



INNOVATIONS FOR SUCCESSFUL SOCIETIES

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MAWSON: My name is Amy Mawson, and I'm here interviewing the Chairperson of the IEC (Independent Electoral Commission) in Lesotho named (Limakatso) Mokhothu, if I have the pronunciation right, I hope. First of all, thank you very much indeed for agreeing to this interview. I know you are very busy, so it really means a lot to us to have you use some of your time. Maybe I could start off just by asking you how you got involved in the IEC, what your first job was, and what you are currently doing at the IEC.

MOKHOTHU: *I came to the IEC in 2003 as a commissioner, and maybe it's worthwhile for me to briefly explain how commissioners are brought into the IEC. It's a political appointment, so it doesn't necessarily look for skills or knowledge in election management, because the main issue is just to give the political clout. So the politicians nominate people or you can self-nominate, but then there's a screening process. Fortunately, I was nominated. I didn't have to self-nominate, so I'm happy for that. When that screening is done, then the state body that advises the king is called, the Council of State. When the politicians who were doing the screening are done with the names that they think are suitable for the job, then it goes to the Council of State who advise the king. Then the king finally makes his appointment.*

So I joined in 2003 as a commissioner.

MAWSON: And you were one of three commissioners. Is that right?

MOKHOTHU: *I am one of the three commissioners. Yes. Our commission is made up of three commissioners. And when we talk about the commission in Lesotho, we are mainly talking about the commissioners, not the secretariat. Of course, below us, there's a number of people at the headquarters level, district level and constituency level.*

MAWSON: When did you become chairperson?

MOKHOTHU: *I became chairperson a year and a half ago.*

MAWSON: OK, so that would be in 2008?

MOKHOTHU: *I forget the date. I should have checked that. All I know is that I always count. I'm now a year and a half in that position.*

MAWSON: Can I ask you, then: you were working as a commissioner then for the 2007 elections. So maybe you could tell me a little bit about when you were preparing for these elections? When the election was called, what were the main challenges that you were thinking about in preparing for these elections? What was on your radar when you started preparing for the elections that you thought, "I really have to be careful about this aspect or that aspect?"

MOKHOTHU: *I'm sure, from your readings trying to learn about Lesotho, you know that we have cycles of violence around elections. So the electoral commission is always faced with, will the election be peaceful? The 2002 election, I happened to know about it because of course I was here. But in the role I was playing then, I was also somehow not very far from the electoral process, though I was not in the IEC. So I also know about that.*

The elections in 2002 were good in that they were very peaceful. I think they were peaceful because for the first time the country had adopted the mixed member proportional (MMP) system, which was hoped to be inclusive in terms of

bringing more political parties into the National Assembly. So that was achieved. Because it was new, because it brought hope, this is my feeling. It wasn't scrutinized that much, so everything went as expected, and it brought a peaceful environment.

That brings me to 2007. 2007 was the second time that the new model was used. So as far as I'm concerned, it is still a new model that will face issues around the fact that it is new. I think because now it was being applied for the second time, people were now wearing clearer glasses in terms of looking at the election itself.

But in terms of looking at the context, 2007 was confronted with a snap election. I know people who say an electoral management body should always be ready to run an election any time, but for us it was the first time that we were slapped with a snap election. That caught us by surprise and definitely affected our plans. We already had plans around running the 2007 election, but the snap election came six months early. That brought confusion in terms of how we were going to run the elections. So that was the first challenge. We had to now run a snap election as a commission.

The second challenge is always this issue around, will it be a peaceful or a conflictual election? The history here is that all the phases of the electoral process are OK. The trouble comes when the results are announced. It becomes a challenge, because we haven't really come up with a strategy of how to be preemptive in terms of when you already know that the outcome may create physical violence. So I think we need to have a strategy around that, but we don't have one as yet.

In spite of that knowledge, in spite of a snap election, we had to abide by the constitutional requirement. Once the parliament has been dissolved, the IEC has to run an election within three months, and we are not consulted. There is no provision that says, "IEC, are you ready or not?" You just have to deliver once the parliament is dissolved. So we had to deliver the election.

MAWSON: The parliament was dissolved in November 2006.

MOKHOTHU: Yes, yes.

MAWSON: So the election date was set for February.

MOKHOTHU: *February, yes. Once we were running with the elections, there are always issues around the voters' list. Because our registration is continuous, there aren't so many issues. I think the culture of the people here is to do things at the last minute. We were overwhelmed with the number of new registrants. We had to go to this election with identity cards that did not have pictures. We were faced with many people—according to our law the ID must have a picture.*

MAWSON: This is the voter cards?

MOKHOTHU: *The voter card, yes. So already if there's no card, that means there's deficiency. So that phase confronted us as well.*

Because of the political history, there was an agreement that anybody who doesn't appear on the voters' list should not vote. So when we were about a week to the election date, many people suddenly wanted to go and vote, and they didn't appear on the voters' list. That is as a result of people who—as I said, they are never very enthusiastic well ahead of the election. But when the election

date comes closer, they become very enthusiastic. I'm saying that because according to our law, the IEC has to publish a provisional list of the voters. So if people were very keen and serious about checking their names during this period when the provisional list is displayed, they would be in a position to correct their names so that it is corrected when we issue a final list, but they don't do that. So it's only when they get to the polling center that their name doesn't appear on the voters list that then they want to vote. That was a major hassle as well, a major challenge for us.

MAWSON: So the voters' list was first published on Christmas Day in 2006. Is that right?

MOKHOTHU: *No, we have to correct that. Since registration is continuous, there is always a voters' list, but the legal one, in terms of the three-month legal period, yes, it was issued around Christmas time. That is as a result of this snap election. We fell into that period because we had to fall within three months.*

MAWSON: So could you tell me what some of the problems were that emerged around the time when that voters' list for the elections was published on Christmas Day?

