

Memorandum of Agreement between the Government of Lesotho and the Interim Political Authority (IPA)

3 December 1999

Preamble

The Government (meaning the Executive) and the Interim Political Authority (IPA) hereinafter referred to as the contracting parties to this Agreement,

Recognizing the Agreements of 2 and 4 October, 1998:

Reaffirm their commitment to the rule of law, the promotion of democracy, good governance and human rights in Lesotho;

Agree that the pre-eminent need of the hour is for reconciliation, peace, stability and national unity to enable Lesotho to make the most of the opportunities of the post-apartheid Southern Africa;

Further agree that it is of the utmost importance that the preparations for the forthcoming general election are thorough, transparent, fair and free of irregularities in order to make the entire electoral process credible and the eventual result a true reflection of the will of the people of Lesotho. For the achievement of these objectives, the parties have therefore agreed as follows:

The Electoral-Model

The parties unreservedly accept the award of the Arbitration Tribunal appointed in terms of Section 16 of the Interim Political Authority Act 1998 on the electoral model to be adopted for the forthcoming and subsequent elections. According to the award delivered on 5 October 1999, for the 2000 election only, the mix ratio of constituency seats (FPTP) to Proportional Representation (PR) shall be 80/50. Thereafter the mix ratio of FPTP and PR shall be 50% each of seats in the National Assembly.

Timetable for the Next Election

The SADC Extended Troika (viz Mozambique, Zimbabwe, South Africa and Botswana) and the Commonwealth will, in consultation with the parties. Appoint an expert group to review the state of the preparations for the forthcoming general election, taking into account everything that needs to be done to ensure a thorough and transparent electoral process. On the basis of this extensive review, the expert group will advise on a realistic timetable for the holding of the next election. In the prosecution of their task, the Expert group will work in close cooperation with the IPA, the Government, the SADC Extended Troika and the Commonwealth.

The Government undertakes to facilitate the necessary legislation to give effect to. The provisions of this Agreement in accordance with the relevant sections of the IPA act (1998).

The Independent electoral Commission

Without in any way calling into question the integrity or professionalism of the present Independent Electoral Commission, the parties agree to facilitate the retirement of the present members of the Commission. A new electoral commission is then to be appointed as soon as possible in accordance with the Constitutional provisions.

Two international experts who will serve on the Commission until after the next election will supplement the new Commissioners. These international experts will enhance the professional resources available to the IEC and serve as an important confidence-building presence.

Security

As another important confidence-building measure for the election, there is to be a Security Liaison Committee comprising representatives of the parties in the IPA, the Co-Chairpersons of the IPA (ex officio), the Commander of the Lesotho Defense Force, the Commissioner of Police, the Director of National Security Service and one Principal' Chief In the context of the preparations for and conduct of the election, the Liaison Committee will:

Identify potential flash points and recommend appropriate preventive security measures;

Foster free political activity by helping to remove impediments and threats thereto;

Address concerns of political parties;

Receive appropriate security briefing from the Executive; and

In consultation with the Government, generally consider how best to help improve the overall security situation in the run up to and during elections.

These will be in addition to any other security measures the IEC in consultation with the parties may deem necessary to ensure the security and integrity of the electoral process

SADC will appoint an Official who will remain seized with issues pertaining to security matters, in addition to overall process of normalization of the political life of the country.

Government - IPA cooperation

8. To enhance communication between the IPA and the Prime Minister, a Contact Group of two representatives each of the Government and the IPA is to be established immediately for the purpose of periodic meetings with the Prime Minister.

Joint Committee on the Media

9. A Joint Committee of the Government and the IPA is to be appointed upon the signing of this Agreement to ensure equitable access to the state owned media for all registered political parties. The Joint Committee will also ensure that political parties do not resort to statements or actions, which are inflammatory or untoward.

Joint Implementation Committee

10. A Joint Implementation Committee comprising equal numbers of the two contracting parties is to be appointed upon signing of this Agreement to facilitate its implementation. In this connection the parties will work together to mobilize the necessary resources for the implementation of this Agreement.

Guarantors

The Presidents of the SADC Extended Troika will serve as Guarantors of this Agreement. Furthermore, the Secretaries-General of the United Nations (UN), the Organization of African Unity (OAU), and the Commonwealth will, in co-operation with the parties and the Guarantors, do all in their power to ensure the implementation of this Agreement.

CONTRACTING PARTIES

The Rt. Hon. Pakalitha Mosisili

Prime Minister

Bereng A. Sekhonyana

Co-Chairperson, IPA

Lekhetho Rakuoane

Co-Chairperson, IPA

GUARANTORS

H.E. President Joachim Chissano

President of the Republic of Mozambique and Current

Chairman of SADC

WITNESS

H.E. Chief Emeka Anyaoku

Commonwealth Secretary-General

Mr. Edward Omotoso

United Nations Resident Coordinator

H.E. Salim A. Salim

Organization of African Unity Secretary-General

Source: Kingdom of Lesotho (Government Official Website)