONFLICT HANDLING STYLE	CHARACTERISTICS AND CONSEQUENCES
THE TURTLE	Here you withdraw by giving up your goals and relationship. You **avoid** the other party and the issues involved. *Normally done when relationship and issues are of less or no importance*.
THE SHARK	Trying to achieve your goals at all costs. Your goals are to be attained no matter how relationship is affected. It is the application of **force** that matters. *Used at high cost for immediate attainment of goal but jeopardising relationship*.
THE TEDDY BEAR	Giving up your goals in order to maintain relationship and make another party happy. **This is soothing.** *Keeps other party happy but you unhappy.*
THE FOX	Giving up part of goals and relationship so that an agreement could be reached. **This is a compromise.** *Keeps a party going along for a time being.*
THE OWL	High value put on both goals and relationship therefore a **win-win solution** is negotiated. The initiative to solve the problem seeks to melt tensions and vanish negative feelings. *Seeks ways of attaining own goals without making another party worse off*.

As you use the strategies in various circumstances bear the following in mind:

- One party may unilaterally decide to withdraw or sooth.
- But compromise, force and problem solving need indulgence of another party to work.
- Selecting one strategy may automatically discard others.

Strategies could easily develop or deteriorate into others e.g. if one withdraws another may react with force. If one party soothes and the other forces, one may withdraw.
There is a tendency of reciprocity in human relations. For an example if one acts violently others are likely to respond the same way. If someone treats us like parent we may depending on the situation behave like children. If treated like adults we behave like some.

WHAT ARE ELECTORAL CONFLICTS AND HOW ARE THEY DEALT WITH?

At various stages and levels of electoral process, electors and those contesting elections both as independent candidates and political parties are bound together with the Independent Electoral

Commission by the Law. Since it has been said that conflict is inevitable, some stakeholders may be aggrieved by the actions of the IEC or those of other stakeholders in the process of elections. These are the electoral conflicts. The law stipulates what mechanisms could be used to resolve such conflicts.

Identify any electoral conflict you may think of and ask your colleague how that could be resolved according to the National Assembly Elections Act. 2011:

ELECTORAL STAGE	POSSIBLE CONFLICT	RESOLUTION PROPOSED BY LAW
Registration	(i) Objection of registration (ii) Refusal or cancellation of registration of a political parties and their symbols	Director to notify the person/ party against which objection is made and allow them time (14 days) to explain why the objection could not be effected.
Nomination	(i) Objection of Nomination of candidate in a constituency; (ii) Objection of Nomination of candidate in a PR.	Director to notify the person/ party against which objection is made and make a decision. A person aggrieved by the decision of the Director may appeal to the High Court which will decide on the matter within 2 days.
Voting	(i) Not allowed to vote (ii) One having voted in another voter's name	If a person does not appear Electors' Register may not vote. If it appears that someone else has voted in his/her name, the elector will be given a ballot to vote but it will not be counted but tendered.
Counting	(i) Ballots not counted (ii) Disagreements on numbers (iii) Non signing of results forms	The ballot not clearly marked to show which party is voted for will be rejected. Similarly the spoiled ballots will not be counted. If there is disagreement on the figures from counting, a recount can be instituted.
Results	(i) Not accepting results Challenging legality of conduct	If Agent refuses to sign the results form but cannot register a protest, his/her party may not challenge the count in that constituency. Institute an election Petition to the High Court within 30 days of announcement which will be determined within 30 days of first hearing.
Code of Conduct	(i) Abuse of positions and cars (ii) Intimidating women	The IEC has power to conciliators and the Tribunal to hear and determine the complaints.

In the case of Registration an objector shall notify the IEC of the reasons for such. This is the same procedure with objection in the nomination. You approach IEC and fill the prescribed form stating your reasons. The Director shall notify the objector and the objected of his/her decision on the matter.

For the compliance with Code of Conduct or any other part of the electoral law, you, an elector,candiate or a political party may lodge your complaint with IEC and the Director will present it either to the conciliators or the Arbitration. The Arbitration may resolve the matter, issue a written warning or recommend any of the prescribed penalties to the Commission.

An Elector or a Political Party which contested elections may lodge an Election Petition with the High Court to make a ruling on allocation of seats.

TIPS FOR THOSE INVOLVED IN ELECTORAL PROCESS

Since elections is about power and perhaps a very critical form of power; government, it is a tough and highly spirited game. So be warned; interests are very high and very contentious. For example every one of the 120 seats of National Assembly has to be taken by one candidate. This means that if one does not take it, the other does. How does the person who mediates help parties in this kind of situation? Can this process ever be peaceful?

At the beginning of this chapter it was said that responding to the conflict violently or non-violently, is a matter of choice. Some people are so much used to power and violent approaches to conflict so much that they even think non-violence to conflict is impossible.

In dealing with conflict we have to be aware of two important aspects:

- That which you want to achieve. This ranges from little to highly significant-**Goals.**
- The level of relationship involved. Some relationships are more significant, close, deep and enduring than others-**Relationships.**

How you finally decide to deal with conflict depends on the **goals** and **relationship**. Normally parties in conflict are bogged down in what they want and not necessarily what they need. The mediator should move them from **Positions** to the **Interests**. Real discussion or negotiation occurs when parties engage interests of others. Position is what the party says it wants and where it stands in the negotiations. Interest refers to the actual gain that the party believes it will get once its position is approved. In other words, interest is the reason the party has for it to hold a particular position.

So when parties are engaged in dealing with conflict they are normally negotiating. Some definitions of negotiation:

- Process whereby two or more parties attempt to agree on how best to solve the problem;
- A basic means of getting what one wants from others. Is a form of decision making in which two or more parties talk with one another in an effort to resolve their opposing interests.

DISTRIBUTIVE negotiation	INTERGRATIVE negotiation
• Focusing on how to get most of what is available	• Expanding what is available
• Convincing other parties to agree to allocation of benefits as one wants	• Striving for win-win solution
• Bogged down in "bottom line (s)"	• Generating options.

Help parties express their interests with confidence and encourage them to realise that the easiest way of a party getting its goal is to let go a little to allow the other to get something. How can you best facilitate this? By listening carefully and encouraging parties to listen to each other.

Electoral process is defined by law. The law stipulates steps for recourse should IEC digress. Moreover the participatory and inclusive approach marked by the IEC committee system makes elections in Lesotho a team work. I wish you well as you catch the election bus over to the new government!

THE END OF ELECTION AND BEGINNING OF ANOTHER STAGE OF DEMOCRACY