MOKHOTHU: *Not any major incidents. The incidents came on voting day because people came to—if they go to, those at least who are in Maseru, if they go to a voting station and they find out they cannot vote, then they come to the office or they phone. So the phone was ringing the whole day. We couldn't even vote, because we had to be here to be dealing with those emerging incidents.*

MAWSON: Were there not some concerns that there were some names on the list of people that were actually dead already? I had heard some story that—

MOKHOTHU: *That is always a problem. That's why I started by saying, if people were taking the opportunity to go and check the list when it is displayed—because you are not only checking your own name. We expect that you are checking the names of your family, the names of your colleagues, the names of your villagers as well. So if you are checking the names of your villagers as well, those you know, you'd be able to say, "IEC, I know so-and-so is dead, but they are still on the list." That is always a problem. It is a problem we faced.*

MAWSON: Somebody—I had also read an account that there was a problem that your computer system failed you. That you were trying to put all this information into the computer system, and the computer system just gave up on you.

MOKHOTHU: *Because of the inflow. I told you that people came at the last minute, and that was not anticipated. When you take the trends, it was not anticipated. So because of that lack of anticipation, then, even the computers decided we've had enough. And because it was Christmas break, our technicians, who are usually on stand-by, were in different places enjoying a Christmas holiday. That affected our plans as well.*

MAWSON: So how did you overcome that challenge?

MOKHOTHU: *When the people came back from Christmas break, they were able to help us. But by that time it was too close to the election time. The problems were beyond us. They were beyond our capacity. We had to depend on people from South Africa.*

MAWSON: Who did you bring in from South Africa? Was it a company?

MOKHOTHU: *It's a company. We work with companies, yes.*

MAWSON: Can I ask, then—so the election was called. You had very little time to do everything that you needed to do. And there were some problems with the voter registration list as you've described, because people don't register over the course of the previous year. They always wait until the last minute and then they come and say, "I want to vote." Can I ask you, do you think it's a problem of civic education that the people don't—?

MOKHOTHU: *Definitely, yes. All the observer reports for people who have come, international observer reports, they have always noted that our civic and voter education is weak. And we are already aware of that. The observers endorse what we were already aware of. Mainly, we don't even focus on civic as well, in great depth. Because if we were focusing on civic, we wouldn't just be waiting for the election to be called. Because by then you are now only focusing on the voting steps, registration steps. But we need to be giving other information before that, but we were weak on that.*

MAWSON: So have you been—that's something that you're working on now—?

MOKHOTHU: *Now we are working on for the next election, definitely, yes.*

MAWSON: Are there any donors that are helping you with this work? Helping you financially or in terms of technical assistance?

MOKHOTHU: *In 2002, because of the new model, there were many, many donors that helped. The election attracted a lot of foreign and external input. But in 2007 we had constant supporters. The UNDP (United Nations Development Program) is always supporting us because they have a base in Lesotho. The Irish, they have a base in Lesotho. They are always helping us. The EU (European Union), they have a base in Lesotho, and they are always helping us. So those are our constant supporters.*

MAWSON: But in 2002 you felt like there was more interest from others.

MOKHOTHU: *There was definitely more.*

MAWSON: So which others played a key role in helping the IEC in 2002?

MOKHOTHU: *The DFID (Department for International Development), for instance, the British, the DANIDA (Danish International Development Agency), the Danes.*

MAWSON: The Danish.

MOKHOTHU: *Finland was on board.*

MAWSON: Do you think their assistance—?

MOKHOTHU: *South Africa, definitely in 2007, South Africa was on board. It helps us with helicopters, mainly. But in 2002, South Africa helped with other things like IT (information technology) capacity.*

MAWSON: Do you know—you said in 2002, earlier on you were saying that you were—although you weren't working at the IEC, that you were following the elections. What were you doing in 2002?

MOKHOTHU: I was working for the Irish Embassy. I was on the governor's desk.

MAWSON: OK, so you were working on the donor's side.

MOKHOTHU: Yes, because the Irish were supporting then I was fully engaged.

MAWSON: Interesting. Maybe if I could go back to the 2007 elections, because that's when you were in the IEC. You were talking about different challenges. One challenge was the snap election, which had not been expected, and the other challenge of people coming to register at the last minute. Were there other technical challenges that you were facing that you knew, because of the political situation in Lesotho where political divisions are quite deep—were there other technical issues that you were thinking about that you had to deal with?

MOKHOTHU: Not technical. Normally we want to engage political parties, but because of the snap election, when they had to be out there campaigning, we hadn't really engaged them that much. When you engage them, you reduce the level of points of disagreements. Well, there will always be levels of disagreement, but when you engage them they become fewer, and then you are able to go together knowing where we agreed and knowing where definitely we don't agree. Because of the snap election, we didn't have that opportunity.

MAWSON: You didn't have the time.

MOKHOTHU: Yes, which was a loss for IEC and the politicians themselves.

MAWSON: Can I ask you, is that part of the IEC's mandate, or that is just something that the IEC commissioners in 2007, you and your colleagues—that was something that you knew that you should be doing but you just didn't have the time?

MOKHOTHU: No, it is the culture of the organization, because it is even entrenched in the law. In our law, every month we have to meet a group we call delegates. They are delegates because they represent each of the parties that is registered with the IEC. Every month we are talking about IEC and elections with that group. But we realized that because of the incapacity of political parties, you are not sure that what you have discussed reaches the political party leadership, and you know that in our context people believe in what the leader says. The leader is very important. So we made an administrative—not legal—administrative arrangement that every three months we now meet the political party leaders themselves with the hope that whatever was discussed at the level of the delegates and IEC, then we bring it up to the political party leader so that they can adopt it and agree. Then once that is done—because sometimes they disagree with what their delegates, what their representative said—once we have discussed with them, then we know that this is final. There will not be any disagreements.

MAWSON: So, those meetings, do you have them all the time, or is it only around an election time, when an election is called, that you have those?

MOKHOTHU: The three monthly are all the time. But when the election is around, then they become more intense. It's not only three months.

MAWSON: But the monthly meetings with the party delegates?

MOKHOTHU: All the time.

MAWSON: All the time.

MOKHOTHU: *All the time.*

MAWSON: That's very interesting.

MOKHOTHU: *That's when we engage.*

MAWSON: So, like you said, you didn't really have enough time to have the level of engagement that you would have liked with the political parties for the 2007 elections. Did you manage to have any meetings with the political party leaders or with—?

