

ACT NO. 16 OF 1998

INTERIM POLITICAL AUTHORITY

An Act to establish an authority to facilitate and promote the preparation for the holding of the next general elections and for connected purposes.

ENACTED BY THE PARLIAMENT OF LESOTHO

PART I .PRELIMINARY

Short title and commencement

1. This Act may be cited as the Interim Political Authority Act 1998 and shall come into operation on the date of its publication in the Gazette.

Interpretation

2. In this Act, unless the context otherwise requires -

“Authority” means the Interim Political Authority established under section 3;

“Constitution” means the Constitution of Lesotho;

“member” means a member of the Authority appointed under section 5;

“Minister” means the Minister of Law and Constitutional Affairs;

“relevant public institution” means any government Ministry, department, parastatal or any other institution wholly or partly funded by the government;

“victimisation” does not include lawful action.

PART II- ESTABLISHMENT, OBJECTIVES AND COMPOSITION

Establishment

3. There is established an authority to be known as the Interim Political Authority which
 - (a) shall perform such functions as may be necessary to attain the objectives referred to in section 4;
 - (b) may perform such other functions as may be prescribed by any other law.

Objectives of the Authority

4. The objectives of the Authority shall be to facilitate and promote, in conjunction with the Legislative and Executive structures in Lesotho, the preparation for the holding of general elections to be held within a period of 18 Months from the date of Commencement of this Act by .
- (a) creating and promoting conditions conducive to the holding of free and fair elections;
 - (b) levelling the playing field for all political parties and candidates that seek to participate in the elections;
 - (c) eliminating any impediments to legitimate political activity;
 - (d) ensuring that no person is victimised on account of his political beliefs;
 - (e) eliminating any form of intimidation which has a bearing on the elections;
 - (f) ensuring that all political parties and candidates are free to canvass support from voters and to organise and hold meetings,
and for that purpose to have access to all voters;
 - (g) eliminating political patronage of any kind;
 - (h) ensuring equal treatment of all political parties and candidates by all governmental institutions and in particular by all government-owned media, prior to and during the elections.

Composition of the Authority

5. (1) The Authority shall be composed of representatives of political parties as follows .
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| (a) | Lesotho Congress for Democracy | 2 members |
| (b) | Basutoland Congress Party | 2 members |
| (c) | Basotho National Party | 2 members |
| (d) | Marematlou Freedom Party | 2 members |
| (e) | Sefate Democratic Union | 2 members |
| (f) | National Progressive Party | 2 members |
| (g) | Popular Front for Democracy | 2 members |
| (h) | Kopanang Basotho Party | 2 members |

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| (i) | Lesotho Labour Party/United Democratic Party | 2 members |
| (j) | Lesotho Education Party | 2 members |
| (k) | Christian Democratic Party | 2 members |
| (1) | National Independent Party | 2 members |
- (2) Subject to sections 8 and 9, members referred to in subsection (1) shall be appointed by their respective political parties.
- (3) A political party may, at any time, in writing, withdraw its representative from the Authority and such a representative shall, forthwith, cease to be a member.
- (4) The Minister shall, by notice in the Gazette, publish the names of the members of the Authority.

Powers of the Authority

6. The Authority shall have the following powers-

- (a) to request and obtain, subject to any other provision of this Act, all such information or, documents as may be necessary for attaining its objectives, from the relevant public institutions;
- (b) to review the Electoral Code of Conduct especially its enforcement mechanisms;
- (c) to take decisions on all matters relevant to its objectives and to ensure
- (d) to review the Independent Electoral Commission and make appropriate recommendations to the relevant public institutions on its structure and functions;
- (e) to review the Lesotho electoral system with a view to making it more democratic and representative of the people of Lesotho;
- (f) to recommend changes to existing laws, including the Constitution, to relevant public institutions in order to enable it to attain its objectives;
- (g) to take such lawful steps as may be necessary to exercise its powers;
- (h) to take such lawful action as may be necessary to fulfil its objectives. The Authority may, in the performance of its functions under this Act,

regulate its own procedure.

Procedure

7. The Authority may, in the performance of its functions under this Act regulate its own procedure

Qualifications

8. No person shall qualify to be a member of the Authority unless he qualifies to be a member of Parliament under section 58 of the Constitution.

Disqualification from office

9. No person shall qualify to be a member of the Authority if he is disqualified for membership of Parliament under section 59 of the Constitution.

Tenure of office

10. (1) A member of the Authority shall, subject to this Act, hold office until one day after the date of the declaration of the results of the next general election.
 - (2) Subject to this section, the office of a member of the Authority shall become vacant .
 - (a) if he resigns his office by notice in writing addressed to the political party that appointed him;
 - (b) if any circumstances arise that would disqualify him in terms of sections 8 and 9;
 - (c) if he has been withdrawn as contemplated in section 5(3).
 - (3) Where a member is absent or is otherwise unable to perform his duties the party that appointed him may appoint a person to act in that position for that period.

Remuneration

11. A member of the Authority shall receive such remuneration as the Authority may determine.

Meetings

12. (1) The Authority shall meet as often as its business requires
 - (2) The Authority shall, at its first meeting, determine the manner in which its business shall be conducted.

- (3) The Authority shall maintain a record of its proceedings

Decision making

13. Decisions of the Authority shall be by way of consensus.

Implementation

14. The Executive shall be obliged to implement all decisions of the Authority. Decisions to be binding

Decisions to be binding

15. Decisions of the Authority shall be binding on all political parties which, and candidates who, will participate in the next general elections.

Dispute resolution

16. (1) If no consensus is achieved, the issue shall be referred to a panel of three arbitrators.
 - (2) Each of the parties to the dispute shall nominate an arbitrator.
 - (3) The Chairman of the panel of arbitrators shall be nominated by the President of the Court of Appeal of Lesotho.

Staff and management

17. The Authority shall, at its first meeting, determine the manner in which it shall be staffed.

PART III MISCELLANEOUS

Finance

18. (1) The Authority shall be funded from monies from the Consolidated Fund as may be appropriated therefor.
 - (2) The Secretary shall maintain proper books of accounts and shall be responsible for the administration, management and accounting of the funds allocated to the Authority.

Relations with the Executive

19. Where the Authority has to deal with the Executive, for purposes of attaining its objectives, it shall do so only through the Minister.

Obstruction of Authority and its officers

20. A person who knowingly obstructs, prevents or interferes with the exercise of the functions of the Authority commits an offence and shall be liable on conviction to a fine not exceeding M1,000 or to imprisonment for a period not exceeding one year, or both.

Immunity

21. No act or omission of any member of the Authority or officer shall, in the discharge of his responsibilities under this Act, render that member or officer personally liable in respect of any loss or damage sustained by any person in consequence of any such act or omission unless such act or omission was done in bad faith or was due to negligence.

Duration

22. This Act shall lapse one day after the declaration of the results of the next general elections

Oath of office

23. Every member of the Authority shall, before assuming office, make and subscribe to an oath of office as set out in the Schedule before a Judge of the High Court.

Regulations

24. The Minister may, in consultation with the Authority, make Regulations for the carrying into effect the provisions of this Act.