MOKHOTHU: *We did, but they were fewer. As I'm saying, towards elections the meetings get intensified, but the intensification didn't happen because we also had other things to be taking care of. So the meeting would really be a secondary issue. As I'm saying, particularly the political party leaders, they were not there. Even the delegates, they are politicians, so they were campaigning. So you couldn't meet more regularly than once a month or more regularly than once a quarter.*

MAWSON: Is there an official campaign period here?

MOKHOTHU: *Yes, there is.*

MAWSON: It's how many—it's the whole three months before the election? Or it's—how long is the official—?

MOKHOTHU: *About two months.*

MAWSON: Two months. OK. So you had three months to prepare the elections and the last two months was campaign.

MOKHOTHU: *It's campaign, yes.*

MAWSON: That's very difficult.

MOKHOTHU: *Yes, it is.*

MAWSON: Let me ask you, in these contexts where these quite deep political divisions as there are in Lesotho, transparency in elections is always very important, but I think even more so in these environments where you have, maybe, distrust between the political parties and then also, maybe, distrust among the public about what the IEC is doing or what the political parties are doing. Could you tell me about—did you have any specific methods you used to increase the transparency of the electoral process?

MOKHOTHU: *As I've been saying, I think we need to devise a strategy whereby we deal with perceptions, because the system is so transparent sometimes we really don't understand why people are saying no to things we have agreed upon. I think it's a question of perceptions, not with those that we directly deal with but with their supporters, many people out there, because we hear interesting stories when we listen to phone-in radio stations. Look, are they are talking about the IEC or somebody else, because that doesn't happen in IEC.*

I will just give you one example. Three weeks ago, a political party leader goes on air and says IEC's election is—the result is computerized, to everybody's

amazement, because we know that our elections are manual. It's only at the result center where we use computers. At the polling station it is all manual. So if you have a political party leader going on air saying our system is computerized, that's why there's room for manipulation and cheating. It's scary, yes.

Now, to deal with your issue around transparency, I'm saying the system is very transparent. We have eight consultative committees that are thematic, and that's one way of involving the political parties so that they know what is happening. We have a data committee. That committee would know all that is happening in the IT, in the data management, database management itself, and the voters' list. And they would—that's a platform for them to raise whatever concerns they have.

We have a media committee where we talk with the media in terms of how you conduct yourself when you are reporting on elections. Because the media sometimes can put petrol on the fire, so we need to make sure that we are talking to them so that they know that their role is very important. They should advocate peace, not do their work in such a way that it tends towards conflict generation.

We have a voter education committee where we sit and agree on frameworks and what we'll be talking about, because some individuals will claim to be working for NGOs (non-governmental organizations) when they already know that they have a political agenda. Those are issues that will always confront us, but we try to minimize them by having that committee.

We have a law committee which is involved in—when we amend the law or where there are legal issues that emerge, we direct it to that committee. All these committees are made up of representatives of political party members.

MAWSON: Can I ask you, earlier on you mentioned the counting process, how it's done manually in polling stations. How does it work?

MOKHOTHU: *And that's another angle of being transparent.*

MAWSON: Right, right.

MOKHOTHU: *We have so many polling stations, and in each polling station, when the result is finalized, the law says that it has to be announced, and it has to be placed on the window somewhere or door somewhere. The law says party candidates are free to observe what is happening in the polling station. It has provisions for party agents. Those are representatives of the candidates. They are supposed to be there.*

MAWSON: When you train your polling station workers or your temporary election workers, do you also allow party agents to follow that training, or did they—?

MOKHOTHU: *We ask, because it is very important that they are part and parcel of the training so that they learn the same thing. Then the agents can assess what is happening based on the same knowledge. We do that.*

MAWSON: Do they usually attend?

MOKHOTHU: *They attend. Even in the polling station they are there.*

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- MAWSON: The results are counted up in the polling station, and then after that they are taken to—.
- MOKHOTHU: *They go to the constituency level where tallying happens, because there at that level you just pull the results from all the polling stations. But already you know who has won at a particular polling station, so when the tallying has been done, you already know who has won in that constituency. What happens is, when the result of the constituency has been finalized, it is taken to the district office, our district office, because that's where we have electricity, that's where we have a fax machine. The result from the constituency then is faxed to a result center, because the law says that result at the constituency is provisional. It'll only be final once it has been announced by the commission.*
- MAWSON: The result center, is this the result center that was set up in 2002?
- MOKHOTHU: *The same one.*
- MAWSON: The same one. And that was funded—?
- MOKHOTHU: *We used the same venue, Manthabiseng Convention Centre, because the hall there is bigger.*
- MAWSON: Also, can I ask you, earlier on, you were talking about the media committee and how you want to encourage the media to maybe play a positive role in the electoral process and not to, as you say, put petrol on the fire. Can I ask you, are there rules about what access the parties can get to state media, how much time they have to deliver their messages?
- MOKHOTHU: *Like only within the three months.*
- MAWSON: Yes.
- MOKHOTHU: *The IEC engages the Ministry of Communications, and then we are given time, so we just get slots and give, allocate, the slots according to how many political parties are competing.*
- MAWSON: And is that—?
- MOKHOTHU: *In 2007, actually, they were given more time than they could ever use.*
- MAWSON: And is that negotiated at each election, or it's in the electoral law? Do you know?
- MOKHOTHU: *No, the time slots and the amount of time we negotiate with every election, because the more the better. As I'm saying, in 2007 we were able to negotiate more time, and the ministry was willing to accommodate them. But they didn't use all that because they don't have the capacity.*
- MAWSON: Are there also private media in Lesotho?
- MOKHOTHU: *There are.*
- MAWSON: And do they tend to be neutral, or are they usually aligned with certain parties?
- MOKHOTHU: *The media, some of them are partisan. So even with the private media, some of them are partisan.*

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- MAWSON: Do you have a code of conduct or any sort of regu—?
- MOKHOTHU: *Not yet.*
- MAWSON: Not yet.
- MOKHOTHU: *Because the private media is emerging, we have seen a need now that we need to sit down with them, with that committee, and develop a code of conduct.*
- MAWSON: Do you think it will be possible to develop a code of conduct that is enforceable? That is made law? Or do you think it will be a voluntary code of conduct?
- MOKHOTHU: *It will be voluntary because of the fact that the law is being amended and we don't have the code. By the time we finalize it, the law will have passed through Parliament.*
- MAWSON: I see, I see.
- MOKHOTHU: *So it'll just be a friendly—.*
- MAWSON: OK. Also, you were talking earlier on about voter education. In a lot of countries, and I think you mentioned it here as well, the IEC, the election commissions, they use the help of civil society organizations, so NGOs, maybe to help disseminate voter education. That is the case here as well?
- MOKHOTHU: *It is.*
- MAWSON: Do you prepare a single sort of packet of IEC voter education or civic education or did the civil society organizations provide their own materials?
- MOKHOTHU: *In 1998, I think, it was more structured. I know because I was a member of civil society then. I was even in the group that was working on the voter education manual. In 2002, that manual was used as a base, but because civil society is so dynamic. I mean people change, I think we need to cultivate a culture where for each election we bring them together with us so that we agree on what modifications we can make. Because of the snap election we didn't do that in 2007, but we know there's a need to do that.*
- MAWSON: Can I also ask: with the voter education, do you use religious leaders or traditional leaders to help with the voter education as well, or is it mostly—?
- MOKHOTHU: *Only the civil society, as in NGOs, and faith-based.*
- MAWSON: And faith-based.
- MOKHOTHU: *Yes. Not traditional leaders.*
- MAWSON: Not traditional leaders. OK. Can I ask, do the traditional leaders in 2007, did they play any role at all in the elections, or were they very outside the process?
- MOKHOTHU: *The only role that we have given them—because we are still a traditional society in many ways. Though there's a voter card, though you can bring your passports to go and vote, for identity you don't have the card, but your name appears on the voter list. Though you can bring a birth certificate, we ask the chiefs to give us an official who will sit there for the whole day, and if somebody doesn't have*

all the required documents but appears on the voter list and wants to vote, the chief's official can say, "Oh yes, I know this person. They stay in my village."

MAWSON: OK.

MOKHOTHU: *So that's the role they have.*

MAWSON: I see. So with the religious leaders, I know that they have played a very—

MOKHOTHU: *But remember that even in the other role in registration, our people in the field, in the constituency, they have to go to the chief's place to know who is dead. That's the only way we can know that somebody's dead so that they can be removed from the list.*

MAWSON: OK. So they are quite important in some ways.

MOKHOTHU: *They are important, yes.*

MAWSON: Can I also ask, for the religious leaders, I know that religious leaders have played quite an important role in mediating between political parties here when sometimes the result of the election has not been acceptable to some parties. Could you tell me a little bit about the role that they have played and your perception of the religious leaders and what role they play here?

MOKHOTHU: *They play two major roles at least, if we confine it to elections. The Christian Council of Lesotho, they always have a team that goes out to observe the election itself. But then, when that is done, when there is a problem, they always become facilitators so that people can sit around and talk. That they have been doing for a long time. 2007 was no exception, because when the (Quett Ketumile Joni) Masire mediation collapsed, then they initiated to do something which was a good gesture.*

MAWSON: That was the ex-President of Botswana who was leading the SADC (Southern African Development Community) mediation effort which fell apart.

MOKHOTHU: Yes.

MAWSON: So then the Christian Council—

MOKHOTHU: *The churches took it up, and it's still ongoing, so I can't talk much about that.*

MAWSON: OK, I understand.

MOKHOTHU: *We have trust—what is important is that all the stakeholders have trust in them.*

MAWSON: Maybe I could ask you a little bit about when these disputes emerge in the elections, as they did in '98 with quite disastrous results, and then in 2007, there has been this ongoing dispute between the parties that, as you say, is still not really resolved. What role do the supporters of the parties play? Have they been—as you said, there have been worries about violence breaking out, so how do you try and reach out to those supporters and encourage them to be peaceful?

MOKHOTHU: *Let me say, in our law there's a code of conduct that gives everybody a role. It gives politicians a role to respect the IEC, because we are custodians of the electoral law. It gives the political party players their role in terms of how they*

should conduct themselves. It gives the supporters a role in how they should conduct themselves. But I think, as IEC and as political party leaders—because I think one of the key roles in there is that the political party leaders must make people aware of that code. So I think we have not been very forceful in making people knowledgeable of what is expected of them, so it's something that we are looking at critically now. Because we are looking at it critically, we have already started translating it into Sesotho. One of the problems is that most supporters are illiterate in English, so if you write things in English they won't know them. So we are trying to make it accessible. That is the first step; translate it into our local language and then distribute it. But we'll also use the newspapers to capture the key issues in that code, because a newspaper, like a radio, you can always refine what does it say. But that's for the future.

MAWSON: Can I ask you, when violence has broken out here in the past related to elections, it's mostly been an urban phenomenon, is that correct?

MOKHOTHU: *Yes, it is.*

MAWSON: It hasn't been upcountry—.

MOKHOTHU: *Well, '98 was worst, because it wasn't only Maseru. It was also in Mafeteng, which is about one and a half hours' drive from here. It was also in Hlotse in Leribe district, which is also about one hour plus from here.*

MAWSON: So why do you think in '98 that the violence spread that far? Do you have any idea?

MOKHOTHU: *No clue, I don't know.*

MAWSON: So when you're thinking as an IEC commissioner, if you're worried about—there's always, maybe, this potential for violence to break out. Are you worried about what is happening out in the countryside as well?

MOKHOTHU: *No.*

MAWSON: No?

MOKHOTHU: *No, only, mostly in Maseru.*

MAWSON: Mostly in Maseru, OK.

MOKHOTHU: *How it spread to these other towns, I just have no idea as a person. But we are all worried about Maseru.*

MAWSON: What kind of relationship does the IEC have with the security services?

MOKHOTHU: *Legally, we should have—the police must be at our polling stations on polling day, but they shouldn't be intrusive. They should be there in case there is trouble.*

MAWSON: Do they have to stay away from polling stations—?

MOKHOTHU: *Yes, they stay away. They have to stay away. No, not from—away from the polling station. They have to be in the facility, but they shouldn't be very visible, because that can be intimidation as well. So sometimes you will find them sitting somewhere, in the corner somewhere, but still alert to what is happening.*

MAWSON: In some countries they have this rule that the police can't be closer than twenty-five meters to the polling station. This is why I'm asking.

MOKHOTHU: *No, for us even the law even allows them to get into the polling station. But we say only when it is necessary, because then their presence also may intimidate others.*

MAWSON: And so as you were—

MOKHOTHU: *So there's need for a balance between that rule and accommodating everybody else, yes.*

MAWSON: So as you are preparing for the election, do you have meetings with the security services to plan out how they—?

MOKHOTHU: *Definitely. We have a section here called the operations section. That person in there is the one who liaises more with the security than us, but of course they will be reporting to us if there are major issues of concern. But if it's just normal planning of how they are deployed then we leave it in the hands of that designated officer.*

MAWSON: Is it mostly—it's the police that provide security over elections?

MOKHOTHU: *Not the military.*

MAWSON: Not the military. They're not involved.

MOKHOTHU: *No, we have never used the military.*

MAWSON: OK. So have you ever had any problems with the police in the elections here in Lesotho?

MOKHOTHU: *No, not really*

MAWSON: No.

MOKHOTHU: *They have behaved very well.*

MAWSON: OK.

MOKHOTHU: *In 2007, at least, that's when I was the chair.*

MAWSON: In 2007. In previous years you don't—

MOKHOTHU: *I don't know because I was not here.*

MAWSON: I understand. So can I ask you—maybe you don't know, because as you say this is with the operations section, but perhaps you do know, did the police go through any specific training related to election day?

MOKHOTHU: *Provided by IEC. We even have a manual that covers the basics.*

MAWSON: So it's quite organized how you have your relationship with the security services.

MOKHOTHU: *It is, it is, yes.*

MAWSON: OK, can I ask then, what is the dispute resolution system here? If there are any disputes over the voter registration, the voters' roll, or on the actual day of polling, or related to the results? Is there a set method by which—if you could walk me through the process if a party has a complaint? Or if a voter has a complaint, how does it work?

MOKHOTHU: *The law, as far as I'm concerned, is very good in that. It provides for—initially, before you go to the courts of law, the commission is mandated to deal with some of those complaints. But I must hasten to say that while with the problems around generally running an election, I think people don't have faith in their commission to be a neutral player. So they don't bring any complaints to us though there is provision. But the law also provides for something called a conciliator. We identify three lawyers, that's somebody with a legal background if I may put it like that generally, to whom the people can take their complaints.*

In 2007 we had such a—we put such a mechanism in place, but nobody took advantage of that. Because I think our culture is, we like going to courts of law. Even in the village, the chief is busy dealing with complaints, because people can't settle their problems between themselves. They always have to go to the chief. Those who have money always go to the courts of law, so they don't use that conciliation method.

MAWSON: What is that—it's not a tribunal. What it is called?

MOKHOTHU: *It is called a conciliation mechanism.*

MAWSON: Conciliation mechanism.

MOKHOTHU: *It's not a tribunal. It's not called a tribunal.*

MAWSON: What—it's three lawyers that get chosen by the IEC?

MOKHOTHU: *By the IEC, yes.*

MAWSON: At each election?

MOKHOTHU: *Based on some track record, yes. So it changes every year.*

MAWSON: OK. They're lawyers or they're judges?

MOKHOTHU: *Last year we had lawyers.*

MAWSON: Lawyers, OK.

MOKHOTHU: *Because here, people have issues with the judicial system, so you cannot bring a judge, because always they will complain.*

MAWSON: Why is that?

MOKHOTHU: *Well, they have their issues.*

MAWSON: They're not—people don't trust the judiciary?

MOKHOTHU: *Lately, in the media you hear a lot of that.*

MAWSON: Do you know why the reputation of the judiciary is not—?

MOKHOTHU: *I don't know. Just like I don't know why the reputation of the IEC has gone down, but there's that perception.*

MAWSON: So how do you think you can change that perception?

MOKHOTHU: *We need to have a well thought-out strategy, and we have already started. One of the issues, at least for the IEC, people think we are not as independent as we are supposed to be. Unfortunately, nobody has brought to us clear indicators of how, in their view, we are not independent. But general as it is, the commissions in the SADC regime developed a framework for what has to be looked at to judge whether a commission is independent or not. I have just produced a document based on that framework to say what is the commission doing in the light of that framework, like how are we doing. In my mind we are doing very well. I think once it is out there we'll be meeting political party leaders on Wednesday, so we'll be distributing it to say, "Take it home. Go and look at it. If there are issues that you want to bring to our attention, then do so." But at least for the first time we'll be agreeing on a framework where our independence can be judged.*

MAWSON: Do you think, maybe, is it because, as you said, you—all the commissioners are political appointees. Do you think that's why people don't have trust that it's independent?

MOKHOTHU: *It also says that we are chosen because we are neutral, so for me that's not a good argument. We are chosen because—the very politicians who don't have trust in us are the ones who said we were fit to hold these jobs because we are neutral. So why do they all suddenly turn around? They have this impression that the staff who are working here were appointed by government, so they are serving their government. We are trying very hard to say, "No, we are appointing the staff." Fortunately, those are some of the issues that are captured in the framework so I'm hoping that with time, some of those perceptions that come from nowhere will die down.*

But, of course, I must say, yes, I always tell people that the issue of independence—there's never any total independence, but there's room for enhancement of issues that you can address to make sure that you remove those perceptions that you are not independent, that you are being told what to do by the government. I must with a bold face tell you that if people were genuine, the government here, or the ruling party, doesn't interfere in what we do. We do what we do on our own.

MAWSON: Does Parliament have to approve the nominations of the commissioners?

MOKHOTHU: *It's just the king.*

MAWSON: The king. It's the king that appoints?

MOKHOTHU: *The king that appoints. But of course, the prime minister is a member of the Council of State, that body that advises the king on the appointments.*

MAWSON: Maybe I can ask you—

MOKHOTHU: *And in our context, the king is highly regarded, more highly regarded to a point where we see him as above Parliament.*

MAWSON: If you don't mind me jumping back in time—I feel we are jumping around a little bit. I do apologize. Maybe we could go back to talking about those challenges that you were facing. Could you walk me through what exactly you did in 2007? The first thing you did was, you had to get the voters' roll; you were trying to get the voters' roll up to date. Then what did you do? Maybe you could just walk me through exactly what you did to get those 2007 elections prepared, if you can remember.

MOKHOTHU: *Well, it's structured according to the law. It's the voters' roll, then there's the provisional list, then the law tells you when it has to stop so that we produce the final list. Then you move on to a particular age group called 17-year-olds who will be 18 on election day. We have to deal with that as a group. So you register them, you pass that. Then what follows is the nomination period, the candidates. That is also legally structured.*

MAWSON: But maybe you could tell me at each stage, what were the issues that came up. Was there anything unexpected that came up that forced you to do something quickly or to reprioritize what you were doing? Were there any challenges that came up as you were going through this process?

MOKHOTHU: *The 17-year-olds are the group that created the challenge, because that is where I said we were overwhelmed. We didn't anticipate so many would be interested in the election, because traditionally they are not. It was the first time they were interested in registering so that they could vote. And this is the group where we were not even able to produce their pictures. This is the group where many of them were not able to vote because suddenly they did not appear on the list.*

MAWSON: When was this whole problem with the 17-year-olds happening?

MOKHOTHU: *And one challenge that faced us was that some political parties, the opposition, fell to that because some of those young people study in South Africa. We didn't time their registration with the time when they are at home.*

MAWSON: So they came back at Christmastime, and the provisional voters' roll was already produced.

MOKHOTHU: *Yes. We couldn't capture them.*

MAWSON: So then around Christmastime, they were saying, "Oh, well I'm not on the list," and then after Christmas they were complaining?

MOKHOTHU: *Then they go back to South Africa to school.*

MAWSON: So they didn't have a chance to complain and say that I want to be on this list?

MOKHOTHU: *Yes, they were—because they were not at base, there wasn't enough time for them to check that their name was on the list, but that's very important.*

MAWSON: But they didn't come back at Christmastime from their studies? They didn't have time to read the list?

MOKHOTHU: *No, the 17-year-olds were not around Christmastime. It was at a different point when they were in South Africa. The Christmastime affected everybody else.*

MAWSON: OK. So when was the problem with the 17-year-olds happening? That was happening in January?

MOKHOTHU: *Maybe February.*

MAWSON: February, OK. So right before the election.

MOKHOTHU: *Right before the election.*

MAWSON: So they didn't have the chance to vote. So how did you deal with the opposition complaining about this?

MOKHOTHU: *You can always justify that a snap election has all caught us by surprise. You have your own issues because of this snap election. We have our own issues. But that's no consolation to somebody who thinks those people, some of those people, would have voted for him.*

MAWSON: So you, on the IEC, you think it would be better if the IEC was consulted at an earlier date about when the elections will be held?

MOKHOTHU: *In some countries, actually, the election date is set by the IEC. I think that's a good way, because then you can assess your level of preparedness. But if it is set by somebody else and you have no say in it, it's a bit hard.*

MAWSON: Are there any pushes at the moment happening to change the law?

MOKHOTHU: *Not really. We have too many other issues to be pushing so some things, though they are inconvenient, we can live with.*

MAWSON: So now, the next elections—

MOKHOTHU: *Because it is constitutional—it is very difficult to amend the constitution, so we are now only focusing on those issues that are like the law itself.*

MAWSON: So the next elections that you are planning for is the 2012, or are the municipal elections before that?

MOKHOTHU: *There are local government elections this year.*

MAWSON: This year. So that is what you are focusing on now.

MOKHOTHU: *That is what we are focusing on now.*

MAWSON: Are you working on the voter roll at the moment?

MOKHOTHU: *Very hard, very hard.*

MAWSON: And how's it going?

MOKHOTHU: *There are major issues, but fortunately for the local government elections, it is their IEC that decides on the date.*

MAWSON: OK.

MOKHOTHU: *That's why we haven't even decided on the date as yet, because we are dealing with those issues around the database and the voters' list. We actually had a consultant just before Christmas, an external consultant. Those people who are helping us, not with finances, but also with people. ERIS (Electoral Reform*

International Services) is a London-based organization. They are always there to help us, so we had an ERIS consultant who was looking into the database. He came back the second week in January, if I'm correct. Then he left what that we should be doing, and we hope once we do that, then we can be comfortable that the voters' list will be credible.

But of course we still have to—we need some time to also engage the politicians, starting with the database consultative committee.

MAWSON: Is this Mr. Mathieson who was helping in 2007? Is this the same?

MOKHOTHU: *Yes. It is the same one. Even in 2002, I think, yes.*

MAWSON: So when he came in 2007, he was helping to get rid of some of the people that were dead that were on the list, right? He was trying to help you fix the voter registration list in 2007. Is that right?

MOKHOTHU: *That's what he always helps us with, because we don't really seem to be moving quickly to have our own capacity in that regard. So he's very useful.*

MAWSON: Why do you think it is that that capacity has been difficult to build here in the IEC?

MOKHOTHU: *Well, we have different perspectives. Some of my colleagues think it is because we pay civil service salaries so we can't attract the best. I don't know. I personally think, because of the good gesture, we kind of relaxed because we had many consultants helping us, so we didn't really take the issues onboard ourselves. I think even with low salaries, if we were to embrace that perspective, we should be moving quickly towards ownership, yes.*

MAWSON: Do the consultants, in their mandate—when you hire consultants, is it part of their mandate that they should also be transferring this knowledge to the people, or are they hired mainly to just do the job?

MOKHOTHU: *Just to do their job, because many times it is about firefighting. When he came in 2007 we asked him—we gave him three days' notice. Had he not come, we wouldn't have held that election. So he has no, under such circumstances—he's really not concerned about knowledge transfer, and we are not concerned about knowledge transfer. We are just worried about getting it right so that we deliver elections.*

MAWSON: Do you think there is time now, maybe, to organize this type of training for your staff? Maybe he could come back and help build up the—?

MOKHOTHU: *He will be coming back. That's already in the plan. He'll be coming back.*

MAWSON: So can you tell me: at the moment, you have some key donors that you work with. You were saying UNDP and the Irish, and there was this—what was it called?

MOKHOTHU: *EU.*

MAWSON: And the EU. There's this program, Deepening Democracy. Is that still going on, or that program has finished, do you know?

MOKHOTHU: *It's being evaluated.*

MAWSON: It's being evaluated.

MOKHOTHU: *So once the program is being evaluated, it means it's finishing.*

MAWSON: It's finished. But there's a new program.

MOKHOTHU: *But we have another, Consolidating Democracy.*

MAWSON: That was it, yes. I was forgetting the name.

MOKHOTHU: *Yes, that's ongoing, yes.*

MAWSON: So what is your role in that program? What—because the Consolidating Democracy Program has various different elements to it, and working with the IEC, as I've understood it, is just one branch of the program.

MOKHOTHU: *Capacity.*

MAWSON: Capacity.

MOKHOTHU: *But we, for local government elections, we've actually just discussed with UNDP that we refocus it. If we capacitate NGOs who are based out there, we are capacitating IEC, because we want to use them now more as a—in a more structured way. Like we want them to be going house to house: "Why aren't you registering? What are the issues? Why aren't you voting? What are the issues?" But then we also want to—because we already have some studies that were done some time ago, we know that there's a level of apathy. As an EMB (electoral board member), we think we cannot address the issues that—we are not interested in local government elections, because there's no self-service delivery. We can't do anything about that. But we think our challenge is to find motivating messages, so that even with—there's no service delivery—still go and vote. We are working on that now.*

MAWSON: That's part of trying to work on the civic education, to get a clear package of messages and ways to get the messages across.

MOKHOTHU: *Right, yes.*

MAWSON: So in previous years, the voter education, civic education that you have been doing—have you been using plays or radio shows, or what sort of materials have you been using for the voter education?

MOKHOTHU: *That's one weakness we have identified. That even for voter education—we hire a group called voter educators. That's a group that goes out there in the villages. But it's only around 200, so the coverage is weak. That's why we now think we want to use NGOs that are already engaged in democracy work to capacitate those voter educators. In the past, because those voter educators are engaged like three months before elections, the tendency has been to focus on voter education, voting steps, blah, blah, blah. But we now want to say electoral education must be continuous. Hence why we'll be dealing with issues that are not voter—voting steps per se. In that way we'll be building a framework that we can all use.*

We should be dealing with rights around participation. We should be dealing with issues around, what does it take to be a responsible citizen. But then we need to

package it in a language that we call reaching the non-specialist. You and I can argue about democracy, what is it, but you need to repackage that for an ordinary citizen. We are working on that.

We are saying we are lucky that we'll use—we have three by-elections where MPs [...] So we'll use this approach as a pilot, so that we can sharpen it as we go towards local government elections. So that we even sharpen it better when we go to national elections in 2012.

MAWSON: I think we'll soon be finishing in here.

MOKHOTHU: *You see I don't only use my hands now while I'm eating at the table. I hope I'm not distracting.*

MAWSON: No, not a problem. Don't worry. I just wanted to ask you maybe one more question about dispute resolution, and then I'll just ask the last couple of questions. Earlier on we were talking about dispute resolution for the 2007 elections and how you have this conciliation mechanism of having the three lawyers, but people don't really go to them, and they don't really—

MOKHOTHU: *They don't come to the IEC?*

MAWSON: They don't come to the IEC.

MOKHOTHU: *Because we are the first step in that mechanism. They don't come to us, they don't go to the conciliators.*

MAWSON: They go straight to the courts.

MOKHOTHU: *Yes, to the courts of law.*

MAWSON: But, so, if there—is it in the law that people have to make complaints through the IEC, or through—?

MOKHOTHU: *Yes, it's in the law. And I think it was intentionally made to give people different avenues, because some of the complaints are so minor we can deal with them in an objective way.*

MAWSON: So, if people don't follow those mechanisms, as you say, people don't come to the IEC, they don't go to the conciliation mechanism; they go straight to the courts. Is that legal to do that, to just bypass the two?

MOKHOTHU: *It is legal as well.*

MAWSON: It is still legal.

MOKHOTHU: *They can go straight to the court.*

MAWSON: Straight to the courts if they want to.

MOKHOTHU: *But I think we are also saying maybe they don't—maybe we haven't sold that idea enough. So we'll try and make people—because it is costly to go to the courts of law, you have these avenues. Trust us. If you don't trust us, trust those people that we'll appoint.*

MAWSON: So in 2007, could you just sketch me what were the main disputes? What were the main disputes, either during the election or after the election, after the results?

MOKHOTHU: *Preparing for the elections, the greatest challenge was the reservation of some electoral divisions. I should have said this earlier. I don't know how I forgot it. The greatest challenge was around reservation of electoral divisions for women. It's a good thing, because SADC says, all SADC countries must, by a certain time, achieve 30% representation in leadership positions. So where is the best place to start? It's with the local councils. Parliament passed a law that some electoral divisions have to be reserved. Because it is the IEC now that applies that law, we were slapped with a court case even before we went to those local government elections. No, this is not 2007, it's 2005. I mustn't mix them. But, it still shows the challenges other than those that are electoral per se that we get faced with.*

So that already taints the political environment. If you start an election with a court case, then things are not good, because under those circumstances, they will not even be willing to talk to you, those who are taking you to court. So that issue around dialogue becomes a problem. But for 2007, that was not an issue because there was no reservation.

For me, the greatest challenge around 2007, and that came before as well: people, for the first time, wanted to get into alliances, two big parties aligning with two smaller parties. The current law has no single word or phrase on alliances. Though the constitution has something around coalitions, the law doesn't have anything around alliances. So that already started us on a difficult road because the ruling party came to us to say, "We have this intention." But you said, "But on the basis of the current law, we will not recognize that alliance." As we said that—definitely it'll affect how the votes are allocated.

MAWSON: Especially with the new model.

MOKHOTHU: *Yes. ABC [All Basotho Convention] claims it came to us, but as a commissioner I was never part of any meeting where the issue was discussed. But definitely we would have dealt with them in the same way we dealt with the LCD [Lesotho Congress for Democracy]. We would have told them we will not recognize the alliance. According to the law we will still treat you as a single entity, but that affects the allocation of votes. Because the LCD and the ABC, when they were campaigning, they were telling their voters, "We as LCD are only contesting constituencies. We will not submit a PR [proportional representation] list." So for LCD members to support NIP [National Independent Party] in the PR, that was already the start of the problem.*

MAWSON: But you at the IEC, you didn't want to accept this alliance.

MOKHOTHU: *Aye, but that got us into the current trouble, because some people are arguing that we should have merged the parties in counting. Our argument is: merge them on what basis, because each party got into the race with its name, identity and symbol. We don't have a party that says LCD-NIP, so we can't merge them.*

Another group came to us, the BAC [Basutoland African Congress] and LPC [Lesotho Peoples Congress]. Those ones were willing to abide by the law, so they decided BAC will not contest the election. LPC will not contest the election. So they decided to form a party called ACP [Alliance of Congress Parties].

So that as well confused people with the two alliances, because we are saying ACP is not an alliance, technically. It is a party like any other party, so don't bring it into the equation. But outsiders don't want to hear our side. They think it is a better alliance and we are saying no. They felt like the name is an alliance of political parties. The dynamics don't make them an alliance because they registered as a party.

So this is why we are continuously arguing. That's why the PR [proportional representation] seats issue does not end, because we are seeing—people are not hearing us. For us here the challenge, the greatest challenge we faced was—you see I'm heating up now—the greatest challenge was the alliances. They were a new phenomenon. Alliances were not an issue in 2002. So when the issues of alliances first came up, if we had sat down around a table and said, "The implications, politically, on the model, will be a, b, c, d," life would be very different. We wouldn't be dealing with a court case around the allocation of seats and this protracted conflict.

MAWSON: Can I ask, you as the IEC, you weren't really accepting the alliance because officially the NIP was contesting on the list level and the LDC was contesting for the constituency seats. So they weren't actually registering as an alliance, is that right?

MOKHOTHU: *No, they were not.*

MAWSON: They were not. They were just doing their separate things.

MOKHOTHU: *That why we said it was an informal arrangement that had nothing to do with IEC.*

MAWSON: That's really hard, how do you—that's very hard. So the ABC did the same thing with the Lesotho Workers' Party.

MOKHOTHU: *Lesotho Workers' Party, yes.*

MAWSON: Are there changes going on in the law now to make it clearer, or it's still just a stalemate?

MOKHOTHU: *No. As IEC, we've always been looking ahead to say, this model is new, so it will face many different challenges. Maybe in 2012 new challenges will emerge, that's why I'm saying the 2007 challenge was the alliances, so we are trying to incorporate issues into the law, and we have done it in a consultative manner. That was dealt with, first of all, in three open meetings with our stakeholders. But the last effort was with the law committee, so that amendment has now been submitted to the minister of law and constitutional affairs, because IEC cannot stand in Parliament to champion its law.*

MAWSON: Do you think this issue is made more difficult because, as you say, the snap election was called? It was a very short time to get the elections ready. Do you think if you had had more time to think through what the implications were, you would have been able to do something? Or you think it was just outside of the IEC's responsibility?

MOKHOTHU: *No, if there was more time maybe there would be discussions around, can we amend the law? Can Parliament give it priority and amend accordingly with that challenge? Yes, with the emerging challenge.*

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- MAWSON: So it was a combination of factors that made the work of the IEC so difficult, would you say?
- MOKHOTHU: *And we think it is not only IEC's responsibility. It is politicians' responsibility as well. This is why I am saying if we want to move forward as a people we should believe in talking. If they thought there were problems—because one politician went on air to say "when we heard that LCD was going to get into a partnership with NIP, we, the opposition called our own meeting to say how do we deal with this."*
- MAWSON: And then they made their own alliance.
- MOKHOTHU: *Then one of them made their own alliance. Rather than dealing with it, one of them made their own alliance. So that politician was saying, no, we are being disingenuous. We didn't—it is not only after the announcement of the elections that we were aware of the alliances and the effect it will have.*
- MAWSON: Can I ask you, maybe just to finish up, what then do you think—the challenges that you've been facing in the IEC with dealing with this new model and the implications of the new model and trying to understand how different parties are approaching the elections, what do you think—are there any sort of lessons or pieces of advice that you would give to other countries who are adopting this new model? Any other lessons that you think that if you were speaking to another election commissioner from another country who was just starting off with a new similar model to the that one Lesotho has, what would you tell them as things to think about or things to be prepared for?
- MOKHOTHU: *I think the greatest lesson is, any country that adopts a new model must access in how complicated a way that model is looking at its population, citizens. Are they literate enough to comprehend that model? Personally, I believe the MMP [Mixed Member Proportional] is a complicated model. If then you think, "Yes, we can handle it," then you must do continuous education on the model and its ramifications. I think that is where we were weak, yes. As an EMB.*
- Because, I mean, one professor, actually, was helping—before 2002 there was engagement, but after that there was nothing. But new politicians get into the field. So where do they get their lesson from? Somebody must be helping them to also get on board.*
- MAWSON: Because I have to say, even myself, if I look at the way this model works, I agree with you. It's very complicated.
- MOKHOTHU: *It is. It is.*
- MAWSON: And it's easy to see how you could take different routes to get the results you want as a political party, I'm saying. It is very complicated.
- MOKHOTHU: *Yes. It's true.*
- MAWSON: Is there anything else that you would like to add that maybe I haven't managed to touch on or I haven't covered? Anything else that you would like to say on your experience on the IEC or the 2007 elections? Anything else?
- MOKHOTHU: *No, not really.*
- MAWSON: You think we've covered everything?

MOKHOTHU: I think we covered everything, yes.

MAWSON: OK, great. Then thank you very much for agreeing to this interview once again. I really appreciate your time.

MOKHOTHU: Thank you.